

Final
Initial Study / Mitigated Negative Declaration
SCH No. 2022100635

CONWAY RESIDENTIAL SUBDIVISION
PL21-0269

Prepared for:
City of Escondido
201 N. Broadway
Escondido, California 92025

Prepared by:
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December 2022

Table of Contents

Section 1.0	Introduction.....	1
1.1	Introduction.....	1
1.2	Draft Initial Study / Mitigated Negative Declaration.....	1
Section 2.0	Response to Comments	2
2.1	General Response 1 - Land Use, Density Bonus, and Project Description.....	2
2.2	Response to Comments	9
Section 3.0	Revisions to the Draft IS/MND	103
3.1	Updates and Corrections to the Draft IS/MND.....	103

ATTACHMENTS

<i>Attachment</i>	<i>Page</i>
Attachment A : Figure 1 Impacts to Protected and Mature Trees	A-1
Attachment B : Fire Protection Plan Escondido North	B-1

SECTION 1.0 INTRODUCTION

1.1 Introduction

This Final Initial Study / Mitigated Negative Declaration (Final IS/MND) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

This document contains responses to comments received on the Draft IS/MND for the Conway Residential Subdivision - PL21-0269 (Project) (State Clearinghouse No. 2022100635) during the public review period, which occurred October 28, 2022 through November 17, 2022. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated Draft IS/MND comprise the Final IS/MND.

1.2 Draft Initial Study / Mitigated Negative Declaration

The Draft IS/MND for the Conway Residential Subdivision - PL21-0269 (Project) (State Clearinghouse No. 2022100635) is hereby incorporated by reference, in its entirety. The Draft IS/MND is available for review at the City of Escondido, (201 N. Broadway, Escondido, CA 92025), and on the City's website at <https://www.escondido.org/conway-drive-subdivision>.

The City published a Notice of Intent and circulated a Draft IS/MND for public review and comment for the period of October 28, 2022 through November 17, 2022. A total of 9 correspondences were submitted to the City during the review period. Section 2 of the Final IS/MND includes a list of all correspondence submitted to the City on the Draft IS/MND, each identified by a number for later reference, together with the authors and the dates the letters were received. Following this list, all of the letters are presented, with numbered brackets to highlight specific comments that are responded to in the next section.

SECTION 2.0 RESPONSE TO COMMENTS

This Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the Draft IS/MND are excerpted in this document, the sections are shown indented. Changes to the Draft IS/MND text are shown in **underlined bold** text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons who submitted comments on the Draft IS/MND during the public review period.

This section provides all written responses received on the Draft IS/MND and the City's responses to each comment.

Number Reference	Commenting Person/Agency	Date of Comment
Individual Comment Letter		
I-1	Armando Romo	November 7, 2022
I-2	Ryan and Bridget Keefer	November 9, 2022
I-3	Mark Olszanski	November 10, 2022
I-4	Tom Kennedy	November 16, 2022
I-5	Steven Berkowitz	November 16, 2022
I-6	Patrick Klopchin	November 17, 2022
I-7	Andy Brunn	November 17, 2022
Organization Comment Letter		
O-1	Rutan and Tucker	November 17, 2022
Agency Comment Letter		
A-1	California Department of Fish and Wildlife	November 23, 2022

2.1 General Response 1 - Land Use, Density Bonus, and Project Description

Many of the comment letters received on the Draft IS/MND included one or more comments pertaining to land uses issues, such as general plan consistency, zoning consistency, density bonus law, and the details of the project description, such as height

limits, bedroom count, square footage, etc. Since all of these topics are related land use topics, one comprehensive general response is provided.

When considering land use issues, it is important to note that the Draft IS/MND analyzes physical changes to the environment consistent with CEQA and the CEQA Guidelines. There are many references documenting that CEQA only requires the analysis of physical changes to the environment. One reference is the definition of "project," which is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." (CEQA Guidelines §15378(a).) Another reference is CEQA Guideline §15382: "Significant effect on the environment' means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment." Therefore, topics that do not result in a direct or indirect change to the environment, such as affordability levels of the units or compliance with land use and planning law, are beyond the scope of CEQA.

The Project proposes ten (10) low income affordable dwelling units. Draft IS/MND Section 2.5 Project Site Development states on Page 11:

"Based on the provision of ten (10) affordable units, the Proposed Project would receive density bonus of 18 dwelling units. However, given site constraints, the Proposed Project only proposes 16 bonus units, for a total proposed development of 56 dwelling units, of which 54 are new construction and 2 are existing single-family residences to remain."

The Draft IS/MND then analyzed the direct and indirect physical change to the environment associated with the construction of 54 new dwelling units and the demolition of 13 existing dwelling units. Furthermore, it is important to note that whether the Project is consistent with the General Plan and Zoning designation does not change the analysis presented in the Draft IS/MND with the exception of the characterization of the Project relative to land use regulations. The Draft IS/MND analyzes the environmental, operational and construction impacts based on the site characteristics, proposed number of dwelling units and the physical area of impact, which are not influenced by consistency the General Plan or Zoning designations. Therefore, the Draft IS/MND thoroughly analyzes the physical changes to the environmental from the Project.

State law allows for projects that provide affordable housing units to increase the density above what would otherwise be allowed by a city's General Plan and Zoning Code. Government Code § 65915(f)(5) provides that "[t]he granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment . . . , zoning change, or other discretionary approval." (§ 65915, subd. (f)(5).)" *Wollmer v. City of Berkeley*, A128121, 16 (Cal. Ct. App. 2011) The *Wollmer* case pertains to a project seeking a density bonus and a categorical exemption under CEQA Guidelines § 15332 for infill projects. A requirement of the infill exemption is consistency with all applicable general plan designations and policies and all applicable zoning designations and regulations. The Appellate Court ruled the waiver of development standards, including the additional density afforded under density bonus law, are not "applicable" and project could make the findings of general plan and zoning consistency under CEQA Guidelines § 15332. As it pertains to the Project, the *Wollmer* case confirms the request for a density bonus and waiver of development standards does not cause an inconsistency with adopted land use plans, policies, and standards.

Additionally, the *Banker's Hill* case states that, "the question is not whether there is a direct conflict between some mandatory provision of a general plan and some aspect of a project but whether the project is compatible with, and does not frustrate, the general plan's goals and policies." (*Banker's Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 776). Citing *Corona-Norco Unified School District v. City of Corona*, the court states that, "to be consistent with a general plan, a project must be compatible with the objectives, policies, general land uses, and programs specified in the general plan." (*Corona-Norco Unified School Dist. V. City of Corona* (1993) 17 Cal.App.4th 985, 994). "The requirement that a project be consistent with a general plan does not require the project to rigidly conform to the general plan. (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678). Here, the Project complies with the goals and policies of the General Plan because it expands the stock of all housing while preserving the health, safety, and welfare of residents and maintaining the fiscal stability of the city (Housing Policy 1.1), encourages a compact, efficient urban form that conserves land and other natural and environmental resources (Housing Policy 1.4), incorporates smart growth principles in new residential subdivisions, multi-family projects, and mixed use overlay areas (Housing Policy 1.6), accommodates the regional share of housing for all income groups (Housing Policy 2.1), and increases homeownership in the city through education, availability, and affordability (Housing Policy 2.2). Additionally, the Project site is listed in the City's housing inventory as a location for future housing. The Project, as designed, would increase the housing inventory in a target area with housing types and prices that

allow the growth in homeownership for varying income levels and assists the City reach its Regional Housing Needs Allocation (RHNA) goals.

Finally, the Density Bonus laws forbid cities from imposing development standards which would preclude development at the densities permitted under the bonus. Section 65915(e) states that a City shall not disapprove a housing development project, for very low, low-, or moderate-income households, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, that the housing development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

The Draft IS/MND listed the requested waivers to development standards outlined in Table 2 of the Draft IS/MND (Page 12) and discussed that the physical changes associated with the waivers were analyzed in the Draft IS/MND. Physical changes to the environment are affected by the number of dwelling units and the Draft IS/MND analyzed the maximum number of permitted dwelling units permitted by the density bonus. The Draft IS/MND analyzed the increase in density and the effects of development of 54 new units and 2 units to remain on the Project site. The Draft IS/MND also analyzed the extent of the development area necessary to construct the Project. Changes in setbacks, minimum lot sizes, or lot coverage are waivers to development standards that are accounted for within the physical development boundaries, which were analyzed in the Draft IS/MND. Draft IS/MND Section 4.11, Land Use and Planning, which states:

“The waivers to development standards presented in **Table 12** are proposed in order to achieve the proposed Density Bonus. The waivers include changes to setbacks, minimum lot sizes, lot coverage, and floor area ratio (FAR), all of which directly affect the amount of land necessary to accommodate each dwelling unit. The waivers also include a request to use a different type of approved fire turn-around design (hammerhead instead of cul-de-sac) and locations of storm drain easements. These last two requests pertain to a substitution of an alternative design to achieve the same outcome of fire turn-around and storm drainage, without a reduction in effectiveness. Therefore, the proposed waivers of

development standards would not have a direct physical impact on the environment.”

In addition to waivers of development standards, Density Bonus Law allows for concessions necessary to achieve the density bonus and provision of affordable housing. Specifically, Government Code Section 65915 (k) states:

For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

Since the submittal of the Project application, the Project has proposed ten (10) duplex housing units for the low-income units. The City has considered the request for duplex units as a zoning concession pursuant to Government Code Section 65915(k), which allows for modifications to the zoning code standards, which in this case includes duplex housing units. Therefore, the City has determined the Project is consistent with the City's Zoning Code. This decision is further supported by the *Banker's Hill* case, which states, "The law states that a "site development standard" includes setbacks, height limitations, and other requirements imposed by "any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation." (*Id.* at

subds. (k)(1), (o)(1).) (*Banker's Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 769 - 770).

This concession was unintentionally omitted in the Draft IS/MND Section 2.0 Project Description. However, it is important to note that this change to the Project Description does not change the analysis presented in the Draft IS/MND. The Draft IS/MND analyzed the direct and indirect physical change associated with the proposed 10 duplex units. The omission of a discussion that the duplex units would be consistent with the City's zoning code does not change the analysis of the direct and indirect physical change associated with the duplex units, nor does this change require recirculation of the Draft IS/MND for public review. CEQA Guidelines Section 15073.5 states that a lead agency is required to recirculate a Draft IS/MND "when the document must be substantially revised after public notice of its availability (CEQA Guidelines 15073.5(a))." Substantial revisions would occur if "a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance (CEQA Guidelines Section 15073.5(b)(1))." Since the omission of the discussion of the zoning concession for duplex units "merely clarifies, amplifies, or makes insignificant modifications to the negative declaration," recirculation is not required (CEQA Guidelines Section 15073.5(c)(4)).

Draft IS/MND Section 2.5 (page 8) describes the Project as follows:

The Proposed Project proposes to subdivide the 14.1 acres into 47 numbered lots and 2 lettered lots as follows:

- 44 numbered lots for single family detached residential ranging in size from 6,515 square feet to 14,071 square feet
- 1 numbered lot for 10 affordable residences located in 5 duplex buildings
- 2 numbered lots with existing single family detached residences which are to remain
- 2 lettered lots for water quality basins and common open space areas

At this stage in the planning process there is no further information on the proposed housing, such as number of bedrooms, square footage, etc. The Applicant requests approval of a tentative subdivision map, annexation, and grading exemption. Project design aspects (building heights, architecture, square footages, landscaping, materials, colors, etc.) require Design Review processing and approval by the Planning Commission prior to permits being issued, which the process is outlined in Escondido

Municipal Code Article 64, starting with Section 33-1350. The purpose of the Design Review is outlined in Section 33-1350, as follows:

(a) The exterior appearance of buildings, structures, signs and the type and extent of landscaping and the development of the site affect the desirability of the immediate area and neighboring areas for residential, commercial, industrial or other purposes. It is in the interest of the city to prevent the introduction of elements which may be incompatible with the highest quality of development sought by the city and which might impair the value of both improved and unimproved property, It is the intent of the city council to encourage the most appropriate and beneficial use of land so as to safeguard the general welfare of the community as it is described in the general plan.

(b) In order to preserve the natural charm, and integrity and quality of the built environment, it is necessary to regulate the design and appearance of development in order to insure compatibility with existing development and ensure that new development is consistent with or exceeds the high quality of the development projects currently located in the city. (Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2011-19R, § 5, 1-11-12)

While the Project is subject to Design Review and Planning Commission, the Project would conform to the City's Zoning Code development standards, except as noted in Draft IS/MND Table 2, on Page 12. As described in Table 2, the waivers include adjustments to front and side setbacks, minimum lot area, average lot width, lot width at the street, maximum lot coverage, and maximum floor area ratio (FAR). All of the structures would conform to the City's height limit of 35 feet, as specified in Section 33-107, Table 33-107, of the Escondido Municipal Code.

The lack of development specificity with regard to housing size and design is not unusual at this stage in the planning process, nor does the lack of detail compromise the environmental analysis. For example, the air quality, greenhouse gas, noise, and traffic analyses are based on trip generation outlined in SANDAG's *(Not So) Brief Guide of Vehicular Traffic Generation Rates for San Diego Region (April 2002)*, which relies on the number of dwelling units for trip generation, not bedroom count, building square footage, or number of garages/parking spaces. Additionally, population growth is determined by the average number of persons per dwelling unit from the United States Census and does not rely on bedroom count or building square footage. Furthermore, building design is not necessary to conduct an aesthetics analysis because no waivers

to building height, which is a maximum of 35 feet per the Escondido Municipal Code, are proposed and the threshold of significance for aesthetic impacts is not what the structures will look like, but whether the Project would impact scenic resources or a scenic vista.

2.2 Response to Comments

The following are specific responses to comments received during the public review period.

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Individual Comment Letter I-1 – Armando Romo (November 7, 2022)

From: Carla Romo <carlar1223@gmail.com>
Sent: Monday, November 7, 2022 1:18 PM
To: Greg Mattson <gmattson@escondido.org>
Subject: [EXT] Conway Subdivision Project

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Hello Mr. Mattson -

I1-1

We live in the Pradera neighborhood that was built by Lennar directly adjacent to the new development being planned by the City of Escondido off Lehner, Conway and Stanley. I had a few questions I was hoping you can answer and submit on our behalf for consideration during the planning process. I'm mainly interested in the section labeled "St. F", we live at 2030 Wagon Wheel Court and many of our neighbors have the same concerns and questions:

I1-2

- The plans show the future homes to have their backyards facing our existing backyards. My concern here is that the future property walls will likely be 10-20 feet away from our backyard property wall. This is going to create a long alley which brings significant safety and vandalism concerns. We already have significant issues with graffiti and your department should be able to verify that you currently receive monthly calls for this. Also, there have been break in robberies before at 2040 Wagon Wheel Court. This area is already targeted and having property walls built this close to another property wall will create concealment; potentially making this issue worse. My request/recommendation is for the development to have a perimeter road concept vice a central road, this would negligibly reduce the amount of usable space. You would essentially place a road that connects Stanley and Lehner directly between the Pradera neighborhood and the new neighborhood. Also, create entry access points off Stanley and Conway to access the house in those areas. If this request isn't accommodated, I would like to know how the city plans to avoid creating the issues and concerns I addressed above.

I1-3

- Construction will create a lot of debris, drive out bugs, rodents and other things. In addition to standard dust control, will the city directly assist or require the builder to offer the existing homes pest control services during construction and custodial services to ensure things are kept clean such as semi-annual window cleaning and other reasonable requests?

Thank you,
Armando Romo
760-419-3912
2030 Wagon Wheel Court
Escondido, CA 92026

Individual Response I-1 – Armando Romo (November 7, 2022)

- I1 - 1 The comment is introductory and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- I1 - 2 The comment raises concerns about the creation of a gap between existing property line walls and proposed property line walls. This comment pertains to a site planning issue that is beyond the scope of the Draft IS/MND. The design of the slopes, drainage improvements and perimeter fencing has been addressed and referenced on the Tentative Tract Map. This Project edge in particular has been designed so as not to impair any existing, recorded, or legal access to adjacent properties and complies with the City’s applicable ordinances or policies. It will be the responsibility of the adjacent properties along Wagon Wheel Court to access, maintain their perimeter concrete walls and drainage improvements. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- I1 - 3 The comment expresses concern about rodents and dust control during construction. Regarding dust control, the Project would be required to apply water during construction for dust control pursuant to San Diego Air Pollution Control District Rule 55 which includes regulations requiring dust control during construction. The Draft IS/MND includes the following discussion on Page 25.

“SDAPCD Rule 55 regulates short-term air pollutant emissions associated with suspended particulate matter, also known as fugitive dust. Compliance with Rule 55 includes:

Airborne Dust Beyond the Property Line: No person shall engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.

