

Notice of Preparation Public Comments

Solaris Project (PHG20-0035) SCH 2022080546

- **SEEDSD**
- **CA Dept. of Transportation**
- **County of San Diego**
- **CA Department of Fish and Wildlife**
- **Native American Heritage Commission**
- **Mid Hoppenrath**
- **Janean Huston**
- **Douglas Dill, San Dieguito Planning Group**
- **Holly Fisher**
- **Bill Osborn**



10/03/2022

VIA EMAIL ONLY

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

RE: NOP Comments for Solaris Business Park Project

Dear Mr. Paul,

On behalf of San Diegans for Sustainable, Economic and Equitable Development ("SD SEED") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the proposed Solaris Business Park project (the "Project").

The Project is a proposed Specific Plan which would provide for development of an industrial business park with a range of allowable uses comprising up to 500,000 square feet of building space. Anticipated allowable uses would include a range of light industrial, indoor manufacturing, storage, office, medical office, and new automobile dealership (indoor storage only).

SD SEED respectfully requests, under CEQA complete analysis of all identified potential environmental impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives including at least two environmentally superior alternatives to the Project. In addition, we request that the City take into consideration the following comments:

1. Although the tenant or planned operations are usually unknown at this stage of development, the DEIR should reflect a good faith effort at full disclosure by including as much information on the nature of operations as can be reasonably obtained. In addition, the DEIR should clearly articulate and quantify all proposed future uses of the Project. This is important because different uses have different levels of environmental impacts. To ensure a conservative analysis, the DEIR should study a reasonable worst-case scenario (i.e., most impactful), which

includes assumptions about the types of uses so that a broad and diverse range of environmental impacts are included in the analysis.

2. Since the Project includes diesel-fueled vehicular trips, the DEIR should include a mobile source health risk assessment. The assessment should include impacts from particulate matter from the diesel trucks on the health of those living, working, and recreating nearby. Estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health.

3. We request that the City make every effort to mitigate all impacts to the fullest extent feasible. For example, a requirement that all off-road equipment and trucks using the site during construction and operations be zero emission, near-zero emissions or alternative-fueled vehicle would both reduce and/or eliminate air pollution impacts and CO2 emissions.

Thank you for the opportunity to submit NOP comments. Again, SD SEED respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on the DEIR. Please provide all sources and referenced materials when the DEIR is made available.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Modrzejewski", with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Director of Outreach

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
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September 26, 2022

11-SD-15, 78
PM VAR
Solaris Business Park
NOP/SCH#2022080546

Mr. Jay Paul
Senior Planner
City of Escondido
201 N. Broadway
Escondido, CA 92025

Dear Mr. Paul:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation (NOP) for the Solaris Business Park located near Interstate 15 (I-15) and State Route 78 (SR-78). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of Escondido in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Impact Study

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.¹
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Escondido is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

¹ California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

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Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

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Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, LDR Coordinator, at (619) 985-1587 or by e-mail sent to Kimberly.Dodson@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review



County of San Diego

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5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
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DAHVIA LYNCH
DIRECTOR

October 3, 2022

Jay Paul, Senior Planner
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Planning Division
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Escondido, CA 92025

Sent via email to: jpaul@escondido.org

REQUEST FOR COMMENTS ON THE NOTICE OF PREPARATION FOR THE SOLARIS BUSINESS PARK PROJECT IN THE CITY OF ESCONDIDO

Dear Mr. Paul,

The County of San Diego (County) staff reviewed the City of Escondido's (City) Solaris Business Park Project (Project), dated August 30, 2022.

County staff appreciates the opportunity to review the Project and offers the following comments for your consideration. Staff has also included preliminary comments related to the potential future annexation. The County may have additional comments when the annexation is processed through San Diego Local Agency Formation Commission (LAFCO). Please note that none of these comments should be construed as County support for this Project.

GENERAL

1. The proposed Project site is located in the unincorporated area within the San Dieguito Community Planning Area. Our understanding is that this Project is contingent upon annexation into the City of Escondido, and therefore, the City is identified as the lead agency on the CEQA document. The County's Land Use and Environment Group have developed Guidelines for Determining Significance that are used to determine the significance of environmental impacts and mitigation options for addressing potentially significant impacts in the unincorporated portions of the county. Project impacts that could have potentially significant adverse effects on the unincorporated county or County facilities should be evaluated using the County's Guidelines for Determining Significance. These guidelines are available online at:
<http://www.sandiegocounty.gov/pds/procguid.html>.

2. Due to the location of the proposed project, the County recommends the City and the applicant work closely with the surrounding unincorporated residents located in close proximity to the Project and keep them informed of the Project's progress. Please include the San Dieguito Community Planning Group (SDCPG) informed as part of your efforts. The following is the contact information for the SDCPG Chair: Doug Dill, theddills@att.net, 760-420-7909.
3. The 45.5-acre Project site is currently zoned Agriculture (A-70) and Rural Residential (RR), with a General Plan designation of Semi-Rural (SR-2, two units per acre) and Village Residential (VR-2, two units per acre). The industrial business park Project as described in the NOP is likely not entirely consistent with the current Zoning Ordinance and General Plan, since the Project area is designated predominantly for residential and agricultural uses.

