

Appendix A

NOP and NOP Comment Letters

NOTICE OF PREPARATION AND NOTICE OF PUBLIC SCOPING MEETING

Date of Issuance: July 1, 2021

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

FROM: Mike Strong
City of Escondido
201 N. Broadway
Escondido, CA 92025

Subject: Notice of Preparation and Notice of Public Scoping Meeting, North Iris Residential Project (Case Nos: PHG 20-0032, PL 20-0738, PL 20-0739, PL 21-0126, PL 21-0127, and PL 21-0128)

The City of Escondido will be the Lead Agency for the preparation of an Environmental Impact Report (EIR) for the North Iris Residential Project (proposed project). We need to know the views of your agency (and the views of other interested parties) as to the scope and content of the environmental information germane to your agency's statutory responsibilities in connection with the proposed project.

Project Title: North Iris Residential Project
Project Applicant: Hallmark Communities, Inc. (c/o Mariana McGrain)
Project Location: Four parcels addressed as 2039, 2047, 2085, and 2089 North Iris Avenue, plus a fifth unaddressed parcel (Assessor's Parcel Number 224-310-20-00); in Escondido, San Diego County, California

Information about the project description, location, and scope of the EIR is provided in the following pages of this notice, as well as in the Initial Study Part I form submitted by the applicant. To review the Initial Study Part I, please visit the Project's website at this link:

<https://www.escondido.org/north-iris-condominiums>

Please send your response by U.S. mail or email to the following address. Responses should be received no later than **5 p.m. PDT on Monday, August 2, 2021.**

Jay Paul
Senior Planner
City of Escondido Planning Division
201 North Broadway
Escondido, CA 92025
jpaul@escondido.org

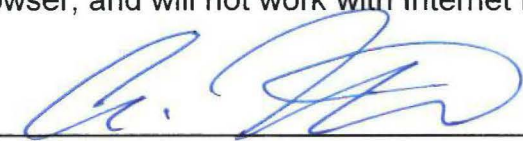
In your response, please include the name and contact information for the representative in your agency. In the event that no response or request for additional time is received by the City by the end of the review period, the City may presume that you have no response.

The City will also conduct a virtual Public Scoping Meeting on **Thursday, July 22, 2021, from 3 p.m. to 5 p.m.** Your agency and the public are invited to attend. The purpose of this scoping meeting is to further define the issues, feasible alternatives, and potential mitigation measures that may warrant in-depth analysis in the EIR. This will be a drop-in meeting, and participants may join at any time within the two-hour timeframe. If you would like to participate in the virtual scoping meeting, please visit the following videoconference link anytime between 3 p.m. and 5 p.m. on July 22, 2021:

<https://meet.escondido.org/northiris>

A staff member will be available in the videoconference room to answer questions about the project and record any comments provided by attendees. Please note that the link works best with the Google Chrome browser, and will not work with Internet Explorer.

