

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
PLANNING DIVISION
4050 TAYLOR STREET, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711



*Serious drought.
Help save water!*

February 23, 2017

11-SD-15
PM 32.9

The Villages - Escondido Country Club Project
NOP / SCH#2017011060

Mr. Bill Martin
City of Escondido
201 North Broadway
Escondido, CA 92025-2798

Dear Mr. Martin:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans would like to submit the following comments for the Notice of Preparation (NOP) for The Villages – Escondido Country Club Project draft Environmental Impact Report (EIR) located near Interstate 15 (I-15):

- As previously indicated in the Caltrans comment letter dated November 23, 2016, a traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures.
 - The geographic area examined in the TIS should include, at a minimum, all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
 - A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.
 - All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to

Mr. Bill Martin
February 23, 2017
Page 2

accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

- The data used in the TIS should not be more than 2 years old.
 - The TIS could also include an analysis of the multimodal travel demand expected from the proposed project including the provision of park and ride facilities, ramp improvements, improved bicycle and pedestrian access and safety improvements.
- Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

If you have any questions, please contact Keri Robinson of the Caltrans Development Review Branch at (619) 688-3193 or by e-mail at keri.robinson@dot.ca.gov.

Sincerely,



JACOB M. ARMSTRONG, Branch Chief
Development Review Branch

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Sincerely,



JACOB M. ARMSTRONG, Branch Chief
Development Review Branch



JCP-LGS Residential Property Disclosure Report
The EnviroCheck Report™
For SAN DIEGO COUNTY

RECEIVED
FEB 16 2017

PLANNING DIVISION

Property Address: 1855 BURLINGTON PL.,
ESCONDIDO, SAN DIEGO County, CA 92026
("Residential Property")

APN: [REDACTED]
Report Date: 01/27/2012
Report Number: 1081346

INTRODUCTION AND SUMMARY

The parties to the Transaction to which this Report applies ("Parties") are the owner of the Residential Property on the Report Date ("Seller"), the buyer of the Residential Property under contract of sale as of the Report Date ("Buyer") and their respective licensed real estate agents ("Agents"). JCP-LGS and the Parties are the parties to the contract that is entered into by the purchase of this Report.

SUMMARY OF DETERMINATIONS

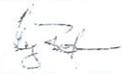
The Residential Property:

- IS IS NOT within ¼ mile of 2 known leaking underground storage tank Site(s).
- IS IS NOT within one (1.0) mile of a "Superfund" or RCRA Corrective Action site(s).
- IS IS NOT within ½ mile of Site(s) other than those above that are listed in the databases specified in the Explanation of Databases Used in this Report.
- IS IS NOT within ¼ mile of a mapped oil or gas well(s).
- IS IS NOT within 2,000 feet of a Gas Transmission or Hazardous Liquid Pipeline(s) depicted in the National Pipeline Mapping System.

For more detailed information as to the foregoing determinations, please read this entire report.

JCP-LGS prepared this Report. The Parties are protected by JCP-LGS's Professional Liability Insurance Policy for damages to the extent they are caused by JCP-LGS's negligent acts, errors or omissions in the performance of our services and subject to the limitations of this report.

Determined by JCP-LGS Disclosure Reports.


Greg Rufe, Chief Operating Officer
JCP-LGS Disclosure Reports

IMPORTANT: ACKNOWLEDGING RECEIPT OF THIS REPORT INDICATES THAT THE RECIPIENT HAS READ AND UNDERSTANDS THE "ABOUT THIS REPORT" PROVISIONS ON PAGE 2.

BUYER'S ACKNOWLEDGEMENT

Buyer(s) acknowledge(s) receipt of this EnviroCheck Report™ by his/her/their signature(s) on the Acknowledgement of Receipt form that is a part of this report package.

ABOUT THIS REPORT

THIS IS A DATABASE REPORT ONLY: This Report only provides information from the Databases identified in this Report. While JCP-LGS has made good faith efforts to report from the Databases as accurately as possible, the quality, accuracy, and currency of the information contained in these Databases can vary greatly. For more information regarding a specific Database, please read the section below entitled "Explanation of Databases Used."