Track-Out/Carry-Out: Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall:

- i. be minimized by the use of any of the following or equally effective track-out/carry-out and erosion control measures that apply to the Proposed Project or operation: track-out grates or gravel beds at each egress point, wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks: using secured tarps or cargo covering, watering, or treating of transported material; and
- ii. be removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only PM10- efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances."

With regard to rodents, dispersal during construction does not constitute an impact under CEQA. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

Individual Comment Letter I-2 – Ryan and Bridget Keefer (November 9, 2022)

From: Bridget Keefer <bridget.keefe@gmail.com>
Sent: Wednesday, November 9, 2022 9:29 PM
To: Greg Mattson <gmattson@escondido.org>
Cc: Bridget Keefer <bridget.keefe@gmail.com>
Subject: [EXT] Conway subdivision project, City File No. PL21-0269

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Dear Mr. Mattson,

This email is in response to the Notice of Intent to Adopt a Mitigated Negative Declaration for the Conway Subdivision Project, City File No. PL21-0269 and the current Public Review Period.

12-1 As an homeowner in the Pradera neighborhood that would be directly affected by this project, I have and share some concerns with other fellow residents in the community.

12-2 As referenced on page 9 of your CONWAY RESIDENTIAL SUBDIVISION – TTM SUB21-0269 INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION tentative subdivision map, the stretch of Wagon Wheel Court most affected are by your proposed homes labeled 37-47. It appears from this tentative map that the backyards of these homes face the backyards of Wagon Wheel Court, indicating that this will create a "black hole" area between the communities where illegal activities will continue to persist and more likely thrive with the newly created gap.

At the present time, we have a number of city issues directly in the project zone: loitering, littering, graffiti on our community walls and illegal drug use. We have reported such to the Escondido Public Works phone number numerous times and the non-emergency police line to report concerns. We request the reconsideration of the modeling of homes 37-47/Street F's location to give due consideration to the consequences of the placement and how this negatively impacts the dual communities. Additionally, current city perimeters state that graffiti will be removed if located in a public area visible from public right of way - therefore by creating a dumping grounds area, what should existing homeowners do if public nuances persist and the city stipulations state they don't have to take care of it?

12-3 We also share concern about the environmental impacts of the project, specifically the dishoming of crucial wildlife and the introduction of hazardous materials, emissions, materials and wastes into our neighborhood. As well as concerns for the displacement of residents who live in some of the single-family homes in what I'll refer to as the Street F community block.

12-4 Additionally there are concerns about the construction site, nuances, noises, dust and overall disorder this will cost the Pradera community. We request there to be consideration for the anticipated pests that will vacate the sites with offered pest control services in addition to other considerations like window cleaning, etcetera. Your notice of intent stated a tentative meeting of December 13th for the Planning commission meeting date. If you could kindly confirm the meeting details and location, I am sure other homeowners would like to attend. I would appreciate confirmation of the receipt of this email and should you have any questions, please feel free to reach out.

Thank you.
Ryan and Bridget Keefer
2060 Wagon Wheel Court
619-734-8663

Individual Response I-2 – Ryan and Bridget Keefer (November 9, 2022)

- I2 - 1 The comment is introductory and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided. .
- I2 - 2 The comment raises concerns about the creation of a gap between existing property line walls and proposed property line walls. Please refer to **Response to Comments I1-2**. This comment pertains to a site planning issue that is beyond the scope of the Draft IS/MND. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- I2 - 3 The comment provides a general statement about environmental impacts but does not provide specific comments on the analysis in the Draft IS/MND. The Draft IS/MND analyzes biological impacts in Section 4.4, hazardous materials in Section 4.9, and land use in Section 4.11. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- I2 - 4 The comment expresses concern about rodents and dust control during construction. Please refer to **Response to Comments I1-3**.

Remainder of this page left intentionally blank.

Individual Comment Letter I-3 – Mark Olszanski (November 10, 2022)

From: Mark Olszanski <markolszanski@gmail.com>

Sent: Thursday, November 10, 2022 4:03 PM

To: Greg Mattson <gmattson@escondido.org>

Subject: [EXT] Wolford Estates

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I3-1

Hi Greg my name is Mark and I live next the new project at Conway extension and North Ave Sub 17-0007. I would like to see a plot plan and elevation plans and how the developer is going to address the water runoff issue. Prior developers had meetings with city for us to attend and site the project. Please contact me and let me know.

Individual Response I-3 – Mark Olszanski (November 10, 2022)

- I3 - 1 The comment requests to see the plot plan and elevation plans and how water runoff will be addressed. The proposed development plans are available at the Planning Department at City Hall and on the City's website at <https://www.escondido.org/conway-drive-subdivision>. The Draft IS/MND analyzes and discusses stormwater runoff in Section 4.10 - Hydrology and Water Quality. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

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Individual Comment Letter I-4 – Tom Kennedy (November 16, 2022)

November 16, 2022

Greg Mattson

Adjunct Planner

Planning Division

City of Escondido

Via Email: gmattson@escondido.org

RE: Conway Subdivision Project Case No. PI21-0269

Mr. Mattson,

14-1

This letter is in response to the NOI to adopt the ISMND for the above referenced project. Please note that I am not opposed to the development of the parcels per se, but the details of this project contain a number of problematic features that require additional study and project modifications. I have lived right down the street from these lots since 1999 and have seen a great deal of development in our area – just as those who lived here before our subdivision was built saw when our home was constructed. Development will come, but this project is simply incompatible with local zoning, state law, and basic public safety.

Here are my specific comments (in no particular order):

14-2

- This project seeks to have the City grant it a density bonus under some of the newer state laws that have (unfortunately) stripped some of the powers of local land use management. However, the project fails to comply with the requirements of these statutes. Specifically, the density bonus statute section 65915(c)(3)(A) requires that should a development seeking this density bonus include the removal or demolition of low income housing as part of the project, it must provide a greater number of similarly sized units as replacements. In this case, the developer wants to demolish 13 low income homes and replace them with just 10. This particular section of code (like many in this statute) has some convoluted wording, but there is a key semicolon toward the end of this section that clearly makes a minimum 1:1 replacement of low income homes a requirement and this proposal fails that requirement. The rent control provisions earlier in this section are not applicable here, but the replacement terms are.

Anyone who is familiar with the homes to be demolished will agree that these are low income homes. Those of us in the area have no issue with these homes – the families there have been good neighbors and while the issue of the inclusion of low income homes in the proposed project is not objectionable on its face, the fact is that the project fails to comply with the statute for density bonus consideration.

14-3

Further, the density bonus statute requires a “like for like” replacement of existing homes, but this project seeks to increase profit by replacing existing single family detached low income homes with condominium style duplexes. This point alone shows that this project fails to

14-3 (cont)	comply with density bonus statutes.
14-4	Finally, density bonus laws are not a waiver of General Plan requirements apart from density. The City’s General Plan does not allow multifamily dwellings in this area. The City would need to perform a General Plan Amendment to allow this to proceed, but I cannot see in the available materials when or how such an amendment has been requested. Were such an amendment application to proceed, it would seem to me that a full Environmental Impact Report should be mandated by the City.
14-5	<ul style="list-style-type: none">- The traffic situation is of grave concern to those of us who have to drive through the intersection of Conway and Stanley/Honeysuckle each day. There are several traffic concerns:<ul style="list-style-type: none">o The conclusions drawn from the traffic study were based on observations made on a single day during the midst of the COVID 19 pandemic. While the study authors claim these values were “adjusted” somehow to account for this, the sample size is far too small to draw the broad conclusions made by the authors. A more detailed analysis is required to support these overly optimistic conclusions.
14-6	<ul style="list-style-type: none">o The traffic study estimates that the project will generate 378 trips per day – likely an underestimation – but only apportions a small percentage of these to the peak hours in the report. There is no basis provided for how this apportionment was derived and the peak travel trips cited only represent a bit over 17% of the underestimated trips per day. This must assume that the residents in this development will somehow have very different travel habits than everyone else in the area.
14-7	<ul style="list-style-type: none">o This underestimation of both trips per day and how these trips are distributed leads to an incorrect evaluation on the change in the Level of Service (LOS) characterization in tables 10-1 and 10-2 of the traffic study. City staff should require further analysis if the impacts with a more realistic percentage of trips being applied to the same peak travel times that the neighborhood experiences now. It is more than likely that the LOS will degrade due to the project, a potential that the calculations used by the authors have been designed to obscure. It looks like the developer wanted to show the LOS would not change so the calculations were done backwards to meet that LOS value.
14-8	<ul style="list-style-type: none">o This intersection is already overtaxed several times a day when Rincon Middle School has active traffic. Dropping hundreds more vehicles right into the middle of this intersection will only increase collision risks. The ISMND seems to wave away traffic impacts improperly. A more detailed traffic analysis should be required by the City.
14-9	<ul style="list-style-type: none">o The proposed road that connects to Stanley is much too close to the intersection at Conway and will create a high potential for collisions from vehicles turning westbound from Conway, especially for vehicles going south on Conway. The density of the homes will prevent good sight lines so vehicles exiting the development onto Stanley will be at risk as they try to head east on Stanley to Conway. The density of the development will include many dozens of trips per day that compounds this risk.
14-10	<ul style="list-style-type: none">o There is already a blind intersection at the top of the hill at Weiss Way due to topography, so this new intersection will make this stretch of Stanley a gauntlet for those of us who live here to traverse each day. Drivers leaving Honeysuckle Way during

14-10
(cont)

school traffic periods routinely have to accelerate quickly to squeeze through gaps in traffic on Conway, thus increasing the likelihood of problems where the new roadway connects just a few feet past the intersection.

14-11

- Parking is a major concern. While the ISMND did not include specific layouts of lots, based on the setback variance requests it is clear there will be little off street parking at each lot. In this housing class one can expect more than two cars per household and with tight lots whose frontage is dominated by driveways, there is unlikely to be enough street parking to accommodate residents and guests within the development. This will push residents and guests to seek other parking spots either on Conway or Stanley, thus compounding even further the collision risk concerns indicated above. Again, the City should not accept this ISMND and require additional traffic studies.

14-12

- The proposed grading is well beyond what the City would allow in similar situations. It is one thing to stretch the statutory language to allow for a density bonus, but that does not waive away other standards related to grading. If one were to ignore the deficiencies in the application of the density bonus described above, the project as described should still be rejected for being out of compliance with grading standards.

14-13

- The ISMND makes numerous findings (Aesthetics, Air Quality, Energy, GHG Emissions, Land Use and Planning, Public Service, and many more) without any information provided about the actual homes themselves. Nowhere can we find the actual square footage of the proposed homes, the heights (how many stories?), the number of bedrooms, number of bathrooms, and other important characteristics that would be need to draw the conclusions made by the authors. It seems that some pretty broad assumptions were made to create the report rather than relying on actual specific details as required by CEQA. In fact, I believe it is impossible for the City, as lead agency, to adopt this ISMND without putting itself into significant legal jeopardy as there is no basis for the City to make the determinations being proposed by the developer.

14-14

- Similarly, the developer has provided a long list of project attributes (Table 2 of ISMND) that are out of compliance with city standards that are unrelated to project density. While I understand that State law requires granting density bonus units (where appropriate conditions exist which is not the case here) but it does not require the City to waive away all standards. This is clearly a developer trying to avoid the City’s General Plan and planning standards to maximize profits, not to comply with density bonus rules. The list contains a wide variety of such efforts, such as:
 - Front setback requirements – the 10.5’ suggested by the developer will negate off street parking thus exacerbating the parking issues described above
 - The average lot width, once a driveway is installed, will create less space for on street parking, again compounding the problem.
 - With the 10.5’ setback it is difficult to understand how 4 off street parking spaces will be possible. If a two car garage is set back 10.5’ there is not enough room for two more cars.
 - The use of a hammerhead instead of a cul de sac creates fire safety issues for both the residents and the first responders who will have to do complex three or even five point turns when on this street.

14-
15

- The storm drain to serve this project should follow City standards and be placed outside of the City’s parkways or sidewalks.
- The environmental report, much like the traffic study, was based on brief and incomplete studies of the biology of the area. The report does indicate that Swainson’s Hawk is likely to be in the area but have not been observed. Having lived in the area for nearly 25 years I can attest to have seen them many times. In fact, I believe one of my neighbors will be submitting pictures of both the birds and their nest that is on the subject property. I have some experience in native raptor species having managed the Elfin Forest Recreational Reserve for a period of 14 years and have a ~50 foot tall Mexican fan palm in my yard that was left in place when my home was built. Each and every year this tree is used for nesting for hawks – and also owls. I generally try to identify the species of hawk when I see one and my personal observations in this area is that the number and diversity of hawks in our area has been greatly diminished due to the massive increase in housing in the area. The offsite mitigation proposed in this project will be insufficient to protect the remaining raptors in our area. They need a place to live too.

14-
16

Again, I am not here to oppose all developments in the area. Several hundred homes have displaced avocado groves, horse ranches, and other open spaces in the time I have lived in this area. Many of those homes did not follow RE-20 zoning but the project details were nowhere near as aggressive and disruptive as what is proposed here. Sensible development on these parcels is fine by me, but this proposed project fails to follow basic density bonus statutes and will put folks in our neighborhood at risk based on a very poorly designed project.

Thank you for your consideration of my comments. You can reach me at tom@kennedywaterconsulting.com or at 760-445-0000.



Tom Kennedy
1163 Honeysuckle Way
Escondido, CA 92026

Individual Response I-4 – Tom Kennedy (November 16, 2022)

- I4 - 1 The comment is introductory and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- I4-2 The comment suggests that the Project is not in compliance with Density Bonus law. Please refer to **General Response 1**.
- I4-3 The comment repeats concerns related to the Project’s compliance with Density Bonus law. Please refer to **General Response 1**.
- I4-4 The comment suggests that Density Bonus Laws are not a waiver of General Plan requirements. Please see refer to **General Response 1**.
- I4-5 The comment suggests that the traffic counts for the existing condition were conducted during Covid and the sample size is too small. The City disagrees with the comment that traffic counts sample size is too small. The *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J includes the following description of how existing traffic counts were conducted. This methodology has been approved by the City’s traffic engineer and is consistent with industry standard traffic engineering practices.
- “Traffic counts were conducted on Thursday, March 18, 2021. However, due to the Covid-19 pandemic alternate travel patterns, these counts were adjusted to pre-Covid levels. A comparison was made on an ADT basis between the SANDAG Series 13 model’s non-Covid ADTs and the Year 2021 ADT counts to determine how much less the counts were. The Year 2021 counts were factored using the appropriate growth rate.” (Page 7)
- I4-6 The comment suggests that the trip generation is likely underestimated. Trip generation is based on the San Diego Association of Government’s trip generation manual dated May 2003. This is standard practice and methodology used for traffic studies prepared in the City of Escondido and San Diego County. The following excerpt from the *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, &

Greenspan, dated October 6, 2022 and included in Appendix J describes how trip generation is calculated.

“The Project traffic generation calculations were conducted using the trip generation rates published in SANDAG’s *(Not So) Brief Guide of Vehicular Traffic Generation Rates for San Diego Region (April 2002)*. Based on the project description, the *Single Family Detached* and *Apartment* category was used which SANDAG specifies as 10 trips / unit and 6 trips / unit, respectively.

The Project is calculated to generate 378 net new daily trips with 30 trips (8 inbound / 22 outbound) in AM peak hour and 37 trips (26 inbound / 11 outbound) during PM peak hour. These trips include credit from the 11 single family detached and 2 multifamily attached units to be demolished within the Project site.” (Page iii).

14-7 The comment suggests that the Level of Service (LOS) calculation is incorrect, and LOS would degrade with the Project. The LOS methodology, classifications, and analysis presented in the *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J was prepared consistent with City of Escondido standards (City of Escondido Transportation Impact Analysis Guidelines, April 2021) and industry standards. The LOS was calculated by adding Project generated trips and cumulative trips to baseline traffic counts to determine the ratio of the utilization of the intersection (i.e. the amount of traffic) to the capacity of the intersection. This calculation determines if the intersection would operate at accept levels.

14-8 The comment suggests the Rincon Middle School overtaxes an intersection and a more thorough traffic analysis should be required by the City. The *Transportation Impact Analysis (TIA), Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J took into consideration the peak hour demands of Rincon Middle School. The TIA, including the data and methodology, was reviewed for consistency with the City’s TIA Guidelines by the City’s traffic engineer. The TIA was prepared consistent with City of Escondido standards and industry standards.