BIOLOGY

1. The proposed annexation is within the County's Draft North County Multiple Species Conservation Plan (MSCP) (North County Plan). The County, United States Fish & Wildlife Service (USFWS), and the California Department of Fish & Wildlife (CDFW) entered into a Planning Agreement (third restated and amended, 2021) for the North County Plan. Section 6.8.3 addresses the annexation of lands and requires that the County request the San Diego Local Agency Formation Commission (LAFCO) require any annexing jurisdiction to enter into an MSCP consistency review agreement with the County, USFWS, and CDFW. The County will make this request when LAFCO initiates the annexation process. The purpose of an MSCP consistency review agreement is to ensure that the proposed annexation will not jeopardize the North County Plan.
2. The County is requesting the City require the following condition be incorporated as a Project condition for the Project's Tentative Map to ensure implementation of the Planning Agreement for the North County Plan:
 - a. "Prior to any hearing before the San Diego Local Agency Formation Commission, a Multiple Species Conservation Program (MSCP) consistency review agreement between the City of Escondido, County of San Diego, United States Fish & Wildlife Service, and California Department of Fish & Wildlife shall be executed to ensure that the annexation will not jeopardize the buildout of the North County Multiple Species Conservation Program Plan (North County Plan) preserve or the coverage of species within the Planning Area, or compromise viable habitat linkages within the proposed preserve and that any development of the annexed lands proceeds in accordance with the Preliminary Conservation Goals set out in section 5 of the Planning Agreement (third restated and amended 2021) for the North County Plan. The agreement will set forth the resulting responsibilities for ongoing maintenance and enforcement of the terms of the Planning Agreement as they relate to the annexed land."

TRAFFIC

1. As part of the Project analysis and assessment, the City should assess annexing and improving all of Country Club Drive (CCD) from the City/Project line south to Harmony Grove Road in order to improve access to/from the Project site, which would help to address any community traffic and fire/emergency access concerns.
2. As part of the Project analysis and assessment, the City should coordinate with County staff to identify key study area intersections along CCD and evaluate potential traffic operation, safety, and pedestrian improvements.
3. As part of the Project analysis and assessment, the City should assess improving or constructing alternate routes to/from CCD to Citracado Parkway and Auto Park Way to help alleviate traffic along CCD and provide better connectivity/route options during peak traffic periods and/or emergency evacuation scenarios.
4. The Project's EIR/Traffic Study should analyze potential impacts on offsite roads located within the unincorporated area that would provide access to/from the project site, including but not limited to, Harmony Grove Road and Elfin Forest Road. The City should coordinate with County staff to identify key study area intersections to include in the Project's traffic analysis.
5. For further information or coordination, please reach out to Richard Chin at Richard.Chin@sdcounty.ca.gov or 858-694-3858.

ROAD DRAINAGE

1. There is a County culvert at the intersection of Hill Valley Drive and CCD. From the exhibit provided, it appears that the upstream portion of the culvert including the inlet will be within the annexed area. If that is the case, the maintenance and ownership of the portions should be coordinated between the City and County and the City may need to require a cleanout at the boundary as part of the Tentative Map Conditions.
2. As part of the Project analysis and assessment, the City should ensure that flow rates discharging directly or eventually into the County's jurisdiction (including to the culvert mentioned above) are not increased.
3. For further information or coordination, please reach out to Anthony Barry at Anthony.Barry@sdcounty.ca.gov or 858-472-0837.

LAND WATER QUALITY

1. The Department of Environmental Health and Quality (DEHQ), Land and Water Quality Division, records indicate that adjacent residences that are not proposed to be included in the annexation are served by onsite wastewater (septic) systems. As such, grading plans for the Project should be routed to County DEHQ for review and concurrence prior to approval to ensure the proposed grading does not impact the existing septic systems and required septic reserve area on adjacent properties that are not proposed to be included in the annexation.
2. For further information on the review process and applicable fees, please contact Craig Caes, Supervising Environmental Health Specialist of the Land Use Program, at 858-694-2551.

HAZARDOUS MATERIALS

1. The County Hazardous Materials Division (HMD) is responsible for the protection of public health and the environment by ensuring hazardous materials, hazardous waste, medical waste, aboveground tanks, and underground storage tanks are properly managed. The HMD has completed its review and has the following comments regarding the project.
 - a. Please be advised that any and all construction/improvement-related hazardous wastes to be generated (i.e., used oil, paint waste, lead paint debris, waste materials containing asbestos) must be classified, labeled, and handled in a manner as to prevent the release to the environment. Contractor(s) must ensure that hazardous wastes are properly disposed of by a California-registered hazardous waste hauler and maintain documentation of proper disposal dating back 3 years. More information on hazardous wastes can be found here: <https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hazwaste.html>
 - b. Depending on the nature of construction, a Hazardous Materials Plan Check review may be necessary in order for buildings to be cleared for occupancy. Similarly, if the project will create new facilities that become subject to regulation by the HMD, permits must be established for those facilities. For your reference, information regarding the Hazardous Materials Plan Check requirement can be reviewed here: https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hazmat/hmd_plan_check.html
 - c. Please note, 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: [Hazardous Materials Division \(sandiegocounty.gov\)](https://www.sandiegocounty.gov/content/sdc/deh/hazmat/hazmat/hmd_plan_check.html)