NOT AN INSPECTION REPORT: This Report is not the same thing as a physical inspection report or a full environmental assessment report. JCP-LGS has not physically inspected the Residential Property nor the Sites. This Report only summarizes the information from governmental Databases using the Point Source methodology described below to determine the proximity of Sites to the Residential Property.

LIABILITY PROTECTIONS: Upon purchase of this report and consummation of the sale of the Residential Property to Buyer ("Sale Date"), the Parties involved in that sale are protected against loss caused by any error in this Report as specified in the section below entitled "Methods and Limitations."

NOT AN INSURANCE POLICY: This Report is a binding contract but is not an insurance policy. The price charged for the Report does not cover the costs that would be necessary to provide all of the protections of an insurance policy.

UNDERSTANDING THIS REPORT: To understand the information in this Report, it is important to read the entire Report.

POINT AND LINE SOURCE METHODOLOGY: This Report does not identify the precise areas actually contaminated by an environmental hazard; rather, as a reasonable approximation, it identifies as "point sources" for contamination those Sites identified in a specific Database, such as a leaking underground tank on a specific property. The point sources identified in this Report may not precisely reflect the location of the source of contamination on the Site, nor will they describe the spread of any contamination from the source. In addition, any point source that lies beyond the standard 1/4, 1/2 or 1.0 mile radius distances considered here will not be reflected in this Report—even if it is known to be the origin of a larger contaminated area. Point sources are included in this Report as of the time they are identified in the government lists consulted by JCP-LGS. If a box is checked "IS" on the above Summary of Determinations, JCP-LGS recommends further investigation of that Site. Please note that the Gas Transmission and Hazardous Liquid Pipeline disclosure is based on the Property's location with respect to "line sources" represented in that Database.

The perchlorate contamination plume that is known to have affected groundwater in parts of Morgan Hill, San Martin, and possibly Gilroy is an example of a hazard Study Area. The point source responsible for it, reported to be in Morgan Hill, has not yet been officially listed on a publicly-available government site list. For current information about that Study Area, please contact the Santa Clara Valley Water District Perchlorate Hotline at 1-888-Hey-Noah (1-888-439-6624).

Some official lists may include Sites that have been closed or otherwise cleaned up, or are simply being monitored or regulated with no known contamination.



