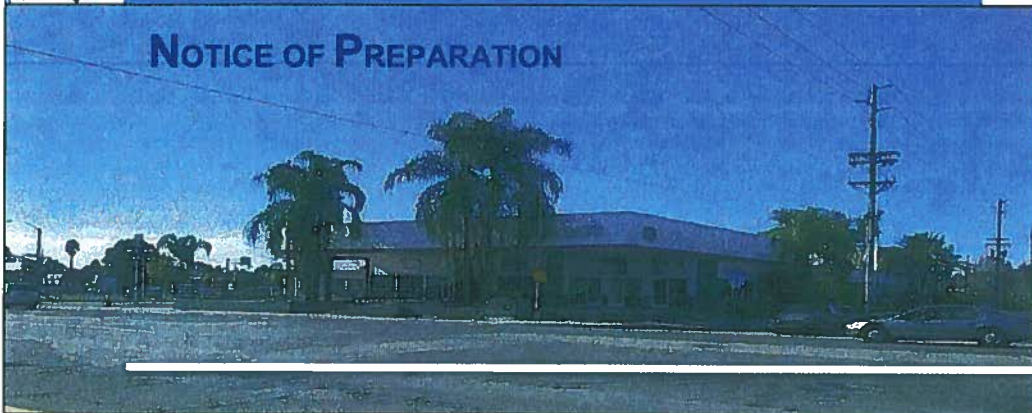




# Centerpointe 78 Commercial Center



Date: June 4, 2014

*(California Code of regulations, Title 14 (CEQA Guidelines) Sections 15082, 15103, 15375)*

**To: State Agencies  
Responsible Agencies  
Local and Public Agencies  
Trustee Agencies  
Interested Parties**

**From: Jay Petrek AICP, Principal Planner  
City of Escondido Planning Division  
201 N. Broadway  
Escondido, CA 92025**

**Subject: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR  
Centerpointe 78 Commercial Center  
City Case Number: ADM-13-0127**

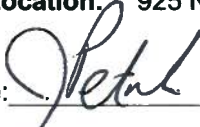
The City of Escondido will be the Lead Agency for the preparation of an Environmental Impact Report (EIR) for the Centerpointe 78 Commercial Center project (proposed project). We need to know the views of your agency (and the views of other interested parties) as to the scope and content of the environmental information germane to your agency's statutory responsibilities in connection with the proposed project if your agency will need to use the EIR prepared by our agency when considering your permit or other approvals associated with the proposed project.

The proposed description, location, alternatives, and the scope of the environmental assessment are contained in the attached materials. Since an EIR will be prepared, the City is not required to complete an Initial Study. To assist agencies and the public in understanding what will be covered in the EIR, the attached materials contain the typical information covered by an Initial Study checklist as specified in Appendix G of the California Environmental Quality Act Guidelines.

**Due to the time limits mandated by state law, your response must be sent at the earliest possible date, but not received later than 5:00 p.m. July 7, 2014.**

Please send your response to Jay Petrek, Assistant Planning Director, City of Escondido Planning Division, at the address shown above. We will need the name for a contact person in your agency. Written comments may also be submitted via e-mail to [jpetrek@escondido.org](mailto:jpetrek@escondido.org). Additional information about the proposed project may be obtained on the city's website at: <http://www.escondido.org/centerpointe-78-commercial.aspx>

**Project Title:** Centerpointe 78 Commercial Center  
**Project Applicant:** Pacific Chasse Partners, LLC  
**Project Location:** 925 North Broadway, Escondido, San Diego County, California

Signature:  Date: 6/4/14

Jay Petrek, Assistant Planning Director  
City of Escondido Planning Division  
(760) 839-4556



## Centerpointe 78 Commercial Center

### NOTICE OF PREPARATION



DATE:  
**June 4, 2014**

COMMENTS DUE:  
**July 7, 2014**

### **CENTERPOINTE 78 COMMERCIAL CENTER (Case No: ADM-13-0127)**

The City of Escondido will be the Lead Agency for the preparation of an Environmental Impact Report (EIR), as defined in Section 15161 of the CEQA Guidelines for the proposed Centerpointe 78 Commercial Center (proposed project). The Centerpointe 78 Commercial Center is located at 925 North Broadway, Escondido, San Diego County, California (Figures 1 and 2). The 3.7-acre site currently consists of a former automotive dealership located on the northwest corner of Highway 78 and North Broadway. Existing surrounding uses include Lincoln Elementary School to the north, a gas station to the northeast, single- and multi-family residences to the west, a park-and-ride to the south, and car dealerships to the east and southeast.

The project proposes to demolish the existing automotive dealership and construct a market and a restaurant pad (Figure 3). The market building would be approximately 43,500 square feet (sf), 30 feet tall, and located in the western portion of the site. The 3,200 sf restaurant pad would be in the eastern portion of the site with no building plans proposed at this time. The market uses would consist of a local grocery store, and the proposed restaurant would be a quick-service restaurant (e.g., taco shop, hamburger shop, or coffee shop) with a drive-thru. Similar to the existing conditions, three access points would be provided along Lincoln Avenue; two connecting to proposed 200-space parking lot and one for the market's delivery/receiving area. The existing access point on North Broadway would be eliminated and, as with the existing conditions, no access would be provided along Highway 78. The proposed project would consolidate the existing six lots into two lots (3.1-acre Parcel A and 0.6-acre Parcel B). In addition, the proposed project would include lighting, landscaping, signage, grading, and utility improvements on-site. Off-site improvements include a stormdrain connection from the northeastern corner of the site, across Lincoln Avenue to an existing stormdrain at the northwest corner of the Lincoln Avenue and Broadway intersection.

As an EIR will be prepared, an Initial Study is not required and has not been prepared (Section 15063 of the CEQA Guidelines). The EIR will consider all potential environmental effects of the proposed project to determine the level of significance of the environmental effect, and will analyze the potential effects to the detail necessary to make appropriate determinations on significance. In addition, the EIR may consider those environmental issues which are raised by responsible agencies, trustee agencies, and members of the public or related agencies during the NOP process. The electronic version of this notice is posted on the City's website, along with additional project information, at: <http://www.escondido.org/centerpointe-78-commercial.aspx>.

We need to know the views of your agency or organization as to the scope and content of the environmental information germane to your agency's statutory responsibilities or of interest to you in connection with the proposed project. This includes the following for responsible and trustee agencies:

1. Whether your agency will be a responsible or trustee agency.
2. List of permits or approvals required by your agency for the proposed project.
3. If your agency would like to meet with the City regarding the proposed project.
4. Significant environmental issues and reasonable alternatives and/or mitigation measure(s).

Due to the time limits mandated by state law, responses from responsible agencies, other agencies, and organizations must be sent and received by the City of Escondido not later than 30 days following the publication of this Notice of Preparation (5:00 p.m. July 7, 2014). Comments may be sent to:

Jay Petrek, AICP  
Assistant Planning Director, Escondido Planning Division  
201 N. Broadway  
Escondido, CA 92025  
[Jpetrek@escondido.org](mailto:Jpetrek@escondido.org)  
tele: (760) 839-4556 fax: (760) 839-4313

If response from your agency or organization is not received, we will presume that your agency or organization has no response to make. A responsible agency, trustee agency, or other public agency may request a meeting with City representatives in accordance with Section 15082(c) of the CEQA Guidelines.

### **Issues to be Addressed in the EIR**

The EIR will address issues related to aesthetics, agricultural resources, air quality, biology, cultural resources, paleontological resources, greenhouse gas, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and services systems. If analysis is completed and it is determined that an issue would have a less than significant impact, it may be included in a less than significant section with analysis supporting that conclusion. As indicated below, it is anticipated that those issues include agricultural resources, biological resources, cultural resources, geology and soils, mineral resources, paleontological resources, population and housing, public services, recreation, and utilities and services systems.

### *Environmental Analysis*

The EIR will include a discussion of the existing conditions and regulatory framework relevant to complete each issue area impact analysis for the proposed project. Direct and cumulative impacts of the proposed project will be determined. Each cumulative analysis will include the determination of the cumulative study area relevant for the issue, as well as either a list of known and foreseeable projects in the cumulative study area or relevant development forecasts. The EIR will identify mitigation measures for any identified impact, as feasible.