Signature: _____



Adam Finestone, AICP
City Planner
City of Escondido

NOTICE OF PREPARATION AND NOTICE OF PUBLIC SCOPING MEETING

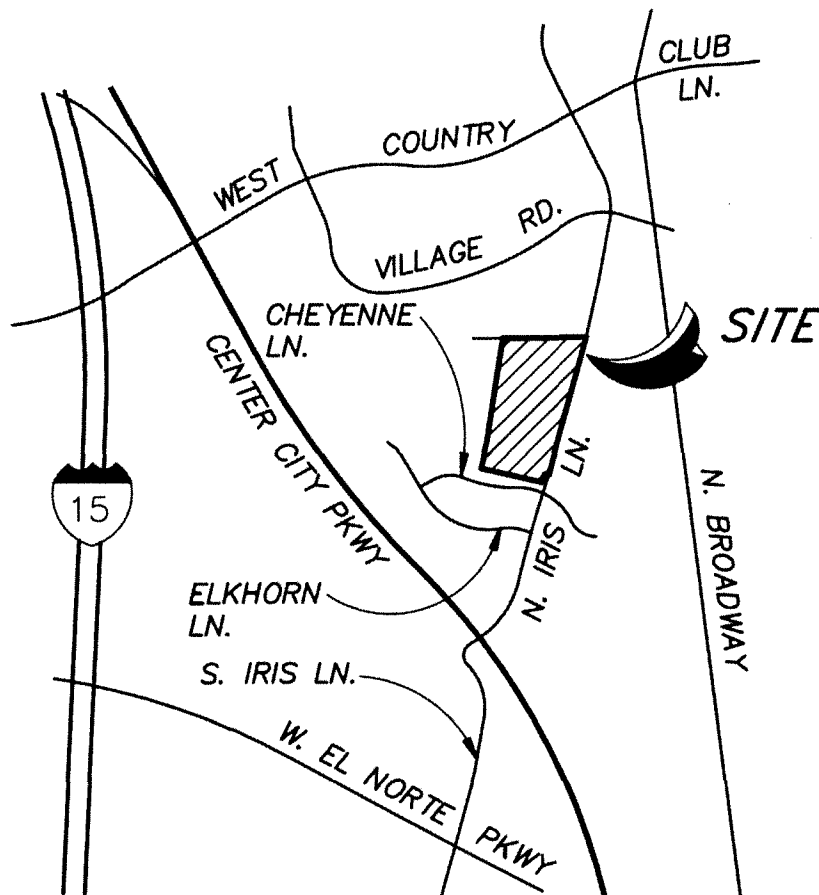
NOP Comment Period: July 1 to August 2, 2021

North Iris Residential Project

(City Case Nos: PHG 20-0032, PL 20-0738, PL 20-0739, PL 21-0126, PL 21-0127, and PL 21-0128)

