

City of Escondido
California Environmental Quality Act (CEQA)
Final Environmental Impact Report
Nutmeg Homes
(Case Numbers: ENV 18-005; SUB 18-005)
State Clearinghouse No.2018081063

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PART I: INTRODUCTION TO THE FINAL EIR

I.1 Introduction to Final EIR

In compliance with California Environmental Quality Act (CEQA) Guidelines Section 15132, this document in combination with the Draft Environmental Impact Report (EIR), serves as the Final EIR for the proposed Nutmeg housing project. The Draft EIR was submitted to the California Office of Planning and Research (State Clearinghouse) and circulated for public review beginning on May 10, 2019 and ending on June 24, 2019 (SCH No. 2018081063). During that time, the document was reviewed by various state and local agencies, as well as by interested individuals and organizations. A total of six (6) comment letters were received by the City. All written comments received by the City have been fully addressed in written responses. The public review comments are contained in Part III of the Final EIR.

This Final EIR includes the following items as required in Section 15132 of the State CEQA Guidelines:

- Revisions and clarifications to the Draft EIR;
- Comments and recommendations received on the Draft EIR;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- Responses of the Lead Agency to significant environmental points raised in the review; and,
- Any other information added by the Lead Agency.

As required, this document contains the public comments received in response to the Draft EIR, as well as the City of Escondido's written responses to those comments. Also is a list of the persons, organizations, and public agencies commenting on the Draft EIR is provided. In addition, this document also contains revisions to the Draft EIR, as appropriate.

I.2 Report Organization

This report is organized in four parts: the first part of this document is the Introduction, the second part is the Mitigation Monitoring and Reporting Program, the third part contains the Comments and Responses, and the fourth part is the Revised Draft EIR. Each of these parts has its own purpose and serves to aid the reader in fully understanding the project and its implications. A brief description of each part follows.

Part I: The Introduction the Final EIR serves to explain the purpose of the Final EIR and familiarize the reader with the preparation and public review processes as well as to explain how the document can be used to understand the project and its consequences. The Introduction also includes a section which summarizes revisions or clarifications to the Draft EIR.

Part II: A Mitigation Monitoring and Reporting Program (MMRP), included as Part II of the Final EIR, has been prepared in accordance with Section 15097 of the CEQA Guidelines. The State CEQA Guidelines require that a mitigation monitoring and reporting program be adopted upon certification of an Environmental Impact Report (EIR) to ensure mitigation measures identified in the EIR are implemented.

Part III: The Comments and Responses section (Part III of the Final EIR) includes the letters received during the public review period along with the City's responses to each comment. The comments are reproduced with the responses in a side-by-side format. Numbered brackets are added to highlight each specific comment and its corresponding response.

Part IV: The full text of the revised Draft EIR and its appendices are included as the last section in this Final EIR. This section also includes any universal or page specific change to the Draft EIR. The revised Draft EIR is presented herein as Part IV of the Final EIR, as it was circulated for public review, with revisions incorporated as identified in the Revisions or Clarifications to the Draft EIR section below.

I.3 Project Modifications

The proposed Nutmeg housing project has been refined since the circulation of the draft EIR. As a result of the public review process for the draft EIR, the City of Escondido, acting as lead agency, concluded that new project revisions are necessary and thus are added in response to written or verbal comments. This in turn makes insignificant modifications to an adequate EIR and will create no more adverse effect of its own than what would have otherwise, as previously studied.

As analyzed in the Draft EIR, the proposed project consisted of the development of a Tentative Subdivision Map for 135 attached townhome units on a 7.66-acre site straddling Nutmeg Street. The portion of the site to the north of Nutmeg Street would be developed with 37 homes, and the portion to the south of Nutmeg Street would be developed with 98 homes. The proposed project also includes requests for a General Plan Amendment to the Land Use Element, a Rezone, and a Master Development Plan. The proposed project analyzed in the Draft EIR would be developed in three successive phases: First, the removal of all on-site vegetative materials and grading; second, the construction of 135 residences and associated improvements; and, third, the occupation of the residences. Consistent with this phasing approach, the Draft EIR addressed, where applicable, the environmental impacts that potentially could arise with the construction and development of each phase. That is, where applicable, the Draft EIR identified the potential impacts that would result with implementation of Phase I, Phase II, and Phase III of the proposed project, and included corresponding mitigation where necessary.

In response to comments received during the public review process, including, but not limited to, comments made by responsible agencies, the City of Escondido concluded that the proposed project would be modified from that proposed in the Draft EIR in order to reduce the total disturbed area of the project site including the grading within the State Department of Transportation's (Caltrans) right-of-way and Centre City Parkway right-of-way. In response to Caltrans, the proposed project was modified to eliminate grading within the Caltrans right-of-way and reduce the amount of site preparation and grading to accommodate the development project. These modifications would reduce the size of the project and lessen the amount of site work and potential environmental impacts. The revised Draft EIR is included in the Final EIR, Revised Draft EIR.

PART II: MITIGATION MONITORING PROGRAM

II.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This chapter contains the mitigation monitoring and reporting program (MMRP) that has been developed for the Nutmeg Homes (“Project” or “proposed Project”). This MMRP has been developed in compliance with Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines. The mitigation measures in the table are coded by alphanumeric identification consistent with the EIR. The following items are identified for each mitigation measure:

- **Mitigation Monitoring.** This section of the MMRP lists the stage of the proposed project during which the mitigation measure would be implemented and indicates who is responsible for implementing the mitigation measure (i.e., the “implementing party”). It also lists the agency that is responsible for ensuring that the mitigation measure is implemented and that it is implemented properly.
- **Reporting.** This section of the MMRP provides a location for the implementing party and/or enforcing agency to make notes and to record their initials and the compliance date for each mitigation measure.

The City must adopt this MMRP, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

II.2 Mitigation Monitoring & Compliance Program

The MMCP is provided as Table II-1, Mitigation Monitoring and Compliance Program.

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Biological Resources						
<p>MM BIO-1</p> <p>Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that if initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven (7) days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p> <p>On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p> <p>Qualified biologist to submit report documenting compliance with requirements</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.						
<p>MM BIO-2</p> <p>Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife Agency criteria shall be accomplished. <u>(This includes:</u> from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p> <p>On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p> <p>Qualified biologist to submit report documenting compliance with requirements</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.</p> <p>No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.</p>						
<p>MM BIO-3</p> <p>Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p> <p>On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p> <p>Qualified biologist to submit report</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
City designee that the replacement of impacted mature trees will occur. Unless otherwise determined by the City mature trees will be replaced at a minimum 1:1 ratio. The Project Applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City’s Director of Community Development or City designee.		documenting compliance with requirements				
Cultural Resources						
MM CR-1 The City of Escondido Planning Division (“City”) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. The Pauma tribe shall be consulted prior to contracting with the Native American Monitor. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural	Prior to issuance of Grading Permit	Grading plan must include this measure as a note Agreement must be completed prior to issuance of grading permit	Verification by City of Escondido			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.						
<p>MM CR-2</p> <p>Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the</p>	<p>Prior to issuance of Grading Permit</p> <p>The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Grading plan must include this measure as a note</p> <p>Project Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
selected Native American monitor is from a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.						
MM CR-3 The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.	On-going during construction	Grading plan must include this measure as a note Native American monitor shall attend the pre-grading meeting Grading contractor shall explain and coordinate the requirements of the monitoring program	Verification by City of Escondido			
MM CR-4 During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil	During the initial grubbing, site grading, excavation or disturbance of the ground surface. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.	Grading plan must include this measure as a note During the initial grubbing, site grading, excavation or disturbance of the ground surface, the Project Applicants qualified archaeologist and the Native	Verification by City of Escondido			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>		<p>American monitor shall be on site full-time</p> <p>Any resources shall be addressed in accordance with CEQA</p> <p>Any resources shall be addressed as defined in California Public Resources Code Section 21074</p>				
<p>MM CR-5</p> <p>In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	<p>On-going during construction</p>	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM CR-6</p> <p>If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource’s treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			
<p>MM CR-7</p> <p>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</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>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.</p>						
<p>MM CR-8</p> <p>As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic</p>	<p>On-going during construction</p>	<p>Grading plan must include this measure as a note</p> <p>If human remains are found on the project site they shall be address as specified by California Health and Safety Code Section 7050.5 and with California Public Resources Code section 5097.98.</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p>						

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM CR-9</p> <p>If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe’s cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<p>On-going during construction</p>	<p>Grading plan must include this measure as a note</p> <p>Native American monitor must be present during any testing or cataloging of those resources</p> <p>Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe</p> <p>Any tribal cultural resources not accepted by the TCA Tribe shall be curated at the San Diego Archaeological Center</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM CR-10</p> <p>Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources</p>	<p>Prior to the release of the grading bond</p>	<p>Grading plan must include this measure as a note</p> <p>Project Applicant's cultural resource qualified archaeologist shall prepare report</p> <p>Native American monitor shall provide opportunity to include notes or comments</p> <p>The report will include CA Department of Park and Recreation Forms if needed</p> <p>City Staff must approve all persons involved prior to pre-construction meeting</p>	<p>Verification by City of Escondido</p>			
Hazards and Hazardous Materials						
<p>MM HAZ-1</p> <p>Prior to the issuance of any building permit, the project applicant shall demonstrate to the satisfaction of the City Building Department that all windows adjacent to</p>	<p>Prior to the issuance of any building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
preserved vegetation are dual paned with both panes tempered.						
<p>MM HAZ-2</p> <p>2 Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall as shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.</p>	Prior to the approval of the Final Landscape Plan.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
<p>MM HAZ-4</p> <p>Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that the annual review of landscape maintenance plans includes a third party evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).</p>	Prior to the issuance of the first Certificate of Occupancy.	Project Applicant shall demonstrate compliance to City Attorney and Community Development Director	Verification by City of Escondido			
Noise						