### Aesthetics

The Aesthetics/Visual Quality section will include a description of the built and natural visual resources, and will focus on the community character of the project area and conformance with policies in the General Plan. An analysis of public views will be completed, including Highway 78, Broadway, and the existing residential neighborhood to the west. The discussion of aesthetic impacts will be based on the architectural elevations and landscape concept along with visual simulations. The visual issues to be

evaluated include: (1) obstruction of a view corridor, removal of a view point or negative changes to the viewing scene, (2) visibility of structures, site improvements or grading from public spaces, public right-of-ways and private property, (3) deterioration of visual quality in the project area, particularly since this area has been designated as a City gateway, (4) aesthetics of each of the project's proposed visually prominent elements, (5) compatibility of proposed improvements with surrounding development, and (6) quantity and probable sensitivity of potential viewer groups. The extent to which the proposed project represents a significant change in the nature of the visual setting of the area and the extent to which it is compatible with neighboring uses will be analyzed in this section of the EIR. The criteria for determining significance of potential visual impacts as well as methods of reducing or eliminating those impacts will be identified as needed.

#### Air Quality

The EIR shall evaluate the project criteria pollutant emissions and consider those emission impacts relative to the San Diego Air Basin regional air quality strategies. The analysis will address all phases of the proposed project, including demolition, construction, and operation. The analysis will also include both stationary and non-stationary (mobile source) emissions of the proposed project. Potential impacts to sensitive receptors due to pollutants or odors would also be discussed. A technical report shall be prepared to support the analysis.

#### Greenhouse Gas Emissions

The global climate change section of the EIR will be based upon the greenhouse gas emissions technical study. A discussion of the project's effects on greenhouse gas emissions will include an overview of the issue and current legislation and policies/programs to address the issue, a calculation of the estimated emissions, and a discussion of project features as they relate to the reduction of greenhouse gas emissions. The significance criteria, conclusions, and recommended mitigation measures will be addressed.

#### Hazards and Hazardous Materials

The EIR shall address the potential for the project to impact public health and safety through hazards and hazardous materials. Due to the existing automotive-related uses at the site, the analysis will address any potential existing hazardous site conditions. Future use of hazardous materials should also be addressed. The assessment shall consist of an evaluation of the potential presence of hazardous materials and the expected nature of these materials that may be on the site and within a one-mile radius of the subject site. This analysis will be based on site-specific Phase II reports that have been prepared for the project site.

#### Hydrology and Water Quality

This section of the EIR will be based on the findings and recommended measures presented in the hydraulic analysis and water quality study prepared for the proposed project. The analysis shall address the project impacts to runoff rates and volumes, and potential impacts to off-site hydrology and water quality. Impacts and, as necessary, mitigation will be determined based on current City regulations.

#### Land Use

The land use analysis shall address the project consistency with the current General Plan and zoning, including the General Plan Opportunity Areas and Commercial Land Use designation. This analysis will also address the compatibility with surrounding existing and planned land uses, including the nearby residences and schools. The land use compatibility discussion will incorporate the noise, aesthetics, lighting, air quality, and traffic analyses completed for the proposed project.

#### Noise

Existing and future noise conditions, as well as sensitive receptors (i.e., adjacent residents and school), within the project area will be addressed. Primary noise sources are anticipated to be increased traffic

along area roadways and noise generated from the loading areas, parking areas, and truck ingress and egress. The potential for the proposed project to be subject to noise influences and to create increased noise due to construction and operations will be also be presented in the EIR and mitigation measures will be identified as needed. The noise section of the EIR will be based on a project-specific technical report.

#### Transportation and Traffic

The transportation and traffic section will analyze the projected short-term and long-term impacts of the proposed project on study area street segments and intersections. The EIR section will also discuss access to the shopping center, public transportation, bike and pedestrian traffic, construction traffic, and parking. Direct and cumulative impacts will be summarized and mitigation measures will be identified as needed. This section of the EIR will be based on a project-specific traffic study.

#### *Less than Significant*

Agriculture and Forestry Resources: As the site is developed, does not contain agricultural or forestry resources, and is not adjacent to agricultural or forestry uses, the proposed project is anticipated to have no agriculture or forestry resource impact.

Biological Resources: As the site is developed, does not contain biological resources, and is not adjacent to biological resources, the proposed project is anticipated to have no impact to biological resources. The proposed project would comply with regulations such as the Migratory Bird Treaty Act and Fish and Wildlife Code.

Cultural Resources: Considering the site is developed and soils are already disturbed, the proposed project is anticipated to have no impact to cultural resources.

Geology and Soils: The proposed project would be required to comply with building code regulations and would implement the recommendations of a project-specific soils report; therefore, no impacts related to geology and soils are anticipated.

Mineral Resources: As the site is developed and surrounding land uses include residences and a school, the site is not considered viable for mineral resource mining operations. Thus, the proposed project would have no impact to mineral resources.

Paleontological Resources: Based on the underlying soils of fill, alluvium, and bedrock, the potential to find significant fossils during grading is considered low. Thus, the proposed project would have no paleontological resource impact.

Population and Housing: The proposed redevelopment of the site from automotive sales to a market and a restaurant is not anticipated to affect population or housing in the City.

Public Services: The proposed site redevelopment is not anticipated to generate additional population or otherwise generate additional need for public services such as fire service, police service, libraries, schools, or other public services. Thus, the proposed project would have no environmental impact related to the need for new or expanded public service facilities.

Recreation: As the proposed project would not generate a need for additional recreation facilities or affect recreational facilities, the proposed project would have no impact to recreation.

Utilities and Service Systems: The proposed project includes all required utility improvements for the proposed project, and would not result in the need for new or expanded utilities. Thus, the proposed project would have no environmental impact related to utilities.

### *Alternatives*

The EIR will include an alternatives analysis consistent with CEQA Guidelines Section 15126.6. While alternatives will be developed through the CEQA process, it is anticipated that the EIR will consider the following alternatives: No Project, Reduced Traffic, Alternative Use, and Alternative Location.

### *Other CEQA Sections*

Other chapters to be included in the EIR are summary, introduction, project description/location/setting, growth inducement, significant irreversible environmental changes, significant and unavoidable impacts, references, and preparers and persons contacted.