Introduction and Project Location

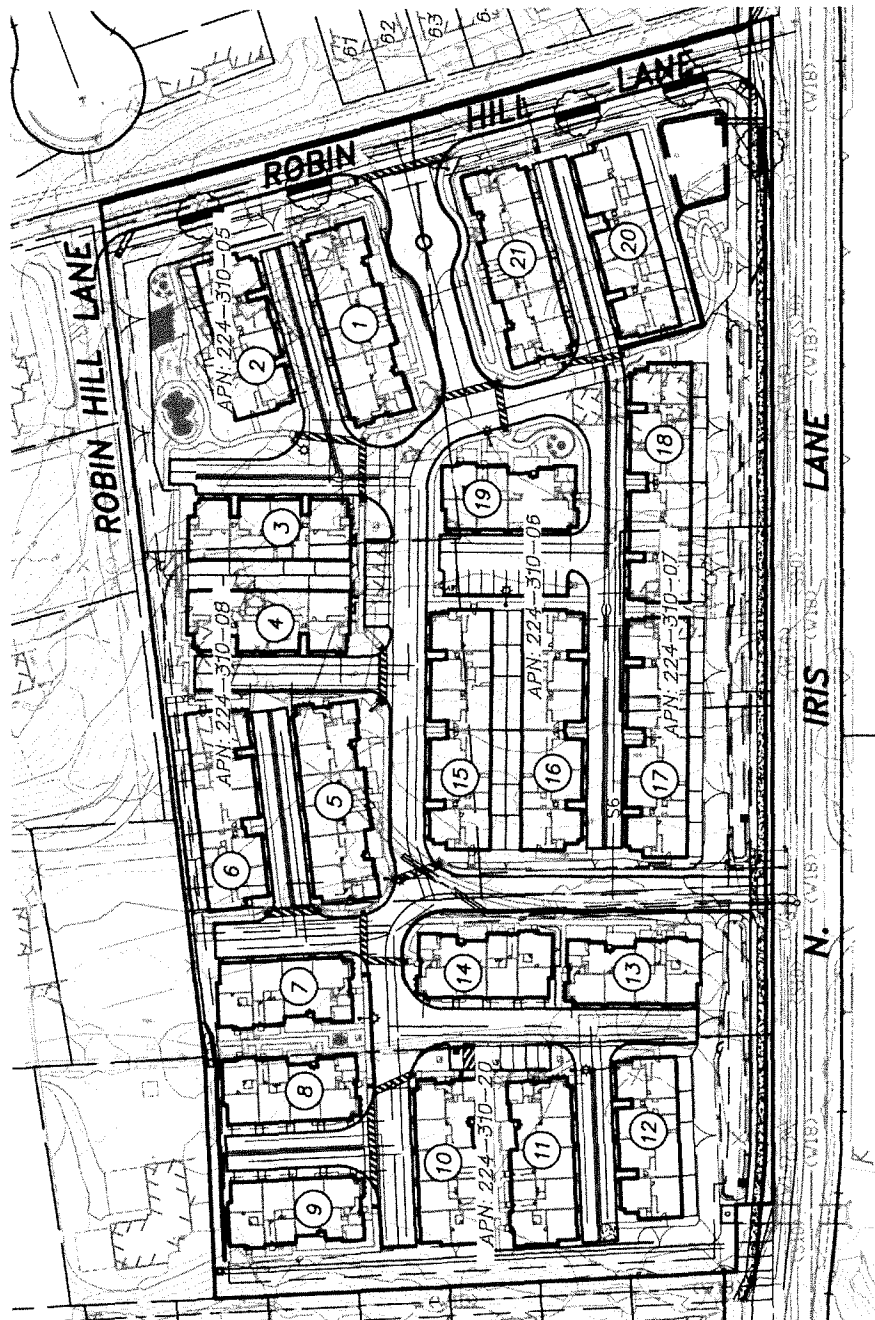
The City of Escondido will be the Lead Agency for the preparation of an Environmental Impact Report (EIR), as defined in Section 15161 of the CEQA Guidelines, for the proposed North Iris Residential Project (proposed project). The proposed project is located at the southwest corner of North Iris Lane and Robin Hill Lane, and is currently within County of San Diego's jurisdiction. The following figure depicts the location of the project within the region.



VICINITY MAP
NOT TO SCALE

Project Description

The project proposes to build 102 attached condominium dwelling units on a 7.7-acre site. Units will range in size from 1,228 square feet to 1,913 square feet, and will contain two to three stories. A private two-car garage will be included with each unit, and 26 guest parking spaces will be located throughout the development. The project proposes approximately 61,738 square feet of open space in the form of private decks and patios, a tot lot, a barbeque area, a fitness circuit, seating areas, and landscaping. Primary vehicular access to the site will be from Robin Hill Lane, with secondary emergency access will be provided on North Iris Lane. The following figure is an illustrative site plan of the proposed project.



Project Entitlements/Approvals

The proposed project consists of the following entitlements and agency approvals, which will be processed concurrently:

1. Annexation to the City of Escondido
2. General Plan Amendment from Suburban (S) to Urban III (U-3)
3. Prezone to Planned Development- Residential (PD-R)
4. Master Development Plan
5. Precise Development Plan
6. Tentative Subdivision Map
7. Certification of a Final Environmental Impact Report

The EIR will consider all potential environmental effects of the proposed project to determine the level of significance of the environmental effect, and will analyze the potential effects to the detail necessary to make appropriate determinations on significance. In addition, the EIR may consider those environmental issues which are raised by responsible agencies, trustee agencies, and members of the public or related agencies during the NOP process. An electronic version of this notice, including the Initial Study Part I form, can be found on the City's website:

<https://www.escondido.org/north-iris-condominiums>

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

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

Due to the time limits mandated by state law, responses from responsible agencies, other agencies, and organizations must be sent and received by the City of Escondido not later than 30 days following the publication of this Notice of Preparation (**August 2, 2021**).