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM NOI-1</p> <p>In order to reduce the noise levels at the two proposed outdoor recreation areas, the project applicant shall construct two 8-foot sound walls, with one located on the south side of the outdoor recreation area that is located on the north side of Nutmeg Street and the other wall located southwest of the outdoor recreation area that is located on the south side of Nutmeg Street. The sound walls shall be constructed of a solid material (e.g., glass, concrete block, or plaster). The locations of the proposed outdoor recreation area sound walls are shown in Figure 4.10-5.</p>	Prior to the issuance of the first building permit.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
<p>MM NOI-2</p> <p>The project applicant will provide a “windows closed” condition for each proposed residential townhome. A “window closed” condition is a term that means that a home is capable of providing adequate ventilation and temperature control without opening the windows. A “windows closed” condition requires a means of mechanical ventilation per Chapter 12, Section 1205 of the Uniform</p>	Prior to the issuance of the first building permit.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Building Code. This shall be achieved with a standard forced air conditioning and heating system with a filtered outside air intake vent for each residential unit.						
MM NOI-3 For the P1-Villas, the project applicant shall require all windows and exterior doors on the northwest, southwest, and southeast sides of Building 1 to have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors are shown on Figure 4.10-5.	Prior to the issuance of the first building permit for the P1-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
MM NOI-4 For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that were not covered by the 35 STC	Prior to the issuance of the first building permit for the P2-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

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Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
requirement shall have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.						
Traffic and Transportation						
<p>MM TRA-1</p> <p>Prior to the occupancy of the proposed project the intersection of North Centre City Parkway/North Nutmeg Street will be improved to the satisfaction of the City as noted below:</p> <ul style="list-style-type: none"> • Installation of a traffic signal; • Restripe the southbound approach to provide a dedicated left-turn lane; and, <p>Construct a dedicated right-turn lane on the southbound approach of the intersection</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
<p>MM TRA-2</p> <p>The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:</p> <ul style="list-style-type: none"> • Installation of a traffic signal at the intersection; and, 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<ul style="list-style-type: none"> Restripe the southbound approach to provide a shared left-turn/through lane and a dedicated right-turn lane. 						
<p>MM TRA-3</p> <p>Prior to the occupancy of the proposed project the existing right-of-way on North Nutmeg Street from West Country Club Lane to Via Alexandra will be widen to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstructions of existing driveways to private driveway standards and a parking restriction along the improved section of Nutmeg Street to the satisfaction of the City Engineer.</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
<p>MM TRA-4</p> <p>The proposed project at the intersection of North Centre City Parkway/North Nutmeg Street intersection will provide the following minimum storage lengths for left turn and right-turn lanes:</p> <ul style="list-style-type: none"> Eastbound Left-Turn Lane: 100 feet; and, 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Table II-1: Mitigation Monitoring and Compliance Program

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<ul style="list-style-type: none"> Southbound Right-Turn Lane: 125 feet 						
<p>MM TRA-5</p> <p>The proposed project at the intersection of Nutmeg Street/Project Access will provide 50-foot left-turn pockets for the eastbound and westbound left-turn lanes.</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

PART III: COMMENTS RECEIVED ON THE DRAFT EIR AND RESPONSES

III.1 Comments Received on the Draft EIR and Responses

During the public review period (May 10, 2019 to June 24, 2019) for the Draft EIR for the proposed project, the City of Escondido (City) received 5 comment letters. These letters, and the City’s responses to them, are attached. The responses to comments are based on the California Environmental Quality Act (CEQA) Guidelines, Section 15088 – Evaluation of and Response to Comments, sub-section (c) which states:

“The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.”

The comment letters and responses have been reproduced together on a single sheet of paper, with the comment letter on the left side of the page and the corresponding responses on the right side of the page. Each document was divided into individual comments with each comment containing a single theme, issue, or concern.

The following Letters/Comments were received:

Letters/Comments #	From	Date
Letter 1 (L1)	Lacy Padilla Archaeological Technician Agua Caliente Band of Cahuilla Indians 5401 Dinah Shore Drive Palm Springs, CA 92264	May 16, 2019
Letter 2 (L2)	James W Royle, Jr. Chairperson – Environmental Review Committee San Diego County Archaeological Society, Inc. PO Box 81106 San Diego, CA 92138-1160	May 22, 2019
Letter 3 (L3)	Ray Teran Resource Management Viejas Tribal Government PO Box 908 Alpine, CA 91903	June 17, 2019
Letter 4 (L4)	Eric Lardy, AICP Chief (Acting), Advance Planning Division Planning & Development Services County of San Diego 5510 Overland Avenue, Suite 310 San Diego, CA 92123	June 24, 2019
Letter 5 (L5)	Maurice Eaton Branch Chief Local Development & Intergovernmental Review Branch Department of Transportation	June 20, 2019

Part III: Comments Received on the Draft EIR and Responses

Letters/Comments #	From	Date
	District 11 4050 Taylor Street, MS-240 San Diego, CA 92110	
Letter 6 (L6)	Karen A Goebel Assistant Field Supervisor US Fish and Wildlife Services Carlsbad Fish and Wildlife Office 2177 Salk Ave, Suite 250 Carlsbad, CA 92008 Gail K Sevens Environmental Program Manager California Department of Fish and Wildlife South Coast Region 3883 Ruffin Road San Diego, CA 92123	July 10, 2019

Letter 1 (L1)

From: [Padilla, Lacy \(TRBL\)](#)
To: [Ann F. Dolmage](#)
Subject: Nutmeg Homes Residential Project
Date: Thursday, May 16, 2019 4:45:01 PM

Greetings,

A records check of the Tribal Historic preservation office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

L1-1

Thank you,

Lacy Padilla

Archaeological Technician
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive Palm Springs, CA 92264
D: 760-699-6956 | C: 760-333-5222

The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer

Response to Comment Letter L1

Agua Caliente Band of Cahuilla Indians

Response L1-1: Comment noted related to the project not being within the Tribe's Traditional Use Area (Agua Caliente Band of Cahuilla Indians).

Letter 2 (L2)



San Diego County Archaeological Society, Inc.

Environmental Review Committee

22 May 2019



To: Ms. Ann Dolmage, Associate Planner
Planning Division
City of Escondido
201 North Broadway
Escondido, California 92025

Subject: Draft Environmental Impact Report
Nutmeg Homes Residential Project
ENV 18-0005

Dear Ms. Dolmage:

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 cultural resources report, we have the following comments:

As we previously responded to the City (see our letter of October 1, 2018), we agree with the impact analysis and mitigation measure recommendations as defined in the cultural resources report prepared by Laguna Mountain Environmental.

The DEIR contains a list of cultural resources mitigation measures (MM-CR-1 to -10) which elaborate on the mitigation process for those resources. With the exception of MM-CR-9, we agree with these.

However, MM-CR-9 is in conflict with the City's General Plan Update FEIR, which requires curation. On page 46, for Issue 2, Archaeological Resources, Measure Cul-3 states that "Any significant artifacts recovered during excavation, other than cultural material subject to repatriation, shall be curated with its associated records at a curation facility approved by the City." Material subject to repatriation is human remains and associated burial goods, the standard that has been applied for the past several decades. It is not the entire collection, else the statement itself makes no sense.

Failure to curate cultural items which are not burial-related would result in an unmitigated impact, both direct and cumulative, to scientific resources. The City needs to strike a balance between conflicting mitigation approaches, to the extent that MM-CR-9 creates one.

L2-1

L2-2

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

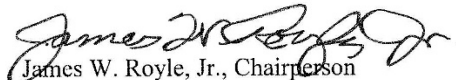
Letter 2 (L2)

If the City elects to retain wording that explicitly prohibits preservation of those items, it must include in the EIR overriding findings.

SDCAS emphasizes that we strongly support repatriation in accordance with the federal standards established by the Native American Graves Protection and Repatriation Action of 1990 (NAGPRA) for all projects, federal or not. We also have long supported curation of those collections, or portions thereof, not subject to repatriation, the standard for curation facilities being the federal 36 CFR 79.

Thank you for the opportunity to review and offer our comments on this DEIR.

Sincerely,


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

L2-2 (cont)

cc: Laguna Mountain Environmental
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Response to Comment Letter L2

San Diego County Archaeological Society, Inc.

Response L2-1: Comment noted related to agreeing with the impact analysis and Mitigation Measures MM CR-1 through MM CR-8 and MM CR-10 being acceptable recommendations. Please see response L2-2 related to MM CR-9.

Response L2-2: Due to potential impacts to tribal cultural resources, letters were sent to each tribal contact requesting that they evaluate impacts to Native American resources of the proposed project to evaluate the significance of this potential impact. Additionally, the Notice of Preparation (NOP) for this Draft EIR was transmitted to potentially impacted tribes. The City transmitted AB52 letters to 4 tribes, who had previously requested to be on the City's list for AB52 correspondence. Additionally, the City sent SB18 letters to 29 tribes, including the four (4) tribes listed for AB52 and 25 other tribes. This list was based on information provided to the City by Native American Heritage Commission (NAHC). As of June 2019, none of the tribes have identified any significant tribal resources on the proposed project site. Tribal consultation requirements in accordance with AB52 and SB18 have not been concluded, as of the preparation of this Draft EIR. Additionally, as of writing of this Final EIR all of the AB52 and SB18 has been closed except for San Luis Rey. Pauma as asked to keep the consultation open until a monitor is contracted within the grading. The City has decided to close the consultation with Pauma, based on the following good-faith effort. Mitigation Measure CR -1 has been modified so that Pauma is directly contacted prior to the hiring of the grading monitor as requested.

On June 4, 2018 Laguna Mountain Environmental's lead archaeologist, Mr. Andrew R. Pignuolo, met with Native American Monitor, Mr. Richard Hernandez, of the firm Saving Sacred Sites representing the San Luis Rey Band of Mission Indians at the project site to discuss the cultural resource and engineering methodology and conclusions regarding the preservation-in-place, or removal of Locus A, as described below. The City and project proponent are open to exploring the feasibility of relocating Locus A; however, relocation runs the risk of irreparable damage to the feature when trying to extract it. It is unknown at this time how large the rock is that has the feature on it. Furthermore, earthwork on-site will involve blasting, which could inadvertently destabilize or damage the feature while simply trying to fully access it, rendering the effort ineffective. Previous testing and evaluation indicated that Locus A of CA-SDI-4561 represented a small temporary camp site. The site was recommended as not eligible for nomination to the California Register as the resource did not meet the criteria for eligibility. The limited quantity and low diversity of cultural material recovered did not indicate further research potential (Smith and Lorenzen 2006).