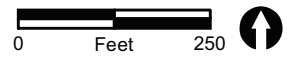


**\*** Project Location

FIGURE 1

Regional Location

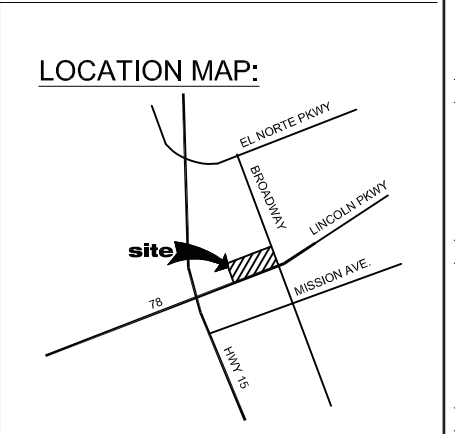
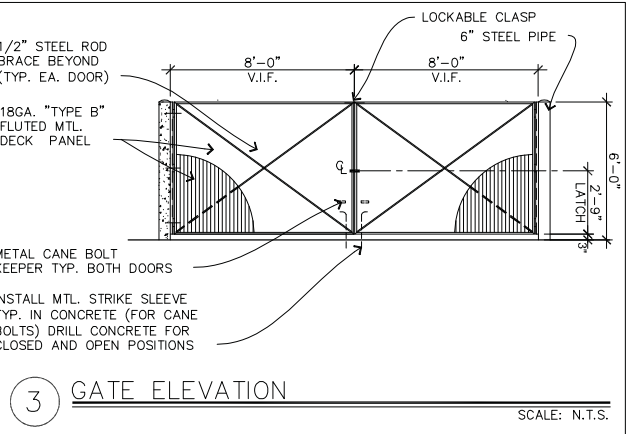
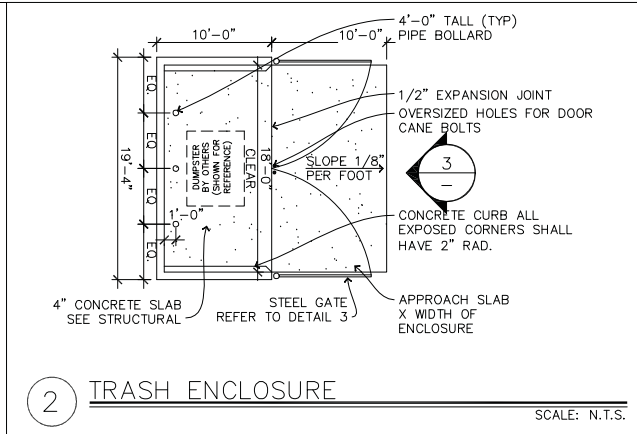
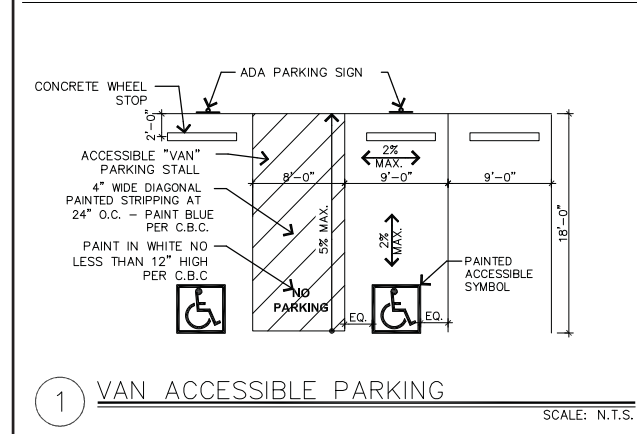
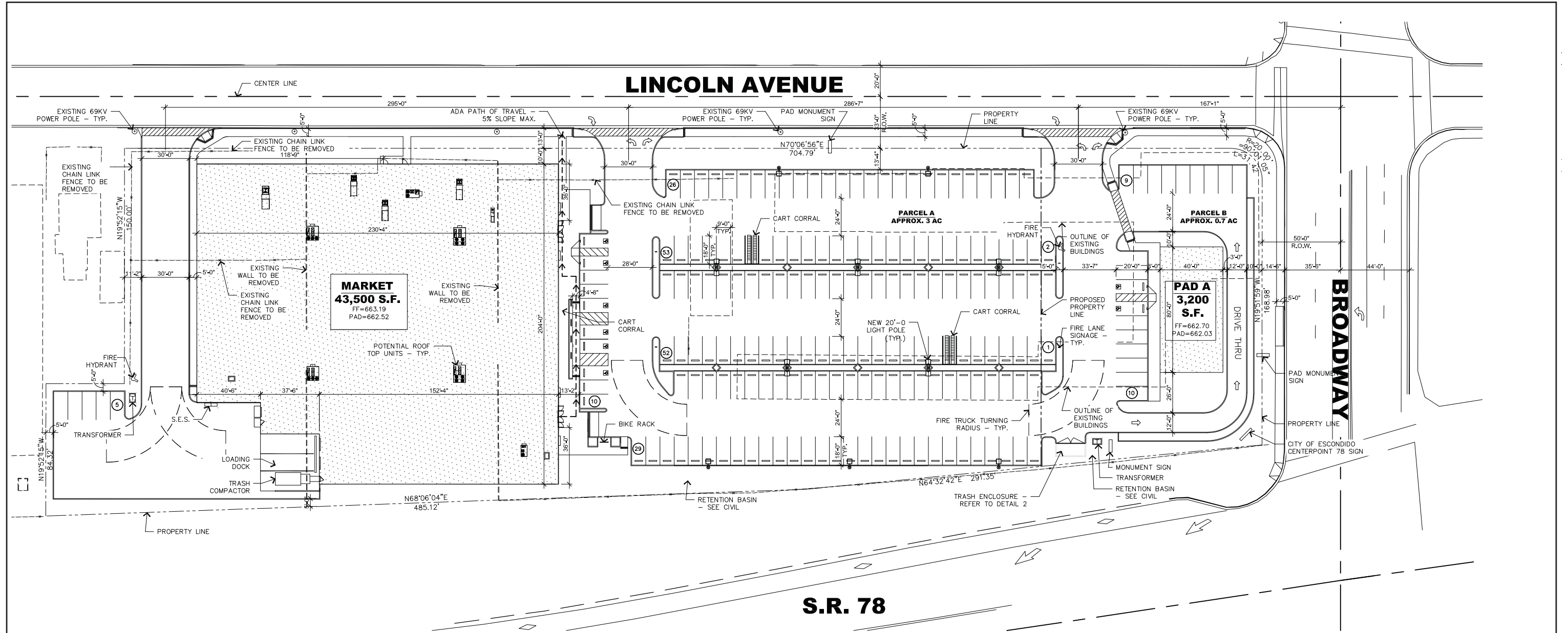




 Project Boundary

FIGURE 2  
Project Location on Aerial Photograph







EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

Notice of Preparation

June 9, 2014

To: Reviewing Agencies  
Re: Centerpointe 78 Commercial Center  
SCH# 2014061031



Attached for your review and comment is the Notice of Preparation (NOP) for the Centerpointe 78 Commercial Center draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Jay Petrek**  
**City of Escondido**  
**201 North Broadway**  
**Escondido, CA 92025-2798**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2014061031  
**Project Title** Centerpointe 78 Commercial Center  
**Lead Agency** Escondido, City of

---

**Type** **NOP** Notice of Preparation  
**Description** The project proposes to demolish the existing automotive dealership and construct a market and a restaurant pad. The market building would be approximately 43,500 sf, 30 feet tall, and located in teh western portion of the site. The 3,200 sf restaurant pad would be in the eastern portion of the site with no building plans proposed at this time. The market uses would consists of a local grocery store, and the proposed restaurant would be a quick-service restaurant with a drive-thru.

---

**Lead Agency Contact**

**Name** Jay Petrek  
**Agency** City of Escondido  
**Phone** 760 839 4556 **Fax**  
**email**  
**Address** 201 North Broadway  
**City** Escondido **State** CA **Zip** 92025-2798

---

**Project Location**

**County** San Diego  
**City** Escondido  
**Region**

**Cross Streets**

**Lat / Long**

**Parcel No.**

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

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**Project Issues**

**Reviewing Agencies** Resources Agency; Department of Parks and Recreation; Resources, Recycling and Recovery; Department of Water Resources; Department of Fish and Wildlife, Region 5; Native American Heritage Commission; California Highway Patrol; Caltrans, District 12; Air Resources Board; Regional Water Quality Control Board, Region 9

---

**Date Received** 06/09/2014      **Start of Review** 06/09/2014      **End of Review** 07/08/2014



**NOP Distribution List**

NG

County: San Diego

SCH# 2014061031

Regional Water Quality Control Board (RWQCB)

- RWQCB 1**  
Cathleen Hudson  
North Coast Region (1)
- RWQCB 2**  
Environmental Document  
Coordinator  
San Francisco Bay Region (2)
- RWQCB 3**  
Central Coast Region (3)
- RWQCB 4**  
Teresa Rodgers  
Los Angeles Region (4)
- RWQCB 5S**  
Central Valley Region (5)
- RWQCB 5F**  
Central Valley Region (5)  
Fresno Branch Office
- RWQCB 5R**  
Central Valley Region (5)  
Redding Branch Office
- RWQCB 6**  
Lahontan Region (6)
- RWQCB 6V**  
Lahontan Region (6)  
Victorville Branch Office
- RWQCB 7**  
Colorado River Basin Region (7)
- RWQCB 8**  
Santa Ana Region (8)
- RWQCB 9**  
San Diego Region (9)

- Other \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_  
Conservancy

Resources Agency

- Resources Agency**  
Nadell Gayou
  - Dept. of Boating & Waterways**  
Nicole Wong
  - California Coastal Commission**  
Elizabeth A. Fuchs
  - Colorado River Board**  
Tanya Trujillo
  - Dept. of Conservation**  
Elizabeth Carpenter
  - California Energy Commission**  
Eric Knight
  - Cal Fire**  
Dan Foster
  - Central Valley Flood Protection Board**  
James Herota
  - Office of Historic Preservation**  
Ron Parsons
  - Dept of Parks & Recreation**  
Environmental Stewardship Section
    - California Department of Resources, Recycling & Recovery**  
Sue O'Leary
    - S.F. Bay Conservation & Dev't. Comm.**  
Steve McAdam
    - Dept. of Water Resources Resources Agency**  
Nadell Gayou

Fish and Game

- Dept. of Fish & Wildlife**  
Scott Flint  
Environmental Services Division
- Fish & Wildlife Region 1**  
Donald Koch