Project-related comments may be sent to:

Jay Paul
Senior Planner
City of Escondido Planning Division
201 N. Broadway
Escondido, CA 92025
afinestone@escondido.org

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

Public Scoping Meeting

The City will also conduct a virtual Public Scoping Meeting on **Thursday, July 22, 2021, from 3 p.m. to 5 p.m.** Your agency representative(s) and the public are invited to attend to provide comment. The purpose of this scoping meeting is to further define the issues, feasible alternatives, and potential mitigation measures that may warrant in-depth analysis in the EIR. This will be a drop-in meeting, and participants may join at any time within the two-hour timeframe. The meeting may be accessed at the following link:

<https://meet.escondido.org/northiris>

Please note that the above link will work best with the Google Chrome browser, and will not work with Internet Explorer.

Issues to be Addressed in the EIR

An Initial Study Part I form has been prepared for the project and is available at the City's Project website at the following link:

<https://www.escondido.org/north-iris-condominiums>

In accordance with Section 15063 of the CEQA Guidelines, a full Initial Study checklist will be prepared for the project, and will be posted at the above link when available. The Initial Study will identify all areas of concern to be covered in the EIR. Staff expects that traffic and transportation, air quality, greenhouse gas emissions, biological resources, cultural and tribal resources, and noise will be covered in the EIR document, but this is not necessarily an exhaustive list.



NATIVE AMERICAN HERITAGE COMMISSION

RECEIVED
JUL 07 2021

PLANNING DIVISION

July 1, 2021

Adam Finestone, City Planner
City of Escondido
201 N Broadway
Escondido, CA 92025

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Luiseño

VICE CHAIRPERSON
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Chumash

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Chumash

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[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2021060702, North Iris Lane Residential Project, San Diego County

Dear Mr. Finestone:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 29, 2021

Jay Paul
 Senior Planner
 City of Escondido Planning Division
 201 North Broadway
 Escondido, California 92025
Jpaul@escondido.org

Subject: North Iris Lane Residential Project, Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), SCH# 2021060702

Dear Mr. Paul:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Escondido (City) for the North Iris Lane Residential Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding the activities involved in the North Iris Lane Residential Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW Role

CDFW 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 & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (a)]. CDFW, 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, CDFW 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 state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Jay Paul
 City of Escondido
 July 29, 2021
 Page 2 of 7

implementation of the Project as proposed may result in “take” (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Escondido has participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the North County Multiple Habitat Conservation Program (MHCP). However, the Escondido SAP has not been finalized and has not been adopted by the City or received permits from the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Escondido

Objective: The Project proposes to build 102 multifamily attached condominium dwelling units on a 7.7-acre site in Escondido. The units will range in size from 1,228 to 1,913 square feet and will consist of two to three stories. Each unit will have a private two-car covered garage; 26 uncovered guest parking spots will be located throughout the development. The Project will also include private decks and patios, a tot lot, a barbeque area, a fitness circuit, seating areas, and landscaping. Primary access to the site will be from Robin Hill Lane. The Project also plans to detach the assessor parcel numbers (APNs) from the county jurisdiction and annex into the City of Escondido. It also includes a general plan amendment (GPA) to “change the land use to U3 and rezone to R3 18 DU/acre (PD-R-18)”.

Location: The Project site is located at the southwest corner of North Iris Lane and Robin Hill Lane in the City of Escondido, San Diego County. The site is east of Interstate 15 (I-15) and northeast of Center City Parkway. Surrounding the Project site are track home communities, private residences, a school, and a multifamily senior living development. The Project site consists of non-native grasslands and mature trees. The site has existing homes and an active horse corral. An above surface drainage channel captures rainwater runoff from properties located to the west. The water drains southwest to the culvert inlet located at the southwest corner of the Project site.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating Project impacts on biological resources and to ensure regional conservation objectives in the MHCP and draft Escondido SAP would not be eliminated by implementation of the Project.