Mr. Paul
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2. The HMD appreciates the opportunity to participate in the environmental review process for this project. If you have any questions regarding these comments, please contact Dana Barkil at (619) 249-8704 or by email at Dana.Barkil@sdcounty.ca.gov

The County appreciates the opportunity to comment on this Project. Given its location, it could potentially impact the unincorporated area. 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) 505-6677, or via e-mail at timothy.vertino@sdcounty.ca.gov.

Sincerely,



Scott Christman
Group Program Manager, Long Range Planning Division
Planning & Development Services

cc: Hunter McDonald, Policy Advisor, Board of Supervisors, District 5
Marvin Mayorga, Group Program Manager, LUEG
Autumn Viglione, Land Use/Environmental Planner, PDS-Sustainability
Sue Waters, Land Use/Environmental Planner, DPW
Richard Chin, Project Manager, DPW
Anthony Barry, Senior Civil Engineer, DPW
Dana Barkil, Supervisory Environmental Health Specialist, HMD
Craig Caes, Supervising Environmental Health Specialist, DEHQ
Mary Bennett, Administrative Analyst, DEHQ



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

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



October 3, 2022

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

Subject: Solaris Business Park Project (Project) Notice of Preparation of a Draft Environmental Impact Report (NOP), SCH #2022080546

Dear Mr. Paul,

The California Department of Fish and Wildlife (CDFW) received a NOP of an Environmental Impact Report from the County of San Diego for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. 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 & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The County of San Diego (County) participates in the NCCP program by implementing its approved Subarea Plan (SAP) under the County Multiple Species Conservation Plan (MSCP) and the draft North County Plan (NCMSCP). The City of Escondido (City) previously participated in the NCCP program and prepared a draft Subarea Plan (SAP) under the Subregional Multiple Habitat Conservation Program (MHCP). However, the SAP was not finalized or adopted by the City council and permits have not been issued by CDFW or the US Fish and Wildlife Service.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Escondido

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.

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Objective: The objective of the Project is to build an industrial business park consisting of 500,000 square feet of building space with a range of allowable uses, including light industrial, indoor manufacturing, storage, office, medical office, and new automobile sales. Currently, the 45.4-acre site contains two vacant homes, and foundations for four additional homes.

Location: The Project site is located in unincorporated San Diego County, adjacent to the Escondido City limits, and annexation to the City of Escondido is proposed. The Project site is located on the south and east sides of Country Club Drive, approximately one mile west of the I-15/SR-78 freeway interchange.

Biological Setting: Regionally, the Project site is within the County's NCMSCP area. The Project site itself is surrounded by development on all sides, and it has been previously cleared/grubbed in conjunction with a prior project. The prior clearing occurred under a Habitat Loss Permit (HLP; County of San Diego HLP-15-002). Compensatory mitigation of 53.6 acres was purchased in conjunction with the HLP. Currently, per the Initial Study, the site contains 20.1 acres of Diegan coastal sage scrub, 14.6 acres of non-native grassland, 7.6 acres of disturbed habitat, and 0.5 acre of developed land. Special-status animal species known to occur within the Project area include coastal California gnatcatcher (*Poliophtila californica californica*, federal Endangered Species Act listed-threatened, CDFW Species of Special Concern) and coastal whiptail (*Aspidoscelis tigris stejnegeri*, CDFW Species of Special Concern).

COMMENTS AND RECOMMENDATIONS

We offer the comments and recommendations below to assist the City of Escondido in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- 1. Open Space Easement:** The Initial Study states, '[m]itigation was provided in the form of purchasing mitigation bank credits (Open Space Easement, DOC# 2017-0531742). The history of the parcel which the Biological Open Space Easement describes is unclear to CDFW. The Center for Natural Lands Management (CNLM) granted the 53.6-acre easement to the County in 2017. CNLM obtained the Copper Creek property, which includes the 53.6 acres, from The Conservation Fund in 2011, and The Conservation Fund obtained the fee title from Cielo Del Norte, LLC in 2010. Given this, it is possible that the 53.6-acre parcel described in the easement has already been used as mitigation for the Cielo Del Norte project. If this is the case, then additional mitigation may be necessary to bring impacts to on-site habitats below significance thresholds. We request that a thorough discussion of the history of the mitigation parcel be included in the draft EIR to ensure that any mitigation proposed for impacts of the Project were not used as mitigation for other projects.
- 2. Habitat Loss Permit:** The HLP with which the City proposes to mitigate was executed by the County in 2017. Given that HLPs expire after one year, we encourage the City to re-engage with the United States Fish and Wildlife Service (USFWS) and CDFW regarding the HLP to ensure the mitigation obligations have been fully met.
- 3. Mitigation for Temporal Impacts:** While the above-referenced HLP was issued to mitigate for clearing associated with a prior project, the NOP does not account for temporal impacts which could occur in the interim between previous grading/grubbing and new development. Given that the site contained over 20.1 acres of Diegan coastal sage scrub and 14.6 acres of non-native grassland, and the site was cleared over 5 years ago, CDFW recommends that the draft EIR should take into account the direct, indirect, and cumulative impacts to biological resources which will take place given the site will be cleared a second time after a gap of several years. CDFW recommends that the discussion of the temporal impacts include but not be limited to impacts to gnatcatchers and the impacts associated with removal of raptor foraging habitat.