After reviewing the grading/development plans, as they relate to potential relocation of Locus A, the consultant team has determined that total avoidance of the feature is not possible. It was determined that none of the four discovered cultural resources are of significance under CEQA (Smith and Lorenzen 2006).

MM CR-9 states that, if the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally

Part III: Comments Received on the Draft EIR and Responses

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

The City understands that avoidance is always preferred when feasible; however, in this case based on engineering and geology, the avoidance of Locus A would not be feasible for this project. The City has fulfilled their obligation to consult with local tribes and the project proponent would be required to adhere to reasonable and feasible mitigation requirements to reduce project impacts to cultural resources to less than significant levels.

Letter 3 (L3)



P.O. Box 908
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901

Phone: 6194453810
Fax: 6194455337
viejas.com

June 17, 2019



Ann Dolmage
Associate Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

RE: Case File No. ENV 18-0005

Dear Ms. Dolmage,

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site has cultural significance or ties to the Kumeyaay Nation. We recommend that you notify the:

San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, Ca 92082

Additionally, we request, as appropriate, the following:

- All NEPA/CEQA/NAGPRA laws be followed
- Immediately contact San Pasqual on any changes or inadvertent discoveries.

Thank you for your collaboration and support in preserving our Tribal cultural resources. I look forward to hearing from you. Please call me at 619-659-2312 or Ernest Pingleton at 619-659-2314, or email, rteran@viejas-nsn.gov or epingleton@viejas-nsn.gov, for scheduling. Thank you.

Sincerely,

Ray Teran, Resource Management
VIEJAS BAND OF KUMEYAAY INDIANS

Cc: San Pasqual



L3-1

Response to Comment Letter L3

Viejas Tribal Government

Response L3-1: Comment noted. As noted throughout the project EIR, the proposed project shall follow all NEPA/CEQA/NAGPRA regulations that apply. Additionally, Mitigation Measures CR – 1 through CR – 9 requires the project developer to work with tribes prior to and during grading. This allows to any changes and/or inadvertent discoveries.

Letter 4 (L4)



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Codes • (858) 565-5920 Building Servi
www.SDCPDS.org

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

June 24, 2019

Ann Dolmage
Associate Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

Via e-mail to: adolmage@escondido.org

REQUEST FOR COMMENTS ON THE CITY OF ESCONDIDO'S NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NUTMEG HOMES RESIDENTIAL PROJECT – ENV 18-0005 (SCH #2018081063)

Dear Ms. Dolmage,

The County of San Diego (County) reviewed the City of Escondido's (City) Draft Environmental Impact Report (DEIR) for the Nutmeg Homes Residential Project – ENV 18-0005 (Project), received on May 10, 2019. The County previously submitted comments regarding this Project, dated October 3, 2018 (Attachment A).

The County appreciates the opportunity to review the Project and offers the following comments for your consideration. Please note that none of these comments should be construed as County support for this Project.

HAZARDOUS MATERIALS DIVISION (HMD)

The County's HMD is responsible for the protection of public health and the environment by ensuring hazardous materials, hazardous waste, medical waste and underground storage tanks are properly managed. The HMD has completed their review and has the following comments regarding the project.

1. Any and all construction-related hazardous waste (examples: used oil, paint waste, lead paint debris, etc.) generated on the project site must be properly classified, labeled and handled in manner to prevent release to the environment. In addition, the contractor(s) must ensure hazardous waste generated during all project work is properly classified, labeled and disposed by a California registered hazardous waste hauler. Unified Program Facility Permit may also be required for the accumulation and storage of these wastes. Additional information can be found on our website at:
<https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hazwaste.html>
2. Anytime during construction and after completion of the Project, the HMD has the authority pursuant to state law and County Code to regulate facilities that handle or store hazardous materials, and/or generate or treat hazardous waste. The HMD will apply that authority as necessary to protect public health and the environment. Additional regulatory guidance information can be found on our website at:
<https://www.sandiegocounty.gov/content/sdc/deh/hazmat.html>.

L4-1

L4-2

Letter 4 (L4)

Ms. Dolmage
June 24, 2019
Page 2

- 3. If an underground storage tank (UST) is unexpectedly discovered during grading operations or site construction work and which previously held a hazardous substance, the owner shall apply for a UST removal permit in accordance with State law before removing the tank and connected piping. Information about the permitting process and laws can be found at: https://www.sandiegocounty.gov/deh/hazmat/ust/hmd_ust_construction.html
- 4. If you have any questions regarding these comments, please contact Robert Rapista at (858) 505-6818 or by e-mail at robert.rapista@sdcounty.ca.gov.

L4-3

WATERSHED PROTECTION PROGRAM

- 1. The Project could potentially generate stormwater impacts to adjacent private parcels located in the unincorporated county. Accordingly, the County reviewed the DEIR for storm water compliance. Section 4.8.2 of the DEIR references a Storm Water Quality Management Plan dated June 15, 2018, the Municipal Storm Water Permit Order R9-2007-0001, and City of Escondido's Standard Urban Stormwater Mitigation (SUSMP) (2008). However, the DEIR does not identify or address Municipal Storm Water Permit Order No. R9-2013-0001 (as amended by Order Nos. R9-2015-0001 and R9-2015-0100), which would apply to the proposed project. Therefore, the project must consider the following item:
 - a. Compliance with the San Diego Municipal Storm Water Permit Order No. R9-2013-0001, (as amended by Order Nos. R9-2015-0001 and R9-2015-0100). The Project should consider implementing permanent Site Design, Source Control, Pollutant Control, and Hydromodification Management in accordance with your municipal jurisdiction's BMP Design Manual as required by the San Diego Municipal Storm Water Permit Order No. R9-2013-0001.

L4-4

The County appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance, at your request. If you have any questions regarding these comments, please contact Timothy Vertino, Land Use / Environmental Planner, at (858) 495-5468, or via e-mail at timothy.vertino@sdcounty.ca.gov.

Sincerely,



Eric Lardy, AICP
Chief, Advance Planning Division
Planning & Development Services

Enclosure: Attachment A – COSD Comment Letter, dated 10/3/18

E-mail cc: Melanie Wilson, Policy Advisor, Board of Supervisors, District 3
Benjamin Mills, Policy Advisor, Board of Supervisors, District 5
Mel Millstein, Group Program Manager, LUEG
Lara Barrett, CAO Staff Officer, LUEG
Mary Bennett, Administrative Analyst, DEH
Jeff Kashak, Land Use/Environmental Planner, DPW

Letter 4 (L4)



County of San Diego

Attachment A

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcounty.ca.gov/pds

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

October 3, 2018

Ann Dolmage
Associate Planner
City of Escondido Planning Division
201 N. Broadway
Escondido, CA 92025

Via e-mail to: adolmage@escondido.org

REQUEST FOR COMMENTS ON THE NUTMEG HOMES RESIDENTIAL PROJECT (CASE NO: ENV 18-0005; SUB 18-0005) IN THE CITY OF ESCONDIDO

Dear Ms. Dolmage,

The County of San Diego (County) reviewed the City of Escondido's (City) Nutmeg Homes Residential Project (Project), dated August 29, 2018.

The County appreciates the opportunity to review the Project and offers the following comments for your consideration. Please note that none of these comments should be construed as County support for this Project.

TRANSPORTATION

1. As identified in the proposed project's Traffic Impact Analysis (TIA) Report, dated November 13, 2017, improvements are proposed by the City to mitigate a direct traffic impact at the intersection of N. Centre City Parkway / N. Nutmeg Street. The mitigation would include restriping the southbound approach of N. Centre City Parkway. Due to the City/County boundary located just north of the identified intersection, please note that the restriping may encroach into the unincorporated County and the County's maintained portion of N. Centre City Parkway. As such, any work performed on the County's portion of N. Centre City Parkway must meet the County's Public Road and Design Standards and will require an encroachment permit for any work within the County's road right-of-way.
2. The TIA Report (Section 3.1, Existing Roadway Network) includes a description of the surrounding roadways, including N. Nutmeg Street. This section should be revised to clarify that a 300-foot segment of N. Nutmeg Street (Echo Valley Lane to Rockhoff Road [City/County boundary]) is within the unincorporated County, and as such is maintained by the County.
3. The TIA Report (Section 8, Site Access Evaluation) recommends "right-turn in only" access into the proposed project's Driveway 3 due to the close proximity of N. Centre City Parkway, and several exhibits in the report depict this Driveway 3. However, the illustrative site plan published in the Notice of Preparation (NOP) does not include Driveway 3, and Driveway 2 appears to have been relocated. As

L4-5

Letter 4 (L4)

Ms. Dolmage
October 3, 2018
Page 2

such, the Driveway 1 on the north side of N. Nutmeg Street resolves the issue with having two driveways in the same proximity of the N. Centre City Parkway / N. Nutmeg Street intersection. Please revise the TIA Report to reflect the most current project design as published in the NOP.

L4-5

4. Any pavement, curb/gutter/sidewalk, culverts, utilities, traffic control-related infrastructure, as well as any other infrastructure within the County-maintained road right-of-way that is damaged by the proposed Project shall be replaced to its original condition or better to the satisfaction of the County Department of Public Works (DPW). Such activities would also require an encroachment and/or excavation permit in consultation with the County.
5. As noted above, the County understands that the City proposes to restripe the southbound approach of N. Centre City Parkway, which may require restriping on the County-maintained portion. Please be aware that as part of the County's ongoing effort to improve road surfaces in the unincorporated County, this portion of N. Centre City Parkway was resurfaced in May 2017. As such, any parallel cut into the pavement within three years of May 2017 would conflict with the County's policy to minimize excavation on new road surface treatments. The County understands construction is not proposed at this time, and may require several months of further design and planning. The County also understands restriping may not necessarily require excavation of the roadway surface. Nonetheless, the County requests that the City coordinate with the County DPW prior to any modification of the County's maintained roads, such as N. Centre City Parkway.
6. Due to the proposed restriping of N. Centre City Parkway, please be aware several County-maintained culverts are located adjacent to and near the proposed project site and surrounding areas. Specifically, the closest culvert is located along N. Centre City Parkway approximately 140-feet north of the intersection of N. Centre City Parkway / N. Nutmeg Street. This existing culvert is designated as ID #12384 and consists of a 24-inch reinforced concrete pipe. Any damage or disturbance to the County-maintained culverts associated with the proposed project must be repaired by the City to the satisfaction of the County's DPW.

