

Palomar Heights Draft EIR Public Review Comments

First Set

March 20, 2020 through May 4, 2020

Second Set

May 5, 2020 to May 19, 2020

First Set

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I18 Rea, Carol 5/15/2020
I19 Walker, Melissa 5/13/2020

First Set

DEPARTMENT OF TRANSPORTATION

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*Making Conservation
a California Way of Life.*

May 4, 2020

11-SD-78
PM 18.56
Palomar Heights
DEIR/SCH #2019059013

Mr. Adam Finestone
Project Manager
City of Escondido Community Development Department
201 North Broadway
Escondido, CA 92025

Dear Mr. Finestone:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) (SCH # 2019059013) on the Palomar Heights multi land use development near State Route 78 (SR-78) at Valley Blvd. in the city of Escondido. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Impact Analysis

The location of the development is not near a major transit corridor nor a high-quality transit corridor. Based on the anticipated trip generation of greater than 2,400 ADT and the project's inconsistency with the General Plan, a Project Specific SANDAG model run is required. The following are Caltrans comments on the Vehicle Miles Traveled (VMT) analysis:

- Caltrans references the Governor's Office of Planning and Research (OPR) Senate Bill 743 based *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018) for guidance on the development of VMT based Transportation Impact Studies. Caltrans recommends use of OPR's

Mr. Adam Finestone
May 4, 2020
Page 2

significance thresholds for determination of transportation impacts from land use projects. OPR's *Technical Advisory on Evaluating Transportation Impacts in CEQA* is available online at <http://opr.ca.gov/ceqa/updates/sb-743/>.

- The Traffic Impact Analysis (TIA) shows 46% of project trips traveling towards Interstate 15 (I-15) yet no analysis was done at the I-15 interchange with Valley Parkway.
- Section 5 – VMT analysis of Appendix J TIA, did not provide the Project opening (2022) VMT comparison between the baseline regionwide VMT per capita nor the City of Escondido VMT per capita. The report is only comparing the 2025 VMT per capita.
- Appendix H is missing from the report. Section 5 states that the Baseline and Future VMT reports are included in Appendix H.

Environmental

Caltrans recommends that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans Right-of-Way (R/W) that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in any additional mitigation measures identified for the Final EIR. Specifically, Caltrans would like to know the information for the resources listed in the Notice of Preparation (NOP).

If you have any questions, please contact Mark McCumsey at (619) 688-6802 or by email at mark.mccumsey@dot.ca.gov.

Sincerely,

Electronically signed by

MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review Branch

Dawna Marshall

From: Ferchaw, Tracy <Tracy.Ferchaw@sandag.org>
Sent: Monday, April 27, 2020 11:13 AM
To: Palomar Heights Project
Cc: Litchney, Seth; Hentrich, Katie
Subject: [EXT] Palomar Heights Draft EIR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Mr. Fines,

Thank you for the opportunity to comment on the City of Escondido's Palomar Heights (SCH# 2019059013) Draft EIR. SANDAG is submitting the following comments, below:

- SANDAG appreciates the consideration of biking and walking facilities around the project. On Valley boulevard, it is suggested that southbound bike transportation be accommodated as well. Additionally, the driving lanes could be narrowed to accommodate a buffer on both sides of the northbound bike lane to eliminate bike and door zone conflicts.
- High quality bike parking, such as secure bike lockers, should be included at all community and commercial destinations. Bike parking should be located as close as possible to entrances of buildings or open spaces in highly visible areas.
- Showers, bike lockers, and other convenience amenities may be needed in new commercial development to further encourage walking and biking.

Please let Seth Litchney (seth.litchney@sandag.org) and Tracy Ferchaw (tracy.ferchaw@sandag.org) know if you have any questions.

Thank you very much,

Tracy Ferchaw
Associate Business Analyst

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SANDAG hours: Tuesday-Friday and [every other Monday](#) from 8 a.m.-5 p.m.
Employees are teleworking while our offices are closed during the COVID-19 pandemic

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May 4, 2020

Mr. Adam Finestone
Principal Planner
City of Escondido

Via Email palomarheights@escondido.org

Re: Environmental Center of San Diego comments on Palomar Heights Draft Environmental Impact Report (DEIR)

Dear Mr. Finestone:

We are sorry to see this DEIR released for a project which significantly fails to meet the needs of the city or the potential of the site. We cannot support this version of the project and suggest the following changes.

The site is currently zoned for 1,350 units yet no alternative is offered that analyzes this scenario. This site is zoned for this density. Because the higher number of units is permissible under the current zoning, it is a reasonable alternative. The project must include, at a minimum, 15% affordable units.

In addition, the Development Agreement should be updated to include strong climate measures, quality jobs and affordable housing requirements and compliance with an updated CAP.

We support a project that conditions approval on strong climate saving measures such as complete building electrification, solar power with adequate storage, and transit considerations that reduce vehicle miles traveled. This is Escondido's time to lead. The only requirement is implementing these smart growth tools at the local level.

In closing, we urge the City of Escondido to reject the DEIR. Please, send it back for a thorough analysis of a higher-density configuration. One that incorporates solid climate measures and considers all income levels. A higher density project is the only equitable solution. Failing to analyze reasonable alternatives leaves this DEIR inadequate under the law.

Thank you for your time and consideration of these comments.

Pamela Heatherington
Board of Directors
Environmental Center of San Diego
contactecsd@gmail.com
805-835-1833

cc.
Mayor



San Diego County Archaeological Society, Inc.

Environmental Review Committee

24 April 2020



To: Mr. Adam Finestone, AICP, Principal Planner
Planning Division
City of Escondido
201 North Broadway
Escondido, California 92025

Subject: Draft Environmental Impact Report
Palomar Heights Project
ENV 18-0009, SUB 18-0011, PHG 18-0049

Dear Mr. Finestone:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendices C and D, we have the following comments:

1. Regarding mitigation measures for archaeological resources, we agree with the monitoring program as proposed with the addition that the monitoring needs to clearly extend beyond the parcel(s) to include excavations for utilities, including (but not limited to) water and sewer lines.
2. Regarding historical (built environment) resources, the report apparently did not include a check of the 1928-29 Tax Factor aerial photos.
3. Regarding the mitigation measure M-CR-1, if an alternative which results in preservation of the Russell Forester-designed historic structure at 121-141 North Fig Street is not to be adopted, the proposed HABS documentation does not mitigate the loss of the resource to the level of insignificance. Therefore, adoption of an alternative which results in demolition of the resource would require appropriate finding to justify the selection of such an alternative. Hence, either the Historic Building Preservation Alternative or the Reduced Footprint Alternative are preferable.
4. Again, specifically regarding M-CR-1, the HABS Documentation Level, which should be Level 1, needs to be specified. And copies should also be provided to the South Coastal Information Center at SDSU and the San Diego History Center.

SDCAS appreciates the opportunity to participate in the City of Escondido's CEQA review process for this project.

Sincerely,



James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Brian F. Smith & Associates
SDCAS President
File



North County Group
Sierra Club San Diego
P.O. Box 2141
Escondido, CA 92033

May 4, 2020

Mr. Adam Finestone
Principal Planner
City of Escondido
Via Email palomarheights@escondido.org

Re: Sierra Club NCG comments on Palomar Heights Draft Environmental Impact Report (DEIR)

Dear Mr. Finestone:

The Sierra Club North County Group (NCG) requests that the City Council reject the draft Environmental Impact Report for the Palomar Heights Redevelopment Project (DEIR); require updated and full analysis of higher-density alternatives; update the Development Agreement to include new climate measures, quality jobs, and affordable housing; and establish a working group to develop an urban infill/transit-oriented development strategy for Escondido’s urban core.

Sierra Club NCG filed an extensive comment letter on May 21, 2019 in a good-faith attempt to support a landmark, transit-oriented development worthy of this unique cornerstone location in Escondido. We are sorry to see this DEIR released for a project which fails to meet the need of the city or potential of the site. While we do not support this version of the project, we offer the following comments on the DEIR

First, the DEIR mis-characterizes the site right on the first page. This site is not at the ‘edge’ of anything. As the DEIR aerial shows, the site is in the center of Escondido’s urban core and among the most precious development sites in the city.



The DEIR is grossly deficient in many aspects and fails to meet any reasonable bar of a quality project or analysis.

1. DEIR fails to analyze reasonable alternatives.

The DEIR is deficient because it did not include all reasonable alternatives. The site is currently zoned for 1,350 units. In our NOP letter, we requested an alternative to be analyzed that reflected the **zoned density** of 1,350 units. Because the higher number of units is permissible under the current zoning, it is a reasonable alternative. The reason given in the DEIR why this was rejected as an alternative is that the economics would not support the construction of more than 510 housing units. Because the economic analysis to support this contention was not provided, the argument to reject the alternative is not supported, and cannot be considered a valid reason to reject the alternative. The failure to include it as a reasonable alternative is a deficiency in the DEIR.

The DEIR is deficient because it did not fully evaluate the impacts due to the reasonable alternatives of building 900 and 1,100 housing units. These reasonable alternatives were dismissed because they only evaluated the impact from the alternatives and did not include the many benefits—especially housing up to 600 more families. The DEIR failed to consider the benefits of increasing the number of people living in a location that is easily served by transit and in a walkable, bikeable area. Additionally, being in the urban core the project site is close to stores, restaurants, and other amenities which would reduce the distance needed to drive. If the impacts and benefits were assessed, as they should be, on the emissions per capita, the higher density project would end up with the lower impacts. The failure to fully evaluate the impacts and benefits from the 900 and 1,100 housing unit alternative is deficiency in the DEIR

The dismissal based on the presence of granite needing blasting is also suspect given that there is currently a high-rise building on the location. The ability to replace that high-rise without addition blasting should have been part of the analysis, not just a general dismissal without evidence.

More problematic, the only alternatives fully analyzed were for even **fewer** units adding to the failing of this DEIR. Thus, neither the project itself nor any of the alternatives sufficiently implement the Downtown Specific Plan. Again, a major deficiency.

The failure to analyze these reasonable alternatives renders the DEIR wholly inadequate under the law. NCG requests the city prepare a supplemental DEIR to fully analyze these higher-density alternatives.

2. Lack of affordable housing a significant deficiency.

As we pointed out at length in our May 21, 2019 letter, Escondido has a huge deficit of affordable housing. We have included that letter for the record. The project should be required to include a minimum of 15% affordable units.

3. DEIR fails to incorporate climate saving measures or new realities in planning.

This project should be required to include climate saving measures as conditions of approval such as complete building electrification, solar power, electric shuttle to and from the transit station, and high levels of energy efficiency as conditions.

Further, the proposed project worsens climate and air pollution impacts as it employs 1980's suburban planning requiring the site to be graded necessitating retaining walls & slope banks. The result is physical isolation of future residents from the surrounding neighborhood and will not encourage pedestrian activity to and from Downtown or eastward. More likely, it will encourage vehicle usage.

4. DEIR and project description fail to disclose testing and fail to adequately discuss the presence of asbestos containing building materials, lead based paint and their remediation.

As a building of a certain age, the hospital most certainly contained asbestos. We are confounded why there is no discussion of asbestos and lead-paint issues in the hazardous materials section addressing demolition, but it is noted to be present in the text dismissing the Building Reuse option. If it has all been removed, the DEIR should indicate that. If it has not, the plan for asbestos removal should be discussed.

5. New climate measures, quality jobs and affordable housing requirements should be added to the Development Agreement.

This project also has a responsibility to meet the needs of the city. The needs are good-paying jobs for local people and affordable housing. The Development Agreement should include conditions in these areas. The current reliance on the outdated ECAP is a failing given that the construction alone will last until 2026. The Development Agreement should specify that this project comport to any and all requirements in the updated ECAP expected later this year.

Escondido deserves better than this project. The future demands better.

This site is the opportunity of a lifetime and it is the heart of Escondido's downtown. The proposed project is underwhelming on every level. It is not the landmark, project the city needs, just the project the developer wants. It does not house as many people as were planned and fails to meet its potential as a perfect transit-oriented location.

This project is an anachronism. The climate crisis is here. Every possible signal has been given that we must grow and develop our region quite differently than has been done in the past. Urban infill, increased density in transportation corridors, and more affordable housing options are critical for residents of the region. Because this site is located near downtown, is infill, will not exacerbate gentrification, and is on a transit corridor, density should be maximized.

Further, greater density would also serve the city council's own interest in helping revitalize Escondido's downtown by providing much more foot traffic for local shops and

restaurants. This is our biggest opportunity to achieve economic revitalization in this prime location and should not be wasted on relatively low-density housing.

Sierra Club NCG is a strong supporter of development of the Palomar Hospital site. However, we opposed to this project because the density is too low for this prime location and we will continue to oppose the current project. It does not include enough housing, does not serve residents of Escondido with housing they can afford, does not require any designated affordable housing, does not create good-paying jobs for local workers, does not meet the climate challenge, does not reflect current and future planning measures, and does not create a landmark for the city.

Process Request

While this project continue to process, we urge the Council to create a stakeholder working group to develop an urban infill/transit oriented development strategy that also addresses the housing needs of lower and moderate income households for downtown and other corridor areas already in the urban footprint prior to making further development decisions. This strategy should then be incorporated into the city's Climate Action Plan Update, to make Escondido the region's leader in implementing the kind of smart growth tools needed at the local level to meaningfully address the climate crisis. We believe the city would have many coalition partners ready to support and help develop the projects needed to activate and enrich Escondido. We would welcome the opportunity to work with you on such an effort.

In closing, to make this project one appropriate for Escondido in this time and place, the Sierra Club NCG recommends the following actions be taken:

- 1. For the reasons stated above, the City of Escondido should reject the DEIR and send it back for full analysis of higher-density, reasonable alternatives, better integration of climate protective measures then, re-issue a supplemental analysis.**
- 2. The City of Escondido should update the Development Agreement to include climate measures, quality jobs and affordable housing requirements and compliance with updated CAP.**
- 3. Create a working group tasked with creating an urban infill/transit-oriented development strategy for Escondido.**

Thank you for the consideration of these comments.



Laura Hunter, Chair
NCG Conservation Committee

cc.
Mayor and City Council

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Mitchell M. Tsai
Attorney At Law

155 South El Molino Avenue
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Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

May 4, 2020

Attn: Adam Finestone
City of Escondido
Planning Division
201 North Broadway
Escondido, California 92025
Em: palomarheights@escondido.org

RE: Palomar Heights—Draft Environmental Impact Report, SCH No. 2019059013

Dear Mr. Finestone:

On behalf of Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Escondido’s (“**City**” or “**Lead Agency**”) Draft Environmental Impact Report (“**DEIR**”) (SCH No. 2019059013) for the Palomar Heights Project (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects.

Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. (Gov. Code § 65009(b); Pub. Resources Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.)