Jay Paul, Senior Planner
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4. **Coastal California Gnatcatcher:** The Initial Study states that coastal California gnatcatcher has been observed on site on multiple occasions. This species occurs in or near coastal sage scrub, which is present within the Project area. While we appreciate that all clearing and grading activities will occur outside of the nesting season for gnatcatcher, per Project Design Feature 1, we encourage the City to coordinate with the USFWS to ensure that avoidance and mitigation measures to reduce impacts to gnatcatchers are adequate.

General Comments

5. **Biological Resource Inventory:** The document should contain a complete description of the Project, including purpose and need, that describes all habitats within or adjacent to the Project area, including all staging areas and access routes to the construction and staging areas. The Project area is described as the area in which potential effects may occur.

The document should also provide a complete assessment of the flora and fauna 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 complete floral and faunal species compendium of the entire Project site, undertaken at the appropriate time of year. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive wildlife species. Seasonal variations in use of the Project area by wildlife 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 required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service (USFWS).

6. **Biological Impacts:** To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the EIR:
 - a) Please provide a discussion of potential adverse impacts from lighting, noise, human activity, exotic species, recreational uses, and drainage. Mitigation measures proposed to alleviate such impacts should be included.
 - b) Please provide a discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands.
 - c) CDFW also recommends that a habitat gain/loss table be included, which calculates the expected net habitat losses and gains of each type of habitat area lost, restored, enhanced, and created.
7. **Cumulative Effects Analysis:** A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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:

Jay Paul, Senior Planner
City of Escondido
October 3, 2022
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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.)

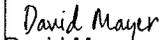
CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Escondido in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

DocuSigned by:


~~David Mayer~~

Environmental Program Manager
South Coast Region

ec: State Clearinghouse, Sacramento, State.Clearinghouse@opr.ca.gov
Jennifer Turner, CDFW, Jennifer.Turner@wildlife.ca.gov
Jennifer Ludovissy, CDFW, Jennifer.Ludovissy@wildlife.ca.gov
Jonathan Snyder, USFWS, Jonathan_D_Snyder@fws.gov

REFERENCES

California Environmental Quality Act (CEQA). 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.
California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, § 15097, §15126.4(2).



NATIVE AMERICAN HERITAGE COMMISSION

September 8, 2022

Jay Paul, Senior Planner
City of Escondido Planning Division
201 N. Broadway
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CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

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Karuk

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Isaac Bojorquez
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Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok/Nisenan

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

Re: 2022080546, PHG 20-0035 (Solaris Business Park) Project, San Diego County

Dear Mr. Paul:

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

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, subs. (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:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. 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:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. 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:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. 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.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. 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)).
- f. 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:

- a. 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.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. 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 (https://ohp.parks.ca.gov/?page_id=30331) 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:
Pricilla.Torres-Fuentes@nahc.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse

Jay Paul

From: Mid Hoppenrath <midhop@gmail.com>
Sent: Thursday, September 29, 2022 4:00 PM
To: Jay Paul
Subject: [EXT] comment on Solaris (Eden Valley) Business Park Project No. PHG20-0035

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midhop@gmail.com You don't often get email from midhop@gmail.com. [Learn why this is important](#)

Dear Mr. Jay Paul, Senior Planner, City of Escondido Planning Division:

I am a 22-year resident of Harmony Grove and I have been evacuated for wildfires 4 times. Understandably, my principal concern is having a clear evacuation route out of the community.

Because the Solaris Business Park project is planning their only ingress and egress on Country Club Drive, my evacuation route, I am opposed to this project. I hope that this project can provide alternate routes that do not impact Country Club Drive. The City of Escondido should give serious consideration to the implications of the restriction of this community's evacuation route and require a new design to mitigate these important concerns.

Thank you,

Mid Hoppenrath
2640 Harmony Grove Rd, Escondido, CA 92029

FRIENDS OF EDEN VALLEY FOR
RESPONSIBLE DEVELOPMENT
www.FriendsOfEdenValley.com

October 3, 2022

Jay Paul, Sr Planner
City of Escondido

Re: Response to Notice of Preparation (NOP) for Solaris Business Park.