The County appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance, at your request. If you have any questions regarding these comments, please contact Timothy Vertino, Land Use / Environmental Planner, at (858) 495-5468, or via e-mail at timothy.vertino@sdcountry.ca.gov.

Sincerely,



Eric Lardy, AICP
Chief (Acting), Advance Planning Division
Planning & Development Services

E-mail cc: Jason Paguio, Policy Advisor, Board of Supervisors, District 3
Darren Gretler, Chief of Staff, Board of Supervisors, District 5
Mel Millstein, Group Program Manager, LUEG
Sharon Ippolito, Administrative Analyst, PDS
Jeff Kashak, Land Use / Environmental Planner, DPW
Kimberly Jones, Land Use / Environmental Planner, DPW
Richard Chin, Project Manager, DPW
Frank Arebalo, Sr. Civil Engineer, DPW
Miles Safa, Sr. Civil Engineer, DPW

Response to Comment Letter L4

County of San Diego, Planning & Development Services

Response L4-1: Comment noted. The Draft EIR, Appendix A, Public Participation and Review (Initial Study) in response to Checklist questions “a” and “b” state that the proposed project would create a less than significant impact. The Checklist states that:

- a. During construction-related activities, the proposed project may involve the use and transport of hazardous materials. These materials may include fuels, oil, mechanical fluids, and other chemicals. Compliance with all applicable federal, State, and local statute regulations will be required in order to transport, store, use, and dispose of hazardous materials during construction. By abiding by all applicable regulations, the impacts related to routine hazardous material activities will be less than significant. In addition, prior to commencement of construction, the construction manager must submit a Spill Prevention Control Plan (SPCP) as described in the BMP for Storm Water Pollution Prevention Plan (SWPPP) requirements, which will explain how to manage any spill that may occur while construction is in progress.

Additionally, based on the information provided in Appendix A: *Hazards / Hazardous Materials Study (Phase 1)* there are no Underground Storage Tanks (UST) presently on the project site or planned as a part of the proposed project.

- b. Therefore, the proposed project would create a less than significant impact related to hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and no mitigation measures would be required. (Page 47-48).

Impacts would be less than significant related to hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

Response L4-2: Comment noted. Please refer to response to comment L4-1 above.

Response L4-3: Comment noted. Please refer to response to comment L4-1 above. No underground storage tank (UST) are expected, however, should an UST be discovered during grading operations the project application shall follow all State laws regarding the removal of a tank or connecting pipe.

Response L4-4: Comment noted. The proposed project SWQMP has been developed in compliance with the San Diego Municipal Storm Water Permit Order No. R9-2013-0001, (as amended by Order Nos. R9-2015-0001 and R9-2015-0100). The proposed project SWQMP has considered implementing permanent Site Design, Source Control, Pollutant Control, and Hydromodification Management in accordance the requirements of the City of Escondido (City) jurisdiction's BMP Design Manual as required by the San Diego Municipal Storm Water Permit Order No. R9-2013-0001. The SWQMP has been reviewed by the City. Please note that the Draft EIR, Appendix J, *SWMP* states that:

PREPARER'S CERTIFICATION

I hereby declare that I am the Engineer in Responsible Charge of design of storm water best management practices (BMPs) for this project, and that I have exercised responsible charge over the design of the BMPs as defined in Section 6703 of the Business and Professions Code, and that the design is consistent with the PDP requirements of the City of Escondido Storm Water Design Manual, which is a design manual for compliance with the City of Escondido Municipal Code (Chapter 22, Article 2) and regional MS4 Permit (California Regional Water Quality Control Board San Diego Region Order No. **R9-2013-0001** as amended by **R9-2015-0001** and **R9-2015-0100**) requirements for storm water management.

I have read and understand that the City of Escondido has adopted minimum requirements for managing urban runoff, including storm water, from land development activities, as described in the Storm Water Design Manual. I certify that this PDP SWQMP has been completed to the best of my ability and accurately reflects the project being proposed and the applicable BMPs proposed to minimize the potentially negative impacts of this project's land development activities on water quality. I understand and acknowledge that the plan check review of this PDP SWQMP by City staff is confined to a review and does not relieve me, as the Engineer in Responsible Charge of design of storm water BMPs for this project, of my responsibilities for project design. (**Emphasis added**).

Response L4-5: Comment noted. The previously submitted letter (dated October 3, 2018) was included in Appendix A of this EIR as well as Page III-13 and 14 herein. The proposed project took the County's comments related to transportation into account in Section 4.11 and the Traffic Report (Appendix K) of this EIR. This letter (dated October 3, 2018) was based on a previously reviewed Traffic Report. An updated Traffic Report (Appendix K) was prepared for the project site (dated March 27, 2019). Appendix K and Section 4.11 included Mitigation Measures TR-1 through TR-5, and additional site design. The updated design, mitigation measures, and report reflect the County of San Diego comments. Any post entitlement permitting for any pavement, curb, gutter/sidewalk, culverts, utilities, traffic control related infrastructure, as well as any other infrastructure within County maintained road right-of-way shall be processed in consultation with the County of San Diego.

Letter 5 (L5)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-6075
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

June 20, 2019

11-SD-15
PM 34.22
DEIR SCH 2018081063

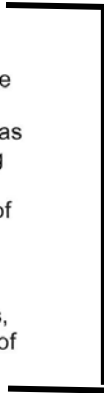
Ms. Ann Dolmage
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Ms. Dolmage:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) SCH 2018081063 for the Nutmeg Homes project. The proposed project will be located nearest to Interstate 15 (I-15) and Caltrans ramps at Centre City Parkway utilizing the undercrossing at Nutmeg Street.

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 and infrastructure plan and projects through the lenses of our mission, vision, and goals as guided by the State's planning priorities of prioritizing infill, conservation, and efficient development. Caltrans would like to submit the following comments:

- Proposed in 1987 and adopted in 1992, Caltrans introduced its first Integrated Vegetation Management (IVM) treatment of all plants growing within highway right of way, whether native, naturalized or in landscaped areas. As currently spelled out in Caltrans Maintenance Manual Volume One (July 2014), there is a three-fold approach to annual plans.
 - a) Minimum Vegetation Control: Reduction in Chemical Use – since 2012 Caltrans has sought an 80% reduction of harmful pesticides to our culverts and the surrounding environment and is currently only practicing spot treatments as needed.
 - b) Roadside Landscaping Plan – 4 to 8 feet next to pavement edging to control risk of fire hazards, to provide for visibility, to provide space for emergency use, and to preserve the pavement from invasive weeds.
 - c) Vegetation Control Plan (VegCon Plan) – Is completed by April of each year and contains details of vegetation control on roadsides, landscaped areas, vista points, park and ride lots, and safety roadside rest areas. Caltrans also considers areas of fuel reduction zones within our rights of way.



L5-1

Caltrans also relies heavily on coordination and consultation efforts with local fire agencies, and in this case the City of Escondido Fire Department. Annual roadside inspections to identify Caltrans areas of responsibility for vegetation clearing helps all involved agencies with coordinating the upcoming fire season.

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Letter 5 (L5)

Ms. Dolmage
June 20, 2019
Page 2

- Any landscape maintenance or brush clearance within State Right-of-Way would require a Landscape Maintenance Agreement (LMA) with the local government. We cannot enter into Maintenance Agreements with private parties (e.g., developers, HOAs, etc.) L5-2
- More fundamentally, we have determined that the potential changes to slope grading and brush clearance within Caltrans Right-of-Way at this location does not benefit the State, and will not be allowed. Additionally, brush in this location includes Coastal Sage Scrub (CSS) and San Diegan Coastal Sage Scrub, which are habitat for the California Gnatcatcher (*Polioptila californica*), an endangered species. L5-3
- Any erosion or impacts to the Blue Line creek/stream in the vicinity may require United States Fish and Wildlife Service (USFWS) Consultation under Section 7. L5-4

Caltrans appreciates the continued coordination with the City of Escondido. If you have any questions, please contact Trent Clark at (619) 688-3140 or by email at trent.clark@dot.ca.gov.

Sincerely,



MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review Branch

cc: Joy Lee (Caltrans)

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Response to Comment Letter L5

Department of Transportation

Background: The project applicant approached the California Department of Transportation (Caltrans) in 2018 to discuss the proposed project. The potential for grading and improvements within the Caltrans rights-of-way was discussed in detail. The proposed project grading and drainage improvements were reviewed and supported by Caltrans Staff. Their support was contingent upon a final review of proposed grading within Caltrans rights-of-way. The grading and the connections to the Caltrans drainage structure and pipe would be accepted for review under the Caltrans encroachment permit process. The project applicant based on this direction worked with the City Staff to develop the proposed project design, engineering, and processing.

During the design, engineering, and processing timeframe the leadership at Caltrans changed. On June 20, 2019 the new Caltrans District 11, Branch Chief, Maurice Eaton, transmitted Comment Letter 5 (L5) related to the Draft EIR. The letter provided four (4) comments in response to the Draft EIR. Those comments are paraphrased as follows:

1. Caltrans generally described their Integrated Vegetation Management (IVM) plan and the guidelines for vegetation planting, pesticide and management, roadside landscaping, and vegetation control within their rights-of-way;
2. A discussion of any landscape maintenance which may occur within the right-of way would require a landscape maintenance agreement, however Caltrans would not enter into an agreement with a private entity;
3. A discussion of the proposed grading and brush clearing within the Caltrans right-of-way, the removal of coastal sage scrub, and gnatcatchers and how these changes would not benefit Caltrans, and therefore would not be allowed, and;
4. Any erosion impacts to the “blue line stream” in the vicinity would require a Section 7 consultation with the United States Fish and Wildlife Service (USFWS).