Commenters incorporate by reference all comments raising issues regarding the DEIR or the final Environmental Impact Report (“**EIR**”) submitted prior to certification of the EIR for the Project. (*Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 [finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties].)

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Pub. Resources Code § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Gov. Code §§ 65000–65010. Pub. Resources Code §§ 21092.2, and 21167(f) and Gov. Code § 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City must seriously consider proposing that the Applicant provide additional community benefits such as requiring local hire and paying prevailing wages to benefit the City. Moreover, it would be beneficial for the City to require the Applicant to hire workers: (1) who have graduated from a Joint Labor-Management apprenticeship training program approved by the State of California or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program and; (2) who are registered apprentices in an apprenticeship training program approved by the State of California.

I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project. (14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.)

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); see also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of*

Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400.) The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines § 15002(a)(2).) If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any significant unavoidable effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. (CEQA Guidelines § 15092(b)(2)(A–B).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets, supra*, 91 Cal. App. 4th 1344, 1355 [emphasis added, quoting *Laurel Heights*, 47 Cal. 3d at 391, 409 fn. 12]. Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131.) As the court stated in *Berkeley Jets, supra*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR are more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals, it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. (*Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 [quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450].)

B. The DEIR’s Mitigation Measures for Archaeological and Human Remains are Impermissibly Vague and Defer Critical Details

The DEIR improperly defers critical details of mitigation measures. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision-makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. CEQA Guidelines § 15126.4(a)(1)(B) (“...[f]ormulation of mitigation measures should not be deferred until some future time.”).

Deferring critical details of mitigation measures undermines CEQA’s purpose as a public information and decision-making statute. “[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.” *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal. App. 4th 70, 92 (“*Communities*”). As the Court noted in *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307, “[a] study conducted after approval of a project will inevitably have a diminished influence on decision-making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.”

A lead agency's adoption of an EIR's proposed mitigation measure for a significant environmental effect that merely states a “generalized goal” to mitigate a significant effect without committing to any specific criteria or standard of performance violates CEQA by improperly deferring the formulation and adoption of enforceable mitigation measures. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670; *Communities*, 184 Cal.App.4th at 93 (“EIR merely proposes a generalized goal of no net increase in greenhouse gas emissions and then sets out a handful of cursorily described mitigation measures for future consideration that might serve to mitigate the [project's significant environmental effects.”); cf. *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029 (upheld EIR that set forth a range of mitigation measures to offset significant traffic impacts where performance criteria would have to be met, even though a further study was needed and EIR did not specify which measures had to be adopted by city).].

Here, the DEIR has identified potentially significant impacts to archaeological and human remains relating to the latest discovery of either human remains or archaeological resources and has proposed mitigation measure M-CR-2. (DEIR, p. 4.2-30.) However, the DEIR’s proposal with respect to tribal human remains is inadequate because it omits critical details and defers them for development at a later date.

The DEIR notes that the City’s Planning Division recommended that the Applicant enters into a Tribal Cultural Resource Treatment and Monitoring Agreement prior to the issuance of a grading permit so that protocols and procedures could be formed for the discovery and protection of Native American human remains or related archaeological resources. However, the DEIR proposes no plan and includes no details as to what may be included in such a plan to mitigate this impact. This is an impermissible deferral of mitigation. Subsequent mitigation measures are also based upon the formulation of a future Agreement, including M-CR-3 and M-CR-4.

The DEIR should be revised to specify what will be included in the Tribal Cultural Resource Treatment and Monitoring Agreement.

C. The DEIR Fails to Support Its Thresholds of Significance and Findings with Substantial Evidence and Omits Information.

When new information is brought to light showing that an impact previously discussed in the DEIR but found to be insignificant with or without mitigation in the DEIR’s analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has the discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. *See also Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (the fact that the Department of Pesticide Regulation had assessed environmental effects of certain herbicides, in general, did not excuse the failure to assess the effects of their use for specific timber harvesting project).

Finally, CEQA requires that an environmental document identify and discuss the significant effects of a Project, alternatives, and how those significant effects can be mitigated or avoided. CEQA Guidelines § 15126.2; PRC §§ 21100(b)(1), 21002.1(a). A Court “[w]hen reviewing whether a discussion is sufficient to satisfy CEQA, . . . the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider the issues the proposed project raises meaningfully [citation omitted], and (2) makes a reasonable effort to substantively connect a project's air quality impacts to likely health consequences.” *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 510 (citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405); *see also* PRC §§ 21002.1(e), 21003(b). The Court may determine whether a CEQA environmental document sufficiently discloses the information required by CEQA *de novo* as “noncompliance with the information disclosure provisions” of CEQA is a failure to proceed in a manner required by law. PRC § 21005(a); *see also Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 515.

1. *The DEIR Fails to Support its Findings on Greenhouse Gas Impacts with Substantial Evidence.*

CEQA Guidelines § 15064.4 allow a lead agency to determine the significance of a project’s GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies

to select what model or methodology to estimate GHG emissions so long as the selection is supported with substantial evidence, and the lead agency “should explain the limitations of the particular model or methodology selected for use.” CEQA Guidelines § 15064.4(c).

Here, the DEIR relies on consistency with the City of Escondido’s Climate Action Plan (“**CAP**”) in determining that the Project’s GHG impacts are less than significant. (DEIR, Appendix M, p. 31.) The DEIR further conducted qualitative analysis on GHG emissions in its GHG Impact Analysis and considered the Project’s consistency with SANDAG’s San Diego Forward Regional Plan and CARB’s 2008 and 2017 Scoping Plans.

Regarding the Project, the DEIR concludes that the Project’s GHG emissions will be less than significant primarily based on its consistency with the CAP because the Project achieves the numerical threshold set out in the CAP. However, as discussed below, the DEIR’s analysis of GHG impacts is inadequate because: 1) it relies on consistency with a CAP that is not compliant with CEQA; and 2) it relies on consistency with a CAP that may not be monitored or enforced by the City.

CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b) allow a lead agency to consider a project’s consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

However, a lead agency under CEQA is only allowed to determine if a project’s incremental contribution to cumulative greenhouse gas emissions are not significantly based upon consistency with a statewide, regional, or local plan that:

- (1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);
- (2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance-Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence

demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; and

- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and requiring amendment if the plan is not achieving specified levels.

Collectively, a proper CAP ties qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

Here, however, the DEIR fails to demonstrate that the CAP includes the above-listed requirements to be considered a qualified CAP for the City. As such, the DEIR leaves an analytical gap showing that compliance with said plans can be used for a project-level significance determination for the Project. Thus, the DEIR's GHG analysis should not be relied upon to determine Project significance.

i. *The Escondido CAP is Outdated and Not Based on SB 32.*

The CAP for the City of Escondido was adopted on December 4, 2013, and designed to reduce GHG emissions consistent with “the state’s adopted AB 32 GHG reduction target...to reduce emissions back to 1990 levels by the year 2020.”¹ The goal of the CAP then is to “[r]educ[e] emissions attributable to Escondido to levels at or below 1990 GHG emissions by the year 2020 consistent with the target reductions of AB 32.”² Compliance with the CAP then allows future development projects within Escondido to streamline their GHG analysis under CEQA by comparing a project to the CAP requirements.

However, AB 32 was superseded by SB 32 in 2016. AB 32 enshrined the first two goals of Executive Order S-03-05 into law and directed the California Air Resources Board (CARB) to develop a "Scoping Plan" that describes how the state will achieve its emission reduction targets. SB 32 added the target for 2030 announced in Executive

¹ City of Escondido Climate Action Plan, S-2, <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/ClimateActionPlan/AdoptedClimateActionPlan.pdf>.

² *Id.* at 1-3.

Order B-30-15 (to reduce emissions 40 percent below 1990 levels) and required CARB to make corresponding updates to the Scoping Plan. (Health & Safety Code § 38566.)

CARB's 2017 Scoping Plan, based upon SB 32 targets, calls for “[s]ufficiently detailed and adequately supported GHG reduction plans (including CAPs)...[that] provide local governments with a valuable tool for streamlining project-level environmental review.”³ CARB's 2017 Scoping Plan calls for adequate local CAPs upon which adequate CEQA GHG analysis may be based, according to CEQA Guidelines § 15183.5, sub. (b).⁴

The Project claims consistency with the Escondido CAP based on its screening threshold of 2,500 CO₂e, but that threshold was only adopted to meet the goals of AB 32—not SB 32, whose targets intend to further increase GHG emission reductions beyond 2020. SB 32's current targets are to reduce emissions by an additional 40% below 1990 levels by 2030⁵; thus, the Project cannot be said to have a less than significant impact relating to GHG emissions based upon consistency with a CAP that does not comply with SB 32 targets.

The DEIR's compliance with the CAP and conclusion of a less than significant GHG impact based on compliance with an outdated CAP is therefore unsupported by substantial evidence. The City should revise the EIR and explain how the Project complies with SB 32 and the new GHG reduction targets to further reduce GHG emissions beyond 2020.

- ii. *There is No Evidence the CAP is Monitored or Enforced by the City.*

While the CAP includes a monitoring mechanism,⁶ it is unclear if the City has been monitoring compliance with its provisions. CAPs generally should undergo monitoring pursuant to CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) so that they are effective, but there is no evidence here that the City has been conducting compliance monitoring with its CAP. A search of the City's website fails to reveal any publicly

³ CARB (Nov. 2017) California's 2017 Climate Change Scoping Plan at 101, https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

⁴ California Air Resources Board (CARB), Assembly Bill 32 Overview, <https://ww3.arb.ca.gov/cc/ab32/ab32.htm>.

⁵ CARB 2017 Scoping Plan at ES6, https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

⁶ CAP at 7-10.

available documentation such as progress reports, GHG inventories, and completion of GHG reduction measures called for in the CAP.

The City seems to have failed to satisfy the CAP's reporting and monitoring requirements, and with no reports available to review, the DEIR lacks substantial evidence that complying with the CAP translates to actual GHG reductions.

2. *The City's Cultural Resources Analysis is Not Based Upon Substantial Evidence.*

It is well-established that architectural and historic resource impacts can be significant impacts that must be studied under CEQA Guidelines App. G. Under Pub. Res. Code § 21084.1, a project may have a significant effect on the environment if it causes a substantial adverse change in the significance of a historical resource. The fact a resource is not listed in a state or local register or identified in a survey does not preclude a lead agency from determining a resource is historically significant. See CEQA Guidelines § 15064.5(a)(4). A historical resource is “materially impaired when a project ... [d]emolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion” as a state or local historical resource. *Id.*, subd. (b)(2)(C). This is significant under CEQA. See, e.g., Pub. Res. Code § 15064.5(b); *Ocean View Estates v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 401; *Quail Botanic Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1603-1605.

Here, the DEIR identifies the 121-141 N. Fig building as a historic building eligible for designation under the California Register of Historical Resources, Criterion 3.⁷ Hence, there is a potential for a significant impact identified in the DEIR as Impact CR-1. (DEIR, p. 4.2-25.) As stated in the DEIR, the 121-141 N. Fig building was designed by Russell Forester, a recognized architect is a good example of the International Style, and it has not been modified since completion in 1965. (DEIR, p. 4.2-25.)

The DEIR concludes that mitigation measure M-CR-1 is required, calling for documentation of the structure prior to demolition—but the DEIR fails to adequately analyze alternatives such as preservation or relocation in its analysis. The DEIR

⁷ Criterion 3 for eligibility on California Register of Historical Resources: “Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.” https://ohp.parks.ca.gov/?page_id=21238.

concludes that the removal/demolition of the structure is required but fails to base that conclusion on any substantial evidence. The DEIR refers the public to Chapter 7, or its Alternatives analysis for further discussion of the issue. Yet this analysis lacks any discussion about why demolition and removal of the structure would be required, instead of relocation or preservation. The DEIR should include a discussion based upon substantial evidence relating to why a marginally reduced footprint alternative that retains the 121-141 N. Fig structure is infeasible, or why relocation is infeasible or undesirable. There is no such discussion in the DEIR, only conclusory statements.

Moreover, the DEIR's conclusion that implementation of mitigation measures M-CR-1, which concludes that "preserving the historical record of the resource through research and documentation consistent with National Parks Service Guidelines for Historic Buildings would mitigate impacts to less than significant is unsupported by substantial evidence. The DEIR itself concludes that the 121-141 N. Fig building is a historic building eligible for designation under the California Register of Historical Resources, Criterion 3.

As the National Parks Service Guidelines for Historical Guidelines notes:

Important historic properties cannot be replaced if they are destroyed. Preservation planning provides for conservative use of these properties, preserving them in place and avoiding harm when possible and altering or destroying properties only when necessary.⁸

Preservation in place is "generally preferred: and "only when a decision is made that a particular property will not be preserved in place, . . . [then] the need for documentation must then be considered."⁹ Since the National Parks Service Guidelines express a preference for preservation over destruction, the DEIR's conclusion that the Project will not have a significant impact on cultural resources is unsupported.

3. *The City's Land Use Analysis is Not Based Upon Substantial Evidence and Omits Information.*

⁸ The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation: Standards, *available at* https://www.nps.gov/history/local-law/arch_stnds_1.htm

⁹ The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation: Note on Documentation and Treatment of Historic Properties, *available at* https://www.nps.gov/history/local-law/arch_stnds_4_2.htm

The DEIR proposes a development agreement, which would include a transfer of density from the Project area east of Valley Boulevard to the Project area west of Valley Boulevard in order to allow a density greater than 75 du/ac west of Valley Boulevard. The DEIR concludes that the transfer would be in accord with the City’s Density Transfer Program.

Under Appendix G of the CEQA Guidelines, a significant impact on land use and planning may occur when a significant environmental impact may occur due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The DEIR proposes a density transfer that is inconsistent with the City’s General and Downtown Specific Plan, as discussed in further detail below. The DEIR contains no analysis of this inconsistency, potential for environmental impact resulting, or any discussion of the density transfer within the analysis of its land-use impact. Because the request to transfer densities within the Project site may violate the City’s Density Transfer Program under the Downtown Specific Plan—an analysis must be conducted whether this may or may not result in a potentially significant environmental impact requiring mitigation. Failure to do so is an unlawful omission of the information under CEQA.

III. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY’S GENERAL PLAN

A. Background Regarding the State Planning and Zoning Law

An EIR must identify, fully analyze, and mitigate any inconsistencies between a proposed project and the general, specific, regional, and other plans that apply to the project. CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881. There does not need to be a direct conflict to trigger this requirement; even if a project is “incompatible” with the “goals and policies” of a land-use plan, the EIR must assess the divergence between the project and the plan, and mitigate any adverse effects of the inconsistencies. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378-79; *see also Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (holding under CEQA that a significant impact exists where project conflicts with local land-use policies); *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 998 (held

county development and infrastructure improvements must be consistent with adopted general plans) (citing Gov. Code 65302).