Dear Mr. Paul:

Thank you for giving *Friends of Eden Valley for Responsible Development (FEV)* an opportunity to comment on the Notice of Preparation request for a Solaris Business Park, a proposed industrial business park consisting of up to 500,000 square feet of building space with a range of allowable uses, including light industrial, indoor manufacturing, storage, office, medical office, and new automobile sales (indoor storage only).

This project lies within the Northern tip of the Eden Valley community, a rural residential neighborhood in character with large lots and equestrian uses. To our South, the population of Harmony Grove has increased dramatically as the Harmony Grove Village development pattern is built out. Eden Valley was promised to be the “buffer” between the Harmony Grove Village development and the Cities of Escondido and San Marcos. We are now concerned about the ability to keep our rural character and voice.

It is sad that no know notification regarding this proposed project when out to the entire Eden Valley area as this is the first project that actually comes “over the hill” from Escondido and into our valley, and actually plans to remove, via annexation, part of Eden Valley from the County of San Diego, into the City of Escondido. Removing part of our community via annexation, and drastically changing the zoning from Rural Residential is NOT supported by our community. Additionally, this project would have a significant impact to our neighborhood, setting a precedence for other zoning changes, and even annexations in the future. We in Eden Valley are not opposed to growth consistent our community character and with the existing County General Plan, however this project is neither.

SETTING PRECIDENCE: What cumulative growth inducing effects an/or impacts will result from bringing the first commercial zoning project into our Valley? How does the applicant guarantee this won't be the only rezoning in our community?

HORSES: The established community is equestrian in nature. Horses are sound and movement sensitive with an innate “flight” response to such items. During construction, what kinds of safety precautions will be set into place for the many people who work directly with horses in the overall area. The valley is small with topography constraints that produce a rather loud echo throughout the area.

The amount of landform modification for the proposed project is extreme. The hillside is a granite base and will require explosive. The existing community is Agriculture in nature with large lots

and animal keeping. How does the applicant plan to mitigate this noise when it comes to horses, who can easily spook, injuring themselves or the people around them. Will the applicant be providing a large animal vet to remain on-site to be proactive with these animals?

DARK SKYS: All of Eden Valley has a Dark Sky policy. How does the applicant plan to manage the significant impact this project will create as a new source of substantial light or glare, which would adversely affect day or NIGHT TIME views in the area? Will these be IMMEDIATE mitigation, and not the typical “when the trees mature” over-time mitigation?

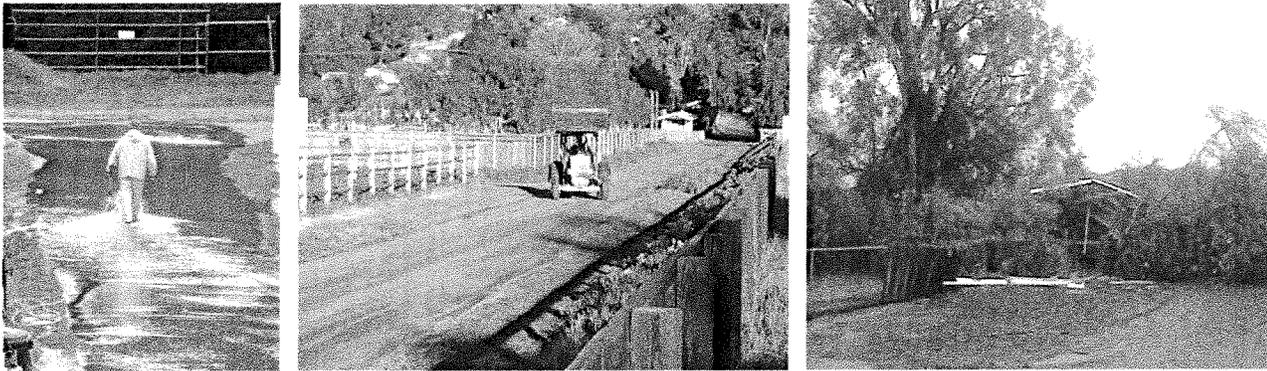
BUFFER ZONE: Properties directly abutting the project are designated as very-low residential, and many with large animal keeping. The proposed hillside lots on the western portion of the subdivision are much smaller in size, and do not provide an adequate transition in lot size from very-low density in the west, to higher density to the east. How does the applicant plan to address the land use between the commercial and adjacent residential lots.

AIR QUALITY: How does the applicant plan to deal with the cumulative impact of project construction emissions which will need to be evaluated in the context of other construction projects in the area, both proposed and existing. Additionally, is there an overlap between construction and operational emissions that may need to be accounted for as well? How will the substantial pollutant concentrations during construction affect the many horses and outdoor workers directly in the area?

WILDLIFE: The project site contains multiple unique topographies, ecosystems and natural characteristics of our County. As our area is Agricultural in nature, we use wildlife as part of our preservation without poisons. The proposed projects maps do not provide any wildlife corridors. This will have a major impact on the animal life and potentially create an increase roadkill rate as animals move between the biological areas. This could also potentially increase human/wildlife contact. Will the applicant allow existing and functioning wildlife corridors to remain accessible within this project?