- Fish & Wildlife Region 1E**  
Laurie Harnsberger
- Fish & Wildlife Region 2**  
Jeff Drongesen
- Fish & Wildlife Region 3**  
Charles Armor
- Fish & Wildlife Region 4**  
Julie Vance
- Fish & Wildlife Region 5**  
Leslie Newton-Reed  
Habitat Conservation Program
- Fish & Wildlife Region 6**  
Gabrina Gatchel  
Habitat Conservation Program
- Fish & Wildlife Region 6 I/M**  
Heidi Sickler  
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M**  
George Isaac  
Marine Region

Other Departments

- Food & Agriculture**  
Sandra Schubert  
Dept. of Food and Agriculture
- Dept. of General Services**  
Public School Construction
- Dept. of General Services**  
Anna Garbeff  
Environmental Services Section
- Dept. of Public Health**  
Jeffery Worth  
Dept. of Health/Drinking Water
- Delta Stewardship Council**  
Kevan Samsam

Independent Commissions/Boards

- Delta Protection Commission**  
Michael Machado
- Cal EMA (Emergency Management Agency)**  
Dennis Castrillo

- Native American Heritage Comm.**  
Debbie Treadway
- Public Utilities Commission**  
Leo Wong
- Santa Monica Bay Restoration**  
Guangyu Wang
- State Lands Commission**  
Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA)**  
Cherry Jacques

Business, Trans & Housing

- Caltrans - Division of Aeronautics**  
Philip Crimmins
- Caltrans - Planning**  
Terri Pencovic
- California Highway Patrol**  
Suzann Ikeuchi  
Office of Special Projects
- Housing & Community Development**  
CEQA Coordinator  
Housing Policy Division

Dept. of Transportation

- Caltrans, District 1**  
Rex Jackman
- Caltrans, District 2**  
Marcelino Gonzalez
- Caltrans, District 3**  
Eric Federicks - South  
Susan Zanchi - North
- Caltrans, District 4**  
Erik Alm
- Caltrans, District 5**  
David Murray
- Caltrans, District 6**  
Michael Navarro
- Caltrans, District 7**  
Dianna Watson

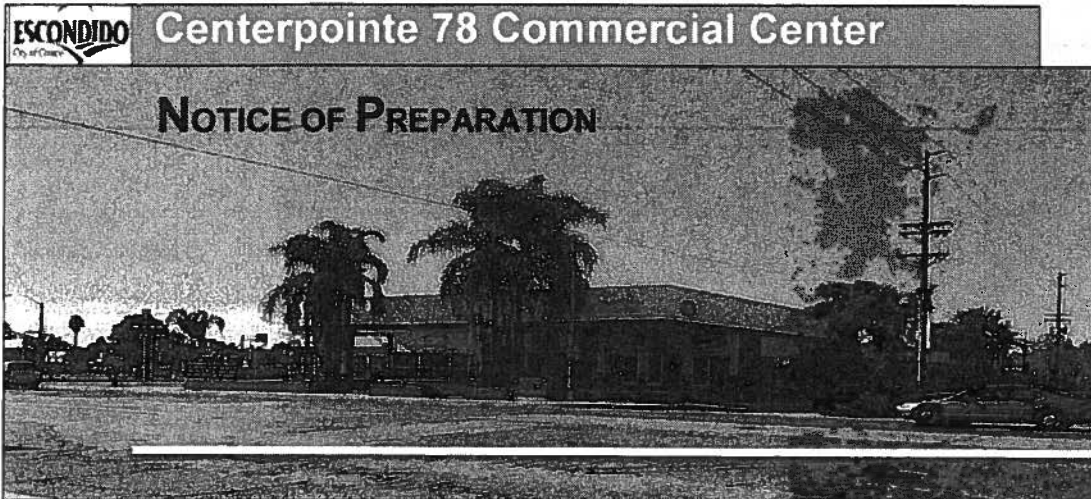
- Caltrans, District 8**  
Dan Kopulsky
- Caltrans, District 9**  
Gayle Rosander
- Caltrans, District 10**  
Tom Dumas
- Caltrans, District 11**  
Jacob Armstrong
- Caltrans, District 12**  
Maureen El Harake

Cal EPA

Air Resources Board

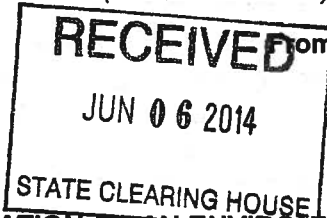
- All Projects**  
CEQA Coordinator
- Transportation Projects**  
Nesamani Kalandiur
- Industrial Projects**  
Mike Tollstrup
- State Water Resources Control Board**  
Regional Programs Unit  
Division of Financial Assistance
- State Water Resources Control Board**  
Student Intern, 401 Water Quality  
Certification Unit  
Division of Water Quality
- State Water Resources Control Board**  
Phil Crader  
Division of Water Rights
- Dept. of Toxic Substances Control**  
CEQA Tracking Center
- Department of Pesticide Regulation**  
CEQA Coordinator

2014061031



(California Code of regulations, Title 14 (CEQA Guidelines) Sections 15082, 15103, 15375)

To: State Agencies  
 Responsible Agencies  
 Local and Public Agencies  
 Trustee Agencies  
 Interested Parties



From: Jay Petrek AICP, Principal Planner  
 City of Escondido Planning Division  
 201 N. Broadway  
 Escondido, CA 92025

Subject: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR  
 Centerpointe 78 Commercial Center  
 City Case Number: ADM-13-0127

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**Project Title:** Centerpointe 78 Commercial Center  
**Project Applicant:** Pacific Chasse Partners, LLC  
**Project Location:** 925 North Broadway, Escondido, San Diego County, California

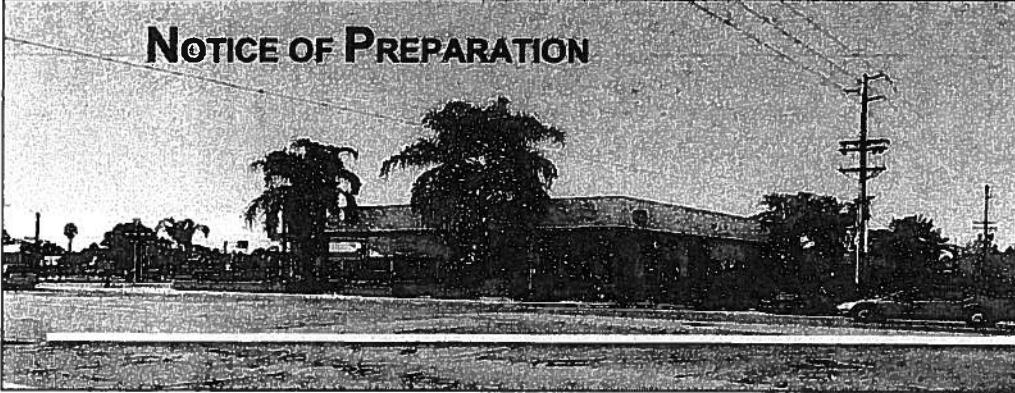
Signature: J. Petrek Date: 6/4/14

Jay Petrek, Assistant Planning Director  
 City of Escondido Planning Division  
 (760) 839-4556



## Centerpointe 78 Commercial Center

### NOTICE OF PREPARATION



DATE:  
June 4, 2014

COMMENTS DUE:  
July 7, 2014

### **CENTERPOINTE 78 COMMERCIAL CENTER (Case No: ADM-13-0127)**

The City of Escondido will be the Lead Agency for the preparation of an Environmental Impact Report (EIR), as defined in Section 15161 of the CEQA Guidelines for the proposed Centerpointe 78 Commercial Center (proposed project). The Centerpointe 78 Commercial Center is located at 925 North Broadway, Escondido, San Diego County, California (Figures 1 and 2). The 3.7-acre site currently consists of a former automotive dealership located on the northwest corner of Highway 78 and North Broadway. Existing surrounding uses include Lincoln Elementary School to the north, a gas station to the northeast, single- and multi-family residences to the west, a park-and-ride to the south, and car dealerships to the east and southeast.

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We need to know the views of your agency or organization as to the scope and content of the environmental information germane to your agency's statutory responsibilities or of interest to you in connection with the proposed project. This includes the following for responsible and trustee agencies:

1. Whether your agency will be a responsible or trustee agency.
2. List of permits or approvals required by your agency for the proposed project.
3. If your agency would like to meet with the City regarding the proposed project.
4. Significant environmental issues and reasonable alternatives and/or mitigation measure(s).