**JCP-LGS Residential Property Disclosure Report
The EnviroCheck Report™
For SAN DIEGO COUNTY**

Property Address: 1855 BURLINGTON PL ,
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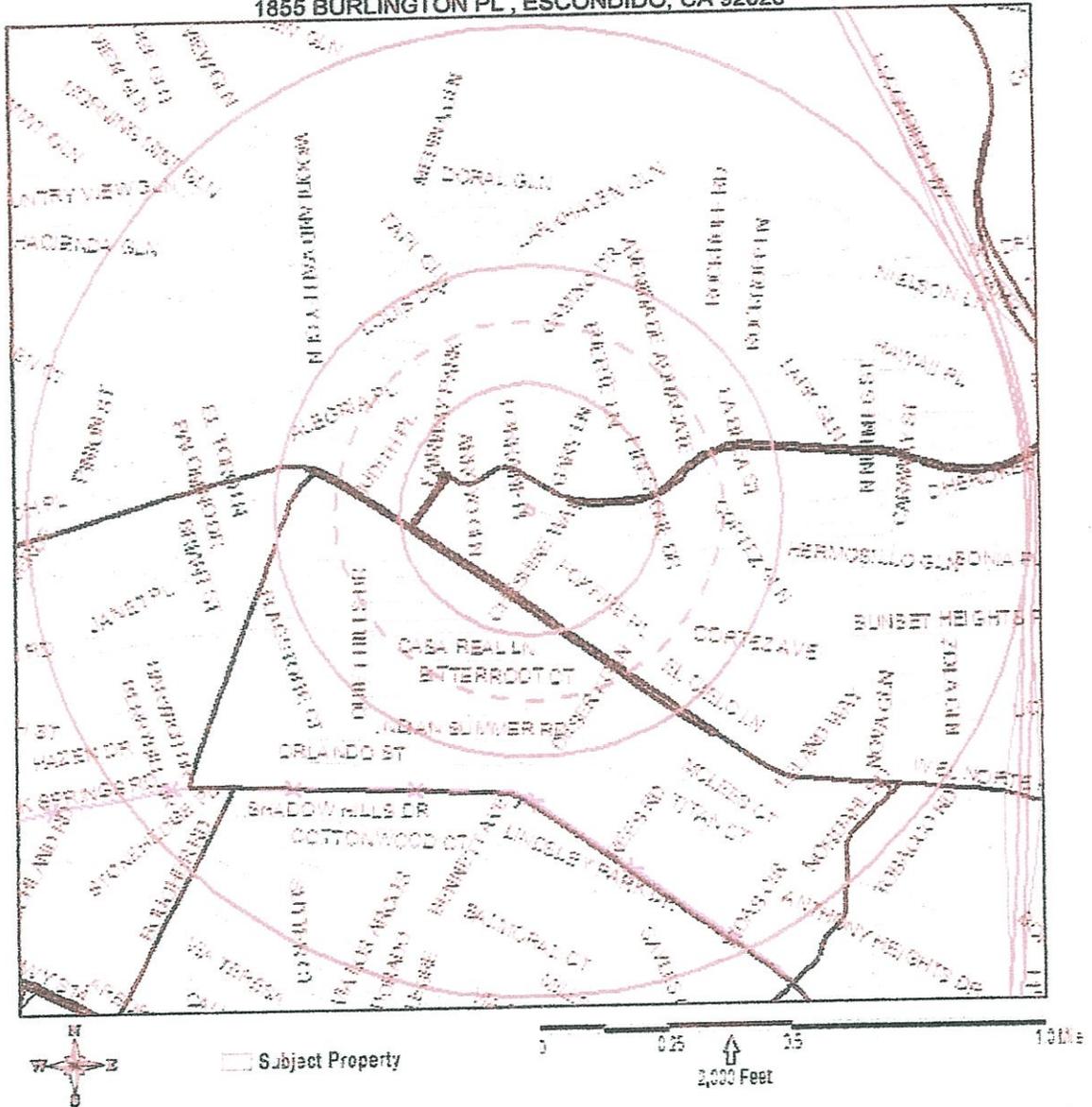
APN: [REDACTED]
Report Date: 01/27/2012
Report Number: 1081346

**THE ENVIROCHECK REPORT™
TABLE OF CONTENTS**

This Report includes the sections identified in this Table of Contents and is not complete if any one of these parts is missing.

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**MAP OF SITES FOUND AROUND PROPERTY AT:
1855 BURLINGTON PL, ESCONDIDO, CA 92026**



NOTE: The foregoing map may show more sites than are reported in the listing below. The map shows all sites found within the square coverage area. The listing below reports only those sites found within the standard radius search distance for the database listed, which covers a smaller area. Sites outside of that standard radius search distance are not listed below. The standard radius search distances for point sources are defined by the U.S. Environmental Protection Agency's "All Appropriate Inquiries" (AAI) guidelines. The AAI standard search distance differs between database categories, depending upon degree of potential hazard. Pipeline search distance (2,000 feet, red dashed circle on map) complies with U.S. bill H.R. 22 (Speier). See section called "Explanation of Databases Used" for the actual standard search distance used for each database category.

	(NPL) Federal National Priorities List or "Superfund" sites		(SWIS) Solid Waste Landfill Facilities
	(RCRA COR) Corrective Action Sites		(SLIC) Spills, Leaks, Investig. & Cleanup
	(LUST) Leaking Underground Storage Tanks		California EnviroStor State Response Sites
	Oil or Gas Well		Gas Transmission Pipelines (Approximate)
	Hazardous Liquid Pipelines (Approximate)		



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Report Date: 01/27/2012
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LIST OF SITES IDENTIFIED IN ENVIRONMENTAL DATABASE RECORDS SEARCH

The list below indicates the results of an electronic search of certain federal and state level environmental-hazard record systems, or databases, that are known to include contaminated sites. The databases are searched for hazard sites at standard distances from the subject property. The standard search distance is not the same for all databases, but depends upon the nature of the environmental hazard which the database represents. First American uses search distances that comply with the U.S. Environmental Protection Agency (EPA) "All Appropriate Inquiry" (AAI) standard for government records search (40 CFR Part 312.26) under the U.S. Small Business Liability Relief and Revitalization Act ("the Brownfields Law"). "Distance" is the straight line distance in miles between the Property geocode (latitude/longitude) and the Site geocode.