WATER RUN-OFF: According to Rincon del Diablo water district there is one of the largest natural aquifers located under our valley. How will the proposed grading, added street surfaces and other building items associated with this project affect the natural aquifer and its ability to drain and refill? Will this be studied for potential impacts? How does the applicant plan to address any blasting that will be performed during the grading phase to ensure it will not harm the existing aquifer under the valley, or the many wells in located in Eden Valley?

Within Eden Valley, there is the presence of soils with moderate or severe erodibility ratings. This may have both on site and off site impacts to proposed and existing residences. There is a vary high water table in Eden Valley. Previous moderate to heavy rains have resulted in soils liquefying on the existing access roads within the valley. You could literally see the ground move like a slow wave under foot, and numerous large service vehicles have sunk into the road. The existing private dirt easement on the westside of Country Club Drive is a low point in that part of the Valley, and even with the slightest rain, soils washes away needing continual maintenance to keep it passable. Excess water from the this hillside is known to drain onto this off site easements. How does the applicant intend to deal with continual drainage from this concrete site onto the dirt valley below?



This project will be elevated, changing the current topography and drainage of the greater Eden Valley area. What is proposed to buffer the existing homes located in or adjacent to any "Floodplain" or "Floodplain Frindge" area which are relatively flat areas of low lands adjoining and including the channel of a river, stream watercourse, or other body of water which is subject to inundation by the flood waters?

Transportation and Traffic: Does the applicant plan to include the HGV projects full build out traffic numbers in the CEQA baseline, as well as those from Valiano and Harmony Grove Village South, and not just existing traffic?

Will a northbound turn lane from Country Club to Progress be included to address heavy rush hour traffic? Additionally, how on earth will the applicant address any evacuation from the existing residence?

The Citracado extension was an essential part of the HGV projects traffic plan, hence with this proposed development. One of our main exists, Kauna Loa, is currently closed for at least another year. If this extension is substantially delayed or is never completed, what alternate infrastructure steps will be developed to alleviate this issue?

As Country Club Drive will have a substantial cumulative increase in traffic due to this project, will the applicant include a sight distance study for the intersections of ALL existing off-site private road easement used by 3 or more homes for health and safety issues?

How will the additional traffic from this development impact health and safety issues for Palomar Hospital with added congestion from the intersection of Country Club Drive to the 78 freeway?

Please notify the *Friends of Eden Valley for Responsible Development* when the environmental document is available for public review and future public hearings. If you have any questions, please contact me at 858-735-0550

Sincerely,
Janean Huston, Co-Chair
Phone: 858-735-0550
1023 Country Club Drive,
Escondido, CA 92029

Jay Paul

From: Douglas Dill <theddills@att.net>
Sent: Friday, September 30, 2022 10:56 AM
To: Jay Paul
Cc: keene.simonds@sdcounty.ca.gov; Lynnette Tessitore
Subject: [EXT] Comments on the Notice of Preparation for the Solaris Business Park Project EIR, PHG20-0035

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Douglas Dill
Chair
San Dieguito Planning Group
P.O. Box 2789
Rancho Santa Fe, CA, 92067

September 30, 2022

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

REF: Comments on the Notice of Preparation for the Solaris Business Park Project EIR, PHG20-0035

Mr. Jay Paul,

The San Dieguito Planning Group appreciates the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the proposed Solaris Business Park.

1.) How does this project not impact the safe northern emergency egress, via Country Club Drive, of rural Eden Valley, rural Harmony Grove, and Harmony Grove Village residents in the next wildfire conflagration? Country Club Drive is also part of the regional eastward evacuation route for the rural Elfin Forest community. Country Club Drive is the sole northern access point into and out of Eden Valley, rural Harmony Grove, and Harmony Grove Village. Two recent proposed housing developments, Valiano and Harmony Grove Village SOUTH were postponed by Court decisions based on the constrained northern emergency access via Country Club Drive.

2.) Egress to the proposed business park is through a single "Private Street A" aligned with Progress Place at Country Club Drive. How will the dramatic increase in cross traffic at this intersection be mitigated due to the Solaris Business Park?