Due to the time limits mandated by state law, responses from responsible agencies, other agencies, and organizations must be sent and received by the City of Escondido not later than 30 days following the publication of this Notice of Preparation (5:00 p.m. July 7, 2014). Comments may be sent to:

Jay Petrek, AICP  
Assistant Planning Director, Escondido Planning Division  
201 N. Broadway  
Escondido, CA 92025  
[Jpetrek@escondido.org](mailto:Jpetrek@escondido.org)  
tele: (760) 839-4556 fax: (760) 839-4313

If response from your agency or organization is not received, we will presume that your agency or organization has no response to make. A responsible agency, trustee agency, or other public agency may request a meeting with City representatives in accordance with Section 15082(c) of the CEQA Guidelines.

### **Issues to be Addressed in the EIR**

The EIR will address issues related to aesthetics, agricultural resources, air quality, biology, cultural resources, paleontological resources, greenhouse gas, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and services systems. If analysis is completed and it is determined that an issue would have a less than significant impact, it may be included in a less than significant section with analysis supporting that conclusion. As indicated below, it is anticipated that those issues include agricultural resources, biological resources, cultural resources, geology and soils, mineral resources, paleontological resources, population and housing, public services, recreation, and utilities and services systems.

### *Environmental Analysis*

The EIR will include a discussion of the existing conditions and regulatory framework relevant to complete each issue area impact analysis for the proposed project. Direct and cumulative impacts of the proposed project will be determined. Each cumulative analysis will include the determination of the cumulative study area relevant for the issue, as well as either a list of known and foreseeable projects in the cumulative study area or relevant development forecasts. The EIR will identify mitigation measures for any identified impact, as feasible.

### Aesthetics

The Aesthetics/Visual Quality section will include a description of the built and natural visual resources, and will focus on the community character of the project area and conformance with policies in the General Plan. An analysis of public views will be completed, including Highway 78, Broadway, and the existing residential neighborhood to the west. The discussion of aesthetic impacts will be based on the architectural elevations and landscape concept along with visual simulations. The visual issues to be

evaluated include: (1) obstruction of a view corridor, removal of a view point or negative changes to the viewing scene, (2) visibility of structures, site improvements or grading from public spaces, public right-of-ways and private property, (3) deterioration of visual quality in the project area, particularly since this area has been designated as a City gateway, (4) aesthetics of each of the project's proposed visually prominent elements, (5) compatibility of proposed improvements with surrounding development, and (6) quantity and probable sensitivity of potential viewer groups. The extent to which the proposed project represents a significant change in the nature of the visual setting of the area and the extent to which it is compatible with neighboring uses will be analyzed in this section of the EIR. The criteria for determining significance of potential visual impacts as well as methods of reducing or eliminating those impacts will be identified as needed.

#### Air Quality

The EIR shall evaluate the project criteria pollutant emissions and consider those emission impacts relative to the San Diego Air Basin regional air quality strategies. The analysis will address all phases of the proposed project, including demolition, construction, and operation. The analysis will also include both stationary and non-stationary (mobile source) emissions of the proposed project. Potential impacts to sensitive receptors due to pollutants or odors would also be discussed. A technical report shall be prepared to support the analysis.

#### Greenhouse Gas Emissions

The global climate change section of the EIR will be based upon the greenhouse gas emissions technical study. A discussion of the project's effects on greenhouse gas emissions will include an overview of the issue and current legislation and policies/programs to address the issue, a calculation of the estimated emissions, and a discussion of project features as they relate to the reduction of greenhouse gas emissions. The significance criteria, conclusions, and recommended mitigation measures will be addressed.

#### Hazards and Hazardous Materials

The EIR shall address the potential for the project to impact public health and safety through hazards and hazardous materials. Due to the existing automotive-related uses at the site, the analysis will address any potential existing hazardous site conditions. Future use of hazardous materials should also be addressed. The assessment shall consist of an evaluation of the potential presence of hazardous materials and the expected nature of these materials that may be on the site and within a one-mile radius of the subject site. This analysis will be based on site-specific Phase II reports that have been prepared for the project site.

#### Hydrology and Water Quality

This section of the EIR will be based on the findings and recommended measures presented in the hydraulic analysis and water quality study prepared for the proposed project. The analysis shall address the project impacts to runoff rates and volumes, and potential impacts to off-site hydrology and water quality. Impacts and, as necessary, mitigation will be determined based on current City regulations.

#### Land Use

The land use analysis shall address the project consistency with the current General Plan and zoning, including the General Plan Opportunity Areas and Commercial Land Use designation. This analysis will also address the compatibility with surrounding existing and planned land uses, including the nearby residences and schools. The land use compatibility discussion will incorporate the noise, aesthetics, lighting, air quality, and traffic analyses completed for the proposed project.

#### Noise

Existing and future noise conditions, as well as sensitive receptors (i.e., adjacent residents and school), within the project area will be addressed. Primary noise sources are anticipated to be increased traffic

along area roadways and noise generated from the loading areas, parking areas, and truck ingress and egress. The potential for the proposed project to be subject to noise influences and to create increased noise due to construction and operations will be also be presented in the EIR and mitigation measures will be identified as needed. The noise section of the EIR will be based on a project-specific technical report.

#### Transportation and Traffic

The transportation and traffic section will analyze the projected short-term and long-term impacts of the proposed project on study area street segments and intersections. The EIR section will also discuss access to the shopping center, public transportation, bike and pedestrian traffic, construction traffic, and parking. Direct and cumulative impacts will be summarized and mitigation measures will be identified as needed. This section of the EIR will be based on a project-specific traffic study.

#### *Less than Significant*

Agriculture and Forestry Resources: As the site is developed, does not contain agricultural or forestry resources, and is not adjacent to agricultural or forestry uses, the proposed project is anticipated to have no agriculture or forestry resource impact.

Biological Resources: As the site is developed, does not contain biological resources, and is not adjacent to biological resources, the proposed project is anticipated to have no impact to biological resources. The proposed project would comply with regulations such as the Migratory Bird Treaty Act and Fish and Wildlife Code.

Cultural Resources: Considering the site is developed and soils are already disturbed, the proposed project is anticipated to have no impact to cultural resources.

Geology and Soils: The proposed project would be required to comply with building code regulations and would implement the recommendations of a project-specific soils report; therefore, no impacts related to geology and soils are anticipated.

Mineral Resources: As the site is developed and surrounding land uses include residences and a school, the site is not considered viable for mineral resource mining operations. Thus, the proposed project would have no impact to mineral resources.

Paleontological Resources: Based on the underlying soils of fill, alluvium, and bedrock, the potential to find significant fossils during grading is considered low. Thus, the proposed project would have no paleontological resource impact.

Population and Housing: The proposed redevelopment of the site from automotive sales to a market and a restaurant is not anticipated to affect population or housing in the City.

Public Services: The proposed site redevelopment is not anticipated to generate additional population or otherwise generate additional need for public services such as fire service, police service, libraries, schools, or other public services. Thus, the proposed project would have no environmental impact related to the need for new or expanded public service facilities.

Recreation: As the proposed project would not generate a need for additional recreation facilities or affect recreational facilities, the proposed project would have no impact to recreation.