B. The DEIR’s Lack of Affordable Housing Units is Inconsistent with the State’s RHNA Allocations

Since 1969, California has *required* that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California’s local governments meet this requirement by adopting housing plans as part of their “general plan” (also required by the state). General plans serve as the local government’s “blueprint” for how the city and/or county will grow and develop and include seven elements: land use, transportation, conservation, noise, open space, safety, and housing. The law mandating that housing be included as an element of each jurisdiction’s general plan is known as “housing-element law.” California’s housing-element law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain), housing development. As a result, housing policy in California rests largely on the *effective implementation* of local general plans and, in particular, local housing elements. Existing law requires the housing element to contain a program that sets a 5-year schedule of actions to implement the goals and objectives of the housing element under RHNA allocations. Existing law also requires cities and counties to review and revise their housing elements at least every five years for compliance. (Gov. Code § 65584.)

The City of Escondido’s General Plan – Housing Element was adopted in August 2011.¹⁰ Escondido’s RHNA is described beginning on page 82 of the Housing Element. SANDAG’s RHNA was adopted in 2011 and allocated a need for 4,175 new housing units in the City for the period between January 1, 2010, to December 31, 2020. The number of units needed is broken down by income category on page 83 of the Housing Element. There is a need for 460 units for extremely low-income residents, 582 for very low income, 791 for low income, 733 for moderate-income, and 1,609 for above moderate-income residents.¹¹

¹⁰ City of Escondido General Plan Housing Element, <https://www.escondido.org/Data/Sites/1/media/pdfs/Housing/DraftHousingElement.pdf>.

¹¹ *Id.* at 83.

According to SANDAG’s RHNA assessment, or progress report for 2019, which tracked the progress toward the City of Escondido’s RHNA allocation requirements and compliance with the City’s Housing Element—the City is extremely far behind meeting its RHNA allocations for very low, low, and moderate-income housing units.¹² Almost no measurable progress was made from 2010 until the present in creating housing units for any group other than above moderate-income residents. The City’s own Housing Element Annual Report from 2017 indicates the same—the City is very far behind creating new affordable housing units and will not come close to meeting the RHNA requirement under state law.¹³

There is no reason units for very low, low, and moderate-income residents cannot be included in this Project. The Project should be amended to include affordable housing units as required under the City’s General Plan.

C. The Project’s Proposed Density Transfer is Inconsistent with the Downtown Specific Plan

The City appears to have adopted a Density Transfer Program under the Downtown Specific Plan per the City Planning Commission’s April 9, 2019 vote.¹⁴ Commenters could find no other record evidence that the City Council or voters approved such an amendment to the City’s Downtown Specific Plan. Commenters operate under the assumption that the publicly available draft of the Density Transfer Program dated March 26, 2019, has or will be incorporated into the City’s Downtown Specific Plan.¹⁵

The Density Transfer Program (“DTP”) allows the City to transfer densities from undeveloped or underutilized properties (sending areas) within the Downtown Specific Plan to developing properties (receiving areas) to enable a developing property to increase its density beyond what current zoning permits. Notably, the receiving

¹² SANDAG 5th Cycle Regional Housing Needs Assessment (RHNA) Fact Sheet, https://www.sandag.org/uploads/publicationid/publicationid_4647_27206.pdf.

¹³ 2017 City of Escondido Annual Housing Element Progress Report, <https://www.escondido.org/data/sites/1/media/pdfs/housing/annualhousingelementreport.pdf?v=4>.

¹⁴ April 9, 2019, Escondido Planning Commission meeting minutes, p. 4887. <https://www.escondido.org/Data/Sites/1/media/minutes/PC/2019/04.09.19PCMinutesApproved.pdf>.

¹⁵ Draft text of Density Transfer Program, March 26, 2019, <https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/DensityTransferProgram/DensityTransferProgram032619.pdf>.

property in need of a density allowance must receive credits from the density pool. Credits can then be transferred to developing properties from the pool.¹⁶

Here, the Applicant proposes a Development Agreement that would include a density transfer from the Project area east of Valley Boulevard to the Project area west of Valley Boulevard in order to allow a density greater than 75 du/ac west of Valley Boulevard. The DEIR claims that this transfer would be in accord with the DTP without any analysis. However, this transfer is not permissible under the DTP.

As is clear from the text of the DTP—no transfers are permitted under the same developing project. Unused densities must be transferred by the City to the credit pool where the City has identified underutilization, and then a receiving property may request density beyond that permitted by zoning with a grant of credits from the pool. Nowhere in the text of the DTP does it contemplate allowing a project applicant to shift densities within the same project to achieve something which is greater than that allowed under the DTP. The Program Administration section of the DTP lays out the process as follows:

A property owner or developer who requests density from the Density Credit Pool would submit an application for a Planned Development Permit to the Planning Division. The Planning Division would review the Planned Development application for completion, project design, environmental concerns, CEQA process, zoning compliance, and other City and state regulations.

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

Administration of the transfer of density between the density credit pool, sending areas, and receiving areas would be routinely monitored to ensure that the number of dwelling units for the DSP would not be permitted to exceed the buildout of 5,275 units. An annual report to the City Council regarding the DSP density pool would be

¹⁶ *Id.*

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

The DEIR proposes shortcutting this process with the use of a development agreement and an intra-project transfer of credits that have not been approved by the City, nor is proposed for approval according to the steps laid out in the DTP's administration plan. Thus, the Project's proposed density transfer is inconsistent with the City's General Plan and the Downtown Specific Plan.

IV. THE DEIR REQUIRES REVISION AND RECIRCULATION

CEQA requires a lead agency to recirculate an EIR when significant new information is added to the EIR following public review but before certification or when an EIR is fundamentally inadequate. (Pub. Resources Code § 21092.1.) New information is significant if "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project," including, for example, "a disclosure showing that ... [a] new significant environmental impact would result from the project." (CEQA Guidelines § 15088.5.)

The critical issue in determining whether recirculation is required is whether any new information added to the EIR is "significant." If added information is significant, recirculation is required under Pub. Resources Code §21092.1. The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it. (*Spring Valley Lake Ass'n v. City of Victorville* (2016) 248 Cal. App. 4th 91, 108; *Silverado Modjeska Recreation & Park Dist. v. County of Orange* (2011) 197 Cal. App.4th 282, 305; *Save Our Peninsula Comm. v Monterey County Bd. of Supervisors* (2001) 87 Cal. App. 4th 99, 131; *Sutter Sensible Planning, Inc. v Board of Supervisors* (1981) 122 Cal. App. 3d 813, 822.)

In *Laurel Heights Improvement Ass'n v. Regents of Univ. of California* (1993) 6 Cal. 4th 1112, 1130 (Laurel Heights II), the court gave four examples of situations in which recirculation is required:

- When the new information shows a new, substantial environmental impact resulting from either from the project or from a mitigation measure;
- When the new information shows a substantial increase in the severity of an environmental impact, except that recirculation

would not be required if mitigation that reduces the impact to insignificance is adopted;

- When the new information shows a feasible alternative or mitigation measure, considerably different from those considered in the EIR, that clearly will lessen the significant environmental impacts of a project, and the project proponent declines to adopt it; and
- When the draft EIR was "so fundamentally and basically inadequate and conclusory in nature," that public comment on the draft EIR was essentially meaningless.

Here, the comments on the DEIR reveals both significant new information as well as the fundamental basic inadequacy and conclusory nature of the DEIR. The Project's DEIR should be revised and recirculated.

V. CONCLUSION

Commenters request that the City revise and recirculate the Project's environmental impact report to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my office.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional
Council of Carpenters

Attached:

City of Escondido Public Review Draft Environmental Impact Report for the Palomar Heights Project (Exhibit A);

City of Escondido Climate Action Plan (E-CAP or CAP) (Exhibit B);

California Air Resources Board (Nov. 2017) California's 2017 Climate Change Scoping Plan (Exhibit C);

City of Escondido General Plan – Housing Element (Exhibit D);

SANDAG 5th Cycle Regional Housing Needs Assessment (RHNA) Fact Sheet (Nov. 2019) (Exhibit E);

City of Escondido Annual Element Progress Report (2017) (Exhibit F);

City of Escondido April 9, 2019, Planning Commission Meeting Minutes (Exhibit G);
and

Density Transfer Program Draft (Mar. 26, 2019) (Exhibit H).

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



April 6, 2020

Sent via email: palomarheights@escondido.org

Adam Finestone
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: Palomar Heights Project; ENV 18-0009, SUB 18-0011, PHG 18-0049; SCH #2019059013

Dear Mr. Finestone,

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for providing us with the Notice of Availability of the Draft Environmental Impact Report for the above referenced project. The identified location is within the Territory of the Luiseño people, and is also within Rincon's specific area of Historic interest.

We have reviewed the provided documents and we are in agreement with the measures which include archaeological and Luiseño tribal monitoring, a monitoring report, and protocols for discovery of cultural material and human remains.

We request that the Rincon Band be notified of any changes in project plans. In addition, we request a copy of the final monitoring report, when available and ask that Rincon be afforded the opportunity to monitor the ground disturbances associated with this project.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

SAN LUIS REY BAND OF MISSION INDIANS

*1889 Sunset Drive • Vista, California 92081
760-724-8505 • FAX 760-724-2172
www.slrmisionindians.org*

March 30, 2020

Adam Finestone, AICP
Principal Planner
Planning Division
City of Escondido
201 North Broadway
Escondido, CA 92025

VIA ELECTRONIC MAIL
palomarheights@escondido.org

**RE: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
FOR PALOMAR HEIGHTS (SCH NO. 2019059013) (ENV 18-0009, SUB 19-
0011, PHG 18-0049)**

Dear Mr. Finestone:

We, the San Luis Rey Band of Mission Indians (“Tribe”), have received and reviewed the City of Escondido’s (“City’s”) Draft Environmental Impact Report (“DEIR”) and all of its supporting documentation as it pertains specifically to the protection and preservation of Luiseño tribal cultural resources that may be located within the parameters of the Palomar Height’s (“Project’s”) property boundaries and areas of impact.

After our review of the DEIR, the Tribe is satisfied and concurs with the proposed tribal cultural resource mitigation measures (M-CR-2 through M-CR-10) contained within the DEIR, with the exception of M-CR-8. The proposed mitigation measures are culturally appropriate; however, M-CR-8 states:

The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then 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.

Although M-CR-8 has been a standard condition of mitigation, only identifying a data recovery as a potential mitigation measure when avoidance is not feasible, should not be the only possible mitigation measure considered by the lead agency in such a circumstance. SLR respectfully recommends the City modify the second sentence provided in M-CR-8 to incorporate additional culturally appropriate language for the treatment of tribal cultural resources impacted during ground disturbing activities, in accordance with California Public Resources Code Section 21084.3(b). Specifically, SLR requests that the following language be added to M-CR-8 (where bolded and underlined):

Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, 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 San Luis Rey Band of Mission Indians appreciates this opportunity to provide the City of Escondido with our comments for the Palomar Heights Project. As stated above, the Tribe is satisfied and concurs with the mitigation measures for tribal cultural resources as proposed in the DEIR with the minor exception of M-CR-8. As always, we look forward to working with the City to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño tribal cultural resources.

Sincerely,



Merri Lopez-Keifer
Chief Legal Counsel

May 4, 2020

To: City of Escondido Planning Department

From: Alexa Clausen

2020 Ridgecrest Place, Escondido, CA 92029

Re: EIR Palomar Heights

I am a retired State Historian and am actively working in this profession. The EIR for the major development of "Palomar Heights" has come to my attention. My concern is that there are major gaps in presenting the historical context and its application to the research and assessment of the properties involved in "Appendix D, Historic Report." Once presented with the complete historical context of the era in which these structures were designed and built, only then can an assessment of their value be made. The historical context and the value of the development of the Knoll is what put Escondido on the map in the Post War2 decades.

1. The historical context for history that is reflected in the construction of these buildings in question is covered in a leap of three sentences. This should not be accepted.

"The grape harvest in Escondido was historically plentiful and to celebrate, the city began an annual Grape Day celebration on September 9, 1908. Visitors came from all over and stayed in the Escondido Hotel, centrally located on Grand Avenue, which was the main shopping street. In the 1950s, the city experienced a building boom. Highway 396 linked Escondido to San Diego, making the city a good choice for commuters. Around this time, many agriculture fields previously dedicated to citrus and grapes were developed into subdivisions to house workers in the defense industry. In 1960, the lemon packing house, previously famed to be the largest facility of its kind in the world, closed its doors. Citrus fields gave way to more subdivisions and some were converted into avocado crops (Fark 2016). Escondido can still be described as a commuter city. It has some fame because of the San Diego Zoo Safari Park, breweries, wineries, the auto mall, and the California Center for the Arts, Escondido, which was constructed in 1994."(Stropes, 4)

How can buildings whose architecture is begin addressed, not be set in their historical context? The coming of age of Escondido as a recognized center of North County is a extremely important element of this assessment, yet, there is no discussion of this critical component. The fact that Escondido could attract highly recognized architects for building design, and medical professionals with impressive credentials in their area of specialty speaks to the importance of Escondido at the time and faith in its ability to become San Diego of North County.

2. I am also concerned about the references consulted for this assessment. The following entries are examples of reference cites that do not meet commonly accepted standards. The following citations do not inform the reader what was extracted and possibly used. These sources were either used, or not used for this assessment. If use, state so and list full citation.

"Brian F. Smith and Associates, Inc. Various dates. Research library holdings including Sanborn maps, city directories, published regional histories, aerial photographs, and geologic and paleontological references." (Stropes, 162)

"Escondido History Center Various dates. Various research library holdings including books, locally published regional histories, and city directories." (Stropes, 163)

"San Diego County Assessor Various dates. Various official records." (Stropes, 168)

I believe a project of this magnitude, which will forever change the face of the City of Escondido and erase these major contributors to the history of our architecture, owes the citizens of Escondido a complete assessment which leads to the contextual understanding of the development of the Knoll.

Adam Finestone, AICP
Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Adam,

The draft EIR states the following items as the purpose of the project. I have inserted my questions and/or comments:

The underlying purpose of the Project is to revitalize the Palomar Health Downtown Campus (Hospital 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 Downtown Specific Plan (City of Escondido 2013) vision. Project implementation is guided by the following statement of Project objectives:

1. *Promote efficient use of land and revitalize an underutilized downtown site in accordance with the Downtown Specific Plan (City of Escondido 2013) vision.*

The project does not exhibit an efficient use of land in that much of the land is devoted to paved vehicular travel, eliminating the possibility for a pleasing urban dwelling experience as well as outdoor spaces such as courts, softscape gathering and activity areas, and pedestrian connections throughout the site and into the neighboring areas.

2. *Redevelop the site in a manner to improve energy and water usage efficiencies, and improve stormwater runoff and water quality conditions.*

It is unclear how the below grade situations will achieve the desired stormwater management goals, without ignoring more environmentally sound site planning solutions.