Specific Comments

- 1) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site, with emphasis

Jay Paul
 City of Escondido
 July 29, 2021
 Page 3 of 7

upon identifying endangered, threatened, sensitive, regionally and locally unique species, including any Covered Species under the City's draft SAP, and sensitive habitats. Although CDFW recognizes the Escondido SAP was not adopted, it remains a valuable reference to evaluate the importance of local biological resources and the potential implications to long-term conservation objectives within and beyond the City's boundaries. Absent this recognition the City's actions could cause further decline of species and their requisite habitats, including biological connectivity, leading to the need to list species as threatened or endangered. The Project impact analysis should therefore address direct, indirect, and cumulative biological impacts, as well as provide specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded in the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;
- b) A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities.
- c) A complete, recent, assessment of the biological resources associated with each habitat type onsite and within adjacent areas that could also be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) should be reviewed to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;
- d) The DEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species onsite and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are necessary. Acceptable species-specific

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survey procedures should be developed in consultation with CDFW and USFWS;
and,

- e) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 2) Sensitive Bird Species. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment in habitat directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.
- a) CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
 - b) Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 3) Tree Removal: Based off aerial imagery, the Project site contains several mature trees. Although some of the current tree inventory may be non-native, these mature trees can still serve as habitat for native fauna. Habitat loss is one of the leading causes of native biodiversity loss. To compensate for any loss of trees, CDFW recommends replacing all non-native trees removed as a result of the proposed work activities at least a 1:1 ratio with native trees.
- a) Due to tree removal, Project activities have the potential to result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks, alders, sycamore, and other trees in California which support a high biological diversity including special status species.

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To reduce impacts to less than significant, the final environmental document should describe an infectious tree disease management plan and how it will be implemented to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), see <http://www.thousandcankers.com/>; Polyphagous Shot Hole Borer (*Euwallacea spp.*), see <http://eskalenlab.ucr.edu/avocado.html>; and goldspotted oak borer (*Agilus auroguttatus*), see <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

- 4) Lake and Streambed: An above surface drainage channel is on the southern portion of the Project site. The site is within 0.25 mile of Escondido Creek. CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. CDFW recommends the Applicant submit a Lake and Streambed Alteration Notification to CDFW.
- 5) Landscaping: The Project Description includes landscaping throughout the Project site. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR also stipulate that no invasive plant material shall be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at California Native Plant Council <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

General Comments

- 1) Project Description and Alternatives. To enable CDFW to adequately review and comment on the Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
 - a) A complete discussion of the purpose and need for, and description of, the Project, including all staging areas and access routes to the construction and staging areas;
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The

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alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.

- 2) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore would not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or non-profit organization to effectively manage and steward land, water, or natural resources on mitigation lands that it approves.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address:

CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources and ensuring Project consistency with the requirement of the draft SAP under the San Diego County MHCP.

Questions regarding this letter or further coordination should be directed to Emily Gray, Environmental Scientist, at Emily.Gray@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

Jennifer Turner

C3D449ECB7C14DE...

For David Mayer
Environmental Program Manager
South Coast Region

ec:

Jonathan Snyder, US Fish and Wildlife Service, Jonathan.Snyder@fws.gov
State Clearinghouse, Sacramento, state.clearinghouse@opr.ca.gov
Karen Drewe, CDFW, Karen.Drewe@wildlife.ca.gov
Jennifer.Turner@wildlife.ca.gov, Jennifer Turner, CDFW, Jennifer.Turner@wildlife.ca.gov
Jennifer Ludovissy, CDFW, Jennifer.Ludovissy@wildlife.ca.gov

References

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MEADOWBROOK VILLAGE CHRISTIAN
RETIREMENT COMMUNITY
100 HOLLAND GLEN
ESCONDIDO, CALIFORNIA 92026

July 27, 2021

Via email: jpaul@escondido.org

Jay Paul
Senior Planner
City of Escondido Planning Division
201 North Broadway
Escondido, CA 92025

Re: Case Number PHG 20-0032
North Iris Lane, Hallmark Communities, Inc.
Scoping for EIR

Dear Mr. Paul:

Meadowbrook Village Christian Retirement Community ("Meadowbrook") has the following comments regarding the scoping for the above project.