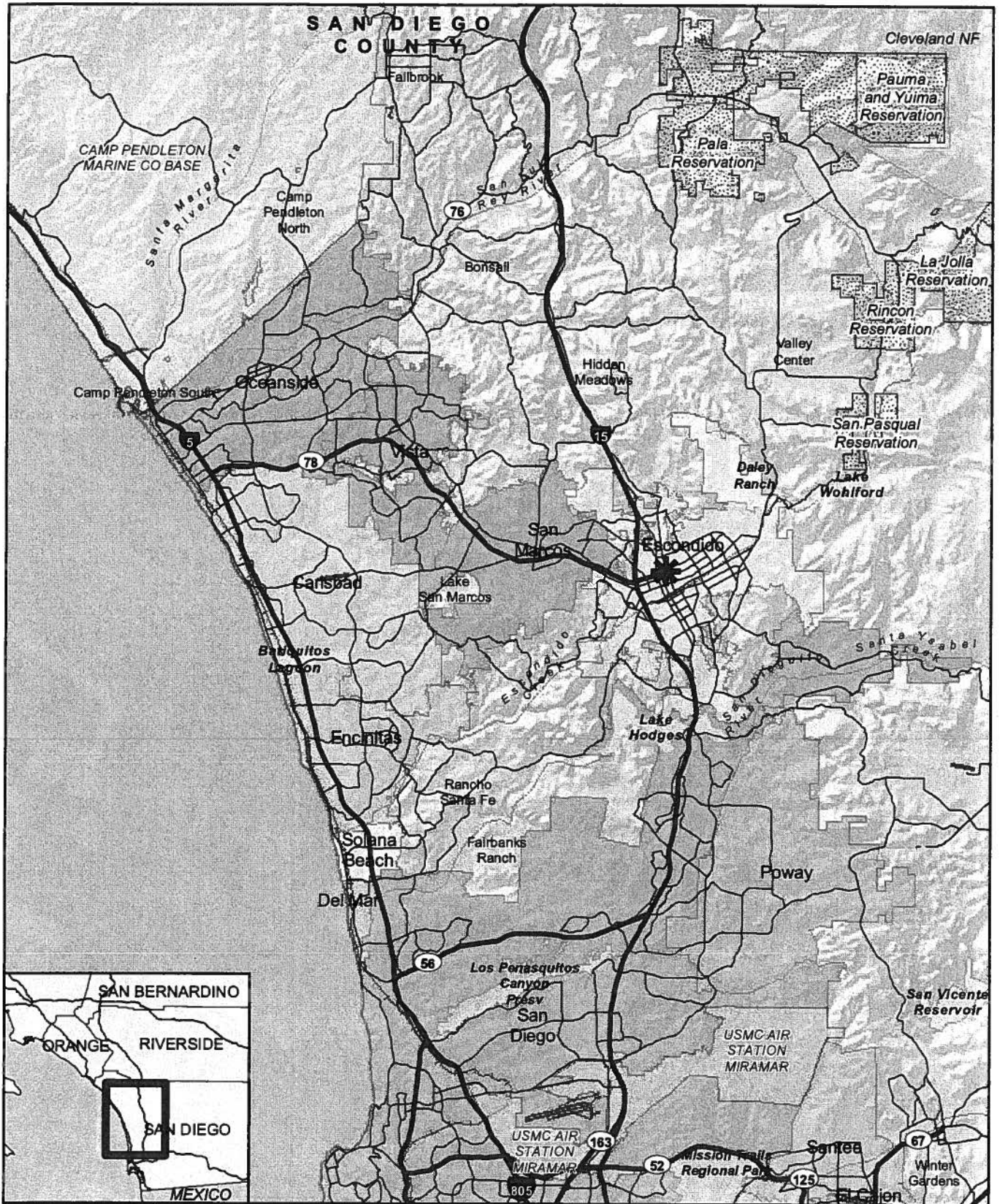
Utilities and Service Systems: The proposed project includes all required utility improvements for the proposed project, and would not result in the need for new or expanded utilities. Thus, the proposed project would have no environmental impact related to utilities.

#### *Alternatives*

The EIR will include an alternatives analysis consistent with CEQA Guidelines Section 15126.6. While alternatives will be developed through the CEQA process, it is anticipated that the EIR will consider the following alternatives: No Project, Reduced Traffic, Alternative Use, and Alternative Location.

#### *Other CEQA Sections*

Other chapters to be included in the EIR are summary, introduction, project description/location/setting, growth inducement, significant irreversible environmental changes, significant and unavoidable impacts, references, and preparers and persons contacted.



 Project Location

RECON

FIGURE 1  
Regional Location

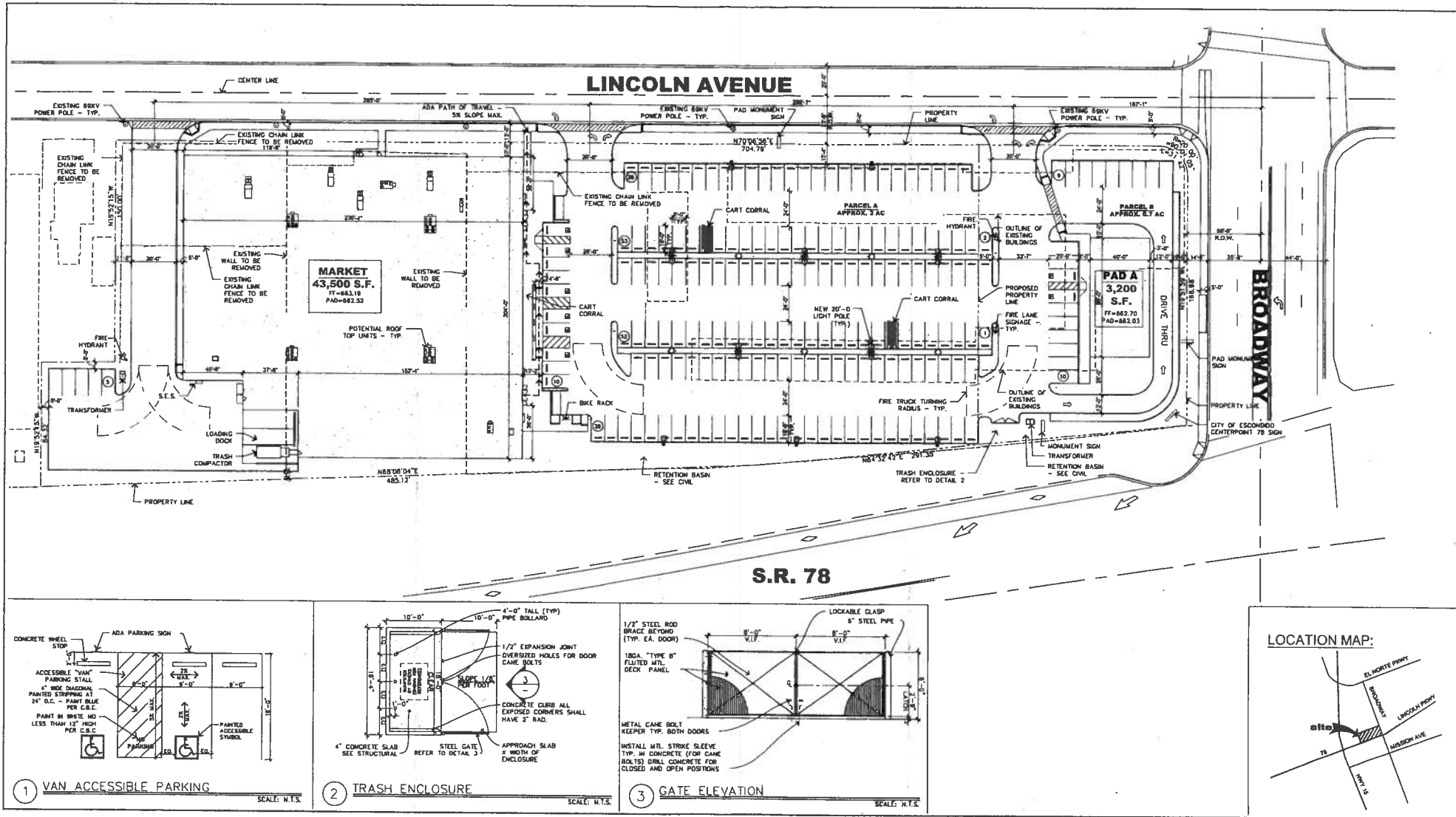


 Project Boundary

FIGURE 2

Project Location on Aerial Photograph





# RECON

M:\OBS417374\env\graphics\NOP\fig3.ai 05/21/14

FIGURE 3  
Site Plan



**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 11, DIVISION OF PLANNING  
4050 TAYLOR ST, M.S. 240  
SAN DIEGO, CA 92110  
PHONE (619) 688-6960  
FAX (619) 688-4299  
TTY 711  
www.dot.ca.gov



*Serious drought.  
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June 16, 2014

11-SD-78  
PM 17.68  
Centerpointe 78 Commercial

Mr. Jay Petrek  
Escondido Planning Division  
201 N. Broadway  
Escondido, CA 92025

Dear Mr. Petrek:

The California Department of Transportation (Caltrans) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Centerpointe 78 Commercial project near State Route 78 (SR-78). Caltrans has the following comments:

### **Traffic Study**

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures. The study should use as a guideline the *Caltrans Guide for the Preparation of Traffic Impact Studies*. Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide. [www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

The Level of Service (LOS) for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".