- 3.) What mitigation measures will be taken to significantly increase capacity of vehicle flow north through the intersections of Country Club Drive, Auto Park Way, Light Rail Crossing, Mission Road, Nordahl Road, and the State Highway 78 interchange. The combination of these intersections and interchange are a long-established choke point, especially during morning and evening rush hours.
- 4.) The Solaris Business Park proposal states that it will be marketed for medical services offices related to the Palomar Medical Center. Please explain how that can be successful since there is NO direct access to the Palomar Medical Center campus from the proposed business park site.
- 5.) "Concept Building Footprint" PDF project plan illustrates ~450,000 square feet of warehouse space with ~50 tractor-trailer loading docks. How would the project mitigate the significant air pollution generated by 50 -100 daily tractor-trailer trips into the business park? How will the City enforce the restriction of NO tractor-trailer traffic on southbound County Club Drive into rural Eden Valley? How will the City restrict parking of tractor-trailers on unincorporated Country Club Drive.
- 6.) What measures will be taken to mitigate disruptive construction activities, such as the noise, dust due to grading, boulder demolition and removal? Eden Valley is an established equestrian neighborhood with large animal keeping facilities. Construction activity will have a serious impact to nearby residents and domestic large livestock animals, especially by the continuous noise of crushing, pounding and sudden mini-explosions used to breakup rock formations that are present at the proposed business park site. Previous developers offered on-site large animal veterinarian care and a telephone-tree notification in advance of demolition explosions.
- 7.) What cost efficient construction techniques will be used to prepare the geologically challenged property for development? Previous projects such as 'Jet Ridge', abandoned the property because of the concentration of large boulders and rock formations that made development unfeasible. Country Club Drive's name originated when the Solaris Business Park parcels were to be part of a larger Golf Course/Country Club project that did not materialize due to the geologically challenged property.
- 8.) What mitigations measures are proposed to protect the quiet rural residential Eden Valley quality of life from the air, noise, and light pollution, storm water runoff, visual impact generated from the constructed Solaris Business Park, with the possibility of ~450k square feet of building in addition to paved streets and parking? Eden Valley's Community Plan includes a dark sky policy.
- 9.) How did the PDS2015-HLP-15-002 Private Horse Keeping and Grape Growing project submitted to the San Diego County Planning and Development Services Department by Brendan Thiessen of Harmony Grove Partners, LP, presented at the November 10, 2016 San Diego Planning Group Meeting evolve into the Solaris Business Park? At the Planning Group meeting, Brendan Thiessen emphasized that this was going to be a Thiessen family run horse keeping and grape growing operation specifically compatible with the rural Eden Valley character with no intention for any other type of future development.

Thank you for the opportunity to comment on the Notice of Preparation of an EIR for the proposed Solaris Business Park.

Sincerely,

Douglas Dill
Chair
San Dieguito Planning Group

cc:
Lynnette Tessitore, San Diego County
Keene Simonds, LAFCO
Elfin Forest/Harmony Grove Town Council

Jay Paul

From: Holly Fisher <hollyfish33@gmail.com>
Sent: Wednesday, September 28, 2022 8:35 AM
To: Jay Paul
Subject: [EXT] Solaris Business Park Project # PHG20-0035

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To Whom It May Concern,

I am opposed to the proposed Solaris Business Park Project # PHG20-0035 and believe it will provide a breeding ground for homeless to move into and then harass surrounding neighborhoods. Most business complexes are unmonitored overnight and this allows for the homeless to move in unchecked, and it is hard to remove them from the area. There is already an influx of homeless living in the Sprinter station and surrounding businesses located off Barham and Opper area. I believe if we build new grounds for them that provide more open area for tents, etc, they will be hidden behind these new structures. Do you have any plans to protect the neighboring residential areas, such as high fencing to keep people from migrating into the nearby hills. If the homeless were to move in, they would bring increased crime and drug use and bring down the property value for the entire area. Are there any precautions being taken for noise reduction, in case the businesses increase the noise load for the area? When the hospital was built, the neighborhood didn't think it would negatively affect us; However, the ambulances sirens constantly blaring and the life flights are extremely noisy, along with life flight being so loud it shakes our windows as if they will break and knocks down items off the walls in our houses. Also, will there be any byway for the native animals since we have seen mountain lions, deer, and bobcats all roaming on this proposed business property. Please take all this into consideration. Thank you.

Holly Fisher
(858) 449-3660

Jay Paul

From: Bill Osborn <billgosborn@gmail.com>
Sent: Monday, October 3, 2022 10:37 AM
To: Jay Paul
Cc: keene.simonds@sdcountry.ca.gov; Lynnette Tessitore; Lawson-Remer@sdcountry.ca.gov
Subject: [EXT] Notice of Preparation for the Solaris Business Park Project EIR, PHG20-0035 comments

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Jay Paul, Senior Planner
City of Escondido, Planning Division
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October 3rd, 2022

Mr. Paul,

I am writing in opposition of the proposed annexation from San Diego County to the City of Escondido and its planned use as an industrial park project on Country Club Drive in Eden Valley which I was just recently made aware of.

The residents of Eden Valley have been a very active community and have held several meetings with the City of Escondido regarding various projects over the years. During the San Dieguito Planning Groups meeting for this project it was noted that the city was surprised by how few people seemed to have interest in this project. I can tell you why, we did not know about it! So my first question is why did the City of Escondido not notify all residents of Eden Valley who will be directly impacted by the project? My driveway is a block away from the proposed entrance to this project. It seems that this initial review period should be extended to allow area residents to be notified of the project and to allow us time to meet as a community and study the proposed project so that we may comment more accurately.