1. At the public scoping meeting, an opinion was voiced that the entry and exit of Meadowbrook onto North Iris Lane (approximately 590 feet south of Robin Hill Lane) was not used very much. This is emphatically not true. During COVID-19 this entrance and exit was closed, but only because of the need to limit access to the retirement community to only one entrance. As we are all aware, the elderly residents of retirement communities were especially susceptible to COVID-19, and for many months Meadowbrook allowed no visitors at all. It was necessary to screen all entrants from the one entrance and exit to the community on North Broadway.

However, the entrance and exit on North Iris Lane will soon be reopened and it is our expectation that this entrance and exit will be used as much as the entrance and exit on North Broadway. This is especially true as the new apartment building with 66 units immediately adjacent to the North Iris Lane entrance was opened for occupancy just as COVID-19 hit, and the building is just now beginning to fill up.

2. At the scoping meeting it was explained that, in addition to the project access using Robin Hill Lane from North Iris Lane, and contrary to the Notice of the Scoping Meeting and the Site Plan and Tentative Map posted online, the Hallmark project will have a second access onto North Iris Lane apparently directly across from the Meadowbrook entrance and exit.

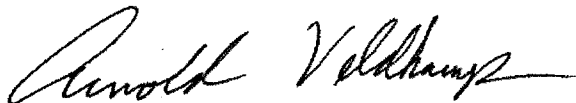
North Iris Lane can be very busy at times, and it can be difficult to exit Meadowbrook onto North Iris Lane, particularly when making a left turn. With the addition of the traffic from the proposed project, and with having to check not only traffic coming from the right or the left but also now from straight ahead, the intersection has the potential to become very dangerous. The traffic studies in the EIR need to pay careful attention to this, and it seems likely that some sort of traffic control will be needed to make this a safe intersection. Perhaps this point of entrance and exit from the project should be eliminated.

3. The project is very dense compared to the surrounding neighborhoods. We question whether the density is compatible with the existing community.

4. The notice of the scoping meeting and the project documents online showed that the project access across from the Meadowbrook entrance and exit onto North Iris Lane was to be an emergency access only with a Knox box. If that important element of the project changes, it seems that there should be a new notice to the community and a new scoping meeting with the correct information. This type of misinformation is concerning and should not be a part of our public process.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Arnold Veldkamp". The signature is fluid and cursive, with the first name "Arnold" and last name "Veldkamp" clearly distinguishable.

Arnold Veldkamp
Secretary of the Board of Directors
Meadowbrook Village Christian Retirement Community

Jay Paul

From: Audrey Brouwer <audreyabrouwer@gmail.com>
Sent: Thursday, July 22, 2021 9:42 AM
To: Jay Paul; glen@trib-la.com
Subject: [EXT] Case Number: PHG 20-0032

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Jay,

I would like to add some additional comments to Glen's email. In the almost 30 years we have lived on the corner of Iris Lane and Cheyenne Lane, we have seen this area transition from a quiet, rural neighborhood to a noisy traffic route for residents outside of our neighborhood. Last spring, the speed of the cars travelling on Iris was so bad, we had an Escondido police officer parked in front of our house writing tickets left and right. The police department even put up a speed monitoring sign and following sign to remind drivers this is a residential neighborhood. I don't know if traffic studies include accidents, but the corner of Iris and Center City have had many accidents due to the change in elevation and curve on Iris and the speed of drivers. Adding more drivers will only increase the number of accidents at this intersection.

I am also concerned about the extra traffic and how it will affect the residents/guests of Meadowbrook Village Christian Community when they exit the back gate. When I leave my mom's place, it can take some time just to get onto Iris with the existing traffic and speed of cars.