- 14-9 The comment expresses concern about the vehicle turning movements and sight distances. The *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J analyzed intersection spacing, access, and sight distances. The Project will add an additional eight (8) feet of right-of-way to Conway Drive and Lehner Avenue adjacent to the Project site. The Project would also add sidewalks and parkways, which extend from existing pavement approximately 12 feet, which would further improve sight distance. The TIA, including the data and methodology, was reviewed for consistency with the City’s TIA Guidelines by the City’s traffic engineer and during the review the proposed roadways and intersections were determined to be consistent with City design standards.
- 14-10 The comment provides additional observations on intersection spacing between Weiss Way and the Project. The *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J analyzed intersection spacing, access, and sight distances at all Project access points and confirmed that intersection spacing is consistent with City standards and no hazardous roadway conditions would be created by the Project. The TIA, including the data and methodology, was reviewed for consistency with the City’s TIA Guidelines by the City’s traffic engineer and during the review the proposed roadways and intersections were determined to be consistent with City design standards.
- 14-11 The comment raises concerns about street parking and project design. The Project proponents have requested a modification to the parking standards as part of a series of design waivers to development standards requested under the Density Bonus application. A waiver to the parking standards is a discretionary action by the City. The *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J and the analysis. In addition, standard street design will be applied to limit on-street parking on Conway Drive, and Stanley and Lehner Avenues in order to provide required line-of-sight.

- I4-12 The comment suggests the proposed grading is beyond City standards. The City disagrees with this comment. The grading and improvement plans are required to be designed and constructed in compliance with City standards and are subject to the approval of a grading exemption. Therefore, this comment does not raise an issue regarding the adequacy of the Draft IS/MND, and no further response is required or provided.
- I4-13 The comment suggests that the Draft IS/MND is inadequate because it does not describe the square footages, bedroom counts, building heights, or architectural elevations of the units. Please refer to **General Response 1**.
- I4-14 The comment generally describes the proposed waivers of development standards associated with the Density Bonus request but does not raise new or additional environmental issues regarding the adequacy of the Draft IS/MND. Please refer to **General Response 1**.
- I4-15 The comment suggests that a Swainson's Hawk has been observed on the Project site. The *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson Strategic Land Solutions dated September 2022 and included in Appendix B, did not note their presence as indicated in Table 3 - Wildlife Species Observed during the Field Visit within the BTR. The Draft IS/MND discusses the biological characteristics of the Project habitat and determined the Swainson's Hawk has a low potential to occur on the Project site because the closest known distribution of Swainson's Hawk is the Mohave Desert. Please see below from the California Department of Fish and Wildlife on the distribution of Swainson's Hawk. The Project site does not provide suitable habitat for Swainson's Hawk. Furthermore, the picture referenced in the comment which was provided by another commenter (Comment Letter O1-14; Exhibit C, p.4) is of a red-tailed hawk, not a Swainson's Hawk. The red-tailed hawk is not listed as endangered or threatened on a State or Federal level.

Swainson's Hawks in California

The Swainson's hawk (*Buteo Swainsoni*) was listed as a threatened species in 1983 by the California Fish and Game Commission. This listing was based on loss of habitat and decreased numbers across the state.

Distribution and Abundance

It is thought that the historic population of Swainson's hawks in California was as many as 17,136 pairs. In 1980 a report developed by Bloom (PDF) estimated 375 (+50) breeding pairs of Swainson's hawks remaining in California. Bloom's report noted number to the greatest in the Central Valley and in the Great Basin area of northeastern California, with a few Swainson's hawk territories located in Shasta Valley, the Owens Valley, and the Mohave Desert. In 1988 a Department led survey effort revealed no change in Swainson's hawk distribution from the 1980. The 1988 effort led to an estimate of 430 pairs in the Central Valley and a state-wide estimate of 550 breeding pairs. In 2005 a state-wide survey was conducted in the known range. The results showed a state-wide estimate for the number breeding pairs at 2081. Surveys conducted in Butte to San Joaquin counties during the period 2002-2009 showed numbers of breeding pairs of Swainson's hawks at 593 in 2002, 1008 in 2003 and 941 in 2009.



This reference can be found at <https://wildlife.ca.gov/Conservation/Birds/Swainson-Hawks>. The comment suggests the commenter has personally observed a Swainson's Hawk on the Project site. The professional biologists who conducted the biological analysis and the literature review from the California Department of Fish and Wildlife indicate there is not a Swainson's Hawk on the Project site. Furthermore, the BTR presented as Appendix B to the Draft IS/MND includes a reference to an active raptor nest used by a red-tailed hawk at the time of the biological site visit.

The commenter suggests that offsite mitigation is not sufficient to mitigate biological impacts but provides no justification. As outlined below, **Mitigation Measure BIO-2** requires purchasing mitigation credits at the Daley Ranch mitigation bank.

Mitigation Measure MM BIO-2: Prior to issuance of the grading permit, the Project Applicant shall purchase 3.33-acres (0.5:1 ratio to the 6.65 acres of NNG impacts) of Non-Native Grasslands at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.

Biological Resources Section 4.4, Page 30 of the Draft IS/MND includes the following explanation why the mitigation is appropriate:

“The Daley Ranch Mitigation Bank is a City-sponsored mitigation bank that provides protection of suitable non-native grassland for raptor foraging and has been determined by the City as biologically superior mitigation for isolated patches of non-native grassland, such as those occurring on the Project site. Approved mitigation banks have been authorized by the Resource Agencies as approved mitigation because the mitigation bank creates a contiguous land for restoration and conservation of sensitive habitats. The Resource Agencies have determined that providing large areas of contiguous habitat with long-term management provides equivalent or superior biological value to other mitigation options, such as on-site restoration or creation.”

The same explanation is provided for **Mitigation Measure BIO-3**, which requires the purchase of coast live oak woodland credits and is outlined below.

Mitigation Measure MM BIO-3: Prior to issuance of the grading permit, the Project Applicant shall purchase 0.78-acres, (2:1 ratio to the 0.39-acres of Oak Woodland impacts) of Coast Live Oak Woodland at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.

I4-16 This comment is a closing statement and summary of prior comments that have been previously responded to and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

Individual Comment Letter I-5 – Steven Berkowitz (November 16, 2022)

From: [S. Berkowitz](#)
To: [Greg Mattson](#)
Subject: [EXT] Case No. PL21-0269 Conway Subdivision Plan
Date: Wednesday, November 16, 2022 8:42:37 AM

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

Mr. Mattson,

15-1 | I am writing to express my disappointment and concern regarding the Mitigated Negative Declaration for the proposed Conway Subdivision Project. I am concerned that the mitigation does not go nearly far enough to reduce the impacts of additional traffic and noise this project will bring to the area.

15-2 | The plan calls for 56 additional housing units to be built but does not adequately reflect the impact those additional homes (and their associated vehicles) will bring to the small and single lane streets in the area. There is insufficient public transportation available, so all of these new residents will by necessity rely upon their personal vehicles for commuting to work, taking children to school, running errands, etc. Conway Drive, Stanley Ave and Ash Street, and nowhere near large enough to handle this increase in traffic volume without causing large traffic backups. The additional noise (and vehicle emissions) resulting will be significant.

15-3 | I also do not believe that anyone has realistically looked at the impact that 56 additional homes will have in terms of noise.

15-4 | Please take the necessary time and steps to adequately assess all the impacts this project will have before accepting a document like the Mitigated Negative Declaration. As proposed, it does not go nearly far enough in addressing the impacts this project will have on the current neighborhood and residents.

Thank you for your assistance,

Steven Berkowitz
2198 Weiss Way
Escondido, CA 92026

Individual Response I-5 – Steven Berkowitz (November 16, 2022)

- I5 - 1 The comment is introductory and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- I5-2 The comment suggests there is insufficient public transportation and existing streets are not large enough to handle the increase in traffic. As part of the Draft IS/MND a comprehensive traffic study, *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, is included as Appendix J. This study analyzed vehicle miles travelled, the capacity of roadways (existing & future), existing bus service, and intersections within the project area. The report also illustrates sidewalk locations, as well as bikeable streets in the vicinity. Section 4.17 of the Draft IS/MND provides a summary of the analysis and concludes traffic impacts would be less than significant with specific mitigation measures applied. Without specific comments on the analysis presented in the Draft IS/MND and traffic study, no further response is required or provided.
- I5-3 The comment suggests the Draft IS/MND did not analyze noise impacts. Section 4.13 of the Draft IS/MND provides an analysis of both construction and operational noise impacts. The analysis is based on a noise study, *Acoustical Analysis Report for Conway Subdivision*, prepared by Eilar Associates, Inc., dated October 18, 2021, and included in Appendix I of the Draft IS/MND. The noise analysis concluded that Project impacts would be less than significant with specific mitigation measures applied.
- I5-4 This comment is a closing statement and summary of prior comments that have been previously responded to. No further response is necessary.

Individual Comment Letter I-6 – Patrick Klopchin (November 17, 2022)

November 17, 2022

Greg Mattson

City of Escondido

Email: gmattson@escondido.org

RE: Conway Subdivision Project Case No. PL21-0269

Mr. Mattson,

16-1

I am writing this letter in response to the Notice of Intent to adopt a Mitigated Negative Declaration for the Conway Subdivision Project (PL21-0269). I believe there are many issues with the initially drafted MND for this project and I have listed some below.

- Traffic

Traffic is already an issue at multiple times during the day at the intersection of Conway and Stanley/Honeysuckle, with limited sight lines and only a 2-way stop at Honeysuckle way and Conway. In the MND the traffic study was conducted on a single day during the pandemic and then the numbers were then adjusted to account for this. A more detailed is required to in a real time situation to accurately account for the traffic in these areas.

16-2

- Environmental Report

Like the Traffic Report the EIR was based upon incomplete studies of the area. There are numerous species of birds that live in this area from owls to hawks and the current study does makes mention of the Swainson's Hawk but then goes on to say that they weren't observed. Having lived in this area for over 20 years I can confirm that these birds have been and are present throughout the year, though in a much more diminished number. I believe that the offsite mitigations proposed in this project do not do enough to ensure the protection of the remaining birds in this area.

16-3

- Density Bonus

This project wants the city to grant it a density bonus pursuant of some of the new state laws, yet the project fails to comply with these new laws. One example relates to low-income housing. Currently on the proposed site there are 13 low-income homes and according to the newer law if these homes are to be removed as part of the project a greater number of similarly sized units must be supplied. For this project, there are only 10 low-income homes proposed. In addition, as part of a density bonus there is a requirement that homes be replaced like for like. This is not the case for this project as the single-family homes are being replaced in some cases with condominium duplexes.

16-4

I want to state that I am not opposed to development in this area. I have lived here for 20+ years and there have been multiple projects built around us that have occurred and were done more or less in a sensible manner. I do not believe that this project meets those requirements.

Thank you for your consideration of my comments. You can reach me at pklopchin@cox.net or at 760-535-8137.

Patrick Klopchin
1175 Honeysuckle Way
Escondido, CA 92026

Individual Response I-6 – Patrick Klopchin (November 17, 2022)

- 16 - 1 The comment suggests that the traffic counts for the existing condition were conducted during Covid and the sample size is too small. The *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J includes a description of how existing traffic counts were conducted. Refer to **Response to Comments I4-5** for additional information.
- 16-2 The comment suggests that a Swainson’s Hawk is located on the Project site. Please refer to **Response to Comments I4-15**.
- 16-3 The comment suggests the Project is not in compliance with Density Bonus law. Please refer to **General Response 1**.
- 16-4 The City acknowledges the comment and notes that it provides concluding remarks that do not raise new or additional environmental issues regarding the adequacy of the Draft IS/MND. For that reason, the City provides no further response to this comment.

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Individual Comment Letter I-7 – Andy Brunn (November 17, 2022)

From: [Andy Brunn](#)
To: [Greg Mattson](#)
Subject: [EXT] Conway Subdivision Project No. PI21-0269
Date: Thursday, November 17, 2022 1:41:30 PM
Attachments: [Conway Development feedback.docx](#)

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

Mr. Mattson,

|7-1 | Please refer to the attached letter regarding my concerns about this project.

Sincerely,
Andy Brunn

November 16, 2022

Greg Mattson
Adjunct Planner, Planning Division
City of Escondido
gmattson@escondido.org

RE: Conway Subdivision Project No. PI21-0269

Dear Mr. Mattson,

17-1 I am writing to you to raise my concerns regarding the proposed development of 56 housing units in the above-mentioned subdivision project. I have lived down the street from this property for nearly 25 years and have not commented on the hundreds of homes built in this area in recent years, but this proposed project stands out as a poor fit for this area and has many defects that will increase hazards for our neighborhood. I am not opposed to new development, and the low income houses being replaced is a welcome thing, but not in the way proposed. Did you know that the streets in the surrounding area don't even have sidewalks? Is there an improvement plan for these streets (Stanley Ave for example)

17-2 This report has many issues that are not addressed fully, including:

- 17-3 - The traffic impact is minimized in an attempt to stuff as many units as possible onto the parcels.
- 17-3 - The report does not include enough information about the actual homes (height, size, number of bedrooms, etc) for the study to actually analyze impacts, so it seems the people who wrote it were guessing at numbers to reach the conclusion they wanted to reach.
- 17-4 - This area is zoned for 20,000 square foot lots (like mine) but the developer is trying to get a waiver by adding some multifamily homes to replace the ones they are tearing down. The zoning in this area, to my understanding, does not allow for multifamily housing – only single family detached homes. How do the density bonus laws supersede the City's General Plan in that respect?
- 17-5 - The crazy grading that is proposed will detract from our community and stand out like a sore thumb. I can't imagine the impact on the homes that are nearby but from what I can tell it will be extreme.

17-6 I have always expected this area would be developed someday. However, in what appears to be a push to maximize profits for the developer, this project has been designed in a way that is incompatible with both the City's General Plan and the nature of our community.

If you have any questions please contact me at abrunn@gmail.com

Andy Brunn
1154 Honeysuckle Way
Escondido, CA 92026

Individual Response I-7 – Andy Brunn (November 17, 2022)

17 - 1 The comment is introductory and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

The commenter also asks if sidewalks will be added to surrounding streets, Stanley Avenue for example. Section 2.4, Page 11 of the Draft IS/MND includes the following description:

“Along the Proposed Project site frontage, portions of Lehner Avenue, Conway Drive and Stanley Avenue would be improved with repaving, installation of new curbs and gutters, sidewalks, and new utility connections.”

17-2 The comment suggests the traffic impact is minimized to support development. The City disagrees with the comment. The *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J was prepared consistent with City of Escondido TIA Guidelines and industry standards. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

17-3 The comment suggests the Draft IS/MND is inadequate because it does not describe the square footages, bedroom counts, building heights, or architectural elevations of the units. Please refer to **General Response 1**.

17-4 The comment questions how Density Bonus law can supersede the City's General Plan. Please refer to **General Response 1**.

17-5 The comment suggests the proposed grading is beyond City standards. The City disagrees with this comment. The grading and improvement plans are required to be designed and constructed in compliance with City standards and are subject to the approval of a grading exemption. Therefore, this comment does not raise an issue regarding the adequacy of the Draft IS/MND, and no further response is required or provided.

17-6 This comment is a closing statement and summary of prior comments that have been previously responded to. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

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Organization Comment Letter O-1 – Rutan and Tucker (November 17, 2022)



Kelsey E. Quist
Direct Dial: (714) 338-1864
E-mail: kquist@rutan.com

November 17, 2022

VIA E-MAIL & FIRST CLASS MAIL

Greg Mattson, Adjunct Planner *gmattson@escondido.org*
City of Escondido
201 N. Broadway
Escondido, CA 92025

Re: Conway Residential Subdivision Project - TTM SUB21-069
City File No. PL21-0269
Comment on Draft Initial Study/Mitigated Negative Declaration

Dear Mr. Mattson:

O1-1

This office represents the residents of the single family home located at 2166 Weiss Way, which is directly adjacent to where the northern portion of the proposed Conway Residential Subdivision (“Project”) would be developed. My clients – who directly submitted a comment on the Project’s NOP, attached hereto as **Exhibit A** – have resided at their home since 1987, and their home is shown in the aerial picture below, directly west of the currently vacant portion of the Project site:



Rutan & Tucker, LLP | 18575 Jamboree Road, 9th Floor
Irvine, CA 92612 | 714-641-5100 | Fax 714-546-9035
Orange County | Palo Alto | San Francisco | www.rutan.com

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Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 2

O1-2

While understanding the existence of the Housing Accountability Act (“HAA”), Density Bonus law, and other state law that encourages the development of housing, it is important to remember that none of these laws preempt or otherwise override the California Environmental Quality Act (“CEQA”). Instead, the ability to approve residential projects, such as the Project at issue here, is expressly contingent on full compliance with CEQA. My clients are not trying to stop development of the Project, but rightfully insist that any development is done right, including full compliance with CEQA, while being a good neighbor.