Meeting: Monday, July 1, 2019

In preparation of responding to the Caltrans letter, the project applicant’s design team met with the District 11 Local Development Staff on Monday, July 1, 2019. The purpose of the meeting was to discuss the comment letter and potential solutions to address Caltrans comments. At this meeting, the Caltrans Hydrology and Water Quality Staff expert stated that they were not informed of the proposed project and requested a full review of the project’s hydrology and water quality management plan prior to any further comments.

During the Monday, July 1, 2019 meeting, Caltrans Staff noted their main concern was vegetation clearing and maintenance for the project’s fire protection within their right-of-way. The applicant team agreed to look for alternative fire protection measures on the project site, which would alleviate the need for vegetation removal and maintenance within their right-of-way. The applicant team spent approximately one (1) month revising the proposed project to include an eight-foot (8’) tall perimeter wall on the southwest portion of the project site. The wall would act as a fire protection barrier and satisfy Comments L5-1 and L5-2 from the Thursday, June 20, 2019 Caltrans letter by avoiding the need for

vegetation maintenance within Caltrans right-of-way along the project edge. The revisions and supportive materials were transmitted to Caltrans for review.

After the receipt of the potential revisions and supportive materials, subsequent communications via phone and email occurred with Caltrans Staff. Maurice Eaton indicated that Caltrans Staff had further issues with the project's fill material and the connection to the drainage structure and pipe within Caltrans right-of-way. He noted that it was Caltrans Staff's perception was that the proposed project would have "no benefit" to Caltrans. Therefore, a Caltrans encroachment permit would not be allowed. The project applicant team requested a follow-up meeting with Caltrans to continue the discussion. The request for a meeting to discuss was denied.

Conference Call: Thursday, August 1, 2019

Caltrans Staff participated in a conference call on Thursday, August 1, 2019. During this conference call they stated Caltrans' position against allowing the proposed project improvements on Caltrans right-of-way along the western and southern edge of the proposed project.

Meeting: Wednesday, August 14, 2019

The City Staff and project applicant team met on Wednesday, August 14, 2019 to discuss the Caltrans reversal of position and review design options. A design option to avoid Caltrans right-of-way along the western and southern edge of the project was discussed with City Staff. The design option would incorporate a geogrid wall, set back four feet (4') from the Caltrans right-of-way property line on the western and southern edge of the project site. The design option would include three or more eight-foot-tall sections of geogrid wall separated by five-foot (5') wide benches. A diagram illustrating this design option has been included in Part IV: Revised Draft EIR (Errata). The City of Escondido concludes that these new project revisions are necessary and thus are added in response to Caltrans comments. This in turn makes insignificant modifications to an adequate EIR and will create no more adverse effect of its own that would have otherwise, as previously studied. These modifications would reduce the size of the project and lessen the amount of site work and potential environmental impacts. The revised Draft EIR is included in the Final EIR, Revised Draft EIR.

The following responds to each comment in the Comment Letter L-5.

Response L5-1: Comment noted. If the project were to move forward with grading, fill, and landscaping activities within the Caltrans right-of-way (as indicated in the project description within the Draft EIR), the Caltrans Vegetation Management (CVM) treatments would apply, as proposed in 1987 and adopted in 1992. This requirement would be fully enforceable through the review and approval of any relevant encroachment permits issued by California Department of Transportation (Caltrans). The revised Draft EIR, included in the Final EIR, Revised Draft EIR, shows a redesign of the south portion that would keep all grading, stormwater, and landscaping activities entirely out of the right-of-way. This comment shall no longer be applicable.

Response L5-2: Comment noted. The proposed project requires discretionary review by the California Department of Transportation (Caltrans) (Draft EIR, Page 1-2 and Page 2-1). The removal of any vegetation on the Caltrans property would be subject to the approval of an Encroachment Permit (Draft EIR, Page 1-2). The Draft EIR states that continued maintenance of disturbed areas within the Caltrans right-of-way would be required. However, based on discussions with

Caltrans, an updated Fire Memorandum dated July 17, 2019 was prepared by Dudek (Appendix E-1). This Memorandum proposes the installation of an 8'-tall solid block wall along the west and south property line of the southern portion of the project site. This wall would serve as a fire barrier for surface fires approaching the development from the direction of Interstate 15, as an alternative to the establishment of fuel modification zones, and ongoing maintenance of those zones by the project applicant. The following correction to the EIR has been provided which removes the need for a long-term maintenance agreement between the project applicant and Caltrans.

...This would require discretionary review and approval from the State of California Department of Transportation, as well as issuance of an encroachment permit from that agency. ~~The encroachment permit conditions would provide for continued landscape maintenance of disturbed areas.~~ (Draft EIR, Page 4-124)

Additionally, based the on updated Appendix E-1, the MM HAZ-3 has been removed from the proposed project.

~~**MM HAZ-3** Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that provide for an annual review of landscape maintenance plans.~~

The proposed project, based on the updated Appendix E-1, includes a wall and fence component that provides a heat-deflecting landscape wall as shown in the EIR (please refer to revised Figure 4.7-1, Fuel Modification Zones, Page 4-126 and below in the Section IV of this EIR). The fire protection measures proposed for the north, west, and south sides of the proposed project provide an equivalent wildfire buffer. This heat-deflecting landscape wall eliminates the need for the Caltrans encroachment permit to include continued landscape maintenance of disturbed areas. Mitigation Measure MM HAZ-2 has been revised to clarify the heat-deflection wall.

MM HAZ-2 Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall ~~above the planned retaining wall~~ as shown on shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.

As described under Response L5-1, the revised Draft EIR, included in the Final EIR, Revised Draft EIR, shows a redesign of the south portion that would keep all grading, stormwater, and landscaping activities entirely out of the right-of-way. Comments related to earthwork and landscaping maintenance within the Caltrans' right-of-way shall no longer be applicable.

Response L5-3: Comment noted.

The proposed project would remove all vegetation in the California Department of Transportation (Caltrans) Right-of-Way approximately 1.29-acres (Draft EIR, Table 3-1). The vegetation removal and fill of this portion of the project site would be accomplished only after the approval of an Encroachment Permit (Draft EIR, Page 1-2) by Caltrans.

As noted above, Caltrans subsequently has indicated that it would not support issuance of an encroachment permit that would allow the proposed project improvements on Caltrans right-of-way along the western and southern edge of the

proposed project. A design option to avoid the Caltrans right-of-way along the western and southern edge of the project was discussed with the City Staff. The design option would incorporate a geogrid wall, set back four-feet (4') from the Caltrans right-of-way property line on the western and southern edge of the project site. The design option would include three or more eight foot sections of geogrid wall separated by five-foot (5') wide benches. A diagram of this design option is provided in Part IV: Revised Draft EIR (Errata). As described under Response L5-1, the revised Draft EIR, included in the Final EIR, Revised Draft EIR, shows a redesign of the south portion that would keep all grading, stormwater, and landscaping activities entirely out of the right-of-way.

Related to brush clearance, the Draft EIR Section 4.3, Biological Resources, describes the potential significant adverse effects on biological resources. The impacts on biological resources in the Caltrans Right-of-Way are identified in the Draft EIR specifically on Table 4.3-2, Existing and Impacted Habitat on the Project Site. The Draft EIR indicates that the habitat is not occupied. Mitigation at a ratio of 2:1 is proposed for Coastal Sage Scrub (CSS) in accordance with the Draft Escondido Subarea Plan, Table 5-2. The Draft EIR concludes that with inclusion of mitigation, the proposed project would have less than significant impacts related to biological resources. As described above, the applicants are pursuing a redesign of the south portion of the project to eliminate the need for any vegetation removal within the Caltrans right-of-way, which in turn would eliminate the need to mitigate for it.

Response L5-4: Comment noted. The comment states that there is an existing “blue line stream” on the project site and that a Section 7 consultation with the USFWS would be required prior to any ground disturbance. The Everett and Associates conducted a wetland survey on the project site (Appendix C). This was done to assess whether or not obvious wetlands were present or potential wetlands or waters that would require delineation. The biological report prepared for the proposed project included conducting a wetland delineation, which required an analysis of for the presence of hydrophytic vegetation, hydric soils, and wetland hydrology. The absence of any one of the three (3) criteria precludes the presence of a wetland impact to a navigable water of the United States, which is under jurisdictional control by the United States Army Corps of Engineers (USACOE).

The Regional Water Quality Control Board may make wetland determination where a wetland resource is determined to be isolated from a navigable water of the United States. California Department of Fish and Wildlife (CDFW) jurisdiction extends to the limits of riparian habitat as it extends from a stream, creek, river, pond, lake, or other water feature.

Under these guidelines the project’s wetland survey found no features onsite which would suggest the presence of any jurisdictional wetland or water of the United States. Therefore, no “blue line stream” exists on the project site and no Section 7 consultation with the USFWS is required. The project site contains no features that would suggest the presence of any jurisdictional wetlands or waters of the United States. No jurisdictional wetlands would be impacted by project implementation.

Letter 6 (L6)



U.S. FISH AND WILDLIFE SERVICE
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, California 92123

In Reply Refer to:
FWS/CDFW-08B0480-19CPA0209

July 10, 2019
Sent by Email

Ms. Ann Dolmage
Associate Planner
City of Escondido
201 N. Broadway
Escondido, California 92025
adolmage@escondido.org

Subject: Comments on the Draft Environmental Impact Report for the Nutmeg Homes Residential Project, City of Escondido, San Diego County, California (SCH #2018081063)

Dear Ms. Dolmage:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (Department) —collectively, the Wildlife Agencies— have reviewed the draft Environmental Impact Report (DEIR) for the Nutmeg Homes Residential Project (Project), received on May 8, 2019. The Wildlife Agencies previously commented on the Notice of Preparation (NOP) for the project in letters dated October 1, 2018 (FWS-08B0480-18CPA0359), and September 24, 2018. Our comments and recommendations are based on the information provided in the DEIR and associated documents; our knowledge of sensitive and declining vegetation communities in San Diego County; and our participation in the Multiple Habitat Conservation Program (MHCP) and the City of Escondido’s (City) draft MHCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act.