I support property owner's rights and understand the need for housing, but a project this size is not appropriate for the location. I believe single family homes would be a more appropriate use for this location.

Thank you,

Audrey Brouwer

Jay Paul

From: Glen Brouwer <glen@trib-la.com>
Sent: Thursday, July 22, 2021 9:08 AM
To: Jay Paul
Cc: abrouwer@superiorrm.com
Subject: [EXT] Case Number: PHG 20-0032

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

Jay,

I hope that you and your family are doing well. I've not had any projects in Escondido so we haven't had a chance to catch up.

I wanted to provide a few comments on this project. Audrey and I live at 305 Cheyenne Lane which is the southwest corner of Iris Lane and Cheyenne. We have lived in this home for nearly 30 years so we have seen the traffic increase over the years. We have noticed the traffic has increased pretty dramatically over the last several years. I'm sure that this is due to the new homes built east of us off Vista way etc. What we've seen is people use Iris as the quicker way to get to Centre City so at times in the morning, we have traffic backed up to Cheyenne Lane as they wait for the stop light at Centre City. I generally leave for work around 7 am so the traffic isn't as bad then but at times I when I leave around 7:30 it can be difficult to turn west on to Iris and nearly impossible to turn east. The traffic is generally worse during the school year and lessens during the rest of the year. I'm sure that the city will require traffic studies of the builder so they can show how the new development will affect the traffic. What is important in doing that study is that the builder do the traffic studies at the time when schools are fully in session. This past year with schools and most everything else being closed due to the virus, the traffic was at a lower level but as things begin to open up again we are seeing the increase in the traffic. My concern is the traffic studies will be done during a low use time and when everything really opens up, we will have a terrible issue with traffic. The project proposes 102 condos which most likely will be 2-3 bedrooms. As I look at that, there will be a minimum of 204 cars associated to the project and if the condos end up being rental units the number of cars could increase to one per bedroom. Thinking on those really concerns me as there are many more trips based on the number of cars associated with the project.

As a landscape architect who works with builders, I'm pretty much a pro-builder person. Also I fully believe that California and especially North County needs more homes but I'm greatly concerned about how that development occurs. This project seems to be too much for the small, busy street that is Iris Lane.

I appreciate you taking the time to read this.

Thank you,

Glen

.....

Glen Brouwer, ASLA

Partner
California Licensed Landscape Architect #3465

Tributary LA, Inc.
2725 Jefferson Street, Suite 14

Jay Paul

From: Claude Dillard <cldox4life@gmail.com>
Sent: Wednesday, July 28, 2021 4:12 PM
To: Jay Paul
Subject: Re: [EXT] N. Iris Apartment Building Meeting

Thank you for the document. I am very disappointed there were only "3" non-staff/applicant/consultants participating. Hopefully, you received meaningful comments from other sources.

This is far too important. The dangerous driving along N. Iris Lane between Village and CC Pkwy, especially southbound, has "yet" to cause death, as far as I know. I risk being T-boned by the "unable to see" speeders heading for CCP. The increased density will dramatically threaten the Meadowbrook Village Christian Retirement Community and all nearby neighborhoods.

Major road widening and repairs, sidewalks, and realignments would be needed along N. Iris, S. Iris, and their intersections at Centre City Parkway. Imagine the triple, quadruple numbers of cars in lines, blocking side streets, along N. Iris, especially, but S. Iris, as well, waiting to access North and South CCP.

You have an approved project, Item 130, at 1802 N. Centre City Parkway: 96-bed residential care facility which will impact the intersection at Iris Lanes. Plus, Item 142, Solaris Business Park will impact traffic patterns: Country Club, Village, N. Iris, N. Broadway, Centre Center Pkwy, etc.

Crime will be a major concern, as well.

Thank You.

Claude Dillard
327 Elkhorn Lane
92026