The Project, which takes advantage of state Density Bonus Law to significantly increase density beyond what is otherwise permitted by the Project site’s zoning (adding 16 extra units), as well as an incredible *thirteen waivers* from otherwise applicable development standards, proposes to cram 56 total residential units onto approximately 14 acres that are not designed to handle such an intense and dense development. The fact that so many waivers are required, standing alone, is substantial evidence of the significant impacts this completely out of character Project will have on the environment in general, and on surrounding properties in particular. The nearby rural infrastructure was simply not designed or built to handle the demand that will be generated by 56 new units in this area, yet the Mitigated Negative Declaration (“MND”) does not impose *any* mitigation measures requiring improvements to the existing infrastructure. The Project applicant is attempting to take advantage of state law to forcibly jam a square peg into a round hole, but still must comply with CEQA and mitigate its actual impacts.

O1-3

As made plain by the aerial photograph embedded above and the annotated site photograph attached here as **Exhibit B**, the Project is not at all consistent with the charter of the relatively rural area at the edge of the northern portion of the City, and in fact, the Project includes a parcel in an unincorporated portion of San Diego County (“County”) that the City proposes to annex. The area around the Project site consists of large lot single family homes, narrow single lane roadways without sidewalks, open space, and small scale agricultural uses, including vineyards on my clients’ property (noted with a “C” on Ex. B), directly adjacent to the Project site. The rural nature of the area is also made clear on page 7 of the MND, which shows that the zoning for the Project site and surrounding areas is single family residential, residential estates, and the County’s rural residential zone. The City’s residential estate zoning “is established to provide a rural setting for family life in single-family *detached* dwellings. Provisions are made for the maintenance of limited agricultural pursuits as well as those uses necessary and incidental to single-family living.” (Escondido Municipal Code (“EMC”) § 33-90(b)(2) [emph. added].) Similarly, the City’s R-1 single family zone is “established to provide a suburban setting suitable for family life in single-family, *detached* dwellings.” (*Id.*, (b)(2) [emph. added].)

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Greg Mattson, Adjunct Planner
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 November 17, 2022
 Page 3

I. The Proposed Project is Not Permitted under the Project Site’s General Plan Land Use Designation or Zoning

Despite the fact that the Project site is located entirely in single family zones, where *detached* single family residences are the principally permitted use, the Project proposes 5 duplex structures (10 total condominium units) – which are attached two-family dwellings – that are *not permitted*, as clearly shown on the City’s land use table (highlighting added):

O1-4

Table 33-94

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Residential and Lodging								
Single-family dwellings <i>detached</i>	P	P	P		P	P ¹	P ¹	P ¹
Mobilehome on parcel alone, pursuant to section 33-111	P	P	P	P				
<i>Two-family and multiple-family dwellings</i>					P	P ¹	P ¹	P ¹
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required			C	C	C			
Small lot developments pursuant to section 33-114					P	P ¹		
Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone pursuant to section 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Senior housing	P	P	P	P	P	P	P	P

Likewise, the Project Site’s Estate II General Plan land use designation “accommodates *detached* single-family homes on large lots” and “[s]paced single family development on relatively large lots,” and the Suburban General Plan Land use designation “applies to areas that generally surround the urbanized core of the community and accommodates single family *detached* homes on relatively large lots.” (General Plan Land Use and Community Form Element, pp. II-19 to -20 [emph. added].)

Thus, the Project – which includes ten attached duplex condominium units – requires a General Plan amendment and zoning change, which are two distinct legislative approvals that the Project requires by law, yet are not currently under consideration by the City. Density Bonus Law cannot be used to waive or change the permitted uses on a particular project site, and in fact, the MND completely fails to address any of these concerns, and does not list the allowance of attached condominium duplex units as a “waiver” from the otherwise applicable zoning standard (nor could it). Thus, the Project’s proposed tentative tract map – the only discretionary entitlement analyzed by the MND and under consideration by the City (MND, p. 13) – *cannot be approved*, as the City cannot make the required findings that it would be consistent with the City’s General Plan and applicable zoning. (See, EMC § 32.209.01.)



Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 4

O1-5

Further, the MND’s entire analysis is fatally flawed because it analyzes all of the Project’s impacts under the incorrect assumption that the Project is consistent with the Project site’s existing General Plan land use designation and zoning. As a result, the MND drastically underestimates the Project’s potential impacts, which standing alone, is sufficient grounds to require the preparation of a full environmental impact report (“EIR”), as discussed in more detail herein. It also bears noting that because the Project is not consistent with its existing land use and zoning designations, the HAA does not apply.

O1-6

Finally, Density Bonus law requires the affordable units to be substantially similar to the market rate units, but here, the Project proposes condominium duplexes units for all of the affordable units, and single family homes for all the market rate units. (See, MND, p. 10) In order to qualify for the requested density bonus, the Project must propose “like for like” units – i.e., income restricted single family homes. This is not being done here, and further, there is no information to allow the reader to determine if the elevations, finishes and other details are similar in quality for the affordable units as the market rate units, as also required by law.

II. The City Should Require the Preparation of an EIR for the Project

O1-7

As a result of the Project’s inconsistency with its surroundings and a number of other factors set forth below – not least of which is the amount of traffic that will be generated when compared to the much less dense zoning this Project site has long been planned for, without requiring any roadway or other improvements – after a careful review of the proposed mitigated negative declaration (“MND”), it is clear that substantial evidence supports a fair argument that the Project may have a significant impact on the environment, and thus the City should require the preparation of a full environmental impact report (“EIR”). (See, *Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505.) “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” (Pub. Res. Code § 21068; 14 Cal. Code Regs. (“CEQA Guidelines”) § 15382.)

Indeed, the EIR is the very heart of CEQA, and an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214. 1220; see also, *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process “protects not only the environment but also informed self-government.” (*Pocket Protectors*, 124 Cal.App.4th at 927.)



Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 5

○1-7
(cont)

Under the “fair argument” standard, preparation of an EIR is required if any substantial evidence in the record indicates that a project *may* have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (CEQA Guidelines § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors*, 124 Cal.App.4th at 928.)

In sum, the MND fails to adequately analyze and mitigate all of the Project’s impacts to a less than significant level, and instead, there is a fair argument that the Project may in fact result in significant environmental impacts in a number of respects. As further discussed below, the MND is specifically deficient and does not comply with CEQA in all of the following respects, which individually and/or taken together, require the preparation of an EIR.

A. The Project Description is Inadequate

○1-8

The MND is completely devoid of any details regarding the total proposed 56 residential units, other than an overview proposed tentative map showing lot and structure locations, a vague range of lots sizes, and the fact that 46 units will be single family homes, and 10 will be condominium units in 5 buildings. (MND, pp. 8-10.) Noticeably absent are any (1) proposed square footages of any units, (2) bedroom counts, (3) proposed height/stories, or (4) any proposed elevations, for either the single family or duplex units. As a result, the MND cannot accurately analyze the potential impacts of the Project – which cannot be based on lot count alone – and instead, these details are critical for a full and complete analysis of the Project’s impacts related to aesthetics, air quality, greenhouse gas emissions, noise, population/housing, and transportation/traffic, at a minimum. My clients are left wondering if a one-story 2,000 square foot home or a three-story 5,000 square foot home will be built next to their property. Further, there is no indication how high the ultimate grade will be, and considering the significant sloping near my clients’ property, there is no way to tell if the graded pad for the nearest residence will be 30+ feet higher than the existing grade, or 30+ feet lower. All of these questions must be answered for any meaningful analysis of the Project’s impacts to occur.

○1-9

The MND’s project description is also not clear as to what income level the proposed affordable units will be restricted to, or how the continued affordability will be enforced (*e.g.*, an affordable housing agreement with the City, deed restriction, etc.), and whether the affordable units will be rented or sold. These details must be added to allow the public to verify that the density bonus was correctly calculated, and to also confirm that the Project even qualifies for a density bonus in the first place.



Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 6

O1-10

Finally, the MND also fails to adequately explain why the Project would be physically precluded unless *thirteen* different waivers are granted, including *significant* departures from three different setback requirements, minimum lot area, average lot width, lot width along streets, maximum lot coverage, maximum floor area ratio (“FAR”), standards for suburban residential roads, reduced grading setbacks, hammerhead street termination, and storm drain locations and easement size. (MND, pp. 12-13.) Surely not all of these significant waivers are truly required for the Project to proceed, but instead are aimed at maximizing developer profit. Further, the MND fails to analyze the impacts all of these waivers will have on the surrounding community – particularly related to aesthetics, air quality, noise and traffic (including traffic hazards/safety from the drastically different standards for suburban residential roads) throughout the discussion of all of the various topics covered in environmental checklist/Appendix G. An EIR should be prepared to fully address the impacts of all these waivers, as again, nothing in the Density Bonus law allows this Project to circumvent any aspect of CEQA.

B. The MND Does Not Adequately Analyze the Project’s Aesthetic Impacts, and Incorrectly Assumes the Project Complies with Applicable Zoning

O1-11

The MND makes no effort to analyze its aesthetic impact from the point of view of my clients or any other neighboring properties, does not contain any photographs showing the current views when looking at the Project site from surrounding properties, nor does it contain any computer simulations/renderings that show what views of the Project site would look like following development. In fact, as mentioned above, the MND does not contain any renderings of the Project’s proposed elevations at all, or otherwise indicate the elevation of the final graded pads. At a minimum, the MND should be revised to include these photographs/renderings and associated analysis to determine if there are potentially significant aesthetic impacts.

O1-12

Instead of containing any meaningful actual analysis of how the Project will change existing conditions, the MND appears to imply that, simply because the Project site is “zoned residential,” the Project would not have any aesthetic impacts on the surrounding environment. (MND, p. 7.) As mentioned above, the MND does not even state the proposed square footage or height of the residences along the edge of the Project Site (or anywhere), making any real analysis impossible. The MND’s bare conclusion violates CEQA.

The MND goes on to state that the relevant threshold of significance is “whether the Proposed Project would conflict with applicable zoning and other regulations governing scenic quality,” and concludes that because the Project complies with the City’s residential estates and single family residential zones, its aesthetic impacts are less than significant. However, as explained above, the Project is not consistent with these zones, which allow *detached* single family homes; two-family attached duplexes are expressly *not permitted*. (EMC, Table 33-94.) Thus, under the City’s own threshold of significance, the aesthetic impacts would be significant because



Greg Mattson, Adjunct Planner
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November 17, 2022
Page 7

O1-12 (cont) | the Project does, in fact, conflict with applicable zoning, and as a result, the City must require the preparation of an EIR.

O1-13 | Further, even if duplexes were allowed under the Project site's General Plan land use designation and zoning, the MND does not discuss or even identify the fact that the aesthetic impacts of this Project will be increased when compared with a typical residential development that actually complies with the letter of the applicable zoning requirements, as a result of the due to the 16 additional units, and the 13 waivers from otherwise applicable zoning standards. In particular, an EIR should be prepared to specifically analyze and impose mitigation measures relating to the Project's specific and unique aesthetic impacts that result from: (1) 16 extra units on the Project site; (2) proposed front and interior setbacks less than half of what is currently required; (3) less than half the minimum lot area otherwise required in this zone; (4) significantly reduced average lot widths; (5) increased lot coverage and maximum FAR; and (6) reduced setbacks during grading. The City should impose a condition of approval that requires high quality masonry walls around the entire edge of the Project Site, at least eight feet in height.

O1-14 | Additionally, the MND notes that the Project would remove 186 mature and protected trees, and as result, the Project applicant would be required to purchase replacement trees either on or offsite. (MND, p. 17 [citing MM BIO-3 and BIO-4.]) To be clear, *the purchase of offsite trees in no way mitigates or otherwise lessens the Project's impacts on aesthetics*. Thus, at a minimum, MM BIO-4 should be revised to require purchase and placement of replacement trees entirely *onsite*, or else this measure cannot be relied upon to mitigate the Project's impacts to a less than significant level. Further, and as discussed more herein relating to impacts on biological resources, the Project should entirely avoid disturbing the area at the northern end of the Project site containing a significant amount of mature trees and coast live oak woodland / riparian habitat, generally noted with an "A" on Exhibit B.

O1-15 | Finally, the MND inaccurately describes the potential impact of the Project's light pollution, particularly in the area adjacent to my clients' property, which is an empty field. Simply put, replacing the open space near my clients' property – which currently has no lighting – with streetlights, house lights, and headlights from approaching and departing vehicles will absolutely create a potentially significant impact.

C. The MND's Air Quality Analysis is Inadequate

O1-16 | The MND does not appear to analyze the air quality impacts of the Project's grading activities (approximately 59,200 cubic yards of cut and 99,600 cubic yards of fill), which in addition to all of the other construction activities, will create significant particulate matter emissions that will severely impact my clients, and likely damage or destroy the active grape vines on my clients' property. At a minimum, additional mitigation should be imposed to require increased setbacks from my clients' property during construction and grading activities.



Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 8

01-17

The MND also does not appear to quantify or consider emissions from the trucks that will be required to import 55,000 cubic yards of dirt to the Project site. The MND should be revised to include this analysis, or if it already does, revised to clearly show that emissions from both trucks serving the general construction of the Project and trucks importing fill materials were considered. Further, the MND does not list the equipment anticipated to be used during construction in order to allow the reader to understand what assumptions were made, and what type of equipment the MND assumed would be used at the same time. In sum, the MND presents bare emissions conclusions without any ability for the reader to understand the assumptions made to arrive at those conclusions, and therefore does not comply with CEQA.

01-18

Finally, given the presence of a number of sensitive receptors directly adjacent to the Project site – including my clients’ property (B & C, on Ex. B) – a health risk assessment must be conducted. Failure to do so creates the presumption of a fair argument that the Project may have a significant impact relating to health risks, particularly in light of the Project’s more dense development than anticipated under existing General Plan land use and zoning designations.

D. Substantial Evidence Supports a Fair Argument that the Project May Have a Significant Impact on Biological Resources, even after the Mitigation Imposed by the MND

01-19

The MND incorrectly states that the Swainson’s Hawk has a “low potential” to appear onsite – as shown in the photographs attached hereto as Exhibit C, the Swainson’s Hawk, along with an active nest, is actually currently present on the Project site, and has regularly existed for approximately 20 years. (See, MND, p. 20.) The area on the Project Site where this hawk and nest were identified is noted by an “A” on Exhibit B, on the northern portion of the Project Site. Clearly, the literature review upon which the MND’s biological resources section is based is not sufficient, and revised technical studies based on field surveys should be generated and included in an EIR prepared for the Project. Thus, the so-called “potential” impacts mentioned in the MND relating to raptors are *not* potential, but in fact actual (and significant) impacts. (*Id.*, p. 29.) None of the mitigation imposed will replace the habitat currently being used by the Swainson’s Hawk, with active nests present each year, personally observed by my clients. In light of the impacts on raptors and other significant impacts that would result from disturbing this high quality habitat, the City should require the Project applicant to entirely avoid disturbing this area.

01-20

The MND’s proposed *offsite* mitigation is not sufficient to mitigate impacts to the Project site’s actual confirmed raptor habitat or other significant impacts to non-native grasslands and trees to a less than significant level. (See, MM BIO-2.) At a minimum, the City should require at least a portion of this mitigation to occur onsite and preserve a portion of the Project site as open space/habitat, rather than using every single inch to squeeze 56 units onto 14 acres. MM BIO-2 does not even require mitigation to be anywhere near the Project site, which does nothing to help local raptors find suitable nearby foraging habitat, and thus likely to result in unmitigated



Greg Mattson, Adjunct Planner
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November 17, 2022
Page 9

O1-20 (cont) | significant impacts to those birds that we *know* are on the Project site. The same is true for the mitigation proposed for the valuable coast live oak woodland habitat in MM BIO-3, and mature and protected trees in MM BIO-4.

O1-21 | With respect to the jurisdictional delineation performed for the Project, the MND's analysis is also incorrect – the Project site drains into Reidy Creek, which in turn drains into Escondido Creek, and therefore, the Project site does in fact contain jurisdictional drainage features. Impacts to these wetlands must be analyzed in an EIR, and appropriate mitigation imposed.

O1-22 | While the MND sets forth the number of mature and protected trees, the reader/public is unable to understand which trees on the Project site were determined to be mature or protected. (MND, pp. 32-33.) Thus, the MND should be revised to include a map so that the decisions regarding which trees were determined to be mature and/or protected, and which were not, can be analyzed.

E. The MND Does Not Explore Opportunities to Incorporate Sources of Renewable Energy as Part of the Project

O1-23 | The MND does not adequately analyze the potential for the Project to incorporate sources of renewable energy, or explain what type of renewable energy features will be incorporated into the Project in any meaningful detail. (MND, pp. 38-39.) The failure to include this analysis violates CEQA. (*See, League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022) 75 Cal.App.5th 63.)