Open = Site listed as undergoing clean-up, investigation, or referral to another agency; or as non-active, abandoned or absorbed but not closed or completed.

Closed = Site listed as clean-up completed, release secured, no further remedial action planned, case closed, or delisted.

Active (or Inactive) = Site facility listed as actively (or not actively) engaged in a type of activity regulated under RCRA.

N/A = Not Applicable – site listed as uncontaminated, or as using or storing hazardous substances.

N/P = Not Provided – site status not supplied on agency list used.

Found	None Found	Database Searched (with standard search distance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Priorities List (Federal "Superfund" list) - 1 mile
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Federal Resource Conservation and Recovery Act (RCRA) - Corrective Actions List - 1 mile
<input type="checkbox"/>	<input checked="" type="checkbox"/>	California State Response List (includes Active Annual Workplan, AWP, sites) - 1/2 mile
<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Spills, Leaks, Investigation and Cleanup (SLIC) List - 1/2 mile
<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Solid Waste Landfill Sites (SWIS) List - 1/2 mile
<input checked="" type="checkbox"/>	<input type="checkbox"/>	California Leaking Underground Storage Tank (LUST) List (see Status explanation below) - 1/4 mile

Listed Site Name	Address	Case No.	Status	Distance (miles)
ESCONDIDO COUNTRY CLUB MAINT.	1800 COUNTRY CLUB LN ESCONDIDO, CA 920261003	T0607300534	Closed	0.179523
ESCONDIDO COUNTRY CLUB MAINT.	1800 COUNTRY CLUB LN ESCONDIDO, CA 920261003	T0607300665	Closed	0.179523



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WHAT THIS MEANS: LUST STATUS: LUST sites are also known as LUFT, or Leaking Underground Fuel Tank, sites; we use the term LUST to be consistent with the State's current terminology. All of the Sites listed on the State's Leaking Underground Storage Tank Information System (LUSTIS) have been identified to have had a leaking storage tank. Many of LUST Sites have been cleaned up and the cases "Closed", and this is noted above if it is the case. Parties should be aware that LUST sites remain in the LUSTIS database even after they have been closed, and are included in this report if found by our search. Leaking underground storage tanks are the most common type of contamination. Storage tank leaks are often less extensive than other types of contamination releases and usually do not extend beyond the real property on which the tank is located.

For more information about such sites, please contact the State Water Resources Control Board, Leaking Underground Storage Information System, (916) 341-5740 or (916) 341-5700.



JCP-LGS Residential Property Disclosure Reports

The Natural Hazard Disclosure Report For SAN DIEGO COUNTY

Property Address: 1855 BURLINGTON PL,
 ESCONDIDO, SAN DIEGO COUNTY, CA 92026
 ("Property")

APN: [REDACTED]
 Report Date: 01/27/2012
 Report Number: 1081346

SUMMARY OF NATURAL HAZARD DISCLOSURES

*Map N/A: Map not available, and/or not officially adopted by the jurisdiction, and/or not of sufficient scale from which to make parcel specific determinations.

STATE LEVEL DETERMINATIONS

IN	NOT IN	MAP N/A*	Hazards	The Property is:	Refer to page:
	✓		Flood	NOT IN a Special Flood Hazard Area. The Property is IN a FEMA-designated Flood Zone X.	8
	✓		Dam	NOT IN an area of potential dam inundation.	8
	✓		Very High Fire Hazard Severity	NOT IN a very high fire hazard severity zone.	9
	✓		Wildland Fire Area	NOT IN a state responsibility area.	9
	✓		Fault	NOT IN an earthquake fault zone designated pursuant to the Alquist-Priolo Act.	10
		✓	Landslide	Map Not Available	10
		✓	Liquefaction	Map Not Available	10

COUNTY LEVEL DETERMINATIONS

IN	NOT IN	MAP N/A*	Hazards	The Property is:	Refer to page:
	✓		Fault	NOT WITHIN 600 feet of a mapped Fault.	12
	✓		Seismic Shaking	NOT IN a mapped Fault & Near Source Shaking Zone.	12
✓			Expansive Soils	IN a mapped area of Expansive Clays.	12
✓			Fire	IN a mapped area of Moderate Fire Threat.	12