The Department is California’s Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code § 21070; California Environmental Quality Act (CEQA) Guidelines § 15386, subd. (a)]. The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

L6-1

Letter 6 (L6)

Ms. Ann Dolmage, Associate Planner (FWS/CDFW-08B0480-19CPA0209)

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The Department is also a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). The Department may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the project may be subject to the Department's lake and streambed alteration regulatory authority. (Fish & Game Code, § 1600 *et seq.*) Likewise, to the extent implementation of the project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required.

L6-1 (cont)

The Department also administers the Natural Community Conservation Planning (NCCP) program. The City previously participated in the NCCP and the Service's HCP programs through the development of its draft SAP. However, the City has not worked on its draft SAP since at least 2014 and since then has not been eligible for the gnatcatcher section 4(d) process.

The proposed project is located in the northern portion of the City, along both sides of North Nutmeg Street, between Interstate 15 (I-15) and North Centre City Parkway. The project proposes a General Plan Amendment to the Land Use Element, a Rezone, and a Master Development Plan for 137 attached townhomes on a 9.86-acre site straddling Nutmeg Street (Table 1). The portion of the site to the north of Nutmeg Street would be developed with 39 homes, and the portion to the south would be developed with 98 homes. Access to both the northern and southern portions of the project would be via a single driveway entrance on Nutmeg Street.

L6-2

Table 1. Project Site Acreage

PARCEL	PARCELS/LOCATION	ACRES
Nutmeg Homes Development		
Southern	South of Nutmeg Street	4.37
Northern	North of Nutmeg Street	2.33
<i>Subtotal</i>		6.70
Centre City Right-of-Way	South of Nutmeg Street	0.80
Centre City Right-of-Way	North of Nutmeg Street	0.16
<i>Subtotal</i>		0.96
Total Project Site		7.66
Off-Site Impacts		
Caltrans Right-of-Way		1.29
Nutmeg Right-of-Way		0.34
Centre City Right-of-Way*		0.57
<i>Off-Site Subtotal</i>		2.20
TOTAL IMPACTS		9.86

L6-3

Source: Vista Community Planners

* Does not include Centre City Right-of-Way used by project for development.

The southern portion of the project site was subject to a previous stop work notice issued by the City on August 2, 2006, for unpermitted clearing of 2.9 acres of coastal sage scrub (CSS)/chaparral, 0.67 acre of southern mixed chaparral, and 0.55 acre of non-native grassland that were likely

L6-4

Letter 6 (L6)

Ms. Ann Dolmage, Associate Planner (FWS/CDFW-08B0480-19CPA0209)

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occupied by the coastal California gnatcatcher [*Polioptila californica californica*; gnatcatcher] Pacific Southwest Biological Services 2006]. The City coordinated with the Wildlife Agencies on a resolution that led to the conservation of 8.7 acres of gnatcatcher-occupied CSS in an area now included in the Red Mountain Conservation Bank. Mitigation for impacts to 0.67 acre of southern mixed chaparral and 0.55 acre of non-native grassland was purchased from the City’s Daley Ranch Mitigation Bank.

L6-4 (cont)

The proposed project will impact an additional 5.74 acres of habitat requiring mitigation, including 3.56 acres of CSS (Table 2). The Project Applicant proposes to mitigate project impacts through the purchase of off-site suitable habitat within a City-approved mitigation bank (e.g., Daley Ranch Conservation Bank).

Table 2. Existing and Impacted Habitat

Plant Community	Acreage*	Impacts	Previously Addressed	Impacts Requiring Mitigation	Mitigation Required (ratio)**
Southern Mixed Chaparral	1.78	1.78	0	1.78	1.78 (1:1)
Coastal Sage Scrub	3.56	3.56	0	3.56	7.12 (2:1)
Non-Native Grassland	4.27	4.27	4.12***	0.15	0.08 (0.5:1)
Coast Live Oak Woodland	0.25	0.25	0	0.25	0.50 (2:1)
TOTAL	9.86	9.86	4.12	5.74	9.48

* Includes 2.2 acres impacted by fuel modification zone within the Caltrans and Center City Parkway ROW.

** Mitigation ratio for impacts per Draft Escondido Subarea Plan, Table 5-2.

*** Within area previously mitigated for unauthorized impacts to 2.9 acres of coastal sage scrub, 0.67 acre of southern mixed chaparral, and 0.55 acre of non-native grassland.

A portion of the northern parcel is in designated critical habitat for the gnatcatcher (Service 2007). Gnatcatcher surveys of the project site in 2017 were negative (Everett and Associates 2017). However, only three surveys were completed, which is the protocol that applies only for jurisdictions eligible for the gnatcatcher 4(d) process. Therefore, we recommend that updated full protocol-level surveys (i.e., six or nine surveys) be conducted for gnatcatcher at the project site. If gnatcatchers are detected in or adjacent to the project footprint, potential impacts to this species may be addressed through either section 7 (including gnatcatcher critical habitat if a there is a federal nexus) or section 10 of the Act.

L6-5

The DEIR includes a Fire Protection Plan with less than the standard 100-foot fuel modification zone in some areas. The FEIR should include documentation that the Fire Marshall approves this reduction from the standard 100-foot fuel modification zone.

L6-6

The DEIR states that the project will not impact wildlife movement. However, the project site is likely part of a stepping stone corridor along the I-15 for gnatcatcher. In addition, the northern portion of the project north of Nutmeg Street is mapped as a softline area in Figure 4-1 of the draft SAP. As outlined in section 4 of the draft SAP, softline areas include conservation targets between

L6-7

Letter 6 (L6)

Ms. Ann Dolmage, Associate Planner (FWS/CDFW-08B0480-19CPA0209)

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50 and 80 percent. In our NOP comment letters, we recommended that the DEIR include alternatives that provide levels of conservation from at least 50 to 80 percent of the portion of the project site north of Nutmeg Street. However, the DEIR does not include recommended alternatives and the proposed project would impact the entire northern portion of the project site. Therefore, we recommend that the FEIR include and adopt an alternative that conserves between 50 to 80 percent of the northern portion of the project site. This would help the project site to remain part of the likely gnatcatcher stepping stone corridor along the I-15.

L6-7 (cont)

We offer our comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts. We appreciate the opportunity to comment on this DEIR. We are hopeful that further consultation between you and us will ensure the protection we find necessary for the biological resources that would be affected by this project. If you have questions or comments regarding this letter, please contact Janet Stuckrath of the Service 760-431-9440 or Eric Hollenbeck of the Department 858-467-2720.

L6-8

Sincerely,

DAVID
ZOUTENDYK

Digitally signed by
DAVID ZOUTENDYK
Date: 2019.07.10
07:55:36 -07'00'

Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

cc:
State Clearinghouse

Letter 6 (L6)

Ms. Ann Dolmage, Associate Planner (FWS/CDFW-08B0480-19CPA0209)

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LITERATURE CITED

- Everett and Associates. 2017. Report on California gnatcatcher presence/absence surveys, Nutmeg Street parcels, (APNs 224-260-23, 46, & 47), City of Escondido, San Diego County, California. Prepared for Consultants Collaborative. 5pp.
- Pacific Southwest Biological Services, Inc. 2006. Nutmeg Street violation, City of Escondido, San Diego County, California, coastal California gnatcatcher survey. 8pp.
- [Service] U.S. Fish and Wildlife Service. 2007. Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Coastal California Gnatcatcher. Federal Register 65 FR 63679.

Response to Comment Letter L6

Wildlife Agencies

Response 6-1: Comment noted. It is noted that the U.S. Fish and Wildlife Service (Service) is a Responsible Agencies and the California Department of Fish and Wildlife (Department) is a Trustee Agency.

Response 6-2: Comment noted.

Response 6-3: Comment noted. Table 1. Project Site Acreage provide in the Comment Letter 6 is clarified as follows. The source is Excel Engineering [Page 3-1, Draft EIR, Table 3-1: Project Site Size (Acreage)]. The Draft EIR was prepared by Vista Community Planners, Inc. The Table 1. Project Site Acreage “Off-Site” Subtotal was provided by the Commenter.

Comment 6-4: Comment noted. The project site to the south of Nutmeg Street was fully mitigated in the agreement (2006) with the Wildlife Agencies. No impacts to that portion of the project site within public rights-of-way (i.e., City of Escondido and Caltrans) were impacted or mitigated. The Comment suggests that the area mitigated was 4.12 acres. The Draft EIR [Page 3-1, Draft EIR, Table 3-1: Project Site Size (Acreage)] notes that this area is 4.37 acres. Table 2. Existing and Impacted Habitat suggests that there are 0.15 acres of Non-Native Grasslands located on the project site to the south of Nutmeg Street. The City and Project Applicant believe that this maybe a mapping error or be a portion of the project site that was previously within the Nutmeg Street R-O-W. However, due the size (i.e., 0.15 acres or 6,534 square feet) Table 4.3-2: Existing and Impacted Habitat on the Project Site and EIR text have been adjusted to include the Non-Native Grassland potential impact and as provided in Appendix C-1, dated July 20, 2019 from Everett & Associates Environmental Consultants.