F. The MND Unlawfully Defers Mitigation Relating to Geology and Soils

O1-24 | The MND imposes two mitigation measures – MM GEO-1 and MM GEO-2 – that would purportedly reduce all impacts relating to geology and soils to a less than significant level. (MND, p. 43.) However, both of these mitigation measures unlawfully defer mitigation by vaguely referring to “recommendations” and require compliance with a yet to be prepared report, without any performance measures setting forth specifically what the report must contain. As written, it is clear that there is a fair argument that these measures will not reduce the Project's impacts on geology and soils to a less than significant level.

G. The MND's Analysis of Greenhouse Gas Emissions is Inadequate

O1-25 | The MND fails to actually quantify the Project's numerical greenhouse gas (“GHG”) emissions, depriving the reader and the public of the most basic information regarding such emissions. This makes accurate analysis of the Project's impacts from GHG emissions impossible, let alone imposition of appropriate mitigation measures to reduce all impacts to a less than significant level. (MND, pp. 45-47.) Instead, the MND relies entirely on qualitative analysis of



Greg Mattson, Adjunct Planner
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November 17, 2022
Page 10

01-25 (cont) | the Project’s implementation of various measures from the City’s Climate Action Plan (“CAP”). However, since the Project’s impacts are not adequately disclosed in the first instance, this qualitative analysis is virtually meaningless and does not comply with CEQA. Indeed, applicable caselaw clearly favors quantitative GHG emissions analysis, which again, is entirely absent here.

01-26 | Further, the MND incorrectly states that “Step 1 of the CAP Checklist is land use consistency. The proposed Project has demonstrated consistency with the City’s General Plan, Zoning Code, and Density Bonus statutes. Since land use consistency has been demonstrated, Step 2 of the CAP Checklist is applicable.” However, as discussed above, the Project is actually *not* consistent with the City’s General Plan or Zoning Code. Therefore, the City should require the preparation of a revised air quality/GHG technical report and an EIR to fully analyze the Project’s impacts from GHG emissions, under the correct premise that the Project is not consistent with the Project site’s existing land use designations/zoning.

H. The MND’s Analysis of Hazards and Hazardous Materials is Inadequate

01-27 | The MND recognizes that construction of the Project will involve the transport, use and disposal of hazardous materials, and that the older structures that will be demolished likely contain PCBs. (MND, p. 49.) However, the MND fails to mention, analyze or mitigate for any potential impacts on the adjacent sensitive receptors, such as my clients’ directly adjacent residential home. An EIR containing this analysis regarding a potentially significant impact should be prepared.

01-28 | The MND also completely fails to discuss and analyze fire evacuation routes and estimated evacuation times (MND, p. 52), which recent case law holds is required in order to comply with CEQA. (*Newtown Preservation Society, et al. v. County of El Dorado, et al.* (2021) 65 Cal.App.5th 771; *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 1.) This is particularly true for the North San Diego County area, which is susceptible to wildfires, and for the Project at issue here, which crams 56 new residential units (and retains 2 existing units) onto 14 acres *without requiring any “capacity enhancing” improvements to existing roadways* to improve traffic or evacuation times. Clearly, substantial evidence supports a fair argument that the Project may result in a significant impact in this regard. The MND’s wildfire section is legally deficient for this same reason. (MND, pp. 9-96.)

I. The MND’s Land Use and Planning Section is Entirely Flawed, and Must be Completely Revised as Part of an EIR

01-29 | As discussed in detail above, the Project is not consistent with its existing General Plan land use or zoning designations, and thus requires the approval of a General Plan amendment and zone change. The entire Land Use and Planning Section of the MND must therefore be rewritten. Given the significant impacts that would occur from proposing a Project not consistent with existing General Plan land use or zoning designations, it must be rewritten as part of an EIR.



Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 11

O1-30 Further, even if the Project was consistent with existing zoning, the MND contains no meaningful analysis of the impacts that the 13 waivers would have on the surrounding development, other than to note they exist and conclude, without analysis, that the extra density and other extensive waivers would not result in any increased impacts than if the Project site was to be developed with market rate housing that complied with all applicable zoning regulations. (MND, pp. 60-62.) This analysis does not comply with CEQA's requirements because it fails to connect facts to conclusions, and further, the ultimate bare conclusion is contrary to common sense.

J. The MND's Analysis of Noise Impacts is Incomplete

O1-31 The MND and associated acoustical analysis should be revised – as part of an EIR – to analyze peak noise, not average noise, which artificially understates the actual noise impacts on neighboring sensitive receptors. (See, MND, pp. 66-67.) The MND also does not detail what type of equipment the acoustical analysis assumed would be operated, and what activities would be occurring at the same time, making an evaluation of the accuracy of the underlying assumptions impossible.

K. The MND's Population and Housing, Public Services and Recreation Sections Incorrectly Conclude that Unplanned Growth Does Not Result in Any Significant Impacts

O1-32 The MND recognizes that the Project would exceed the General Plan's projections for housing on the Project site, but nonetheless concludes that this is not a significant impact, with no mitigation required. (MND, pp. 72-79.) This is not accurate, and instead, there is at least a fair argument that the Project's increased growth beyond what has long been planned for the Project Site – and the Project's inconsistency with its existing General Plan land use and zoning designations – may result in a significant impact, requiring the preparation of an EIR.

O1-33 Further, the MND does not include bedroom count, making a truly accurate estimate of the population the Project will add to the area impossible.

L. The Traffic Generated by the Project Will Result in a Significant Impact

O1-34 The MND correctly notes that CEQA now requires a vehicle miles traveled ("VMT") analysis in place of the traditional level of service ("LOS") analysis. (MND, p. 80-81.) However, due to the fact that, as admitted in the MND, the City's General Plan includes LOS standards, LOS still must be analyzed as a CEQA impact, as inconsistency with the General Plan is considered an impact on the environment. The MND should be revised to include this analysis, which is entirely absent, despite the Project's traffic impact analysis studying the Project's impacts on LOS to some degree. Further, the MND does not impose *any* mitigation requiring roadway improvements as a



Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 12

O1-34 (cont) result of the Project, which standing alone, appears to be substantial evidence sporting a fair argument that the Project's impacts may be significant.

O1-35 Moving to the MND's VMT analysis, the City's initial conclusion that the Project requires an EIR as a result of its significant VMT impact was the correct one, and paper changes to the City's VMT policies do not impact actual physical effects on the environment. (See, MND, p. 1.) Additionally, the VMT generated by the Project – which by the MND's own admission, exceeds the relevant threshold of significance – appears to be based on an incorrect calculation which “nets out” the VMT generated by the 13 existing units, but then does not consider the 2 units that will remain on the Project site. (MND, p. 82.) While it is improper to artificially reduce impacts by “netting out” existing uses, and the analysis should be based on the full Project of 56 reinstall units, at a minimum, the analysis should include VMT generated by the 2 existing units, if it is going to take credit for “eliminating” the VMT generated by the 13 residences to be demolished. The MND's assumption of 3.21 residents per household when calculating the Project's VMT also likely significant underestimates the population of the proposed Project – indeed, my clients have personally observed that the existing four unit property on the Project site contains 21 parked cars. Finally, the MND does not indicate how it arrived at an assumption of 3.21 residents per household when it does not even describe the square footage or bedrooms count of the proposed units, which is **critical** information for accurately estimated the number of new residents.

O1-36 Regarding the discussion of proposed mitigation, there is simply no way that the proposed mitigation measures – constructing four crosswalks and a new sidewalk – will result in a meaningful reduction of the Project's VMT such that its impacts are conclusively reduced to a less than significant level. (MND, pp. 83-84.) The Project site is in a relatively rural, large lot residential area at the edge of the City, also near open space and agricultural uses. **There is virtually nothing – aside from other residences – within walking distance of the Project site** to justify the conclusion that the proposed crosswalks would result in residents walking instead of driving. The MND does not identify any such amenities or where residents would be walking to, and in fact, the surrounding areas do not even have sidewalks. (See, **Exhibit D**.) MM TRANS-1 requires the applicant to build a “bridge to nowhere” that will not reduce the Project's actual impacts relating to VMT. Indeed, MM TRANS-1 relies entirely on **voluntary** measures that the future residents can (and likely will) simply choose not to use, and should be given no credit for any reduction in VMT. Thus, on this basis alone, the City must require the preparation of an EIR and a serious discussion of feasible **mandatory** mitigation measures.

O1-37 With respect to hazards, the MND completely fails to discuss the proposed waiver for roadway standards, which *will* result in a hazardous condition. Specifically, the Project includes a request for waiver whereby at least one of the Project's “suburban residential road” (1) will be 14 feet narrower than required, (2) will contain a sidewalk and gutter only on one side, and (3) will not include a parking plan. Additionally, photographs showing the area where the 56 residential units will take access onto Stanley Avenue, as well as the nearby Conway Drive, are attached



Greg Mattson, Adjunct Planner
gmattson@escondido.org
November 17, 2022
Page 13

O1-37
(cont) hereto as **Exhibit D**, showing narrow, rural roads that are not ready for the proposed increased traffic without requiring roadway improvements. These unsafe conditions would be created for the sole purpose of allowing the applicant to cram 56 total residential units onto 14 acres.

O1-38 Further, the hills in both directions on both Stanley Avenue (where an access point will be located) and Conway Drive appear to create line of sight issues. (See, **Exhibit D**; see, also, Ex. B, [notes E, F, G & H].) A line of sight study should be conducted to ensure that all proposed access points are safe – on Stanley Avenue, Conway Drive and Lehner Avenue – and impose mitigation as appropriate. At present, the MND completely fails to analyze these potential impacts.

O1-39 Thank you for the opportunity to comment on the MND for the proposed Project. As a directly adjacent neighbor, my clients are not opposed to new development, and have always understood that the Project site is slated for residential development. However, new development must be properly and fully analyzed in compliance with CEQA and all other applicable laws, and comply with the City's own land use documents and other regulations. Thus, my clients respectfully request that the City require the applicant to: (1) submit applications for a General Plan and zoning amendments, and (2) prepare a full EIR.

Please provide the undersigned with notices of all further action relating to the Project, including notices for the Planning Commission and City Council hearings where it may be considered.

Sincerely,



Kelsey E. Quist

KEQ:mrs

Enclosures

6 May 2022

Comments and Questions on Escondido North, LLC Project, Case # PL21—0269

Dr. Gregory Quist
Mrs. Cindy Quist
2166 Weiss Way, Escondido, CA 92026

Thank you for the opportunity to comment and submit questions/concerns on the above named Proposed Project.

We have lived at 2166 Weiss Way, a lot abutting the Proposed Project directly to the west, since 1987. An existing chain link fence line demarcates our mutual property line. Our lot relative to the proposed project is shown in Figure 1.

There are three general areas of concern and interest we would like to address:

1. Concerns about the project during development
2. Concerns about the project once it is completed
3. How the proposed project will change the existing landscape

1.0 Concerns about the project during the development

- 1.1 **Noise and hours of operation** – we understand a significant amount of grading is planned, generating a lot of noise directly next to our property, feet from our windows. We request the development strictly obeys both City and County ordinances regarding noise and operation times and days. This noise will generate a major nuisance and impact our quality of life during the development period, from grading to the completion of structure construction.
- 1.2 **Dust and air quality** – we expect that the grading will generate a significant amount of dust, particulate matter and debris that will drift onto our property. We don't know the potential chemical constituents of the grading detritus that could cause harm to our property and our respiratory health. We also have serious concerns about dust, flying debris and exhaust from the grading and construction equipment and how this will affect our active vineyard - and other producing fruit trees – both of which are literally feet from the property line. See Figure 2. In addition, we have a pool beyond the vineyard, and dust and debris will impact our pool, including the filter and motors, and all outdoor areas.
- 1.3 **Vegetation that transverses the 2166 Weiss Way property line chain link fence.** There is vegetation – trees and bushes - on both sides of the fence that demarks the property line between our property and the development. If the plan is for all vegetation in the project to be demolished, this will cause significant damage to the existing fence, as well as damage to the vegetation we have planted along our side of the property. See Figure 3. Is a fence proposed for the western side of the development along our property line? Will any existing trees or shrubs not be disturbed?
- 1.4 **Increased traffic and pedestrian safety risks.** During grading and development, there will be substantial large equipment activities on the roads around this development. These roads are intended and designed for low density housing and associated traffic. Young students walk along these roads all the time to and from Rincon Middle School, and this equipment

EXH A, p. 1

will create substantial noise and disruption along Stanley and Conway and disturb all the neighborhood in this area. Potential safety issues and hazards resulting from the construction of should be analyzed and mitigated. Have all the neighbors, and those affected by construction traffic on Conway been noticed about this project?

- 1.5 **Migration of pests from project property.** Our vineyard is susceptible to ground squirrels and gophers. We expect grading to force the existing fauna living on the site – gophers, squirrels, snakes, etc. – to our property.

We would like the City to impose obligations on the project to mitigate these impacts.

2.0 Concerns about the project after completion

- 2.1 **Water supply** - California is undergoing yet another severe drought, and the Governor has already declared a statewide drought emergency, expected to become worse, meaning the state and local agencies are unable to provide sufficient water to existing homes and businesses and cutbacks must occur. Yet this development – with 56 new dwellings where there currently are none - is being considered for approval, adding further stress to a system already unable to meet existing demands.
- 2.2 **Student and pedestrian safety** - There will be significantly increased traffic, posing a safety risk to students walking to Rincon School.
- 2.3 **Parking** - 56 new residences will be crammed into 14.1 acres in an area that currently is semi-rural. We would expect this could require additional parking for as much as – or maybe more than – 200 vehicles in this area. This parking could impact traffic and vehicle safety in the area. The County has already marked a section of Weiss Way for No Parking due to the dangers associated with cars parking on the road, and this development could overwhelm existing and planned streets and curbs with parked cars. The proposed project does not seem to fit within the character of the neighborhood or generally comply with applicable planning documents.
- 2.4 **Access for emergency vehicles** – the combination of high density development, parking, and hundreds of new vehicle trips per day could create a problem for access for emergency vehicles such as ambulances and fire apparatus.
- 2.5 **Water drainage** – grading and terracing of the property adjacent to 2166 Weiss Way will create problems with storm water drainage. How will this problem be addressed, to avoid run-off from slopes that current have no slope discontinuities to ones that will be terraced versus natural slopes?
- 2.6 **Security of adjacent and neighboring properties** – the addition of 56 high density dwellings adds to the probability of problems with security for adjacent and neighboring properties.
- 2.7 **Wastewater system** – if the wastewater from the new dwellings needs to be lifted up to the existing City of Escondido sewer system, it will require pumps. These pumps will create noise and the risk of failure, which could cause sewage spills in this area, where there is now an open field.
- 2.8 **Loss of privacy** – we have not seen elevations for roofs or windows overlooking adjacent and neighboring properties. The addition of these homes eliminates the current existing privacy and would likely negatively affect the resale value of these properties.

3.0 How the Proposed Project will change the existing landscape.

- 3.1 **Native bird habitat** - There is a long-time – at least 20 year – mature and active nest of hawks in the eucalyptus trees either on or adjacent to the proposed project. See Figure 4. It is clear plans for this development will destroy, disturb, and/or harass the existing native birds who have been established and lived in this location for more than 20 years.
- 3.2 **Monarch butterfly habitat** – It is well-known and established that eucalyptus groves are habitat for migrating Monarch butterflies. Destruction or significant loss of eucalyptus groves can reduce this habitat, and the current plan for the project is complete demolition of all properties and vegetation on the project site - this will result in a loss of Monarch butterfly habitat.
- 3.3 **Other sensitive/threatened species** – There may be other sensitive and/or threatened species on the undeveloped land northwest of Stanley and Conway. The lower portion of the property is a natural water collection and capture area and every year during the winter and spring months, frogs can be heard in this area.
- 3.4 **Drainage and groundwater recharge** – The proposed development will alter the current drainage patterns and groundwater recharge that is naturally occurring on the undeveloped land northwest of Stanley and Conway.

FIGURES



Figure 1 – 2166 Weiss Way lot and proximity to proposed project.