CITY LEVEL DETERMINATIONS

IN	NOT IN	MAP N/A*	Hazards	The Property is:	Refer to page:
	✓		Soils	NOT IN a mapped area of Granitic Soils presenting Development, Grading, and Landscaping Constraints.	14
	✓		Fire	NOT IN a mapped Fire Hazard Area.	14
	✓		Slope	NOT IN a mapped area of Steep Slopes.	14



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SAN DIEGO COUNTY GEOLOGIC ZONES DISCUSSION

PUBLIC RECORD(S) SEARCHED: The following Public Record(s), contained in the Safety Element of the San Diego County General Plan as adopted by the County Board of Supervisors in 2011, are utilized for the following County-level disclosures: "Figure S-1: Fire Threat," "Figure S-2: Faults and Near Source Shaking Zones," and "Figure S-4: Expansive Clays."

FAULT

According to the Public Record, active faults in San Diego County include segments of the Elsinore, Rose Canyon, and San Jacinto fault zones. These fault zones are also identified as active by the State Geologist. The Public Record includes other faults which are not depicted as active; however, some of those other faults, such as the La Nacion (near National City and Chula Vista), are considered active according to the County's Multi-Jurisdiction Hazard Mitigation Plan.

Reporting Standards: California's Alquist-Priolo Fault Zone Act (1972) established a standard for the width of a regulatory fault zone — one-eighth of one mile on both sides of an active fault trace. For reporting purposes, "WITHIN" shall be reported if any portion of the Property is within one-eighth of one mile (660 feet) of a "Fault" as delineated in the Public Record. "NOT WITHIN" shall be reported if no portion of the Property is situated within one-eighth of one mile (660 feet) of a mapped Fault delineated in the Public Record. For information about faults deemed to be active by the State Geologist, please see the state-level discussion and disclosure of "Earthquake Fault Zone" in the preceding section of this Report. For information about other faults disclosed here, please contact the Planning Department of your local jurisdiction.

SEISMIC SHAKING

Of the geological hazards, seismic hazards pose the highest potential for causing widespread damage in San Diego County. The entire County is located within Seismic Zone 4 (Sec. 1629.4.1 of the *California Building Code [CBC]*), which is the highest Seismic Zone and, like most of Southern California, is subject to ground shaking. Areas closest to active faults face the greatest potential to experience near source seismic shaking. The Public Record includes a map of "Seismic Shaking Buffers" of 2, 5, 10, and 15 kilometers around the Elsinore, Rose Canyon, and San Jacinto fault systems.

Reporting Standards: "IN" shall be reported as well as the more/most severe Seismic Shaking Buffer category (2, 5, 10, or 15 Kilometer) if any portion of the Property is within a Fault & Near Source Shaking Zone. "NOT IN" shall be reported if no portion of the Property is located within a mapped Fault & Near Source Shaking Zone.

EXPANSIVE CLAYS

Certain types of clay soils expand when they are saturated and shrink when dried. These are called expansive soils. According to the County's General Plan Environmental Impact Report (EIR), expansive soils can pose a threat to the integrity of structures built on them without proper engineering. Expansive soils are derived primarily from weathering of feldspar minerals and volcanic ash. Areas of highly expansive soils within San Diego County occur predominately in the coastal plains, an area of dissected marine terraces and uplands. They can also be found in valleys and on slopes in the foothills and mountains of the Peninsular Ranges Region and, to a lesser extent, in the desert. In the foothills, soils having a high expansion potential occur near Ramona, Escondido, Rainbow, and areas northeast of Vista. Other areas having high shrink-swell soils are Guatay and Pine Valley. The expansion and contraction of the soil varies with the soil moisture content (wet or dry), and can be aggravated by the way a property is maintained or irrigated. Human activities can increase the moisture content of the soils, and the threat of expansive soil damage. For example, a subdivision of homes that continually irrigates the landscaping or removes significant amounts of native vegetation could create this condition.

Reporting Standards: If any portion of the Property is located within an area of "Expansive Clays" as delineated in the Public Record, "IN" shall be reported. If no portion of the Property is located within an area of "Expansive Clays", "NOT IN" shall be reported. The Public Record for this hazard relies on the following data source: Soil Survey Geographic (SSURGO) database for San Diego County, California, published by the U.S. Department of Agriculture, Natural Resources Conservation Service on December 17, 2007. That original data source was used in making this disclosure.