3. *Provide a variety of multi-family housing types and designs.*

There is no explanation of how the proposed mix of residential types fits into the future fabric of Downtown Escondido. This project is decidedly a suburban solution, and not forward-looking as a creative urban solution with the appropriate urban housing mix.

4. *Provide visual and functional compatibility with adjacent land uses and development as to scale, massing, and height.*

While any project should consider its impact on neighboring properties, this is the physical and visual focus of the east end of the downtown core, and the gateway to the east valley. The design does not accomplish what it might.

5. *Provide a development with adequate and appropriate recreational amenities.*

The recreational activities proposed appear as more of an afterthought, not creating a space desirable for many residents to frequent, and many would have to walk down alleyways and vehicular paths to access the facilities, which is not a pedestrian nor kid-friendly solution.

6. *Develop a community that responds to the unique topography and character of the Project site and surrounding area.*

The product type has eliminated any possibility to truly respond to the unique topography of the site. The long mostly planar edges of the residential buildings do not evoke the variety and cadence of the 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.*

While a land use transition is a worthy endeavor, this site presents a unique opportunity to create a truly special transition (or more appropriately perhaps a strong link) from the downtown to east valley, one which will not be realized by creating alleyways of residential with long retaining walls along the street edge. The transition should incorporate the logical goals of pedestrian travel, which requires and activated street edge.

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.*

This is an important goal, but as stated previously, the argument for the proposed mix of housing types is not explained. The interior rows of homes do not reflect a lively urban experience.

9. *Implement design measures to create human-scale, pedestrian-oriented buildings that enhance walkability and promote pedestrian access.*

As stated previously, the goals outlined here are not met in many of the situations, such as the interior where one must use a vehicle to get anywhere, or walk along a vehicular path. Pedestrian access, while suggested, will not be used in the situations where access is either unsafe or too difficult. There is no clear path from the east edge of the project to the downtown to be traveled on foot.

10. *Improve Valley Boulevard to include multi-modal transportation features.*

It is unclear how these modes connect to the wider city, especially with respect to pedestrians. The vehicular travel appears to drive the design of the edge of the project. It would be nice to see a more defined approach to activating the edge with retail and activities more on scale with the rest of the downtown experience.

11. Provide a high-quality, attractive residential and commercial development.

The terms ‘high-quality’ and ‘attractive’ are subjective and difficult to establish. However, the commercial component is so blended with the residential so as to make the composition unclear.

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.

The commercial use proposed is less than 2% of the residential, and does not balance with the vibrant commercial in the adjacent Downtown Retail Core. If the commercial space is not large enough and inviting, it will not be viable, and will not encourage patrons to make the hike from Juniper to the project, which should be a primary goal. Explanation as to how this amount was arrived at and demonstration of how it will serve the future needs of the residents is not provided.

Additional questions:

- 1) Will a DTSP Amendment require a modification of the EIR for the DTSP?
- 2)

Respectfully Submitted,

Greg Danskin
Architect

Palomar Heights

Palomar Health Downtown Campus
DEIR Comments

May 4, 2020

Adam Finestone, AICP
Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Adam,

Since May 2019, I have reviewed and forwarded comments to the Escondido Planning Department on the four iterations submitted by the Applicant.

Subsequent to my May 2019 letter regarding the NOP, I sent specific comment letters in July, October and January. These letters are not listed as being received or reviewed as a part of the DEIR process. I have attached them to this letter.

All the comments in those three previous letters remain and I trust will be addressed or responded to.

Reviewing the 2nd, 3rd and 4th submittals was a follow up on my original comments to the NOP, dated June 3, 2019. Considering the significant potential (aesthetic and financial) influence of redevelopment this site on Downtown, I reviewed all submittals for conformity to the Downtown Specific Plan.

My 2nd letter, documented my review of the July submittal, sent on July 29, added new comments but stated that "Overall, many of the comments in my June 3rd letter still apply".
The timing of my review and comments was for Staff to consider as they reviewed the project internally.

My 3rd letter dated October 2, 2019 letter is the most comprehensive review and references pertinent DTSP principles, goals, etc.

My 4th letter, dated January 30, was based on my review of the December 13th documents. The essence of the letter was that "little of significance has changed, so my past conclusions remain the same. The proposed suburban approach simply does not meet the standards and goals fundamental to the DTSP".

I have completed my review of the DEIR, my comments and questions follow.

I have included a new document (entitled Comments on Palomar Heights, dated May 4, 2020) to go with the previous ones, specifically addressing continuing major issues with the proposed project.

Respectfully,
Ken Erickson, Architect



Comments on **Palomar Heights**

Draft Environmental Impact Report (DEIR) – SCH No. 2019059013

Dated March 2020

Prepared by Ken Erickson, Architect

May 4, 2020

DEIR INTRODUCTORY SECTIONS

<i>Item/Page #</i>	<i>Summary of Policy Text</i>	<i>Summary of Consistency Analysis Statement/Claim Made in DEIR</i>	<i>KE Comments</i>
Summary S.4	Areas of controversy	Areas of controversy are considered to include... - Aesthetics related to the Downtown Specific Plan area	There are major issues relative to the Downtown Specific Plan (DTSP). To say they are limited to aesthetics is a mischaracterization. The issue is non-compliance with the DTSP on a variety of fronts.
Project Description 2-3	Table 2-1, Proposed Uses	Total Commercial Space provided = 10,000sf	According to the most recent plans I have seen, the total Commercial Space square footage to be constructed is 539,593. (This figure does not include 232,898 sf of garage construction.) Commercial Space provided is less than 2% of total project square footage. To call this a mixed use project and claim all the associated benefits that go with a truly mixed use development is misleading if not disingenuous.
Project Description 2-4	Architecture	----	All buildings relating to street edges must conform to the DTSP...if the buildings were at or near the street/sidewalk grade and residential units were located on the ground level rather than second level over parking

Land Use and Planning 4.4-8	Escondido Downtown Specific Plan. Street-level and human-scale design elements in new and remodeled developments that improve pedestrian orientation.	----	The vast majority of buildings are located above street level from a few feet to up to 20' with slope banks & retaining walls of those heights nearly encircling the entire property.. The actual residential living spaces are located from the second floor on up OVER ground level parking spaces/garages. There are is essentially no living residential living space on the entire ground floor of this entire project.
Land Use and Planning 4.4-11	The Project would be consistent with the underlying General Plan and zoning designations and would implement development consistent with the requirements of the Downtown Specific Plan, with the exception of the proposed Specific Plan Amendment. Currently the Downtown Specific Plan requires ground-floor commercial uses at the Project site, with residential uses permitted above. The proposed amendment would amend the Downtown Specific Plan to allow residential units on the ground floor through approval of a Planned Development Permit.	----	Due to having no residential living space on the entire ground floor of this entire project, .the project is not consistent with the most fundamental principle of creating a pedestrian-oriented community. The majority of buildings located adjacent to public streets are located above street level from a few feet to 20' or in some cases, below street level. And, with the exception of some Villas and Rowhomes, most residential units are on second level over ground level parking.
Alternatives Table 7-1 7-12	Comparison of Alternatives Relative to Project Objectives. 6. Develop a community that responds to the unique	“project would include grading and design to follow topography”	Considering the significant slope banks and retaining walls, the grading design does not appear “to follow topography”.

topography and character of the
Project site and surrounding area

APPENDIX H – GENERAL PLAN CONSISTENCY ANALYSIS

<i>Goal/Policy #</i>	<i>Summary of Policy Text</i>	<i>Summary of Consistency Analysis Statement/Claim Made in DEIR</i>	<i>KE Comments</i>
LAND USE AND COMMUNITY FORM ELEMENT			
Goal 1	Community composed of...whose urban form reflects the natural environmental setting	“The Project ...would implement development consistent with the requirements of the Downtown Specific Plan.”	Project is not in compliance with the DTSP. See specific comments below. In a developed area, what is meant by natural environmental setting? The site has been graded into many terraced planes to accommodate the topography. The proposed grading is essentially one flat graded pad made possible by series of retaining walls up to 20’ tall surrounding the site .
Policy 1.3	Facilitate development that is consistent with the build out vision for each area through ...Specific Plans.	“Proposed residential and commercial development within the Project incorporates a design that reflects the requirements of the Downtown Specific Plan.” “While the Project includes amendments to allow residential units on the ground floor...” “The provision of ground-floor residential within the Project site would be more consistent with the surrounding residential uses...”	Project is not in compliance with the DTSP. See specific comments below. – This corner represents a very small portion of the total perimeter of the project. The majority of the remaining buildings range from a few feet to 20’ above adjacent streets. With a few exceptions at the “Rowhomes” and “Villas”, residential units are located on the second floor above ground level parking garages. A few stairs and doors to some second-floor units have been added, but add little to the “articulation” of garage level walls. – “variation of the roofline heights” that are significantly above and away from the street & sidewalk level are not consistent with the DTSP and do not create pedestrian

oriented street edge.

Where does the DTSP call for commercial, “specifically on Grand Ave”? The particular section needs to be referenced.

The Palomar Hospital site is required to have commercial and retail on the ground floor.

– The planned commercial component amounts to 0.06% of the total project square footage. Even recognizing there are market forces in play, it is a missed opportunity to create true mixed use (office, restaurants, live-work, residential, etc.) at a minimum along Valley BLVD, Grand Ave and a portion of Valley Pkwy that would provide downtown job opportunities for all of Escondido and within walking distance for future residents.

Goal 2 Regulations that clearly and effectively implement land use development goals and objectives

“The Project... would implement development consistent with the requirements of the Downtown Specific Plan.”
“... the Project would be consistent with the goals of the Downtown Specific Plan.”

The project does not comply with the Downtown Specific Plan.

Policy 2.2 Apply zoning overlays to implement specific standards, regulations and guidelines... within Land Use Area Plans and Specific Plans.

“...the Project would be consistent with the Downtown Specific Plan upon approval of concurrently proposed Specific Plan Amendments.”

The project does not comply with the Downtown Specific Plan.

Policy 6.3 b) Preservation of the natural setting by minimizing earth movement

Unaddressed by DEIR

How can significant slope banks and retaining walls, sometimes up to 15’-20’ be consistent?

Policy 6.3	g) Superlative architectural design features of all structures;	g) Architecture and features of the Project are addressed in Section 2.3.1 of the EIR	There are a couple sentences discussing the architectural design of the entire proposed project in Section 2.3.1. This is wholly inadequate.
Policy 11.3	Specific Plans...should be reserved for a limited number of proposals which, by nature, are ideally suited for the comprehensive planning efforts involved in the Specific Planning process.	“Project proposes an amendment to the existing Downtown Specific Plan. Currently the Downtown Specific Plan requires ground floor commercial uses at the Project site, with residential uses permitted above. The Project would include an amendment to the Downtown Specific Plan to allow residential units on the ground floor through a Planned Development Permit process. Because the Project would implement an existing Specific Plan, in conjunction with the proposed amendments, it would be consistent with this policy.”	This is about a new specific plan not needed because the DTSP is being amended. – Questioning the consistent with the DTSP because it’s proposed to be amended and, – What is the process for an amendment? Public hearings? Does this affect the original DTSP DIR?
Policy 11.6	No Specific Plan shall be adopted by the City Council until the Council has reviewed the proposed Plan for compliance with the following requirements which are in addition to requirements imposed by State Government Code Sections 65450, et seq...[specific requirements a) through h) are listed]	“The Project does not include a Specific Plan. The Project would implement the Downtown Specific Plan with the inclusion of a Specific Plan Amendment, as discussed in Policy 11.3. The Project would otherwise be consistent with all requirements of the Downtown Specific Plan.”	The project does not comply with the Downtown Specific Plan. It cannot be claimed that the project is “consistent” with the DTSP, ONCE AN AMENDMENT TO THE DTSP IS PASSED AS A PART OF THIS PROJECT. This is totally misleading to anyone who is not paying very close attention. And to say “The Project would otherwise be consistent with all requirements of the Downtown Specific Plan” is making a circular argument and equally misleading.

**ESCONDIDO DOWNTOWN SPECIFIC PLAN
DOWNTOWN SPECIFIC PLAN STRATEGIC GOALS**

Goal 3	A vibrant and exciting environment with land uses that foster an “18-hour” atmosphere, in addition to areas that provide mixed use, office employment and high-density residential opportunities	“The Project is a higher density mixed-use development that would add to, and support, the City’s vision for the Downtown SPA.”	According to the most recent plans I have seen, the total Commercial Space square footage to be constructed is 539,593. (This figure does not include 232,898 sf of garage construction.) Commercial Space provided is less than 2% of total project square footage. To call this a mixed use project and claim all the associated benefits that go with a truly mixed use development is misleading if not disingenuous.
Goal 4	Development and signage that strengthen the character of Downtown and are architecturally compatible with the existing urban fabric.	Proposed residential and commercial development within the Project incorporates a design that reflects the requirements of the Downtown Specific Plan which includes...articulation of facades to create a pedestrian and street orientation.” “The Project’s compliance with the design and development guidelines of the Downtown Specific Plan would ensure its design compatibility with the long-term buildout of the Downtown SPA as envisioned by the City, which emphasizes a human-scale mix...”	The project does not comply with the Downtown Specific Plan.
Goal 5	Street-level and human-scale design elements in new and remodeled developments that improve pedestrian orientation	“The Project would create human-scale, pedestrian-oriented buildings and landscape design to promote pedestrian use of the local sidewalks and pedestrian site access. This includes high-profile and vertical design features, architecturally distinguishing the ground-floor façade...”	“architecturally distinguishing the ground-floor façade...” how is this consistent with the slope banks, etc.?

Dawna Marshall

From: noreply@escondido.org
Sent: Tuesday, April 7, 2020 6:19 AM
To: Zachary Beck
Subject: Form Submission Received

From Url: <https://www.escondido.org/agenda-position.aspx>
From IP Address: 76.27.44.244

Email civics@robroy.cc

Council Meeting Date 4/8/2020

Agenda # 17

Subject Local Emergency Proclamation

Position In Favor

First and Last Name Robroy Fawcett

Escondido Resident True

Street Address 1576 Katella Way

City Escondido

State CA

Zip 92027

Comments On March 17th, a day after the City Manager signed a local emergency proclamation due to the COVID-19 pandemic, the City noticed a 45-day CEQA comment and review period running from March 20th to May 5th for redeveloping the Palomar Medical Center Downtown Campus, which project would include tearing down the currently operating hospital located on the campus. Local and regional libraries are currently closed, and the public does not have access to technical and legal resources for preparing comments. I request that the currently running CEQA period be terminated, and notice for a new 45-day period be given at a future date after the declared emergency ends.