Figure 2a – Proximity of project line to active vineyard on 2166 Weiss Way



Figure 2b – Proximity of project line to active vineyard on 2166 Weiss Way

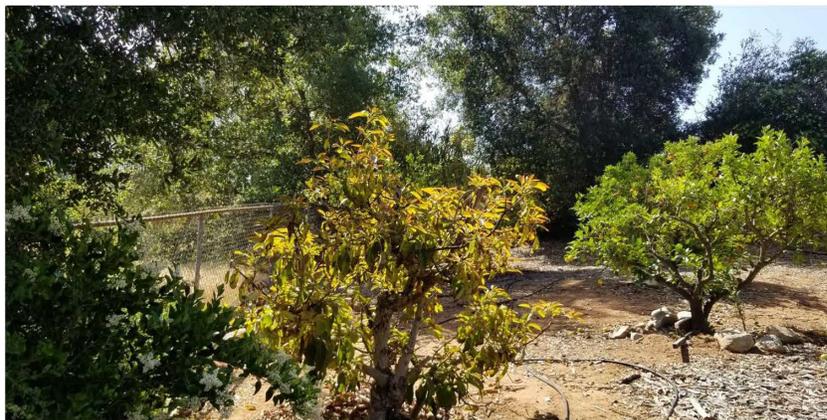


Figure 2c – Proximity of project line to fruit trees on 2166 Weiss Way



Figure 3a – Example of tree/shrub growth through the property line fence



Figure 3b – Example of tree/shrub growth through the property line fence



Figure 3c – Example of tree/shrub growth through the property line fence and proximity of sprinkler set to fence.



Figure 4a – Hawk resting on tree proposed for demolition, near nest in eucalyptus grove on project property.



Figure 4b – Location of long-time active hawk's nest in eucalyptus grove



Figure 4c – Close-up of long-term active hawk's nest



EXH B



Location of Swainson's Hawk nest, on NW corner of proposed Conway Project. Note location of active vineyard adjacent to the proposed project site. See A and B on map

EXH C, p. 1



Close-up Swainson's Hawk nest, on NW corner of proposed Conway Project. See A on map.

EXH C, p. 2



Another view of Swainson's Hawk nest, on NW corner of proposed Conway Project. See A on map.

EXH C, p. 3



**Swainson's Hawk, July 2022, on 2166 Weiss Way property,
adjacent to proposed project. See C on map.**



Conway Drive hill, looking south, immediately north of project boundary and proposed entrance/exit for 10 units. See E on map.

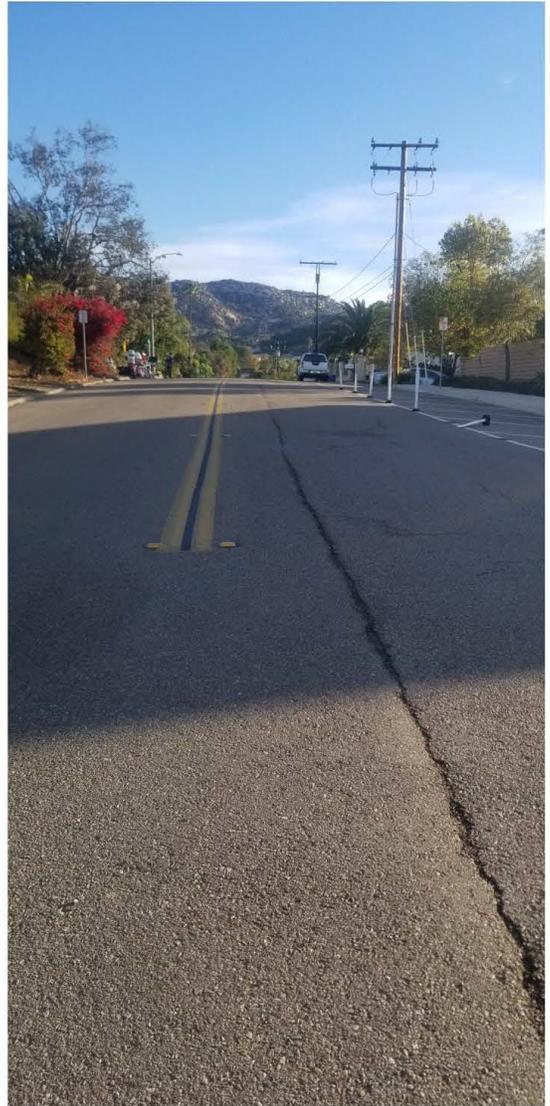


Conway Drive hill, looking north from the top of hill at approximate location of proposed entrance/exit to project. See F on map.

EXH D, p. 1



**Stanley Avenue blind spot, looking W.
See G on map.**



**Stanley Avenue blind spot, looking E.
See H on map.**

Organization Response Letter O-1 – Rutan and Tucker (November 17, 2022)

O1 - 1 The comment is introductory and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

O1-2 In addition to introductory statements, the comment suggests the waivers requested under density bonus law provide “substantial evidence of the significant impacts” the Project will have on the environment. Furthermore, the comment suggests the surrounding infrastructure cannot handle the increased demand of the Project. The waivers requested by the applicant are to development standards, which would allow the developer to provide the much-needed affordable housing. None of the waivers result in significant environmental impacts. The waivers are outlined in the Project description for transparency and to provide clarity that the waivers are only to development standards and not to other Project elements that could cause a significant physical impact on the environment. Please see **General Response 1**.

The City disagrees with the comment that the surrounding infrastructure cannot handle the increased demand of the Project. The Draft IS/MND describes and is supported by the technical analysis of the existing surrounding infrastructure, and “Will Serve” letters obtained from each utility provider. The analysis determined no significant utility impacts would occur.

O1-3 The comment suggests the Project is not consistent with the “character of the relatively rural area” and the zoning on the Project site and surrounding properties. Please refer to **General Response 1**.

O1-4 The comment suggests that the Project is not permitted under the current General Plan and Zoning designations because of the proposed Density Bonus and the housing type associated with the Density Bonus. Please refer to **General Response 1**.

O1-5 The comment suggests the MND is flawed because it incorrectly assumes the Project is consistent with the General Plan and Zoning designations. Please refer to **General Response 1**.

O1-6 The comment pertains to Density Bonus law and the provision of substantially similar market rate units. Please refer to **General Response 1**.

O1-7 The comment suggests that an Environmental Impact Report (EIR) should be prepared because the Draft IS/MND did not adequately analyze or mitigate all of the Project’s impacts. However, this comment does not provide any details or substantial evidence to substantiate the claim. The requirement for substantial evidence (not just an argument) is set out in *Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 675-76. It is important to note that all of the technical analysis presented in the Draft IS/MND is the same technical analysis that would be prepared for an EIR, if one were to be prepared. There is no difference in the standard of review or technical analysis between what was prepared for the Draft IS/MND and what would be prepared for an EIR. A Draft IS/MND was prepared because based on the technical studies and evidence in the record, the Project would not cause any significant unavoidable impacts. All identified impacts can be reduced to a less than significant level, and the City determined that based on the environmental facts presented in the Initial Study a Draft IS/MND is the appropriate document (CEQA Guidelines Section 15070, “A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when: a) the initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment...”).

O1-8 The comment suggests that the project description is inadequate because it does not describe the square footages, bedroom counts, building heights, or architectural elevations of the units. Please refer to **General Response 1**.

The commenter further states “there is no indication how high the ultimate grade will be...” Figure 5 of the Draft IS/MND provides the proposed Tentative Tract Map, which identifies all proposed grading and pad elevations. Recognizing the figure is difficult to read at the scale of the Draft IS/MND document, the proposed Tentative Tract Map, as well as

other plans for the Project, are available for public review at the City's Planning Department.

O1-9 The comment suggests the project description does not describe the income level of the proposed affordable units. Please refer to **General Response 1**.

O1-10 The comment states the Draft IS/MND failed to explain the proposed waivers associated with the density bonus. Please refer to **General Response 1**.

O1-11 The comment suggests the MND did not analyze views from neighboring properties. The thresholds of significance established by CEQA Guidelines Appendix G and the City's local CEQA guidelines do not include analysis of private views. The thresholds of significance are addressed in Section 4.1 and provide discussion on why the Project would not have an impact on a scenic vista. At this time, the Project requests approval of a tentative subdivision map, annexation, and grading exemption. The Project would be subsequently subject to design review and approval by the Planning Commission prior to permits being issued, which the process is outlined in Escondido Municipal Code Article 64, starting with Section 33-1350. The purpose of the design review is outlined in Section 33-1350, as follows:

(a) The exterior appearance of buildings, structures, signs and the type and extent of landscaping and the development of the site affect the desirability of the immediate area and neighboring areas for residential, commercial, industrial or other purposes. It is in the interest of the city to prevent the introduction of elements which may be incompatible with the highest quality of development sought by the city and which might impair the value of both improved and unimproved property, It is the intent of the city council to encourage the most appropriate and beneficial use of land so as to safeguard the general welfare of the community as it is described in the general plan.

(b) In order to preserve the natural charm, and integrity and quality of the built environment, it is necessary to regulate the

design and appearance of development in order to insure compatibility with existing development and ensure that new development is consistent with or exceeds the high quality of the development projects currently located in the city. (Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2011-19R, § 5, 1-11-12)

Therefore, the commenter has an opportunity to participate in the subsequent Design Review process and Planning Commission.

O1-12 The comment suggests the aesthetic analysis is limited to a conclusion of the Project's consistency with current zoning. Please refer to **General Response 1** for an explanation on the Project's consistency with current zoning. While the Project is consistent with current zoning and the City has always contemplated development of the Project site and will address architectural features, materials, landscaping themes, biofiltration basin treatments, and siting structures during subsequent staff reviews, Design Review Committee and Planning Commission analysis. Please see **Response to Comment O1-11** for further information on design review. The commenter is referred to the analysis of aesthetic impacts contained in Section 4.1, where the Draft IS/MND provides analysis and justification for why the Project would not impact a scenic vista or damage scenic resources.

O1-13. The comment expresses concern regarding the viewpoints of the Project and is referred to the thresholds of significance for aesthetic impacts applied to the Project. Please see Section 4.1 of the Draft IS/MND. The thresholds of significance are based on 1) whether the Project would impact a scenic vista and 2) whether the Project would damage scenic resources.

The Draft IS/MND provides analysis justifying the conclusion that the Project site does not contain a scenic vista or scenic resources. The Draft IS/MND documents that no scenic vistas are located within the vicinity of the Project for which the Project would block views from public locations. The third threshold of significance pertains to nonurbanized areas, which does not include the Project site. The Project site is located within an urban area even though the commenter has suggested to characterize the area as rural. The presence of adjacent paved roadways, utilities, a school, and

a mix of newer and older surrounding development provides justification that the Project site is within an urbanized area. The City agrees with the comment that an analysis of project design features would be subject to the City's Design Review process, which will include review by the Planning Commission at a public meeting, as outlined in **General Response 1**.

O1-14. The comment appears to suggest that the removal of mature and protected trees results in a significant aesthetic impact, which should be mitigated by replacing trees on the Project site. The trees are common to the surrounding area, are not located within a scenic highway, and do not constitute a scenic resource (Impact 4.1(b)). Therefore, the removal of the trees does not result in a significant impact. The Project must comply with the City Tree Ordinance and the mitigation measures regarding tree loss. Furthermore, the Project is subject to the City's design review process as outlined in **General Response 1**, which the commenter may review the plans and participate in public hearing, that will include details on the landscape plans and on-site trees.

O1-15 The comment suggests that new Project lighting would cause a significant impact. The Project site is located within an urban area and adjacent to other existing light sources from residential uses, streetlights, car lights, and the Rincon Middle School. The Project light sources are customary to residential development and additional streetlight sources are required for pedestrian and vehicular safety. The proposed light sources are not unique to the surrounding area. While the Project would introduce new light sources to the vacant portion of the Project site, compliance with the City's Outdoor Lighting Ordinance would address potential impacts to adjacent properties. Lighting is a design feature that is addressed in the subsequent Design Review process detailed in **General Response 1**.

O1-16 The comment suggests the Draft IS/MND did not analyze impacts from the Project's grading activities. As discussed in Section 4.3, Page 23 of the Draft IS/MND states:

"The report, *Conway Drive Tentative Subdivision Map, Air Quality Impact Study*, dated September 19, 2022, and prepared by RK Engineering Group, Inc. (**Appendix A**), analyzes potential air quality impacts from construction and operations. The report analyzes

grading the Proposed Project site, including the import of 55,000 cubic yards of fill material. The report also analyzes operational impacts from construction of 54 dwelling units.”

The Draft IS/MND, including the technical air quality study, analyzed air quality and noise impacts associated with grading the Project site, as well as traffic impacts related to importing fill material. The analysis contained in the *Conway Drive Tentative Subdivision Map, Air Quality Impact Study* dated September 19, 2022 (Appendix A), *Acoustical Analysis Report for Conway Subdivision* dated October 18, 2021 (Appendix I), and the *Transportation Impact Analysis, Escondido North LLC* dated October 6, 2022 (Appendix J), determined impacts would be less than significant with mitigation measures applied. The commenter notes proximity to adjacent property’s existing vineyard. Based on the location of the property described, the Project will require temporary construction activities for the biofiltration basin and associated development improvements in the area described. The location of the biofiltration basin will be for drainage purposes and enhanced with native landscaping and slope trees. These improvements will provide some measure of native visual buffer and setbacks from residential development to the east and south.

O1-17 The comment suggests the Draft IS/MND did not analyze impacts from dirt import. Refer to **Response to Comment O1-16**. The comment also suggests the Draft IS/MND did not list the construction equipment. Refer to Section 3.1 of the *Conway Drive Tentative Subdivision Map, Air Quality Impact Study* dated September 19, 2022 (Appendix A), which states:

“The CalEEMod default construction equipment list is based on survey data and the size of the site. The parameters used to estimate construction emissions, such as the worker and vendor trips and trip lengths, utilize the CalEEMod defaults.”

O1-18 The comment suggests that a health risk assessment is required given proximity to the commenter’s property. The Draft IS/MND includes a discussion on the need for a Health Risk Assessment in Section 4.3, on Page 25. The analysis states:

“The Proposed Project would generate diesel particulate matter (DPM) during construction from off-road diesel equipment and trucks. The California Office of Environmental Health Hazard Assessment (OEHHA) adopted the Guidance Manual for Preparation of Health Risk Assessments (HRA Guidelines) to provide procedures for use in the Air Toxics Hot Spots Program, which includes DPM emissions.

The HRA Guidelines provide risk factors based on exposure to toxic substances over a 30-year life span and do not address short-term exposures. The Project’s construction activity is temporary and short-term, not over the long-term (i.e., 30 year) period. Due to the significantly reduced risk from short-term exposure, the SDAPCD does not typically require the evaluation of long-term cancer risk or chronic health impacts for construction operations from projects like the Project.

While there isn’t established evaluation guidance for short-term exposures and therefore no significant impact, the most current available technology to reduce DPM is Tier 4 engine technology. Tier 4 engines, along with the latest national fuel standards, have been shown to yield PM reductions of over 95% from the typical Tier 2 and Tier 3 engines (RK Engineering, 2022), thereby ensuring the potential DPM exposure to adjacent sensitive receptors is reduced to the maximum extent feasible. Therefore, the following mitigation measure is incorporated to reduce DPM emissions to the maximum extent feasible, resulting in less than significant impacts.

Mitigation Measure MM AQ-1: The Proposed Project shall utilize low emission “clean diesel” equipment with new or modified Tier 4 engines that include diesel oxidation catalysts, diesel particulate filters or Moyer Program retrofits that meet CARB best available control technology for all feasible off-road diesel powered construction equipment.”

O1-19 The comment states the “The MND incorrectly states that the Swainson’s Hawk has a “low potential” to appear onsite - as shown in the photographs attached hereto as **Exhibit C**, the Swainson’s Hawk, along with an active

nest, is actually currently present on the Project site, and has regularly existed for approximately 20 years.”

Please refer to **Response to Comment 14-15**.

The Draft IS/MND discusses the biological characteristics of the Project habitat and determined the Swainson’s Hawk has a low potential to occur on the Project site because the closest known distribution of Swainson’s Hawk is the Mohave Desert. Please see below from the California Department of Fish and Wildlife on the distribution of Swainson’s Hawk. The Project site does not provide suitable habitat for Swainson’s Hawk. Furthermore, the picture presented in the comment letter is of a red-tailed hawk, not a Swainson’s Hawk. The red-tailed hawk is not listed as endangered or threatened on a State or Federal level.

Swainson's Hawks in California

The Swainson's hawk (*Buteo Swainsoni*) was listed as a threatened species in 1983 by the California Fish and Game Commission. This listing was based on loss of habitat and decreased numbers across the state.

Distribution and Abundance

It is thought that the historic population of Swainson's hawks in California was as many as 17,136 pairs. In 1980 a report developed by Bloom (PDF) estimated 375 (+50) breeding pairs of Swainson's hawks remaining in California. Bloom's report noted number to the greatest in the Central Valley and in the Great Basin area of northeastern California, with a few Swainson's hawk territories located in Shasta Valley, the Owens Valley, and the Mohave Desert. In 1988 a Department led survey effort revealed no change in Swainson's hawk distribution from the 1980. The 1988 effort led to an estimate of 430 pairs in the Central Valley and a state-wide estimate of 550 breeding pairs. In 2005 a state-wide survey was conducted in the known range. The results showed a state-wide estimate for the number breeding pairs at 2081. Surveys conducted in Butte to San Joaquin counties during the period 2002-2009 showed numbers of breeding pairs of Swainson's hawks at 593 in 2002, 1008 in 2003 and 941 in 2009.