FIRE

Fire hazards represent a high level threat to personal injury and property damage throughout San Diego County. Because most of the unincorporated County is located within very high or extreme fire threat areas, avoiding high threat areas is not possible. Comparing structural loss data from California Department of Forestry and Fire Protection (CAL FIRE) of the 20 largest California wildland fires by structural loss between 1923-2008, San Diego County accounted for over 34 percent of the total destroyed structures statewide. Between 1967 and 2007 San Diego County experienced more than 9,000 destroyed dwellings from wildland fires. The topography, geographic, and climatic conditions within our region lead to the overall regional fire problem. Over half of the land acreage of the unincorporated county is public land owned by the federal government, state government, or local government. Therefore, policies focus on minimizing the impact of wildfires through land use planning techniques and other mitigation measures. These include defensible development, minimizing flammable

NATIVE AMERICAN HERITAGE COMMISSION

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Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



January 27, 2016

Bill Martin
City of Escondido
210 North Broadway
Escondido, CA 92025-2798

sent via e-mail:
kblackson@escondido.org

RE: SCH# 2017011060; The Villages – Escondido Country Club Project Proposal; ENV 16-0010; SUB 16-009 Project, Notice of Preparation for Draft Environmental Impact Report, San Diego County, California

Dear Mr. Martin:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an 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 Section 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, § 15064 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 with the area of project 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). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. 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 or a notice of negative declaration or 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 **lead agencies consult with all 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, 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 sections 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 section 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 section 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 section 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 section 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 nonfederally 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 sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 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 section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

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 section 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 sections 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 been 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, section 15064.5(f) (CEQA Guidelines section 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 section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 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.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse



810 Mission Avenue
Oceanside, CA 92054

(760) 966-6500
(760) 967-2001 (fax)
www.GoNCTD.com

November 28, 2016

Mr. Mike Strong
City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

Re: The Villages

Dear Mr. Strong:

Thank you for the opportunity to review and comment on The Villages Development Project located on Country Club Lane in Escondido.

The North County Transit District's (NCTD) staff has reviewed the vesting tentative map dated October 27, 2016, and identified four (4) bus stops located within the project area. NCTD has the following recommendations for bus stop improvements:

1. Construction of a 10' x 24', ADA compliant concrete pad located westbound on West Country Club Lane, between Arroyo Glen and Capistrano Glen
2. Construction of a 10' x 24', ADA compliant concrete pad located westbound on West Country Club Lane, approximately 150' east of La Brea Street
3. Construction of a 10' x 24', ADA compliant concrete pad located eastbound on West Country Club Lane, approximately 100' east of La Brea Street
4. Construction of a 10' x 24', ADA compliant concrete pad located westbound on West Country Club Lane, approximately 20' west of Nutmeg Street

These recommended improvements allow for safe, convenient, and ADA-compliant access to transit service. Thank you again for allowing NCTD to review and comment on this project. Should you have any questions related to this review, please feel free to contact me at (760) 966-6655, or via email at jdunning@nctd.org.

Sincerely,

Johnny Dunning, Jr.
Manager of Service Planning

cc: Damon Blythe, Deputy Chief of Transit Operations Planning, NCTD

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San Diego County Archaeological Society, Inc.

Environmental Review Committee

2 February 2017



PLANNING DIVISION

To: Ms. Kristin Blackson, Contract Planner
Planning Division
City of Escondido
201 North Broadway
Escondido, California 92025

Subject: Notice of Preparation of a Draft Environmental Impact Report
The Villages
ENV 16-0010, SUB 16-0009

Dear Ms. Blackson:

Thank you for the Notice of Preparation for the subject project, which was received by this Society last month.

We are pleased that cultural resources have been included in the list of subject areas to be addressed in the DEIR. In order to permit us to review the cultural resources aspects of the project, please include us in the distribution of the DEIR when it becomes available for public review. Also, in order to facilitate our review, we would appreciate being provided with one copy of the cultural resources technical report(s) along with the DEIR.

SDCAS appreciates being included in the environmental review process for this project.

Sincerely,


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

cc: SDCAS President
File