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5168&pageid=3094&rid=134a6cbb-401f-476d-9b86-6ffd409ae1e8>

Dawna Marshall

From: Robroy R. Fawcett <civics@robroy.cc>
Sent: Monday, May 4, 2020 1:09 PM
To: Palomar Heights Project
Subject: [EXT] Comments on Draft EIR for the Palomar Heights project from Robroy Fawcett

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Attention Adam Finestone,

I desire to submit the following comments regarding the sufficiency of the Draft EIR for the Palomar Heights project:

1. The CEQA public review period was noticed on March 17th, the day after the City Manager signed a Declaration of Local Emergency closing the Escondido Public Library and City Hall to the public because of the COVID-19 pandemic. The review period runs from March 20th - May 4th. The Escondido Public Library has been closed during the entire review period. City Hall is closed to the general public, and is only open to certain "time sensitive service only by appointment."

On March 19th, the California Governor issued a statewide stay at home order because of the COVID-19 pandemic. The stay at home order has not been lifted during the entire time of the review period. Leaving home to review CEQA documents during an appointment at City Hall has not been determined to be essential.

Public Resources Code Section 21092(b)(1) states the notice shall specify the "the **address** where copies of the draft environmental impact report or negative declaration, and all documents referenced in the draft environmental impact report or negative declaration, **are available for review.**" (Emphasis added.)

The CEQA regulation 15087(c)(5) states, "The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours." California Code of Regulations, Title 14, Division 6, Chapter 3.

The review period notice states, "The Draft EIR may be viewed on the City's website at <https://www.escondido.org/palomarheights.aspx>. Hardcopies of the Draft EIR and associated documents are available at the following location during normal business hours unless precluded by orders or other actions taken by federal, state or local government agencies: Escondido City Hall, Planning Division (201 N. Broadway, Escondido CA)."

I assert the copies of the CEQA documents were not available for public review at Escondido City Hall due to the precluding orders of the City Manager and the California Governor. Thus, the CEQA notice did not comply with Public Resources Code Section 21092(b)(1) and CEQA regulation 15087(c)(5),

The URL for the City's website is not an address/location under the meaning of Public Resources Code Section 21092(b)(1) and CEQA regulation 15087(c)(5), and requires internet access during the declared emergency. Since the Escondido Public Library was not open to the public, and the public was under a stay at home order, the URL did not provide sufficient access to the public during review period.

Further, the URL link in the notice does not work. The URL underlying the link resolves to <https://www.escondido.org/oalomarheiahts.aspx> which does not provide access to the Draft EIR.

Also, regional university libraries and other libraries, a source of scientific research, have not been available to the public for research on issues pertaining to the draft EIR.

The Provisions of Executive Order N-54-20, signed April 22, 2020, does not apply to the notice provided on March 17th. See, <http://opr.ca.gov/ceqa/>

Therefore, I assert the notice is defective in making the Draft EIR available for public review during the COVID-19 pandemic.

2. The affected communities were not alerted to the project and its consequences. The COVID-10 pandemic has highlighted the critical need for hospital beds to protect life. On numerous occasions, the United States President, his staff, the Governor, his staff, and County Health officials, have emphasized the critical importance of hospital beds and facilities for dealing with the COVID-19 Emergency. See, e.g., <https://www.sacbee.com/news/politics-government/capitol-alert/article241693326.html> .

The downtown hospital has provided medical services the jurisdictions of the City of San Marcos, City of Poway, City of San Diego, County of San Diego, and Palomar Health hospital district. Prior to, and during the review period, the downtown hospital was and has been providing hospital beds for medical uses.

I assert that, with respect to the removal of serving hospital bed capacity, the jurisdictions of the City of San Marcos, City of Poway, City of San Diego County of San Diego, and Palomar Health hospital district should have been requested to provide input of the effects of to their communities, of the destruction of hospital bed capacity. See, e.g., Public Resources Code Section 21153. This is particularly critical in view of projection that the COVID-19 pandemic may continue to be a threat until a vaccine is available (projections: 6 to 18 months).

3. The draft EIR fails to adequately address the handling of mercury contamination during the destruction and removal of the downtown hospital. The only mention of mercury in the Draft EIR is under section 4.3.1.1: "Land uses in the Project area that may handle or have handled or have generated hazardous wastes include former medical uses, and a variety of other historic uses, such as automotive. These former medical areas could have a potential risk of site contamination from historical use of heating fuels, solvents, **mercury**, and lead uses. It should be noted that any required cleanup would have been completed in order to allow the residential development that currently occupies the surrounding area. During the preparation of the Phase 1 environmental site assessments (ESAs), evidence of hazardous material release(s) onto the Project site were found, and a secondary Phase 2 ESA was completed." (Emphasis added.)

The Phase 1 ESA merely confirms that the site was a historical generator of mercury as of 01/16/2006. The Phase 2 ESA has no mention of mercury.

Scientific studies have found that significant mercury contamination may be found in the sewer systems of aging buildings. See, ASSESSING MERCURY LEVELS IN THE WASTEWATER OF AN AGING RESEARCH LABORATORY BUILDING, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2346441/> This study concluded, "According to the results from the sink trap water sampling, the traps do not contain a majority of the mercury concentration in the plumbing system . . . it is likely that a majority of the mercury is located in sediments deeper in the plumbing system." The study also noted, " According to results from the sink trap air monitoring, the Jerome 431™ Mercury Vapor Analyzer is not well suited for screening sink traps for mercury concentration."

See, also, "Mercury in Buildings and Equipment", <http://www.hercenter.org/facilitiesandgrounds/mercury.php>

Accordingly, the level of mercury contamination will not be known until the sewer pipes are removed. Lack of controls may result in site contamination during the hospital destruction. The draft EIR fails to provide any hint that the sewer pipes will be handled in any manner other than as general debris.

Further, mercury from broken equipment may have been pushed into cracks and crevices along the edges of floors. The draft EIR fails to address or recommend monitoring of mercury in the dismantling of the floors.

Research on mercury contamination, and similar matter related to comment on the draft EIR, was severely hampered by the stay at home order due to the COVID-19 order, and the closure of regional libraries containing access to scientific research materials.

Sincerely

Robroy R. Fawcett
1576 Katella Way
Escondido, CA 92027

760 432-9709

Dawna Marshall

From: Mark Kalpakgian <mark.kalpakgian@gmail.com>
Sent: Thursday, April 2, 2020 5:19 PM
To: Palomar Heights Project
Cc: Paul McNamara; Olga Diaz; Michael Morasco; Consuelo Martinez
Subject: [EXT] Palomar Heights Community Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Dear Adam, Mayor Paul, and Members of the City Council:

I was recently interviewed by Ninia Hammond with Integral Communities. She wanted to know my perspective on the Palomar Heights project since I work downtown at The Classical Academies and am a Board Member for the North County Economic Development Council. I thought it might be helpful to share some of my high level comments with you too:

1. A few years ago I took the family to visit DC and spend some time with my brother-in-law's family. He works for the FBI and was living in the "Mosaic District." One of the days we stayed outside the city and spent the afternoon leisurely touring the Mosaic.

<https://mosaicdistrict.com/>

It was truly incredible and awe-inspiring, and I think it could be a model for the Palomar Heights vision. The mosaic integrates the following concepts: live, fun, film, shop, dine, work, services, stay (hotel). The project is pedestrian-oriented and is an exciting place to work, live or play. Very dynamic!

2. The site of the former Palomar Hospital is truly unique because it acts as a gateway to downtown. Additionally, it has the opportunity to stimulate and shape the character of downtown for years to come. For these reasons, I am in favor of a very pedestrian-oriented ground level that invites the community in and engages it on a variety of levels. Again, look at the Mosaic District for an idea of how this is done.

3. The site should encourage residents to live and work downtown.

4. A monolithic apartment building complex with little architectural character isn't ideal for this location. Significant grading and flattening that isolates the complex from the street and community is not ideal either.

5. Having the site composed of mixed-use between business and residential is a great thing for downtown and for our city's future.

6. I am very much in favor of incorporating unique or boutique businesses into the space such as a microbrewery, grocery, restaurant, bakery, downtown hotel etc.

To summarize, **I know many local residents that want to see this project successful but also want to see if complement Escondido's unique character and ethos. Having a "walk and enter" feel that invites the community in is of quintessential importance. Incorporating mixed-use residential and commercial is desirable and finally, having a unique architecture that interacts naturally with the environment and respects the downtown specific plan is ideal.**

Respectfully,

Mark Kalpakgian
760-535-5189

From: [Heather](#)
To: [Palomar Heights Project](#)
Subject: [EXT] Comments on Palomar Heights
Date: Monday, May 4, 2020 11:00:12 AM
Attachments: [1588485376433.jpg](#)
[1588485376461.jpg](#)
[1588485376503.jpg](#)

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Mr. Adam Finestone
Principal Planner, City of Escondido

palomarheights@escondido.org

Dear Mr. Finestone,

I am writing today to offer comments on the Palomar Heights Redevelopment Project.

As business owners and residents of Escondido, my husband and I have been generally pleased to see the recent redevelopment in downtown. We chose this location for our business because of its historic charm, but we understand the complementary need for modernization and change.

With this in mind, I think we can do better with the Palomar Heights project. I have 3 concerns:

SPECIFICITY. A project in this large, important and central location provides an opportunity to build something iconic that looks like it belongs and relates to Escondido. The metal tower in the main building, with its nod to the City Hall pavilion structure, achieves that kind of local reflection. But this quality needs to be maintained throughout. My main concern is with the project's 2-story residential structures. Although they're attractive, they lack regional reference and look like they could be found anywhere in California.

WALKABILITY. For so many reasons, Escondido's future will be defined by its success in improving walkability. Just as the entrances to this project need to interact with the surrounding streets and buildings to invite pedestrians in, paths and walkways for the projects' residents need to be built to encourage them to walk out into the community. As designed, limited entrances and high retaining walls send a clear non-verbal message that

future residents of this project are separate from their neighbors. As designed, the project will become an urban island to be circumnavigated rather than explored.

DENSITY. The low density designed into this project sends the message that Escondido's downtown land is not valuable or particularly precious. If a developer judges that the parcel is, for any reason, too costly to improve to the city's density standards, it may be worth investigating alternative developers, or perhaps a public/private collaborative solution, rather than lowering the standards.

Perhaps the city could create a committee or some other deliberative body to address these concerns and to develop a site-specific development strategy? I believe that this project is on an important site that is worth the extra effort.

Thank you for your attention.

Sincerely,

Heather Moe, Designer/Owner

Design Moe Kitchen & Bath

143 Grand Ave West

Escondido, CA 92025

Sincerely,

Heather Moe
Designer

We Love What We Do.



143 Grand Avenue West
Escondido, CA 92025
760-755-7554 Phone



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04 May 2020

City of Escondido
Mr. Adam Finestone, AICP, Principal Planner
201 N. Broadway
Escondido, CA 92025

Re: DEIR Palomar Heights--Cultural Resources (Appendix D Historic Report)

Dear Mr. Finestone,

The Draft Historic Report for the DEIR Palomar Heights project provides an overview of hospital development history in Escondido, and biographical summaries of the property owners, associated architects and builders. There is no doubt, that substantial research and effort has been put into the Historic Report; yet, the report fails to provide a historic architectural assessment and evaluation of the resources within a local architectural context and the Modern movement.

Several notable architects are associated with the resources and they merit appropriate analysis to demonstrate, with a preponderance of evidence, that they are not or are no longer significant, and that the associated resources do not contribute to their body of work.

The report excludes evaluation of building additions that in-and-of-themselves may have achieved significance not only within the context of hospital development in Escondido, but also within a local architectural context and the Modern movement. The report excludes discussion, assessment and evaluation of associated landscape features, heritage trees, plantings as well as public art. The report excludes evaluation of properties 45 years of age, as indicated with 456 East Grand Avenue built in 1973; although it is standard practice in order to accommodate for the lag time between reports and project approvals.

Table 7 of the Draft Historic Report, is presented to demonstrate that other Contemporary and International style buildings exist within Escondido. This acknowledgement does not preclude the subject resources from potential significance and eligibility to national, state or local registers. To use Table 7 to demonstrate a lack of significance, the properties listed would also require basic background information, and assessment and evaluation for comparative purposes under a local architectural context and the Modern movement.

Reversible exterior modifications and tenant improvements do not preclude resources from eligibility to the local register as recently indicated by Staff regarding potentially significant buildings located on Grand Avenue within the Downtown Historic District that were granted storefront modifications. Specifically, character defining features identified with the 1934 Art Modern building located at 451-453 East Valley Parkway includes a distinct triangular form, pilasters and reversible infill at the garage bay and original storefront. These reversible modifications do not detract from the Art Modern building individually or as a contributor to the Downtown Historic District and cluster of Art Modern buildings.

The subject resources are located within the boundaries of the Downtown Historic District as identified in previous surveys and codified in the Downtown Specific Plan. Adverse impacts of demolishing these resources and the impact to the Downtown Historic District is not adequately addressed in the DEIR, since the resources have not been addressed within a local architectural context and the Modern movement. Additionally, adverse impacts to resources located within the area of potential effect, including the Old Escondido Neighborhood, are not adequately addressed in the DEIR.

I look forward to the subsequent EIR, and revised Historic Report that addresses resources 45 years or older, provides an assessment and evaluation of the resources within the local architectural context and Modern movement, addresses the prominent notoriety of associated architects/builders, and examines building additions that have achieved significance in their own right.

Truly,
Nicole J Purvis
Historic Preservation Commission

To: City of Escondido Planning Department
From: Carol Rea
Re: EIR, Palomar Heights Project
Date: May 4, 2020

The first part of my response to the **Historic Structure Assessment of the Environmental Impact Report** for the Palomar Heights project is based on my knowledge and experience in the field of Historic Preservation and Escondido history. I have been a member of the Escondido Historic Preservation Commission since 2010 and am currently the Chairman. I am also the Vice President of the Escondido History Center Board of Directors and, for many years, have served as a docent for the historic walking tours that the History Center sponsors. I have performed extensive research on numerous historic homes throughout Escondido in order to write copy for more than a dozen Old Escondido Mothers Day Home Tour programs and to complete various DPR forms for owners of historic homes as part of their local register applications.

Unfortunately, I have only had a short amount of time to review the EIR as I only happened to be alerted to it by a friend less than one week prior to the deadline. Further, it appears that, at least online, Appendix D., the Historic Report was repeated and inserted into the Historic Report Appendices section, which meant **that the Appendices were not available for review**. The historical report does not include adequate historical information about the individual hospital buildings and further research is definitely indicated, particularly as **the site falls within the Downtown Specific Plan, entirely within the Historic Downtown District**, designated as such by the city for the high concentration of historic buildings located there. Thus, the historical report should be corrected and completed before a proper evaluation of the EIR can be made. I'm responding as best I can under the circumstances.