This reference can be found at <https://wildlife.ca.gov/Conservation/Birds/Swainson-Hawks>. The comment suggests the commenter has personally observed a Swainson’s Hawk on the Project site. The professional biologists who conducted the biological analysis and the literature review from the California Department of Fish and Wildlife indicate there is not a Swainson’s Hawk on the Project site. Furthermore, the *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson Strategic Land Solutions dated September 2022 and included in Appendix B to the Draft IS/MND includes a reference to an active raptor nest used by a red-tailed hawk at the time of the biological site visit.

O1-20 The comment suggests that offsite mitigation is not sufficient to mitigate impacts to non-native grassland and trees but provides no justification for the claim. Please refer to **Response to Comment I4-15**.

Mitigation Measure BIO-2 requires purchasing mitigation credits at the Daley Ranch mitigation bank as outlined below.

Mitigation Measure MM BIO-2: Prior to issuance of the grading permit, the Project Applicant shall purchase 3.33-acres (0.5:1 ratio to the 6.65 acres of NNG impacts) of Non-Native Grasslands at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.

Section 4.4, Page 30 of the Draft IS/MND includes the following discussion on non-native grassland and tree mitigations:

"The Daley Ranch Mitigation Bank is a City-sponsored mitigation bank that provides protection of suitable non-native grassland for raptor foraging and has been determined by the City as biologically superior mitigation for isolated patches of non-native grassland, such as those occurring on the Proposed Project site. Approved mitigation banks have been authorized by the Resource Agencies as approved mitigation because the mitigation bank creates a contiguous land for restoration and conservation of sensitive habitats. The Resource Agencies have determined that providing large areas of contiguous habitat with long-term management provides equivalent or superior biological value to other mitigation options, such as on-site restoration or creation."

Refer to **Mitigation Measure BIO-3**, for additional analysis which requires the purchase of coast live oak woodland credits as outlined below.

Mitigation Measure MM BIO-3: Prior to issuance of the grading permit, the Project Applicant shall purchase 0.78-acres, (2:1 ratio to the 0.39-acres of Oak Woodland impacts) of Coast Live Oak Woodland at the Daley Ranch Mitigation Bank or other City approved Mitigation Bank.

- 01-21 The comment states that the Project site does have jurisdictional features because the site drains to Reidy Creek. The *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson Strategic Land Solutions dated September 2022 and included in Appendix B to the Draft IS/MND includes an in-depth discussion on the methodology and findings of the jurisdictional delineation performed on the Project site. The two biologists who conducted the delineation have extensive experience and have been formally trained to implement the *United States Army Corps of Engineers 1987 Wetland Delineation Manual* and the *Arid West Supplement*, as well as CDFW delineation protocol. Presence of a jurisdictional feature is based on field indicators, not whether water sheet-flows to a receiving water body. In the case of the Project, the delineation examined the Project site for presence of an Ordinary High Water Mark (OHWM) or bed and bank. The delineation also looked for other physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and the presence of litter and debris to determine whether jurisdictional features were present on the Project site. No such physical characteristics were observed indicating the presence of a jurisdictional drainage. The comment also suggests that wetlands are present on the Project site. In addition to the physical characteristics described above, wetlands require the presence of hydrophytic vegetation, hydric soils, and wetland hydrology, none of which are present on the Project site.
- O1-22 The comment suggests the MND did not provide information on impacts to mature and or protected trees. The *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson Strategic Land Solutions dated September 2022 and included in Appendix B to the Draft IS/MND includes an analysis of the tree survey and outlines impacts to mature and protected trees in Section 5.3 on Page 21. Appendix D to the BTR includes discussions and a multi-page spreadsheet identifying every tree on the Project site and whether impacts would occur. Attachment A: Figure 1 to the Final IS/MND and Figure 11 of the BTR graphically shows the locations of impacted trees.
- O1-23 The comment suggests the Draft IS/MND did not adequately address sources of renewable energy or explain renewable energy features.

Pursuant to CEQA Guidelines Appendix G, topic VI, Energy, the thresholds of significance for Section 4.6 Energy are 1) would the project have wasteful, inefficient, or unnecessary consumption of energy, and 2) would the project conflict or obstruct a renewable energy plan. The Draft IS/MND is not required to analyze all potential renewable energy sources available to the Project. As stated in Section 4.6 on Page 38 and 39 of the Draft IS/MND, the Project will comply with the Green Building Standards Code, California Energy Code, and CALGreen Building Code. As stated on Page 39 of the Draft IS/MND, “The proposed residential structures would have solar panels, smart thermostats, energy efficient lighting and appliances, insulation, and options for electric vehicle charging stations in the garages. These energy efficient features comply with state and local energy policies and avoid wasteful or inefficient consumption of energy resources.” The Draft IS/MND has demonstrated that this small residential project will not have wasteful, inefficient, or unnecessary consumption of energy and will not conflict or obstruct a renewable energy plan.

O1-24 The comment suggests there is a fair argument that Project’s impacts to geology will be significant but does not provide a reason or justification for this comment. Geotechnical evaluations were conducted by Petra Geosciences, Inc. (*Updated Geotechnical Due-Diligence Assessment, Parcel H, Assessor Parcel Numbers (APN) 224-141-23-00 and 224-141-25-00, Northwest Corner of Stanley Avenue and Conway Drive, City of Escondido, San Diego County, California, dated April 7, 2021, and Geotechnical Due-Diligence Assessment, Parcel F, Assessor Parcel Numbers 224-142-30-00; -31-00; -32-00 and -33-00, Adjacent Northwest Corner of Lehner Avenue and Conway Drive, City of Escondido, San Diego County, California, dated April 15, 2021*) included in Appendix D and E of the Draft IS/MND.

The geotechnical studies (Appendices D and E) included an evaluation of the Project and Project site conditions and determined the Project site is suitable for development. The geotechnical reports also included a series of design recommendations. The recommendations are design measures intended to ensure no geotechnical impacts would occur. Reference to those design recommendations were included as **Mitigation Measure GEO-1** to ensure they are implemented. Requiring the design recommendations included in the geotechnical reports is not deferral of

mitigation. Instead, the mitigation measure is appropriately designed to ensure design recommendations are included in the construction drawings.

Mitigation Measure MM GEO-1: The Project Applicant shall implement the recommendations contained in the *Updated Geotechnical Due-Diligence Assessment, Parcel H, Assessor Parcel Numbers (APN) 224-141-23-00 and 224-141-25-00, Northwest Corner of Stanley Avenue and Conway Drive, City of Escondido, San Diego County, California*, dated April 7, 2021, and *Geotechnical Due-Diligence Assessment, Parcel F, Assessor Parcel Numbers 224-142-30-00; -31-00; -32-00 and -33-00, Adjacent Northwest Corner of Lehner Avenue and Conway Drive, City of Escondido, San Diego County, California*, dated April 15, 2021) to reduce geologic hazards during implementation of the Proposed Project. Included in the reports are site-specific recommendations involving such topics as, grading and earthwork, slope stability, retaining walls, seismic design, construction materials, geotechnical observation, and testing and plan reviews.

Mitigation Measure MM GEO-2 was also added to further ensure the design recommendations included in the geotechnical reports (Appendices D and E) are implemented. In Escondido (and in almost all cities in Southern California) the geotechnical investigation prepared during CEQA is considered a “preliminary” geotechnical report. The report assesses the feasibility of developing the Project site and provides recommendations for site preparation, such as remedial grading, subsurface drainage, subsurface structures such as caissons, etc. The title “preliminary” does not mean the geotechnical investigation is insufficient or incomplete. The “preliminary” report is prepared for CEQA because at the CEQA stage, detailed construction drawings have not been prepared. The City of Escondido requires a “final” geotechnical report to be prepared prior to issuance of a grading permit. The difference between the “preliminary” and “final” reports is the “final” report includes engineering and design details at the construction level that support and are consistent with the findings included in the “preliminary” report. **Mitigation Measure MM GEO-2** was added requiring preparation of a “final” geotechnical report prior to grading. This mitigation measure does

not constitute deferral of mitigation. The purpose of **Mitigation Measure MM GEO-2** is to ensure implementation of the recommendations included in the geotechnical reports. The analysis has been performed and therefore, there is no deferral of mitigation.

Mitigation Measure MM GEO-2: Prior to the issuance of a grading permit, the Applicant shall prepare a final geotechnical report based on the final rough grading plans and the final geotechnical report shall incorporate all of the recommendations included in the preliminary geotechnical reports included in Appendices D and E. The geotechnical reports included in Appendices D and E have established that the site is geotechnically suitable for development and a final geotechnical report is required to ensure all construction-level geotechnical recommendations and design parameters are included on the final rough grading plans.

- O1-25 The comment expresses an opinion that Draft IS/MND relies on the City's Climate Action Plan for analysis of GHG emissions. The City adopted the updated Climate Action Plan (CAP) on March 10, 2021, in an effort to reduce community-wide GHG emissions. The purpose of the CAP is to adopt a plan that is consistent with and complementary to the GHG emissions reduction efforts being conducted by the State of California through the Global Warming Solutions Act (AB 32). The implementation mechanism for the CAP is the Climate Action Plan Consistency Review Checklist. The Checklist allows new development projects a streamlined option for complying with CEQA requirements for addressing GHG emissions. By demonstrating consistency with the CAP through the Checklist, the project's greenhouse gas-related impacts are considered to be less than significant. Projects that are not consistent with the CAP Checklist must conduct a GHG analysis that includes quantification of impacts. Similar to other environmental topics, such as Vehicle Miles Traveled and Air Quality, the CAP provides a screening tool to determine if further study is warranted. The creation of the screening tool (i.e., CAP Checklist) included quantification of impacts. Since the Project is consistent with the CAP Checklist, no further analysis is necessary, and impacts are less than significant.

O1-26 The comment suggests that the Step 1 of the CAP Checklist is incorrect because the Project is not consistent with the General Plan or Zoning Code. Please refer to **General Response 1** for an explanation of the Project’s consistency with the City’s General Plan and Zoning Code.

O1-27 The comment states that the Draft IS/MND failed to analyze or mitigate for the transport, use and disposal of hazardous materials and therefore an EIR should be prepared. Appendix F includes the technical report, *Phase I Environmental Site Assessment Report*, dated October 7, 2022, by RSB Environmental. The Phase I Environmental Site Assessment is the same technical report that would be prepared if an EIR were to be prepared. There is no difference in the standard of review or technical analysis between what was prepared for the Draft IS/MND and what would be prepared for an EIR.

The Phase I Environmental Site Assessment determined there is a potential, not a given, for the existing structures to contain asbestos containing materials (ACM), lead based paint (LBP) and polychlorinated biphenyl (PCBs). Given the potential, **Mitigation Measure MM HAZ-1** was included to reduce impacts to less than significant. Again, this is the same mitigation measure that would be included if an EIR were to be prepared, resulting in the same conclusion of less than significant. **Mitigation Measure MM HAZ-1** is repeated below.

Mitigation Measure MM HAZ-1: Prior to the demolition of existing structures, a survey for asbestos containing materials (ACM), lead based paint (LBP), and polychlorinated biphenyl (PCBs) shall be conducted, and any such materials shall be removed and disposed of properly by qualified certified technicians in accordance with State regulations.

The Draft IS/MND appropriately analyzed and mitigated for the transport, use and disposal of hazardous materials.

O1-28 The comment suggests substantial evidence was provided to support a fair argument that the Project would cause an impact associated with fire evacuation routes. The threshold of significance is whether the Project would impair implementation of or physically interfere with an adopted

emergency response plan or emergency evacuation plan. The comment did not provide any substantial evidence documenting how the Project would impair or interfere with an emergency response plan or emergency evacuation plan. The Draft IS/MND documents that the City’s General Plan Chapter VI Community Protection Element, Figure VI-1, identifies the closest emergency evacuation routes to the Project site as Broadway, Rincon Avenue, and El Norte Parkway. All of these emergency access routes would remain unchanged by the Project. Additionally, all proposed development applications are reviewed by the City of Escondido Fire Department to determine whether the proposed development would impact response times, require additional fire personnel or apparatus, or impact emergency access routes. The Fire Department’s review determined the Project would not impact emergency access routes or emergency response times or require additional staffing or apparatus.

O1-29 This comment restates previous comments that the Project is inconsistent with the General Plan and Zoning Code. Please refer to **General Response 1**.

O1-30 The comment suggests the additional density and waivers to development standards associated with the density bonus were not analyzed in the MND. Please refer to **General Response 1**.

O1-31 The comment suggests that construction noise impacts should be analyzed based on peak noise and not average noise. The Draft IS/MND and Appendix I, *Acoustical Analysis Report for Conway Subdivision*, prepared by Eilar Associates, Inc., dated October 18, 2021, discusses the threshold of significance for construction noise that is based on the City of Escondido Municipal Code requirements. Section 17-234 of the City of Escondido Municipal Code states that construction activity is prohibited except on Monday through Friday between the hours of 7 a.m. and 6 p.m. and on Saturdays between the hours of 9 a.m. and 5 p.m. Construction activity is also prohibited on Sundays and legal holidays. During permissible hours of operation, noise levels from construction activity may not exceed a one-hour average sound level limit of 75 dBA at any time, unless a variance has been obtained in advance from the city manager. By way of comparison, the County of San Diego Noise Ordinance similarly limits construction activity but contains less restrictive limits, allowing for

construction activity between 7 a.m. and 7 p.m., Monday through Saturday, and requiring that construction equipment noise be limited to an eight-hour average of 75 dBA.

The City relies on a one-hour average sound level because the noisiest construction equipment occurs during grading and the grading equipment is not stationary. Grading equipment moves throughout a project site and the noise level at a sensitive receptor can increase and decrease based on the distance from the sensitive receptor. To put this threshold of significance into perspective, the City uses a 1-hour average, while the County of San Diego uses an 8-hour average. The Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* dated September 2018 (FTA Manual) relies on a daytime construction noise threshold is 80 dBA Leq 8 hour. The Leq 8 hour is an average of noise levels over an 8-hour period to approximate a full-day of construction. Therefore, the City's threshold of significance is consistent with, and more restrictive than, other agencies.

The comment also states that the Draft IS/MND does not address the type and operational characteristics of construction equipment during project construction. Table 2 included in Appendix I, *Acoustical Analysis Report for Conway Subdivision*, prepared by Eilar Associates, Inc., dated October 18, 2021 provides the assumed construction equipment. This information is provided below.

Table 2. Anticipated Construction Activity and Equipment Noise Levels			
Equipment	Duty Cycle (%)	Average Noise Level at 50 feet (dBA)	Activity Stage(s)
Backhoe	40	64	Grading/Utilities
Front Loader	40	72	Grading/Utilities
Excavator	40	74	Grading/Utilities
Dump Truck	40	75	Grading/Utilities
Paver	50	71	Paving
Roller	20	69	Paving
Concrete Mixer	40	71	Building Construction
Concrete Pump	20	71	Building Construction
Forklift ¹	40	74	Building Construction
Air Compressor	40	61	Building Construction

¹Eilar Associates, Inc. noise measurements performed at the 91 Freeway/Green River project site near Corona, California, on March 25, 2010.

O1-32 The comment suggests the additional growth beyond General Plan projections associated with the Density Bonus provides a fair argument that the additional growth results in a significant impact. However, the commenter does not state what impact would be caused by the increased growth nor does the commenter provide any evidence or justification to support the fair argument claim. The threshold of significance for population growth is whether a project would 1) induce substantial unplanned population growth either directly or indirectly, or 2) if the project would displace substantial numbers of existing people or housing without providing replacement housing. As discussed in Section 4.14 of the Draft IS/MND (Page 71), the additional population growth generated by the Project is 48 residents, which given that the current population of Escondido is approximately 150,679 residents results in an 0.032% population increase. A less than 1/10 of 1% increase is not considered a substantial unplanned population increase. The Project’s physical impacts associated with the very small population increase, such as to air quality, energy, greenhouse gas emissions, noise, public services, utilities, traffic and transportation, were analyzed in the Draft IS/MND and determined to

be less than significant, in some cases with mitigation. There is no evidence that a 0.032% population increase results in a significant impact.

O1-33 The comment states that bedroom count is the only accurate estimation of population. The comment does not provide a source or justification for this claim. The City replies on the American Community Survey, which is conducted as part of the U.S. Census to determine the average number of persons per household. The following information is provided in Section 4.14, on Page 71 of the Draft IS/MND.