All State-owned signalized intersections affected by this project should be analyzed using the intersecting lane vehicle (ILV) procedure from the Caltrans Highway Design Manual, Topic 406, page 400-21.

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing

noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.

All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

The data used in the TIS should not be more than 2 years old.

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Mitigation measures to State facilities should be included in TIS. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

Mitigation measures for proposed intersection modifications are subject to the Caltrans Intersection Control Evaluation (ICE) policy (Traffic Operation Policy Directive 13-02). Alternative intersection design(s) will need to be considered in accordance with the ICE policy; therefore, please refer to the policy for more information and requirements.  
<http://www.dot.ca.gov/hq/traffops/signtech/signdel/policy/13-02.pdf>

The lead agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable LOS. Should the LOS reach unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.

Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

## **Hydrology**

Any modification to the existing drainage and increase runoff to State facilities will not be allowed. Please provide a copy of the hydrology study when available.

Mr. Jay Petrek  
June 16, 2014  
Page 3

**Lighting**

All lighting (including reflected sunlight) within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on SR-78.

**Signs (Roadway & Directional)**

All signs visible to traffic on SR-78 need to be constructed in compliance with County and State regulations.

If you have any questions, please contact Roger Sanchez of the Development Review branch at (619) 688-6494.

Sincerely,



JACOB ARMSTRONG, Branch Chief  
Development Review Branch

**From:** [Jay Petrek](#)  
**To:** [Strand, Sarah](#)  
**Cc:** [Baldwin, Susan](#); [Bobbi Herdes](#); [Jim Simmons \(jim.simmons@cciconnect.com\)](mailto:jim.simmons@cciconnect.com); [Dawna De Mars](#)  
**Subject:** RE: Centerpointe 78 Commercial Center  
**Date:** Wednesday, June 25, 2014 4:12:56 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Thanks Sarah!

Jay Petrek, AICP  
Assistant Planning Director  
(760) 839-4556



Planning Division  
201 N. Broadway  
Escondido, CA 92025  
[www.escondido.org](http://www.escondido.org)  
(760) 839-4313 (fax)

---

**From:** Strand, Sarah [mailto:[Sarah.Strand@sandag.org](mailto:Sarah.Strand@sandag.org)]  
**Sent:** Wednesday, June 25, 2014 4:11 PM  
**To:** Jay Petrek  
**Cc:** Baldwin, Susan  
**Subject:** Centerpointe 78 Commercial Center

Hi Jay,

Thanks for sending us the Notice of Preparation for the EIR of the Centerpointe 78 Commercial Center project in Escondido. SANDAG appreciates being provided the opportunity to review, but does not have any comments at this time.

Thanks,

**Sarah A. Strand**  
Regional Planner  
SANDAG  
401 B Street, Suite 800  
San Diego, CA 92101



Phone: (619)595- 5609

E-mail: [sarah.strand@sandag.org](mailto:sarah.strand@sandag.org)



# SAN LUIS REY BAND OF MISSION INDIANS

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

January 15, 2015

Jay Petrek, AICP  
Principal Planner  
Planning Division  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

**VIA ELECTRONIC MAIL**  
**jpetrek@escondido.org**

**RE: COMMENTS ON THE NOTICE OF PREPARATION OF AN  
ENVIRONMENTAL IMPACT REPORT FOR CENTERPOINTE 78  
COMMERCIAL CENTER (CITY CASE NO. ADM-13-0127)**

Dear Mr. Petrek:

We, the San Luis Rey Band of Mission Indians (“Tribe”), have reviewed the City of Escondido’s (“City’s”) Notice of Preparation of an Environmental Impact Report/Review (“NOP”) for the Centerpointe 78 Commercial Center and all of its supporting documentation as it pertains specifically to the protection and preservation of cultural resources that may be located within the parameters of the Centerpointe 78 Commercial Center’s (“Project’s”) property boundaries. After our review, the Tribe believes that the NOP assessment of potential impact to Native American cultural resources is insufficient in accordance with the California Environmental Quality Act (“CEQA”) and lacking adequate analysis. Therefore, the Tribe strenuously recommends that the Draft Environmental Impact Report (“DEIR”) contain a thoughtful and responsible analysis of Native American cultural resources and adopt the proposed mitigation measures contained within this letter in order for the DEIR not to be deficient in the protection and preservation of our sacred cultural resources.

As you are aware, we are a San Diego County Tribe whose traditional territory includes Camp Pendleton, the current cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as the unincorporated communities of northern San Diego County, such as the communities of Fallbrook, Valley Center and Bonsall. The Tribe is resolute in the preservation and protection of cultural, archaeological and historical sites within all these jurisdictions.

It is the Tribe's understanding that the Project will consist of the demolition of an existing automotive dealership located at 925 North Broadway in Escondido ("Project Site/Location") and the new construction of a 43,500 square foot market and a 3,200 square foot restaurant. The market uses would consist of a local grocery store, and the proposed restaurant would be a quick-service restaurant (e.g., taco shop, hamburger shop, or coffee shop) with a drive-thru. Additionally, there will be three (3) access points along Lincoln Avenue, with (2) two access points connecting a proposed 200-space parking lot and the other for the market's delivery/receiving area. Lastly, it is the Tribe's understanding that the proposed project includes off-site improvements as well, including but not limited to a storm drain connection from the northeastern corner of the site, across Lincoln Avenue to an existing storm drain at the northwest corner of the Lincoln Avenue and Broadway intersection. The Project Site will impact 3.7 acres of land. The Project is in close proximity to a multitude of Native American cultural sites and contains soils that support the discovery of Native American cultural resources.

**I. THE NOP IS LACKING ADEQUATE ATTENTION TO NATIVE AMERICAN CULTURAL RESOURCES AND IF THE DEIR DOES REMEDY THIS FAILING, THEN THE DEIR MAY BE INSUFFICIENT IN ITS REVIEW AND ASSESSMENT OF POTENTIAL SIGNIFICANT IMPACT TO NATIVE AMERICAN CULTURAL RESOURCES.**

According to the NOP, "[c]onsidering the site is developed and soils are already disturbed, the proposed project is anticipated to have no impact to cultural resources." This represents the sole sentence in the NOP in regards to Native American cultural resources. This is inadequate and lacking a satisfactory and reasonable analysis of potential negative impact to Native American cultural resources. If the City had conducted a satisfactory analysis of the potential negative environmental impacts that may be caused by this Project on Native American cultural resources, the City would have learned that even though this Project is on a developed parcel and contains disturbed soils does not automatically eliminate potential significant negative impact to subsurface Native American cultural resources and/or burial sites.

The assumption that there will be no impact or less than significant effect on Native American cultural resources during the development of the Project appear to be based solely on two factors: the property has been previously developed by the construction of the existing building and the soils are "disturbed" within the parameters of the Project Location. It does not

take into consideration any of the following: that the property had been developed in the late 1960's and therefore constructed prior to the enactment of the California Environmental Quality Act and California Public Resources Code Section 5097.98; there are seven (7) known Native American cultural resource sites with a one (1) mile radius of the Project Location, including one (1) sacred Native American site within one-quarter of a mile from the Project Location; and that the soils present at the site support the recovery of subsurface Native American cultural resources, including but not limited to, alluvium, silt, silty clay and clayey silt. In fact, the earth disturbing activities contemplated by this Project – the demolition of original foundations and hardscapes and the necessary excavations for new foundations and infrastructure – would arguably extend onto areas of both previous non-disturbance and areas that had been previously disturbed that may have not been excavated to levels that would impact native soils.

Furthermore, an area's status as being previously developed no longer predicates whether inadvertent discoveries of Native American remains or cultural resources will or will not be made. In fact, within the last few years, many sites within northern San Diego county cities have been discovered, re-located, updated and/or determined to be unique archaeological resources. These locations are not limited to undeveloped areas, but rather have been in both previously developed and undeveloped areas. This isn't a project that is staying within the parameters of the existing footprint. This Project must go outside the existing footprint, at various stages of construction, in order to achieve the applicant's desired land use. Such pre-conceived notions that no negative impact will occur because the land had been previously disturbed, however, can no longer be concluded. The previous development of an area, does not, in itself, refute the possibility that cultural resources, or archaeological resources, will be discovered during redevelopment activities. This is not only evidenced in the northern San Diego, but may be witnessed by the travesty at La Plaza de Cultura Y Artes in Los Angeles in 2010.