First and foremost, **the significance of the knoll** which encompasses the site for the proposed project needs to be acknowledged as **one of the most historic sites in the City of Escondido**. Shortly after Escondido first incorporated, in 1886, the impressive Escondido Hotel was strategically placed on that rise so that it could be seen across the valley from the train station on the west side of town, requiring that visitors behold the special town that Escondido was as they rode in horse-drawn wagons across town to their accommodations. The knoll also allowed an impressive view of the area from the hotel's porch. Unfortunately, the hotel was razed 37 years later but the City chose the impressive location for government offices in the 1950s; city hall, the police department, and fire department were housed in adobe buildings on the western edge of the property until the late 1980s. In the meantime, a handsome hospital became established on the site, several of the classically styled buildings designed by notable architects. Whatever project is built here, most definitely needs to reflect the significance of this stately knoll in the City of Escondido's history both by purpose and design. Such respect is not apparent in the proposed project.



Photograph of the Escondido Hotel courtesy of Escondido History Center

Beginning with the Executive Summary at the start of the report, the statement “As the **456 East Grand Avenue** building ... was constructed in 1973, it does not meet the minimum age threshold to be considered a historic structure and was not evaluated as part of this study.” is not accurate as the threshold for CEQA purposes is 45 years and the building at 456 E. Grand has attained that age. Therefore, it **most certainly does merit historical study and evaluation**; the report is incomplete without this information.

Enough of **the McLeod Tower** was completed by 1970 to allow occupancy and use, making it 50 years old and meeting the Escondido criterion and even though the final top floors weren’t completed until 1972, it would still qualify by CEQA standards. Therefore, the tower also meets the historic age threshold, certainly retains integrity of design, and, perhaps most impressively, is the product of a notable architect by the historical report’s own documentation. There is no doubt that **the McLeod Tower is worthy of consideration to be preserved** both as a reminder of the institution that occupied this hill for more than 60 years and for its embodied energy and building materials. In terms of sustainability, that tower would be inordinately expensive to rebuild today but it could be adapted to house a significant number of dwelling units; it should be preserved and adapted, worked into a redesigned commercial and residential development at the site.

The building at **451-453 East Valley Parkway**, according to the report, was constructed in 1934 for use by a car dealership that sold Willys cars, which had, in its earlier years, been manufactured by the second largest carmaker in the country. The building’s unique shape, style, and age, as well as its use by well-known glass artist Joan Irving in its later years indicate that it could qualify for Local Register status at the very least and **should be saved, potentially to be a fine example of adaptive reuse**.

As stated in the historical report, “The **121-141 North Fig Street building** was designed by Russell Forester, a recognized architect, in the International style and it has not been modified since its completion in 1965. The building is characterized as a good representation of the International style designed by a recognized architect. Therefore, the 121-141 North Fig Street building is eligible for listing on the CRHR under Criterion 3 and the City of Escondido Register under City of Escondido Criteria 2 and 5.” It is, indeed, worthy of protection and **every effort should be made to preserve it**; resorting to HABS recordation or less is not appropriate.

Time and quarantine constraints preclude my abilities to properly weigh in on the other historical buildings threatened by the project; more time for research and comments would be appreciated.

I also have several **other general concerns** about the Palomar Heights project as submitted:

1. The Palomar Heights project **conflicts with the Downtown Specific Plan and Zoning Code** in that it is almost entirely residential, a neighborhood about to be inserted into the middle of a commercial zone. The Downtown Specific Plan is a carefully crafted document that should set the standard, without recurrent compromise.
2. The **commercial potential for downtown should be expanded** rather than restricted, extending the downtown as a larger and more vibrant area to attract potential customers for the entire downtown area. Consider the Gaslamp District in San Diego – it covers many blocks with lots of options to attract visitors ready to spend their money and no large apartment buildings can be found plopped in the middle of it, creating dead retail space at street level. The area proposed in this project for nondescript apartment buildings **could be a true feature for downtown**, creating an exciting destination that would extend eastward from the new arch at Centre City Parkway, up Grand, to a dynamic development with additional dining and entertainment options on the hill. Residential units could be built on upper floors for a pleasant mix. If the target of more than 5,000 residential units is ever reached in the Downtown Specific Plan, **greater numbers of shops, restaurants, pharmacies, and grocery stores will be needed** to service the additional residents who will otherwise have to leave the area, most likely in their cars, to avoid overcrowded restaurants already seen on Friday nights and during Cruisin’ Grand and other events. More commercial establishments will also bring potential customers to existing downtown businesses and

provide interest for pedestrians walking along the sidewalks. **Businesses currently existing downtown will most certainly benefit** when locals and out of area visitors flock to a large and vibrant downtown.

3. The Palomar Heights project **lacks adequate open space** to enjoy from within the dwelling units and for children to play within. Actual playground space is severely limited to one very small area. The current “stay at home” orders would be nearly unbearable for the residents of the proposed building.
4. The **building design is not compatible** with the historic and classically designed buildings downtown. Instead, they are reminiscent of the 90s and not something that likely to be appreciated over the decades to come.
5. The Palomar Heights project will **exacerbate the parking challenges in the downtown area** because parking as designed is inadequate for those living there as well as those visiting and working in the commercial spaces.
6. Adding thousands of residential units to the downtown area **will create a demand on water, electricity, and sewer, as well as other services**. The existing population is already asked to/required to reduce electrical and water use, how can these additional needs be accommodated? Also, considering the greater impact of the current COVID-19 pandemic in the areas of the U.S. having greater density and the likelihood that another pandemic will occur, perhaps the idea of increasing density in our downtown should be rethought.

Dawna Marshall

From: Daniel <dvalverde80@gmail.com>
Sent: Wednesday, April 8, 2020 11:10 PM
To: Palomar Heights Project
Subject: [EXT] My Palomar Project Input

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Project isn't dense enough. Look what our neighbor cities are building compared to Escondido. We are a city rapidly approaching 200,000 people and we want to approve only 500 units at 3 to 4 stories. Buildings should be 5 to 7 stories with retail on bottom floor. In my opinion it looks like Integral is going cheap on this project.

Dawna Marshall

From: Don Zech <dzech@cdccommercial.com>
Sent: Tuesday, April 21, 2020 10:17 AM
To: Palomar Heights Project
Subject: [EXT] Palomar Heights - No retail

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Dear Adam,

I am writing this email to express my professional opinion and support of the Palomar Heights project during the EIR comment period. I have been in commercial real estate for over 35 years primarily in the Escondido market. Since I deal with business owners, retailers, investors, and property owners on a daily basis in Escondido I feel I have firsthand knowledge of the market place and trends.

As you may or may not know, I have been vocal on my opposition of the requirement of commercial/retail being mandated on new residential projects – especially Palomar Heights. Despite it providing more product for me to lease, there just isn't the demand for the spaces and especially not at the price point that new construction requires. This leads to weak tenants and devaluation of the whole project, area and the City. With less retail and more residential, redevelopment becomes more realistic and we are able to raise up the quality of the product in the City and get rid of bottom feeding uses that are attracted by low rents. Brick and mortar has seen a steady decline over the past decade with more and more people using online shopping. This trend away from brick and mortar will continue especially with the Covid-19 crisis. Right now Escondido downtown needs all the help it can get and residential projects like Palomar Heights are crucial to the redevelopment of downtown. With Palomar Heights' 510 residential units it will support approximately 1,200 to 1,400 residents that will all shop and spend their money in Escondido, and this is exactly what Escondido needs.

I use the rough rule of thumb of 18 sf of retail per resident. Under that scenario the Palomar Heights Project will generate demand for about 20k sf of retail. If they build 10,000 sf that leaves very little in support of redevelopment for Downtown (I am not worried about a resident gym or library/ game room ect..). Again, my strong position is that there should be NO retail at the project and you should work to activate the corridors and access to Downtown so as to get those residents to provide the pedestrian traffic that Downtown so needs. At worst case maybe a restaurant and maybe a Deli-market. By the City showing leadership and commitment to Downtown they will be encouraging to other investors to come to Escondido. Also, there will be many construction and service jobs created by this project.

Please feel free to contact me if you have any questions.

Don Zech | Lic #00885909
CDC Commercial Inc. | Lic #01857155
11440 W Bernardo Ct. Suite 300
San Diego, Ca. 92127
858.486.9999
www.cdccommercial.com

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Second Set



May 17 2020

Adam Finestone, AICP

Principal Planner City of Escondido

Escondido, CA 92025

Delivered Via email palomarheights@escondido.org

Palomar Heights EIR Draft Letter of Support

Mr. Finestone, the Mercado Business Association is in complete support of the Palomar Heights and Project and its Draft Environmental Report

Palomar Heights will be an excellent use of the former Palomar Hospital land. Escondido needs housing on the Gateway to East Valley Parkway to provide move alternative housing for residents that may want to move from their larger homes to smaller or for professionals that may want housing that is easy to maintain and near well planned parkways to the main freeways.

Should you have any questions please email mariabowmanres@gmail.com

Maria Bowman

Maria Bowman, Economic Dev. Chair, Mercado Bus. Association



Save Our Heritage Organisation
Protecting San Diego's architectural and cultural heritage since 1969

Tuesday, May 12, 2020

Adam Finestone, AICP Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: Palomar Heights Project, Escondido – DEIR comments

Mr. Finestone,

After reviewing the Draft Environmental Impact Report (DEIR) and Historic Report, Save Our Heritage Organisation (SOHO) finds the Historic Report (Appendix D) deficient in its contextual analysis and not to have included 456 East Grand Avenue for transparency and a realistic timeline, i.e. this project could be delayed for any number of reasons, such as the current public health pandemic.

SOHO recognizes the breath of research that went into the preparation of the Historic Report (Appendix D and E); however, the Research Method (Section IV) lacks a history and analysis of several applicable contexts. These include the built environment history of the health industry, history and development of the City of Escondido, and the use of Mid Century Modern styles as well as significant architects such as Frank Hope and Russell Forester. As a result, the Significance Evaluation (Section V) does not take these contexts into account when evaluating the resources making this section deficient in its analysis of all five resources. Due to the institutional association of these resources and their cultural landscape that includes trees and public art, their proximate location to downtown Escondido, as well as Mid Century styles and Master Architect designs, these contexts must be identified and examined within the Historical Report to be compliant under CEQA. Further, this project is within Escondido's Downtown Business Historical District; any potential impacts to this recognized historical area must be identified, evaluated, and mitigation proposed within the DEIR to be compliant under CEQA. Additionally, the project should make every effort to relocate and/or adaptively reuse the Russell Forester resource as 121-141 North Fig Street. Mid Century Modernism is part of Escondido's sense of place, especially for the downtown area; this project should seek to complement its neighborhood, not remove character defining buildings designed by well-known Master Architects.

Last, the historical evaluation of 456 East Grand Avenue should be included within a revised Historical Report. Since this resource will become 50 in less than five years, which is the threshold to require review prior to demolition or commencement of this project, and the project could be subject to delays (especially during uncertain times), the historical analysis should be done now. Additionally, the right and transparent action would be to include review of this resource within the historical report, so at a minimum, there is a public record and evaluation of the building.

The Historical Report (Appendix D) should be revised to include and examine the various applicable historical contexts these resources speak toward as well as the inclusion of 456 East Grand Avenue.

Thank you for the opportunity to comment,

Bruce Coons
Executive Director
Save Our Heritage Organisation

07 May 2020

City of Escondido
Mr. Adam Finestone, AICP, Principal Planner
201 N. Broadway
Escondido, CA 92025

Re: DEIR Palomar Heights--Cultural Resources (Appendix D Historic Report)

Dear Mr. Finestone,

The Draft Historic Report for the DEIR Palomar Heights project provides an overview of hospital development history in Escondido, and biographical summaries of the property owners, associated architects and builders. There is no doubt, that substantial research and effort has been put into the Historic Report; yet, the report fails to provide a historic architectural assessment and evaluation of the resources within a local architectural context and the Modern movement.

Several notable architects are associated with the resources and they merit appropriate analysis to demonstrate, with a preponderance of evidence, that they are not or are no longer significant, and that the associated resources do not contribute to their body of work.

The report excludes evaluation of building additions that in-and-of-themselves may have achieved significance not only within the context of hospital development in Escondido, but also within a local architectural context and the Modern movement. The report excludes discussion, assessment and evaluation of associated landscape features, heritage trees, plantings as well as public art. The report excludes evaluation of properties 45 years of age, as indicated with 456 East Grand Avenue built in 1973; although it is standard practice in order to accommodate for the lag time between reports and project approvals.

Table 7 of the Draft Historic Report, is presented to demonstrate that other Contemporary and International style buildings exist within Escondido. This acknowledgement does not preclude the subject resources from potential significance and eligibility to national, state or local registers. To use Table 7 to demonstrate a lack of significance, the properties listed would also require basic background information, and assessment and evaluation for comparative purposes under a local architectural context and the Modern movement.

Reversible exterior modifications and tenant improvements do not preclude resources from eligibility to the local register as recently indicated by Staff regarding potentially significant buildings located on Grand Avenue within the Downtown Historic District that were recently granted storefront modifications. Specifically, character defining features identified with the 1934 Art Modern building located at 451-453 East Valley Parkway includes a distinct triangular form, pilasters and reversible infill at the garage bay and original storefront. These reversible modifications do not detract from the Art Modern building individually, or as a contributor to the Downtown Historic District and cluster of Art Modern buildings.

The subject resources are located within the boundaries of the Downtown Historic District as identified in previous surveys and codified in the Downtown Specific Plan. Adverse impacts of demolishing these resources and the impact to the Downtown Historic District is not adequately addressed in the DEIR, since the resources have not been addressed within a local architectural context and the Modern movement. Additionally, adverse impacts to resources located within the area of potential effect, including the Old Escondido Neighborhood and other previously surveyed properties, are not adequately addressed in the DEIR.

I look forward to the forthcoming EIR, and revised Historic Report that:

- Addresses resources 45 years or older;
- Provides an assessment and evaluation of the subject resources within the local architectural context and Modern movement;
- Addresses the prominent notoriety of associated architects/builders, and landscape architects;
- Identifies, assesses, and evaluates associated landscape features, heritage trees, plantings and public art;
- Examines building additions that have achieved significance in their own right;
- Provides standard recordation forms and updated forms (Primary Record, and Building, Structure & Object Record) for each evaluated resource;
- Verifies and/or engages a consultant who meets minimum professional qualification standards in Architectural History.

Truly,
Nicole J Purvis
Historic Preservation Commission

May 10, 2020

Dear Mr. Finestone,

I have serious concerns about traffic for the new structure at the Palomar Heights project.

The parking & traffic for this project are substantial at an already busy and confusing junction of Grand & Valley.

There will be a parking for the 510 units & ingress egress units busy streets.