Table 4.3-2: Existing and Impacted Habitat on the Project Site

Plant community	Acreage On-site	Impacted Acreage	No or Previously Addressed	Acreage preserved on-site	Impacts Requiring mitigation	Mitigation required (ratio)***
Southern Mixed Chaparral (SMC)	1.78	1.78	0	0	1.78	1.78 (1:1)
Diegan Coastal Sage Scrub (CSS)	3.56	3.56	0	0	3.56	7.12 (2:1)
Non-Native Grassland (NNG)	4.27	4.27	4.1227**	0	0.15	0.08 (0.5:1)
Coast Live Oak Woodland (CLOW)	0.25	0.25	0	0	0.25	0.50 (2:1)
TOTAL	9.86	9.86	4.1227	0	5.7459	9.480

Source: Appendix C, *Biological Resources*, Appendix D, to this Draft EIR & Draft Escondido Subarea Plan

** Within area previously mitigated and approved through the US Fish and Wildlife Service and California Department of Fish and Wildlife

*** Mitigation ratio for impacts per Draft Escondido Subarea Plan, Table 5-2

Response6-5: Comment noted. The Wildlife Agencies correctly noted that three surveys were completed related to the California Gnatcatchers and that this protocol applies to jurisdictions eligible for the California Gnatcatcher 4(d) process. The Wildlife Agencies recommended that a full protocol-level survey be conducted at the project site. The project certified biological consultant responded that at the beginning of analysis of the project site, he was under the impression that the project site was situated in the County of San Diego, not the City of Escondido.

The certified biological consultant noted that the United States Fish and Wildlife Service Guidelines for conducting such surveys that for areas within an active Natural Communities Conservation Plan (NCCP), a total of three (3) surveys are allowed. The County has an active NCCP program. For jurisdictions not participating in an active NCCP program (e.g., City of Escondido), either six (6) or (9) nine surveys are required, depending on the time of year the surveys are conducted. From March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals. As provided for by *Save Panoche Valley vs San Benito County*, June 24, 2013, protocol surveys can be conducted prior to construction or grading. Survey results are valid for approximately one (1) year. Therefore, Mitigation Measure MM BIO-2 has been clarified to require the surveys in accordance with Wildlife Agency protocols prior to the issuances of any grading permit in coastal sage scrub habitat.

MM BIO -2: Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN), protocol surveys in accordance with Wildlife Agency criteria shall be accomplished. (This includes: from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN, no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.

No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall-demonstrates to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.

Response 6-6: Comment noted. The Fire Protection Plan has been clarified to include consideration of the noise wall and the need for fuel modification has been eliminated. Please refer to updated Fire Memo from Dudak (Appendix E-1). The Escondido Fire Department has reviewed and concerned with the updated Fire Memo that removes fuel modification from the Department of Transportation properties.

Response 6-7: Comment noted. As noted in the EIR:

A wildlife corridor can be defined as a linear landscape feature allowing animal movement between two (2) larger patches of habitat. Connections between extensive areas of open space are integral to maintain regional biodiversity and population viability. In the absence of corridors, habitats become isolated islands surrounded by development. Fragmented habitats support significantly lower numbers of species and increase the likelihood of local extinction for select species when they are restricted to small isolated areas of habitat. Areas that serve as wildlife movement corridors are considered biologically sensitive.

Wildlife corridors can be defined in two (2) categories regional wildlife corridors and local corridors as defined below:

1. Regional corridors link large sections of undeveloped land and serve to maintain genetic diversity among wide-ranging populations; and,
2. Local corridors permit movement between smaller patches of habitat. These linkages effectively allow a series of small, connected patches to function as a larger block of habitat and perhaps result in the occurrence of higher species diversity or numbers of individuals than would otherwise occur in isolation.

Target species for wildlife corridor assessment typically include species such as bobcat, mountain lion, and mule deer.

It is necessary to determine what areas of larger habitats it connects and to examine the quality of the corridor as it passes through a variety of settings to assess the function and value of a particular site as a wildlife corridor. High quality corridors connect extensive areas of native habitat, and are not degraded to the point where free movement of wildlife is significantly constrained. High quality corridors typically consist of an unbroken stretch of undisturbed native habitat.

The project site is bordered on the east by the highly trafficked North Centre City Parkway and on the west by Interstate-15. Wildlife movement across these barriers would be extremely limited. Impacts to wildlife movement corridors by project implementation are not anticipated.

Large mammals, such as mule deer *Odocoileus hemionus* and mountain lion *Felis concolor* prefer large unfragmented natural areas that offer extensive adequate forage or hunting opportunities as well as the opportunity for movement across long distances. The project site is unsuitable for use by large mammal species because the project site is mostly disturbed and bordered on three (3) sides by high-volume roadways.

Based on the above data no wildlife corridor will be impacted by project implementation. Therefore, the proposed project would have a less than significant impact and no mitigation measures would be required.

The project site to the north of North Nutmeg Street is approximately 2.33 acres. The conservation of 50% to 80% of this area as suggested be considered by the Wildlife Agencies would provide 1.165 to 1.864 acres of land to be conserved. As the project site is bordered on the east by the highly trafficked North Centre City Parkway, on the west by Interstate-15,

Part III: Comments Received on the Draft EIR and Responses

and bisected by North Nutmeg Street. Wildlife movement across these barriers would be extremely limited. Impacts to wildlife movement corridors by project implementation are not anticipated. Removal this amount of land, in addition to the improvements required along Nutmeg Street and Centre City Drive would not allow for development to occur on the northern parcel of the project. These factors would potentially be considered a taking of this area. Therefore, an alternative was not included in the EIR.

Response 6-8: Comment noted.

PART IV: REVISED DRAFT EIR (ERRATA)

IV.1 Introduction

As provided in Section 15088 (c) of the CEQA Guideline, responses to comments may take the form of a revision of the draft EIR or may be a separate section of the Final EIR. This section complies with the latter, and provides changes to the Draft EIR in revision mode text (i.e., deletions are shown with ~~strikethrough~~ and additions are shown with *Italics*). These notations indicate changes to the Draft EIR to provide clarification, corrections, or revisions as needed as a result of public comments or due to additional information that was received during the public review period. Universal changes to the Draft EIR are noted and then other specific changes to the Draft EIR are outlined on the following pages under their appropriate page number or Draft EIR Section headings.

The following changes clarify, amplify, or make insignificant modifications to the Draft EIR. They do not change any of the conclusions or impact findings reached in the Draft EIR. Therefore, recirculation of the Draft EIR is not warranted under CEQA Section 21092.1 and CEQA Guidelines Section 15088.5(e).

IV.2 EIR Universal Changes

1. The references in the headings and footers to Draft EIR are revised from Draft EIR to Final EIR.
2. *Nutmeg Homes Project, Fire Protection Plan*. Prepared by Dudek, ~~January~~ May 2019. (Appendix E) and *Nutmeg Homes Fire Protection Memo, prepared by Dudek, July 2019 (Appendix E-1).*
3. *Biological Resources Letter Report for the Nutmeg Street Development, City of Escondido, California*, prepared by Evert and Associates, Environmental Consultants, January 30, 2019 (Appendix C) and *Biological Resources updated Memo, by Evert and Associates, Environmental Consultants, July 20, 2019 (Appendix C-1)*
4. The following conceptual site plan has been provided as Figure 3-5B, to address the changes requested by California Department of Transportation in Letter 5.
5. The following Mitigation Measures shall be updated to correct typos, updated Appendix C-1, and updated Appendix E-1:

MM BIO -2: Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife Agency criteria shall be accomplished. If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.

No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant

shall demonstrate to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.

MM CR – 1 The City of Escondido Planning Division (“City”) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. The Pauma tribe shall be consulted prior to contracting with the Native American Monitor. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

MM CR – 7 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.

MM HAZ – 2 Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall ~~above the planned retaining wall as shown on~~ ~~shown on~~ Figure 4.7-1 to the satisfaction of the City Community Development Department.

~~**MM HAZ 3** Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R’s that demonstrate to the satisfaction of the City’s Community Development Department and City Attorney that provide for an annual review of landscape maintenance plans.~~

MM HAZ – 4 Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R’s that demonstrate to the satisfaction of the City’s Community Development Department and City Attorney that the ~~annually~~ review of landscape maintenance plans includes a ~~an annually~~ third party

evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).

MM NOI – 4 For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that were not covered by the 35 STC requirement ~~shall to~~ have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.

IV.3 Page Specific Changes

1. Page 1-1, Section 1.1.1, Overview. First Paragraph, first Sentence

The project proposal includes a Tentative Subdivision Map for a maximum of 135 attached townhome units on a 7.66-acre site straddling Nutmeg Street. The portion of the site to the north of Nutmeg Street would be developed with ~~3971-1~~ homes, and the portion to the south of Nutmeg Street would be developed with no more than 968 homes.

2. Page 4-49, Figure 4.3-1 Vegetation Map

Has been updated to reflect corrected numbers based on Appendix C-1.

3. Page 4-126, Figure 4.7-1 Fuel Modification Zone

Has been updated to reflect corrected numbers based on Appendix E-1.

4. Page 4-124, Threshold HAZ-H, Second Paragraph, third sentence.

The proposed project would include the removal of all vegetation and re-landscaping areas within the Interstate 15 (I-15) right-of-way that runs alongside the project site. This would require discretionary review and approval from the State of California Department of Transportation, as well as issuance of an encroachment permit from that agency. ~~The encroachment permit conditions would provide for continued landscape maintenance of disturbed areas.~~ The proposed project would include the removal of all vegetation and grading on the east side of Centre City Parkway to bring it to the City's Local Collector standards as shown on the Tentative Tract Map. The City would maintain these areas once grading was accomplished.

5. Page 4-159, Threshold LU-B, First Paragraph, Fifth Sentence

The proposed project would amend the City's General Plan. The proposed project would establish new designations for the project site on the City's General Plan. Additionally, the requested actions include City approval of the following: Zone Change; Tentative Tract Map; Planned Development Permit; Master and Precise Development Plan; Grading Permit; and, Encroachment Permit. Approval by other agencies would include, but

not be limited to: Caltrans approval of an Encroachment Permit that would include landscape maintenance; and Vista Irrigation District (VID) approval of the vacation of an easement.