Lastly, due to the City's inadequate assessment of potential negative impact on Native American cultural resources, the City has failed to provide the State of California's Trustee Agency, the Native American Heritage Commission, with appropriate notice of this Project's Notice of Preparation as required to do so under California Public Resources Code Section 21080.3. Therefore, not only has the City given inadequate attention to the potential



negative impact this Project may have on Native American cultural resources within the NOP, it has failed to notice California's Trustee Agency of this Project.

**II. NATIVE AMERICAN MONITORS MUST BE PRESENT DURING ANY RESURVEY AND NECESSARY FIELD TESTING AND ANALYSIS OF THE PROJECT LOCATION.**

Given the depths of excavation proposed by this Project and the high number of sacred sites which are known to exist within close proximity to the Project Location, potentially significantly adverse impacts and/or effects may occur to subsurface Native American cultural resources. Hence, the Tribe requests that Luiseño Native American monitors be utilized during all ground and/or earth disturbing activities for this Project, including but not limited to, the necessary resurvey and testing of the Project Location, the pre-grading and grading activities for the Project.

As expressed above, the Project Location is in close proximity to a multitude of Native American cultural resource sites. These sites include large habitation sites and processing areas of our ancestors. The Tribe believes that our history may still be found during the preparation and construction on this land and therefore it is justified that a Luiseño Native American monitor be present during all ground/earth disturbing activities associated with this Project as indicated above. Furthermore, if cultural resources are discovered during construction, all earth-moving activity within and around the immediate discovery area must be diverted until the Native American monitor and the archaeologist can assess the nature and significance of the find. Therefore, the Native American and archaeologist must be given joint-authority to divert or halt ground disturbing operations when cultural resources are discovered so each may access the nature and significance of such find.

**III. THE DEIR SHOULD INCLUDE MITIGATION MEASURES THAT REQUIRE PROTECTION FOR THE PRESERVATION OF NATIVE AMERICAN CULTURAL RESOURCES.**

In addition to requiring the presence of a Luiseño Native American monitor during all earth disturbing activities, the Tribe respectfully requests that the DEIR include the following minimum protections and/or mitigation measures for Native American cultural resources.

A. A Pre-Excavation Agreement Must Be Completed Between The Applicant And The Tribe

The Tribe requests that the City require the Applicant to enter into a Pre-Excavation Agreement, otherwise known as a Cultural Resources Treatment and Monitoring Agreement, with the Tribe, or other Luiseño tribe, prior to any commencement of earth disturbing activities and/or the issuance of any City permits. This agreement will contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the Project. The Pre-Excavation Agreement should be entered into prior to any further ground-disturbing activities for this Project. The agreement will outline the roles and powers of the Native American monitors and the archaeologist, if applicable. Such an agreement is necessary, as the City may be aware, to guarantee the proper treatment of cultural resources or Native American human remains displaced during a project development. The Tribe requests that the Pre-Excavation Agreement be a mitigation measure in the Project DEIR.

B. The DEIR Should Reflect That Any And All Uncovered Artifacts Of Native American Cultural Importance Should Be Returned To The Tribe, Or The Most Likely Descendent, If Applicable, And Not Be Curated.

It is the religious belief, custom, and practice of the Tribe to repatriate all cultural resources that are unearthed during ground disturbing activities. Therefore, any plans to curate any such items would blatantly disregard the respect due to these cultural resources. Instead, any such items should be returned to the Tribe, or the Most Likely Descendant, if applicable. The Tribe considers all cultural items found in this area to belong to their ancestors, and the ancestors of their sister tribes. Hence, a mitigation measures should provide that any and all uncovered artifacts of Native American cultural importance should be returned to the Tribe, or the Most Likely Descendant, if applicable, and not be curated.

C. The Luiseño Native American Monitor Shall Be Present At The Project's Preconstruction Meeting.

In addition, the Luiseño Native American monitor must be present at all preconstruction meetings. The Luiseño Native American monitor must be permitted to consult with relevant contractors concerning excavation schedules and safety issues, as well as consult with the archaeologist, concerning the proposed archaeological techniques and/or strategies for the

Project. Therefore, a mitigation measure should require that a Luiseño Native American monitor be present during the Project's preconstruction meeting.

D. If Unique Archaeological Resources And/Or Sacred Sites Are Inadvertently Discovered During Ground Disturbing Activities, Then Avoidance Is The Preferred Mitigation Measure By The Tribe And A Re-Design Of The Project Should Be Seriously Considered And Weighed By The City And Applicant As A Viable Alternative.

Many times when a unique archaeological resource or sacred site is discovered inadvertently during ground disturbing activities, the lead agency and/or contracted archaeologist's first response and solution is to initiate a data recovery plan. A data recovery plan should not be the first and preferred mitigation measure. Instead, avoidance of the sacred resource should be the primary mitigation measure contemplated by the City and the Applicant. As such, re-design of the Project then should be seriously considered and weighed by the City and the applicant as a viable alternative to the proposed Project. Avoidance as a primary mitigation measure is supported by CEQA, the Native American Heritage Commission and the Luiseño community. Therefore, the Tribe respectfully requests that the DEIR reflect the City's commitment to protecting unique archaeological resources and/or sacred sites through avoidance and project re-design when feasible.

E. The Tribe Must Be Consulted If A Significant Cultural Resource And/Or Unique Archaeological Resource Is Discovered During Ground Disturbing Activities.

If a significant cultural resource and/or unique archaeological resource are unearthed during ground disturbing activities for this Project, the Tribe respectfully requests that they be notified and consulted with in regards to the respectful and dignified treatment of those resources. The Tribe's preference will always be for avoidance and that the resource be protected and preserved in perpetuity. If however, a data recovery plan is authorized by the City as the Lead Agency, the Tribe respectfully requests that as a condition of any authorization, the Tribe be consulted regarding the drafting and finalization of any such recovery.

In addition, when cultural resources are discovered during the Project, if the archaeologist collects such resources, a Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the archaeologist does not collect the cultural

resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may in their discretion, collect said resources and provide them to the Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions.

Lastly, if Native American remains and/or associated burial goods are unearthed during the Project, and prior to a Most Likely Descendant being determined by the Native American Heritage Commission, it is the Tribe's request that the ancestral remains be kept *in situ* (in place), or in a secure location in close proximity to their discovery and that a forensic anthropologist perform their analysis of the remains on-site in the presence of a Luiseño Native American monitor. Any transportation of the ancestral remains would be considered by the Tribe as disrespectful and undignified treatment. Therefore, the Tribe requests that in addition to the strict adherence to the protocol stated in the California Health and Safety Code Section 7050.5 and California Public Resource Code Section 5097.98, if Native American remains are discovered, then the Native American remains shall be kept in situ, or in a secure location in close proximity to where they were found, and that the analysis of the remains occur only on-site in the presence of a Luiseño Native American monitor.

F. Lastly, Only "Clean Fill" Should Be Utilized During This Project

The Tribe is opposed to any undocumented fill being used during the proposed development of the Project area. The Tribe requests that any proposed use of fill be clean of cultural resources and documented as such. It has been a practice of many in the construction profession to utilize fill materials that contained cultural resources from other "unknown" areas thereby contaminating the potential cultural landscape of the area being filled. This type of fill material is unacceptable. Moreover, if the fill material is to be utilized from areas of the Project Site, then we ask that that fill be analyzed and confirmed by an archeologist and/or Luiseño Native American monitor that such fill material does not contain cultural resources. A requirement that fill material be absent of any and all cultural resources should therefore be included as a mitigation measure of the Project's DEIR.



#### IV. CONCLUSION

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the City of Escondido with our comments on the Notice of Preparation of an Environmental Impact Report for the Centerpointe 78 Commercial Center in Escondido, CA. The Tribe hopes the City will not adopt the insufficient analysis conducted in relation to the assessment of potential significant impact to Native American cultural resources as presented in the NOP. Furthermore, it is the Tribe's hope that the City will adopt the mitigation measures for Cultural Resources as herein recommended and that they will appear in the future Draft Environmental Impact Review/Report for this Project. As always, we look forward to working with the City to guarantee that the requirements of CEQA and the laws of California are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Merri Lopez-Keifer". The signature is fluid and cursive, with a large initial "M".

Merri Lopez-Keifer  
Tribal Legal Counsel

cc: Melvin Vernon, Tribal Captain  
Carmen Mojado, Secretary of Government Relations  
Terrie Robinson, General Counsel, Native American Heritage Commission