I'll visit the Handson Hospital and have serious reservation

Rep. Mary O'Neil

Palomar Heights

Palomar Health Downtown Campus
DEIR Comments

May 4, 2020

Adam Finestone, AICP
Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Adam,

Since May 2019, I have reviewed and forwarded comments to the Escondido Planning Department on the four iterations submitted by the Applicant.

Subsequent to my May 2019 letter regarding the NOP, I sent specific comment letters in July, October and January. These letters are not listed as being received or reviewed as a part of the DEIR process. I have attached them to this letter.

All the comments in those three previous letters remain and I trust will be addressed or responded to.

Reviewing the 2nd, 3rd and 4th submittals was a follow up on my original comments to the NOP, dated June 3, 2019. Considering the significant potential (aesthetic and financial) influence of redevelopment this site on Downtown, I reviewed all submittals for conformity to the Downtown Specific Plan.

My 2nd letter, documented my review of the July submittal, sent on July 29, added new comments but stated that "Overall, many of the comments in my June 3rd letter still apply".
The timing of my review and comments was for Staff to consider as they reviewed the project internally.

My 3rd letter dated October 2, 2019 letter is the most comprehensive review and references pertinent DTSP principles, goals, etc.

My 4th letter, dated January 30, was based on my review of the December 13th documents. The essence of the letter was that "little of significance has changed, so my past conclusions remain the same. The proposed suburban approach simply does not meet the standards and goals fundamental to the DTSP".

I have completed my review of the DEIR, my comments and questions follow.

I have included a new document (entitled Comments on Palomar Heights, dated May 4, 2020) to go with the previous ones, specifically addressing continuing major issues with the proposed project.

Respectfully,
Ken Erickson, Architect



Comments on **Palomar Heights**

Draft Environmental Impact Report (DEIR) – SCH No. 2019059013

Dated March 2020

Prepared by Ken Erickson, Architect

May 4, 2020

DEIR INTRODUCTORY SECTIONS

<i>Item/Page #</i>	<i>Summary of Policy Text</i>	<i>Summary of Consistency Analysis Statement/Claim Made in DEIR</i>	<i>KE Comments</i>
Summary S.4	Areas of controversy	Areas of controversy are considered to include... - Aesthetics related to the Downtown Specific Plan area	There are major issues relative to the Downtown Specific Plan (DTSP). To say they are limited to aesthetics is a mischaracterization. The issue is non-compliance with the DTSP on a variety of fronts.
Project Description 2-3	Table 2-1, Proposed Uses	Total Commercial Space provided = 10,000sf	According to the most recent plans I have seen, the total Residential Space square footage to be constructed is 539,593. (This figure does not include 232,898 sf of garage construction.). The Commercial Space provided, 10,000 square feet, is less than 2% of total project square footage. To call this a mixed-use project and claim all the associated benefits that go with a truly mixed-use development is misleading if not disingenuous.
Project Description 2-4	Architecture	----	All buildings relating to street edges must conform to the DTSP. To do so, they must be at or near the street/sidewalk grade and the residential units are to be at ground level rather than second level over parking.

Land Use and Planning 4.4-8	Escondido Downtown Specific Plan. Street-level and human-scale design elements in new and remodeled developments that improve pedestrian orientation.	----	The vast majority of buildings are located above street level – from a few feet to up to 20’ with slope banks & retaining walls – nearly encircling the entire property. With the exception of a few units in the Villas and Rowhomes, the actual residential living spaces are located from the second floor up, and OVER ground level parking spaces/garages. With the exceptions noted above, there are essentially no residential living spaces on the ground floor of this project.
Land Use and Planning 4.4-11	The Project would be consistent with the underlying General Plan and zoning designations and would implement development consistent with the requirements of the Downtown Specific Plan, with the exception of the proposed Specific Plan Amendment. Currently the Downtown Specific Plan requires ground-floor commercial uses at the Project site, with residential uses permitted above. The proposed amendment would amend the Downtown Specific Plan to allow residential units on the ground floor through approval of a Planned Development Permit.	----	Due to the majority of buildings located adjacent to public streets being located above street level from a few feet to 20’ or in some cases, below street level. And, with the exception of some Villas and Rowhomes, most residential units are on second level over ground level parking. the project is not consistent with the most fundamental principle of creating a pedestrian-oriented community.
Alternatives Table 7-1 7-12	Comparison of Alternatives Relative to Project Objectives. 6. Develop a community that	“project would include grading and design to follow topography”	Considering the significant slope banks and retaining walls, the grading design does not appear “to follow topography”.

responds to the unique topography and character of the Project site and surrounding area

APPENDIX H – GENERAL PLAN CONSISTENCY ANALYSIS

<i>Goal/Policy #</i>	<i>Summary of Policy Text</i>	<i>Summary of Consistency Analysis Statement/Claim Made in DEIR</i>	<i>KE Comments</i>
LAND USE AND COMMUNITY FORM ELEMENT			
Goal 1	Community composed of...whose urban form reflects the natural environmental setting	“The Project ...would implement development consistent with the requirements of the Downtown Specific Plan.”	Project is not in compliance with the DTSP. See specific comments below. In a developed area, what is meant by natural environmental setting? The site has been graded into many terraced planes to accommodate the topography. The proposed grading is essentially one flat graded pad made possible by series of retaining walls up to 20’ tall surrounding the site .
Policy 1.3	Facilitate development that is consistent with the build out vision for each area through ...Specific Plans.	“Proposed residential and commercial development within the Project incorporates a design that reflects the requirements of the Downtown Specific Plan.” “While the Project includes amendments to allow residential units on the ground floor...” “The provision of ground-floor residential within the Project site would be more consistent with the surrounding residential uses...”	Project is not in compliance with the DTSP. See specific comments below. – This corner represents a very small portion of the total perimeter of the project. The majority of the remaining buildings range from a few feet to 20’ above adjacent streets. With a few exceptions at the “Rowhomes” and “Villas”, residential units are located on the second floor above ground level parking garages. A few stairs and doors from second-floor units to ground level have been added, but add little to the “articulation” of garage level walls. – “variation of the roofline heights” that are significantly above and away from the street & sidewalk level are not

consistent with the DTSP and do not create pedestrian oriented street edge.

Where does the DTSP call for commercial, “specifically on Grand Ave”? The particular section needs to be referenced.

The Palomar Hospital site is required to have commercial and retail on the ground floor.

– The planned commercial component amounts to less than 2% of the total project square footage. Even recognizing there are market forces in play, it is a missed opportunity to create true mixed use (office, restaurants, live-work, residential, etc.) at a minimum along Valley BLVD, Grand Ave and a portion of Valley Pkwy which would provide downtown job opportunities for all of Escondido and within walking distance for future residents.

Goal 2 Regulations that clearly and effectively implement land use development goals and objectives

“The Project... would implement development consistent with the requirements of the Downtown Specific Plan.”
“... the Project would be consistent with the goals of the Downtown Specific Plan.”

The project does not comply with the Downtown Specific Plan.

Policy 2.2 Apply zoning overlays to implement specific standards, regulations and guidelines... within Land Use Area Plans and Specific Plans.

“...the Project would be consistent with the Downtown Specific Plan upon approval of concurrently proposed Specific Plan Amendments.”

The project does not comply with the Downtown Specific Plan.

Policy 6.3 b) Preservation of the natural setting by minimizing earth movement

Unaddressed by DEIR

How can significant slope banks and retaining walls, sometimes up to 15’-20’ be consistent?

Policy 6.3	g) Superlative architectural design features of all structures;	g) Architecture and features of the Project are addressed in Section 2.3.1 of the EIR	There are a couple sentences discussing the architectural design of the entire proposed project in Section 2.3.1. This is wholly inadequate.
Policy 11.3	Specific Plans...should be reserved for a limited number of proposals which, by nature, are ideally suited for the comprehensive planning efforts involved in the Specific Planning process.	“Project proposes an amendment to the existing Downtown Specific Plan. Currently the Downtown Specific Plan requires ground floor commercial uses at the Project site, with residential uses permitted above. The Project would include an amendment to the Downtown Specific Plan to allow residential units on the ground floor through a Planned Development Permit process. Because the Project would implement an existing Specific Plan, in conjunction with the proposed amendments, it would be consistent with this policy.”	This is about a new specific plan not needed because the DTSP is being amended. – Questioning the consistent with the DTSP because it’s proposed to be amended and, – What is the process for an amendment? Public hearings? Does this affect the original DTSP EIR?
Policy 11.6	No Specific Plan shall be adopted by the City Council until the Council has reviewed the proposed Plan for compliance with the following requirements which are in addition to requirements imposed by State Government Code Sections 65450, et seq...[specific requirements a) through h) are listed]	“The Project does not include a Specific Plan. The Project would implement the Downtown Specific Plan with the inclusion of a Specific Plan Amendment, as discussed in Policy 11.3. The Project would otherwise be consistent with all requirements of the Downtown Specific Plan.”	The project does not comply with the Downtown Specific Plan. It cannot be claimed that the project is “consistent” with the DTSP, ONCE AN AMENDMENT TO THE DTSP IS PASSED AS A PART OF THIS PROJECT. This is totally misleading to anyone who is not paying very close attention. And to say “The Project would otherwise be consistent with all requirements of the Downtown Specific Plan” is making a circular argument and equally misleading.

**ESCONDIDO DOWNTOWN SPECIFIC PLAN
DOWNTOWN SPECIFIC PLAN STRATEGIC GOALS**

Goal 3	A vibrant and exciting environment with land uses that foster an “18-hour” atmosphere, in addition to areas that provide mixed use, office employment and high-density residential opportunities	“The Project is a higher density mixed-use development that would add to, and support, the City’s vision for the Downtown SPA.”	According to the most recent plans I have seen, the total Residential Space square footage to be constructed is 539,593. (This figure does not include 232,898 sf of garage construction.). The Commercial Space provided, 10,000 square feet, is less than 2% of total project square footage. To call this a mixed-use project and claim all the associated benefits that go with a truly mixed-use development is misleading if not disingenuous.
Goal 4	Development and signage that strengthen the character of Downtown and are architecturally compatible with the existing urban fabric.	Proposed residential and commercial development within the Project incorporates a design that reflects the requirements of the Downtown Specific Plan which includes...articulation of facades to create a pedestrian and street orientation.” “The Project’s compliance with the design and development guidelines of the Downtown Specific Plan would ensure its design compatibility with the long-term buildout of the Downtown SPA as envisioned by the City, which emphasizes a human-scale mix...”	The project does not comply with the Downtown Specific Plan.
Goal 5	Street-level and human-scale design elements in new and remodeled developments that improve pedestrian orientation	“The Project would create human-scale, pedestrian-oriented buildings and landscape design to promote pedestrian use of the local sidewalks and pedestrian site access. This includes high-profile and vertical design features, architecturally distinguishing the ground-floor façade...”	“architecturally distinguishing the ground-floor façade...” how is this consistent with the slope banks, etc.?

Palomar Heights

Palomar Health Downtown Campus
DEIR Comments

May 4, 2020

Adam Finestone, AICP
Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Adam,

Since May 2019, I have reviewed and forwarded comments to the Escondido Planning Department on the four iterations submitted by the Applicant.

Subsequent to my May 2019 letter regarding the NOP, I sent specific comment letters in July, October and January. These letters are not listed as being received or reviewed as a part of the DEIR process. I have attached them to this letter.

All the comments in those three previous letters remain and I trust will be addressed or responded to.

Reviewing the 2nd, 3rd and 4th submittals was a follow up on my original comments to the NOP, dated June 3, 2019. Considering the significant potential (aesthetic and financial) influence of redevelopment this site on Downtown, I reviewed all submittals for conformity to the Downtown Specific Plan.

My 2nd letter, documented my review of the July submittal, sent on July 29, added new comments but stated that "Overall, many of the comments in my June 3rd letter still apply".
The timing of my review and comments was for Staff to consider as they reviewed the project internally.

My 3rd letter dated October 2, 2019 letter is the most comprehensive review and references pertinent DTSP principles, goals, etc.

My 4th letter, dated January 30, was based on my review of the December 13th documents. The essence of the letter was that "little of significance has changed, so my past conclusions remain the same. The proposed suburban approach simply does not meet the standards and goals fundamental to the DTSP".

I have completed my review of the DEIR, my comments and questions follow.

I have included a new document (entitled Comments on Palomar Heights, dated May 4, 2020) to go with the previous ones, specifically addressing continuing major issues with the proposed project.

Respectfully,
Ken Erickson, Architect



Comments on **Palomar Heights**

Draft Environmental Impact Report (DEIR) – SCH No. 2019059013

Dated March 2020

Prepared by Ken Erickson, Architect

May 4, 2020

DEIR INTRODUCTORY SECTIONS

<i>Item/Page #</i>	<i>Summary of Policy Text</i>	<i>Summary of Consistency Analysis Statement/Claim Made in DEIR</i>	<i>KE Comments</i>
Summary S.4	Areas of controversy	Areas of controversy are considered to include... <ul style="list-style-type: none">- Aesthetics related to the Downtown Specific Plan area	There are major issues relative to the Downtown Specific Plan (DTSP). To say they are limited to aesthetics is a mischaracterization. The issue is non-compliance with the DTSP on a variety of fronts.
Project Description 2-3	Table 2-1, Proposed Uses	Total Commercial Space provided = 10,000sf	According to the most recent plans I have seen, the total Residential Space square footage to be constructed is 539,593. (This figure does not include 232,898 sf of garage construction.). The Commercial Space provided, 10,000 square feet, is less than 2% of total project square footage. To call this a mixed-use project and claim all the associated benefits that go with a truly mixed-use development is misleading if not disingenuous.
Project Description 2-4	Architecture	“The building design would be in accordance with the Downtown Specific Plan (City of Escondido 2013)...”	According to the DTSP, all buildings relating to street edges must be oriented toward the street to establish a strong connection with the ground plane (Building Orientation Policy).
Project	Project Circulation and Access	“Overall, the Project provides internal	The project design actually serves to minimize pedestrian

Description 2-8		pedestrian connections and maximizes pedestrian connections to the adjacent areas as feasible based on Project design.”	connections to adjacent areas. Such connections are severely limited and thus not ‘feasible’ <u>because of</u> the proposed design. There is only one pedestrian access point along the entirety of Valley Parkway that leads to the residential units. This occurs in the form of an on-grade sidewalk and a ramp at the main vehicular driveway. There are only two pedestrian access points all along Grand Ave. to access the residential units. See attached DEIR ‘Connectivity Plan’ with highlights.
Land Use and Planning 4.4-8	Escondido Downtown Specific Plan. Street-level and human-scale design elements in new and remodeled developments that improve pedestrian orientation.	----	The vast majority of buildings are located above street level – from a few feet to up to 20’ with slope banks & retaining walls – nearly encircling the entire property. With the exception of a few units in the Villas and Rowhomes, the actual residential living spaces are located from the second floor up, and OVER ground level parking spaces/garages. With the exceptions noted above, there are essentially no residential living spaces on the ground floor of this project.
Land Use and Planning 4.4-11	The Project would be consistent with the underlying General Plan and zoning designations and would implement development consistent with the requirements of the Downtown Specific Plan, with the exception of the proposed Specific Plan Amendment. Currently the Downtown Specific Plan requires ground-floor commercial uses at the Project site, with residential uses permitted above. The	----	Due to the majority of buildings located adjacent to public streets being located above street level from a few feet to 20’ or in some cases, below street level. And, with the exception of some Villas and Rowhomes, most residential units are on second level over ground level parking. the project is not consistent with the most fundamental principle of creating a pedestrian-oriented community.

proposed amendment would amend the Downtown Specific Plan to allow residential units on the ground floor through approval of a Planned Development Permit.