During a packed San Dieguito Planning Group meeting several years ago, this property was proposed as a horse keeping property and a vineyard. As part of their proposal they were allowed to remove a large swath of native scrub and a gnat catcher breeding area - which they did immediately and then did nothing more. At the time, it was known that the owners of the property were commercial developers and community members questioned the owners over and over again if they had any plans to develop it into an industrial park. The owners vehemently denied that they would ever take such an action, yet here they are. The community was very concerned that building an industrial park would destroy our community character. Our community consists of large residential lots with large animal keeping - primarily horses. The proposed project will be visible to the majority of the residents in the area due to its prominent location on the hill beneath the hospital. **Please explain how the applicant will ensure that their project will not harm our community character.**

The proposed project, being elevated above Eden Valley, will likely have security lighting at night. We can see how the business park to our north, and at the same level as our valley, is lit up at night. That park has little impact on us as the topography and location keep it from direct view. I can only imagine how bright our valley will be with buildings sitting up high, and prominent, will look to all valley residents. **Given that the buildings are likely to be multi-story (or even if single story), please explain how the applicant will ensure that the valley residents do not lose their dark night skies or be impacted by the lighting. Also, please explain how the applicant's proposal will blend into our semi-rural community.**

The community of Eden Valley is connected via a single road, Country Club Drive. As such, most residents' driveways are connected directly to Country Club Drive. Since the Harmony Grove housing project went in we have already been experiencing difficulty in leaving and entering our driveways safely. I do not see how additional traffic, especially during the commuting hours is not going to further impede our ability to safely pull onto Country Club Drive. **How will the applicant ensure that the traffic it generated does not impede the residents ability to enter and exit their properties safely? Will there be a new traffic signal at the intersection?**

The applicant has conveniently located their entrance on the Escondido City border. As such, Escondido is responsible for the section of roadway directly in front of the proposed project. However, the City of Escondido is not responsible for the roadway only a hundred or so feet directly south where the bulk of the residential properties are. **How is the applicant, and the City of Escondido, going to ensure that the County of San Diego will be able to properly fund road repairs and implement traffic mitigation measures to ensure area residents are not impacted by the additional traffic?**

As the recent Cocos fire put on full display, evacuating Elfin Forest, Harmony Grove, and Eden Valley is slow due to the limited evacuation routes. **How is the applicant going to ensure that they do not create even more difficulty in evacuation, increase the evacuation time needed, or impede responding public services in the event of a disaster such as wildfire?**

On the subject of evacuations, the applicant is proposing to use the residential access point on the north eastern side of the property for an evacuation route. That driveway/roadway happens to connect Country Club Drive at the end of a sweeping blind corner. I have personally seen fender benders there and had many near collisions. As a former firefighter I see that corner and subsequent intersection quickly being blocked when panicked drivers collide with the proposed industrial park traffic in their rush to escape. Such a scenario would block the primary evacuation route out of the valley. **How will the applicant mitigate the sightline issues of the intersection, noted on the applicants plans as emergency use only, to ensure that the residents of Eden Valley, Harmony Grove, and Elfin Forest can safely evacuate without running into cross traffic from those evacuating the proposed industrial park?**

The intersection at Country Club Drive and Auto Parkway/Nordahl is already severely impacted with traffic. This is compounded with the Sprinter rail crossing on Nordahl/Auto Parkway and it is my understanding that there have been plans to double track that section which would allow for more frequent train crossings. **How is the applicant/Escondido going to mitigate the traffic congestion at the intersection of Country Club Drive and Auto Parkway/Nordahl given it is already quite poorly rated and poorly functioning?**

The residents of Eden Valley oftentimes label it as echo valley due to its unique ability to carry sound. This is amplified when inversion layers settle over the valley. When this occurs I can hear neighbors' conversations more than half to three-quarters of a mile away. Given the applicant's prominent location at the head of the valley the noise from its HVAC systems and traffic are going to be amplified. **How is the applicant going to mitigate that noise to ensure that the valley residents do not lose their quiet rural atmosphere?**

It is my understanding that the applicant wishes to annex to Escondido. It is also my understanding that neighboring properties have expressed that they do not support the annexation and that their support is needed for annexation - is that a correct statement? I know that myself and my neighbors are also opposed to annexation. **Without adjoining property owner support, how does this applicant move forward?**

I have witnessed more than one developer attempt to build on the proposed property. Every time they are impeded by the amount of granite and were unable to even grade for home sites. Knowing this, I cannot imagine an industrial park being built there without significant blasting. When Harmony Grove Village was developed they spent nearly two years grading. To mitigate the impacts to area residents of large animals they kept a veterinarian on site to respond to issues with horses and other large animals that might be harmed from their reactions to the noise. **How is the applicant going to mitigate the significant impact that the grading and blasting will have on area residents and our animals?**

In summary, I completely oppose this project and annexation. It does not fit into our rural community, its character, and residential norm. Its prominent location at the head of the valley is going to be a visual eyesore, its lighting and noise are going to further destroy our communities rural feel, and it presents a massive safety concern as its additional traffic will make safely entering and exiting our driveways difficult and evacuation even more perilous.

Regards,
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