6. Page 4-64, Table 4.3-2: Existing and Impacted Habitat on the Project Site

Table 4.3-2: Existing and Impacted Habitat on the Project Site

Plant community	Acreage On-site	Impacted Acreage	No or Previously Addressed	Acreage preserved on-site	Impacts Requiring mitigation	Mitigation required (ratio)***
Southern Mixed Chaparral (SMC)	1.78	1.78	0	0	1.78	1.78 (1:1)
Diegan Coastal Sage Scrub (CSS)	3.56	3.56	0	0	3.56	7.12 (2:1)
Non-Native Grassland (NNG)	4.27	4.27	4.1227**	0	0.15	0.08 (0.5:1)
Coast Live Oak Woodland (CLOW)	0.25	0.25	0	0	0.25	0.50 (2:1)
TOTAL	9.86	9.86	4.1227	0	5.7459	9.480

Source: Appendix C, *Biological Resources*, Appendix D, to this Draft EIR & Draft Escondido Subarea Plan

** Within area previously mitigated and approved through the US Fish and Wildlife Service and California Department of Fish and Wildlife

*** Mitigation ratio for impacts per Draft Escondido Subarea Plan, Table 5-2

P1-VILLAS



P3 - ROWHOMES

P2-VILLAS

2-STORY AT STREET

PROJECT SUMMARY

TOTAL	131 HOMES
AREA	7.7 AC
DENSITY	17.0 DU/AC

UNIT MIX

P1 (VILLAS)	
11 PLAN 1	28D/2.5BA 1104 SF
28 PLAN 2	38D/2.5BA 1339 SF
39 SUBTOTAL	
P2 (VILLAS)	
14 PLAN 1	28D/2.5BA 1104 SF
30 PLAN 2	38D/2.5BA 1339 SF
44 SUBTOTAL	
P3 (ROWHOMES)	
11 PLAN 1	28D/2BA 1210 SF
11 PLAN 2	38D/3BA 1500 SF
11 PLAN 3	38D/2.5BA 1610 SF
15 PLAN 4	48D/3.5BA 1950 SF
48 SUBTOTAL	
131 TOTAL HOMES	

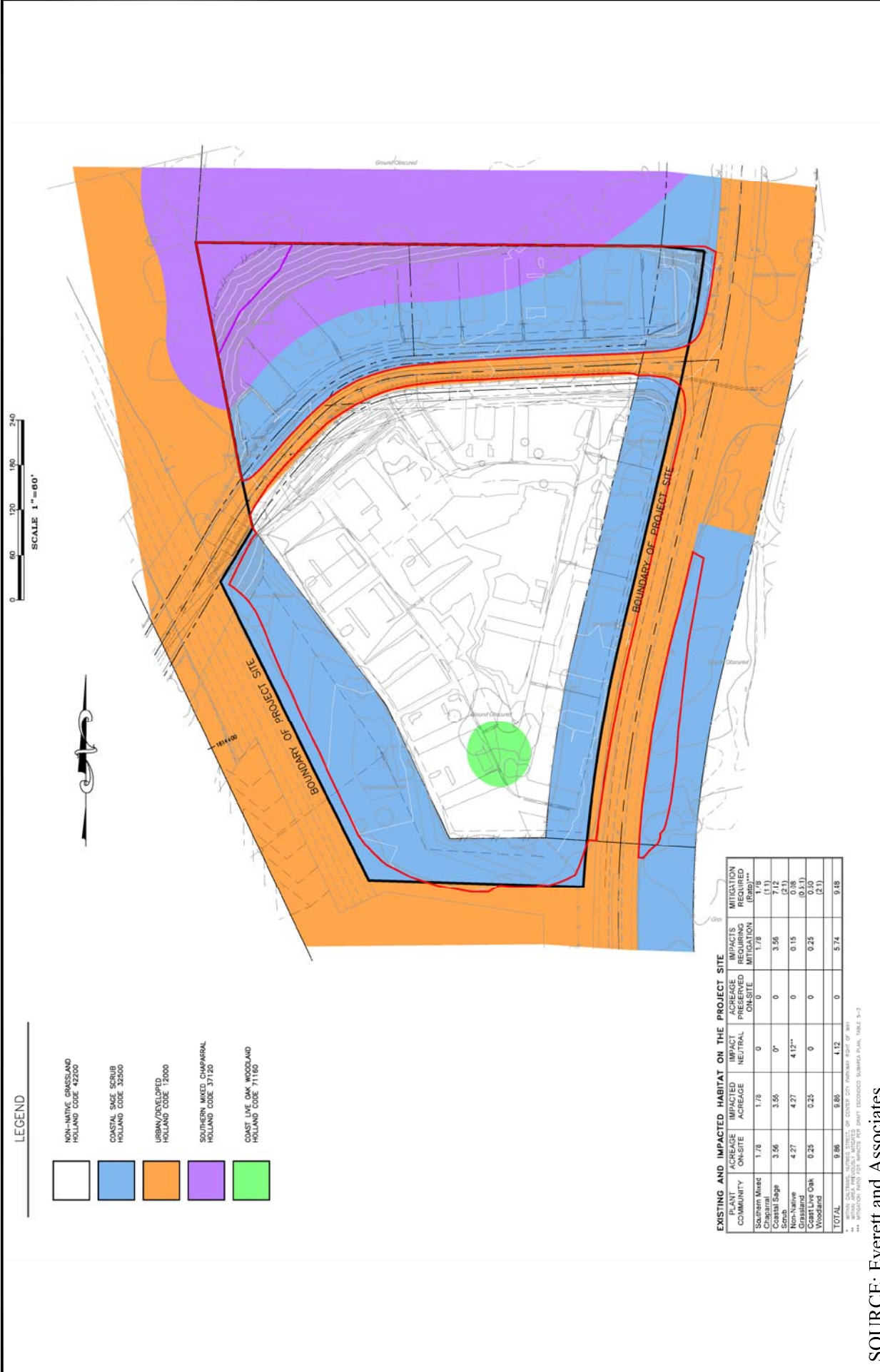
SOURCE: Summa Architecture.

NUTMEG HOMES SITE PLAN ALTERNATIVE

NUTMEG HOMES PROJECT - CITY OF ESCONDIDO

VISTA
NO SCALE

FIGURE 3-5B



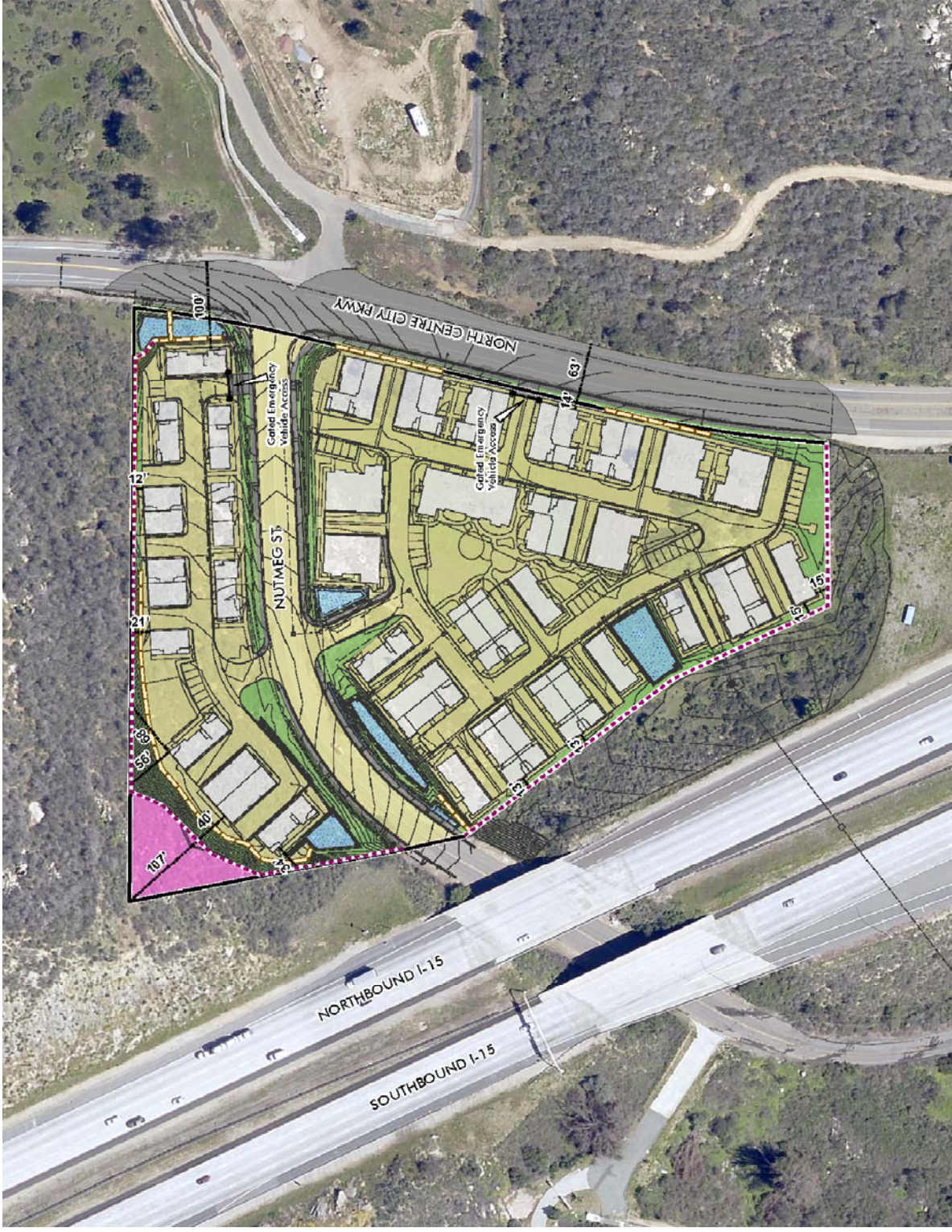
SOURCE: Everett and Associates.

VEGETATION MAP

NUTMEG HOMES PROJECT - CITY OF ESCONDIDO

VISTA
NO SCALE

FIGURE 4.3-1



SOURCE: DUDEK.

VISTA
NO SCALE

FUEL MODIFICATION ZONES

NUTMEG HOMES PROJECT - CITY OF ESCONDIDO

FIGURE 4.7-1