<p>Alternatives Table 7-1 7-12</p>	<p>Comparison of Alternatives Relative to Project Objectives. 6. Develop a community that responds to the unique topography and character of the Project site and surrounding area</p>	<p>“project would include grading and design to follow topography”</p>	<p>Considering the significant slope banks and retaining walls, the grading design does not appear “to follow topography”.</p>
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APPENDIX H – GENERAL PLAN CONSISTENCY ANALYSIS

<i>Goal/Policy #</i>	<i>Summary of Policy Text</i>	<i>Summary of Consistency Analysis Statement/Claim Made in DEIR</i>	<i>KE Comments</i>
LAND USE AND COMMUNITY FORM ELEMENT			
<p>Goal 1</p>	<p>Community composed of...whose urban form reflects the natural environmental setting</p>	<p>“The Project ...would implement development consistent with the requirements of the Downtown Specific Plan.”</p>	<p>Project is not in compliance with the DTSP. See specific comments below. In a developed area, what is meant by natural environmental setting? The site has been graded into many terraced planes to accommodate the topography. The proposed grading is essentially one flat graded pad made possible by series of retaining walls up to 20’ tall surrounding the site .</p>
<p>Policy 1.3</p>	<p>Facilitate development that is</p>	<p>“Proposed residential and commercial</p>	<p>Project is not in compliance with the DTSP. See specific</p>

consistent with the build out vision for each area through ...Specific Plans.

development within the Project incorporates a design that reflects the requirements of the Downtown Specific Plan.”

“While the Project includes amendments to allow residential units on the ground floor...”

“The provision of ground-floor residential within the Project site would be more consistent with the surrounding residential uses...”

comments below.

– This corner represents a very small portion of the total perimeter of the project. The majority of the remaining buildings range from a few feet to 20’ above adjacent streets. With a few exceptions at the “Rowhomes” and “Villas”, residential units are located on the second floor above ground level parking garages. A few stairs and doors from second-floor units to ground level have been added, but add little to the “articulation” of garage level walls.

– “variation of the roofline heights” that are significantly above and away from the street & sidewalk level are not consistent with the DTSP and do not create pedestrian oriented street edge.

Where does the DTSP call for commercial, “specifically on Grand Ave”? The particular section needs to be referenced.

The Palomar Hospital site is required to have commercial and retail on the ground floor.

– The planned commercial component amounts to less than 2% of the total project square footage. Even recognizing there are market forces in play, it is a missed opportunity to create true mixed use (office, restaurants, live-work, residential, etc.) at a minimum along Valley Blvd., Grand Ave and a portion of Valley Pkwy which would provide downtown job opportunities for all of Escondido and within walking distance for future residents.

Goal 2

Regulations that clearly and effectively implement land use development goals and objectives

“The Project... would implement development consistent with the requirements of the Downtown Specific Plan.”

“...the Project would be consistent with the goals of the Downtown Specific Plan.”

The project does not comply with the Downtown Specific Plan.

Policy 2.2	Apply zoning overlays to implement specific standards, regulations and guidelines... within Land Use Area Plans and Specific Plans.	"...the Project would be consistent with the Downtown Specific Plan upon approval of concurrently proposed Specific Plan Amendments."	The project does not comply with the Downtown Specific Plan.
Policy 6.3	b) Preservation of the natural setting by minimizing earth movement	Unaddressed by DEIR	How can significant slope banks and retaining walls, sometimes up to 15'-20' be consistent?
Policy 6.3	g) Superlative architectural design features of all structures;	g) Architecture and features of the Project are addressed in Section 2.3.1 of the EIR	There are a couple sentences discussing the architectural design of the entire proposed project in Section 2.3.1. This is wholly inadequate.
Policy 11.3	Specific Plans...should be reserved for a limited number of proposals which, by nature, are ideally suited for the comprehensive planning efforts involved in the Specific Planning process.	"Project proposes an amendment to the existing Downtown Specific Plan. Currently the Downtown Specific Plan requires ground floor commercial uses at the Project site, with residential uses permitted above. The Project would include an amendment to the Downtown Specific Plan to allow residential units on the ground floor through a Planned Development Permit process. Because the Project would implement an existing Specific Plan, in conjunction with the proposed amendments, it would be consistent with this policy."	This is about a new specific plan not needed because the DTSP is being amended. – Questioning the consistent with the DTSP because it's proposed to be amended and, – What is the process for an amendment? Public hearings? Does this affect the original DTSP EIR?
Policy 11.6	No Specific Plan shall be adopted by the City Council until the Council has reviewed the proposed Plan for compliance with the following requirements	"The Project does not include a Specific Plan. The Project would implement the Downtown Specific Plan with the inclusion of a Specific Plan Amendment, as discussed in Policy	The project does not comply with the Downtown Specific Plan. It cannot be claimed that the project is "consistent" with the DTSP, ONCE AN AMENDMENT TO THE DTSP IS PASSED AS A PART OF THIS PROJECT. This is totally misleading to anyone who is not paying very close

which are in addition to requirements imposed by State Government Code Sections 65450, et seq...[specific requirements a) through h) are listed]

11.3. The Project would otherwise be consistent with all requirements of the Downtown Specific Plan.”

attention. And to say “The Project would otherwise be consistent with all requirements of the Downtown Specific Plan” is making a circular argument and equally misleading.

ESCONDIDO DOWNTOWN SPECIFIC PLAN

DOWNTOWN SPECIFIC PLAN STRATEGIC GOALS

Goal 3	A vibrant and exciting environment with land uses that foster an “18-hour” atmosphere, in addition to areas that provide mixed use, office employment and high-density residential opportunities	“The Project is a higher density mixed-use development that would add to, and support, the City’s vision for the Downtown SPA.”	According to the most recent plans I have seen, the total Residential Space square footage to be constructed is 539,593. (This figure does not include 232,898 sf of garage construction.). The Commercial Space provided, 10,000 square feet, is less than 2% of total project square footage. To call this a mixed-use project and claim all the associated benefits that go with a truly mixed-use development is misleading if not disingenuous.
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Goal 5	Street-level and human-scale design elements in new and	“The Project would create human-scale, pedestrian-oriented buildings	“architecturally distinguishing the ground-floor façade...” how is this consistent with the slope banks, etc.?

remodeled developments that
improve pedestrian orientation

and landscape design to promote
pedestrian use of the local sidewalks
and pedestrian site access. This
includes high-profile and vertical design
features, architecturally distinguishing
the ground-floor façade...”



Arrows indicate the only common points of Pedestrian Connection along the entire public sidewalk frontage leading to the residential units.

Connectivity Plan (from DEIR figure 2-9)

From: civics@robroy.cc
Sent: Tuesday, May 19, 2020 10:41 AM
To: [Palomar Heights Project](#)
Subject: [EXT] Additional Comments on Draft EIR for the Palomar Heights project from Robroy Fawcett

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Attention Adam Finestone,

In light of the extension of the comment period, I desire to submit the following additional comments regarding the sufficiency of the Draft EIR for the Palomar Heights project:

1. In the Draft EIR, under 4.4 Land Use and Planning, there is a section under the heading "Escondido Downtown Specific Plan." The description following this heading has no mention of the downtown hospital. This is a significant deficiency in the land use and planning analysis of the Draft EIR.

The Downtown Specific Plan states, on page V-5 of, under LAND USE DISTRICTS Historic Downtown: "Palomar Health Downtown Campus is located in the eastern area of the district and comprises a multi-story medical structure, parking garage, and emergency helicopter pad. A Memorandum of Understanding between the City and the Palomar Medical District outlines major renovations for the downtown hospital involving the construction of intern housing, support medical, office, and related uses."

Thus, the Downtown Specific Plan requires the land use and planning for the Campus to include a renovated downtown hospital and support medical uses. The Palomar Heights projects fails to comply with these elements of the Downtown Specific Plan. Further, the failure to address this portion of the Downtown Specific Plan in the Draft EIR is a substantial error and defect.

2. In the Draft EIR, under 7.5 Alternatives Considered but Rejected from Further Analysis, 7.5.2 Building Reuse Alternatives, there is the following statement: "In addition, the existing buildings are not built to current earthquake/seismic standards for such a hospital use. In conclusion, it would not be feasible for the site to be reutilized with hospital uses and such reuse is not considered further herein." There is no citation to support the statement that "the existing buildings are not built to current earthquake/seismic standards for such a hospital use."

The statement that "the existing buildings are not built to current earthquake/seismic standards for such a hospital use" is false. In 2008, the Office of Statewide Health Planning and Development (OSHPD) found, based on

computer modeling, that the hospital buildings at the Palomar Health Downtown Campus meet State earthquake standards for current use. The OSHPD's profile of the Palomar Health Downtown Campus is available at the following link:

<https://oshpd.ca.gov/facility/palomar-health-downtown-campus/>

The profile shows that 6 of the buildings have a Seismic Performance Rating of SPC-4, and 4 of the buildings have a Seismic Performance Rating of SPC-2. Thus, all of the buildings meeting State earthquake standards for current use. None of the buildings at the Palomar Health Downtown Campus have an SPC-1 rating.

For decades, Escondido area politician have lied about the condition and seismic performance rating of the hospital buildings at the Palomar Health Downtown Campus. However, professional engineers and planners should not engage in propagating such lies. Such continued lies mislead current politicians and may cause them to make decisions based on such falsehoods. Continued repetition of such lies is not professional negligence. It is public corruption, and must be end now!!

3. It is unwise to move forward with the destruction of hospital buildings during a pandemic. There is much uncertainty regarding the need for the hospital buildings for public services due to the COVID-19 pandemic that are not addressed in the draft EIR.

Further, "on April 6, 2020, the Judicial Council of California issued Emergency Rules to address impacts of the COVID-19 pandemic on the judicial branch. Among other things, the Judicial Council added emergency rule 9 to the Rules of Court, which tolls the time to file any type of civil litigation from April 6, 2020 until 90 days after California Governor Gavin Newsom lifts the state of emergency for the COVID-19 pandemic. This is a significant time extension for many civil case types, and CEQA claims in particular, as they otherwise must be filed within 30 or 35 days of agency action. In practice, this means that project proponents and lead agencies will likely have a longer period of **uncertainty** related to whether a project will be challenged in court, both during the state of emergency and for some time afterward." (Emphasis added.)

<https://www.ceqachronicles.com/2020/04/covid-19-alert-judicial-council-issues-sweeping-emergency-rules-local-agencies-issue-regional-changes/>

The extension period has allowed for the more data to come forth. Hospitals in San Diego County have had to turn away patients because of a recent surge in COVID-19.

<https://www.wsj.com/articles/coronavirus-crosses-borders-causing-surge-in-california-community-near-mexico-11589204646> (May 11, 2019).

<https://www.kpbs.org/news/2020/may/13/dhs-official-visits-san-diego-address-covid-needs-/> (May 13, 2020).

The need for the downtown hospital during the current pandemic may be imminent:

"What is happening with the downtown hospital?"

Some have been asking why the former Palomar Medical Center in downtown Escondido has not been used to treat COVID-19 patients. It currently functions as a lab, acute rehabilitation unit and behavioral health unit. The response to the COVID-19 pandemic is coordinated on a regional level by the County of San Diego Health Department under the direction of the State of California following guidelines established by the Centers for Disease Control. The response team also includes local hospital systems, including Palomar Health. The response team has determined the best location for the Federal Medical Station (FMS) is the top two floors of Palomar Medical Center Escondido for various reasons. Palomar Health has been working diligently **to prepare the downtown Escondido facility in the event the response team determines additional bed spaces are necessary** beyond the FMS." (Emphasis added)

<https://www.palomarhealth.org/flu-source/coronavirus>

The Draft EIR fails to address the project effect on public services such as medical services in the region.

There are additional defects in the Draft EIR that cannot be addressed during the Governor's orders. The comment period should be extended for at least 60 days after the Governor lifts the state of emergency for the COVID-19 pandemic. This is hospital, not an open field!

Sincerely

Robroy R. Fawcett

1576 Katella Way

Escondido, CA 92027

760 432-9709

From: WendyJo <wendy.meier@cox.net>
Sent: Saturday, May 9, 2020 1:50 AM
To: Palomar Heights Project
Subject: [EXT] Hospital Destruction

CAUTION:This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

This is a horrible project. Will completely destroy downtown Escondido.

What is wrong with Escondido planning staff? Its just one ugly apartment/condo project after another. All you care about is more tax revenue to feather your pensions.

Dawna Marshall

From: Carol Rea <carolrea@aol.com>
Sent: Friday, May 15, 2020 1:29 PM
To: AHayes SOHO
Cc: Palomar Heights Project; Bruce Coons; Marlena Krcelich; N. Purvis
Subject: [EXT] Re: Palomar Heights project, Escondido - SOHO comments

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Thank you, all. I'm sure this will make a strong impression and, along with other letters submitted, city staff and officials will hopefully realize these historical reports are unacceptable.

Carol Rea

Sent from my iPhone

On May 12, 2020, at 10:58 AM, AHayes SOHO <ahayes.sohosandiego@gmail.com> wrote:

Mr. Finestone,

Please see the attached comment letter regarding the Palomar Heights project—

Thank you and stay safe,

Amie Hayes
Historic Resources Specialist
Save Our Heritage Organisation (SOHO)
2476 San Diego Avenue
San Diego, CA 92110
Office: (619) 297-9327

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<Palomar Heights project, Escondido - SOHO comments.pdf>

Dawna Marshall

From: Melissa Walker <melissa@distinctionart.com>
Sent: Wednesday, May 13, 2020 5:09 PM
To: Palomar Heights Project
Subject: [EXT] Case File No: ENV 18-0009

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hello,

I own a building in the 300 block of E Grand Ave and I am in HUGE support of this project. We really need more life on our end and I have been looking forward to this project for years. I really think it will bring lots more foot traffic as well as much needed beautification to our end of Grand Ave.

Hopefully it happens soon.

Sincerely,

Melissa

Melissa Inez Walker
Distinction Gallery
317 E Grand Ave
Escondido, CA 92025
(760) 707-2770
distinctionart.com