“The 2021 American Community Survey estimated that Escondido has 50,171 households and an average household size of 2.97 persons per household. The Department of Finance estimated Escondido’s overall population as of January 1, 2022, to be 150,679 persons.”

O1-34 The comment states that “LOS still must be analyzed as a CEQA impact, as inconsistency with the General Plan is considered an impact on the environment.” The City disagrees with this statement. The City relies on the guidance provided by the Office of Planning and Research (OPR), as discussed in the Draft IS/MND. Specifically, Section 4.17 Transportation/Traffic on Page 81, provides the following information:

“The Escondido General Plan includes LOS policy standards for intersections within the City. Because General Plan consistency is often analyzed pursuant to CEQA, and consistency with LOS standards is not a determination of a significant impact, projects should be analyzed to determine if consistency with General Plan LOS standards would lead to the construction of traffic improvements, the construction of which would result in an impact to the environment. This is consistent with the following guidance from the Office of Planning and Research.

“Even if a general plan contains an LOS standard and a project is found to exceed that standard, that conflict should not be analyzed under CEQA. CEQA is focused on planning conflicts that lead to environmental impacts. (The Highway 68 Coalition v. County of Monterey (2017) 14 Cal.App.5th 883; see, e.g., Appendix G, IX(b)

[asking whether the project will “Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?”].) Auto delay, on its own, is no longer an environmental impact under CEQA. (See Pub. Resources Code, § 21099(b)(2).)”

While VMT is the preferred quantitative metric for assessing potentially significant transportation impacts under CEQA, it should be noted that SB 743 does not prevent a city or county from using metrics such as LOS as part of the application of local general plan policies, municipal and zoning codes, conditions of approval, or any other planning requirements through a city’s planning approval process; cities can still ensure adequate operation of the transportation system in terms of transportation congestion measures related to vehicular delay and roadway capacity. As such, the City continues to require congestion-related transportation analysis and project changes to LOS at an intersection(s) that result in a potential safety impact or hazardous condition should also be analyzed pursuant to CEQA.”

The comment then suggests that because “the MND does not impose any mitigation requiring roadway improvements as a result of the Project, which standing alone, appears to be substantial evidence sporting a fair argument that the Project’s impacts may be significant.” The lack of mitigation is a function of the lack of impacts and does not provide a fair argument. Section 4.17, Transportation/Traffic, on Page 84 of the Draft IS/MND and in the *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J, the Project does not include any roadway improvement or cause any turning movements that would create a hazardous condition. The Draft IS/MND states in Section 4.17, Page 84:

“While automobile delay (LOS) is no longer a metric used to measure significant impacts under CEQA, pursuant to SB 743, project changes to LOS at an intersection(s) that result in a potential safety impact or hazardous condition could be a significant impact. The *Transportation Impact Analysis, Escondido North LLC*,

prepared by Linscott, Law, & Greenspan, dated October 6, 2022 and included in **Appendix J** includes a level of service analysis at surrounding intersections to determine if a hazardous condition would be created. The analysis includes existing plus project conditions, opening year (2023), and long-term Year 2035 conditions. Both the 2023 and 2035 analysis include cumulative projects. Nine (9) intersections were analyzed, and in all study scenarios, the Proposed Project did not exceed the substantial effect limits defined in the City's *Traffic Impact Analysis Guidelines*. All intersections either continued to operate at LOS C or better, or the Proposed Project's contribution was less than a 0.02 increase to the volume/capacity ratio or less than a 2 second increase in delay. Therefore, the Proposed Project does not cause any substantial changes to the operation of surrounding intersections such that the intersections would not perform properly, or improvements would be necessary, and no new hazardous conditions would be created."

The Project studied impacted intersections and determined that these roadways will continue to operate at LOS C or the Project's contribution would be less than a 0.02 increase to the volume/capacity ratio or less than a 2 second increase in delay, resulting in no impacts to intersections or roadway segments that would require improvements or cause a hazardous condition.

O1-35 The comment makes two claims, 1) the VMT analysis cannot "net out" the existing units on the Project site and 2) the source of the assumption of 3.21 residents per household is not provided and underestimates the population of the Project.

CEQA Guidelines Section 15125 establishes the "baseline condition" as the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced. The baseline condition is used throughout the environmental analysis to determine the change in physical impacts to the baseline condition. The Project consists of 56 dwelling units, of which 54 are new and two are existing. However, in the baseline condition, 13 dwelling units exist that will be demolished. Therefore, the change to the

baseline condition is the addition of 41 dwelling units that will generate new VMT. Therefore, IS/MND analyzed the change to the baseline conditions, which is the development of 41 new dwelling units.

The Traffic Impact Analysis relied on 3.21 residents per unit. Section 4.17 in Footnote 3 on Page 82 of the Draft IS/MND states:

The household size is conservatively used from previous Housing Element. Based on current 2021 Census data through the American Community Survey, Escondido has an average household size of 2.97 persons per household.

The VMT analysis relied on a higher number of persons per household than reported by the Census. The higher number was used to be conservative in the VMT analysis.

O1-36 The comment suggests the VMT mitigation is involuntary and ineffective. **Mitigation Measure MM TRANS-1** is mandatory and requires the construction of five roadway improvements prior to the issuance of the 34th certificate of occupancy. The mitigation measure is stated below:

Mitigation Measure MM TRANS-1: Prior to the issuance of the 34th certificate of occupancy for new construction on the Project site, the Applicant shall complete construction of all the following improvements to reduce VMT below the threshold of significance. Prior to beginning construction of the improvements, the Applicant shall submit construction plans to the City for review and approval and obtain all necessary permits, such as an encroachment permit, for construction of said improvements. The Applicant shall make the following improvements and receive VMT reduction credits:

- N. Ash Street / Vista Avenue - install high visibility crosswalks and accessible pedestrian signals on all four legs. VMT reduction equates to 60 VMT per measure - total reduction for this intersection is 120 VMT.
- N. Broadway / Rincon Avenue - install high visibility crosswalks on the north, south and east legs, and install accessible pedestrian signals on all four legs. VMT reduction equates to

60 VMT per measures - total reduction for this intersection is 120 VMT.

- Stanley Avenue / Conway Drive - install high visibility crosswalks on the west leg and curb ramps on the northwest and southwest corner. VMT reduction equates to 15 VMT for the high visibility crosswalk and 8 VMT per curb ramp - total reduction for this intersection is 31 VMT.
- Lehner Avenue / Conway Drive - install high visibility crosswalks on the west and south legs, and curb ramps on the northwest corner. VMT reduction equates to 30 VMT for the high visibility crosswalks and 8 VMT for the curb ramp - total reduction for this intersection is 38 VMT.
- New sidewalk - approximately 1 mile of new sidewalk equates to 303 VMT reduction. The Proposed Project proposes to construct approximately 2,111 feet of new sidewalk along its project frontage. Total VMT reduction for this improvement is 121 VMT.

As stated in Section 4.17, on Page 83 of the Draft IS/MND, the effectiveness of the physical improvements required in Mitigation Measure MM TRANS-1 in reducing VMT are outlined in the *Transportation Impact Analysis, Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J and based on data provided by the *California Air Pollution Control Officers Association (CAPCOA) 2021 Handbook* and the *SANDAG Mobility Management Guidebook*. The Transportation Impact Analysis (Appendix J) includes the calculations of VMT reduction provided by CAPCOA and the GHG Handbook to justify the effectiveness of the mitigation measure and the conclusion of less than significant impacts.

- O1-37 The comment suggests that the proposed waiver of roadway standards would cause a hazardous condition; however, the comment does not provide any evidence to substantiate this claim. The roadway in question is internal to the Project and the waiver does not reduce the roadway width. The City's standard for this type of street requires a curb-to-curb width of 28 feet, which is being provided by the Project. The waiver allows for a reduction in right-of-way, which occurs outside of the roadway width. Furthermore, the City's standards allow for sidewalk on one side of the street with approval. This approval is not associated with waiver of

development standards associated with a Density Bonus, but rather consideration given to streets on a case-by-case basis. It is also important to note there are no waivers or reductions in roadway width to surrounding public roadways that would impact traffic or emergency response. The City's traffic engineer has reviewed the proposed waiver to the on-site roadway and determined the reduction in right-of-way width would not cause an unsafe condition because the roadway width would continue to meet City standards. The access to Stanley Avenue is designed as an intersection that meets the City's standards and was reviewed by the City's traffic engineer and also determined that no hazardous conditions would be created.

O1-38 The comment suggests that line-of-sight impacts exist on Stanley Avenue, Conway Drive, and Lehner Avenue. The *Transportation Impact Analysis (TIA), Escondido North LLC*, prepared by Linscott, Law, & Greenspan, dated October 6, 2022, and included in Appendix J, includes an assessment of access points to the Project in Chapter 12 of the report. The TIA, including the data and methodology, was reviewed for consistency with the City's TIA Guidelines by the City's traffic engineer and during the review the proposed roadways and intersections were determined to be consistent with City design standards. There is no evidence to suggest hazardous conditions at any of the proposed access points to the Project.

O1-39 The comment suggests that a General Plan Amendment, zoning amendment, and EIR be prepared. Please refer to **General Response 1**. The City acknowledges the comment and notes that it provides concluding remarks that do not raise new or additional environmental issues regarding the adequacy of the Draft IS/MND. For that reason, the City provides no further response to this comment.

Agency Comment Letter A-1 – California Department of Fish and Wildlife (November 23, 2022)

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State of California – Natural Resources Agency
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November 23, 2022

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Subject: Conway Residential Subdivision (Project), Mitigated Negative Declaration (MND), SCH #2022100635

Dear Mr. Mattson:

A1-1

The California Department of Fish and Wildlife (CDFW) received a MND from the City of Escondido (City) 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

A1-2

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.

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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Greg Mattson
City of Escondido
November 23, 2022
Page 2 of 11

A1-2
(cont)

CDFW also administers the Natural Community Conservation Planning (NCCP) program. The City has participated in the NCCP program by preparing a draft Escondido Subarea Plan (Draft SAP) under the subregional Multiple Habitat Conservation Plan (MHCP), which addressed eight incorporated cities in northern San Diego County. However, the City's SAP has not been finalized, has not been adopted by the City, nor has the City received permits from the Wildlife Agencies (collectively CDFW and the U.S. Fish and Wildlife Service (USFWS)).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Escondido

Objective: The objective of the Project is the construction of 44 new single-family detached residences, 10 new affordable attached duplex residences, two biofiltration basins, and common open space areas. The Project would involve the demolition of 13 existing single-family residences on approximately 14 acres, and the retention of two existing single-family residences. The Project would involve removal of vegetation and extensive grading.

A1-3

Location: The Project is located at 943 Stanley Avenue, near the intersection of Conway Drive and Stanley Avenue. The Project site is located within the boundaries of the City of Escondido, with the exception of one 2.01-acre parcel in the northern portion, which is within unincorporated San Diego County. This parcel is planned to be annexed into the City as part of the Project. The Project site is located in a suburban area, which includes single family residential parcels, open spaces, higher density residential subdivisions, and undeveloped parcels.

Biological Setting: The Project site is not within the MHCP Focused Planning Area (FPA) of the Draft SAP but is located approximately 1,000 feet southeast of the FPA, immediately north of Rincon Avenue. The Biological Technical Report (BTR) describes the plant communities observed on the Proposed Project site as follows: coast live oak woodland (0.39 acre), willow stand (0.03 acre), non-native grasslands (6.79 acres), eucalyptus woodland (1.77 acres), disturbed habitat (1.17 acres), and urban/developed (3.64 acres). The disturbed habitat area is associated with historical orchard uses and consists of fruit trees and ornamental species. The urban/developed areas consist of existing structures, parking lots, roads, and sidewalks. Approximately 0.14 acre of non-native grassland, 0.69 acre of eucalyptus woodland, and 0.25 acre of urban/developed land would be avoided, but all other remaining land would be impacted by the Project, for a total of 12.72 acres.

The City of Escondido's Municipal Code provides definitions for which trees are considered mature (diameter at breast height (DBH): 4 inches to 9.99 for native species and 8 inches or greater for non-native species) and protected (oak species with DBH of 10 inches or greater) (Sections 33-1052 and 33-1068). Project activities will impact 186 trees that meet the City's definition of mature and/or protected, including 11 protected coast live oak (*Quercus agrifolia*) and 34 mature native trees (31 coast live oak, one black walnut (*Juglans nigra*), and two arroyo willow (*Salix lasiolepis*)). In total, 42 coast live oaks will be impacted.

According to the BTR, no sensitive plant species have any potential to occur on the Project site. However, no information is provided on survey timing or methodology.

Several raptor species, including the Cooper's hawk (*Accipiter cooperii*, CDFW Watch List) have potential to nest and/or forage on the site. The BTR states that an active red-tailed hawk (*Buteo jamaicensis*) nest was observed on site, in a tree that is proposed to be removed (BTR Appendix D, page 4).

Greg Mattson
City of Escondido
November 23, 2022
Page 3 of 11

COMMENTS AND RECOMMENDATIONS

A1-3
(cont)

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

COMMENT #1: Mature and Protected Trees

Issue: Mitigation MM BIO-3 and MM BIO-4 describe mitigation for impacts to a large number of mature, native trees, including coast live oak and coast live oak woodland; however, mitigation as described may not be adequate. Additionally, alternatives to impacting these trees and their habitats are not provided.

Specific impact: As currently proposed, 186 City-designated mature and/or protected trees will be lost as a result of the Project. MM BIO-4 describes replanting at a minimum 1:1 ratio for mature trees and 2:1 for protected trees. While it appears as though these mitigation ratios were the minimum prescribed by the Draft SAP and the City's Municipal Code, additional mitigation may be necessary to reduce impacts to mature and protected trees, especially for coast live oak, to below a level of significance.

Additionally, CDFW generally recommends that mature, coast live oak trees be avoided whenever possible, and measures to avoid impacts are not discussed in the MND.

A1-4

Why impact would occur: The California Public Resources Code (PRC) requires that significant effects of oak woodland conversion be mitigated (PRC § section 21083.4(b)). Mature trees provide important nesting and foraging habitat, as well as shade for wildlife; a loss of so many trees would remove available perching and nesting habitat for raptors. Newly planted trees would not fill the same ecological role as mature trees for several years or more, thus the temporal loss of habitat may render the proposed replanting ratios insufficient.

Furthermore, oak woodland is considered a sensitive habitat type under the Draft SAP and MHCP, and avoidance of impacts to oak woodland and mature/protected trees is not discussed in the MND.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure #1:

To minimize significant impacts: Analysis of oak impacts and applicable ordinances in the Biological Resources section of the MND should be updated to include PRC section 21083.4(b). The MND should include a discussion of alternatives to impacting mature, native trees, including whether modification of building and grading plans to avoid trees is feasible. If avoidance of trees will not occur, the MND should include rationale as to why this is not feasible.

CDFW recommends MM BIO-4 be amended to include the following language:

Individual coast live oaks shall be mitigated at the following ratios:

1. trees less than 5 inches diameter at breast height (DBH) shall be replaced at 3:1;
2. trees between 5 and 12 inches DBH shall be replaced at 5:1;
3. trees between 12 and 36 inches DBH shall be replaced at 10:1; and

Greg Mattson
City of Escondido
November 23, 2022
Page 4 of 11

A1-4
(cont)

4. trees greater than 36 inches DBH shall be replaced at 20:1.

COMMENT #2: Mitigation for loss of mature and protected trees

Issue: Details of compensatory mitigation plans for impacts to trees are not included in the MND.

Specific impact: Without sufficient details on mitigation plans, CDFW cannot determine whether planned compensatory mitigation brings impacts of the Project on mature and protected trees to below significant. MM BIO-4 describes replacement ratios, but does not include details on the location, species, origin, or size of replanted trees, or any monitoring and management plans.

Why impact would occur: CEQA Guidelines section 15126.4 states that mitigation cannot be deferred and must have a nexus to and be roughly proportional to the impacts. Without a comprehensive plan for compensatory mitigation available during the MND's public review period, CDFW cannot ascertain as to whether this mitigation is roughly proportional to the biological impacts it is intended to reduce. Mature, native trees are biologically valuable, and the loss of native species such as coast live oak without sufficient mitigation could be significant. Newly planted trees may struggle to become established in the absence of support such as watering. Biologically appropriate species need to be selected in order to mitigate for impacts to trees.

A1-5

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Recommendation #2:

To minimize significant impacts: The MND should include a detailed compensatory mitigation plan or plans for impacts to 186 mature and/or protected trees, especially coast live oak. The plan(s) for the compensatory mitigation should include location, species, origin, and size of trees to be planted. Regionally and biologically appropriate species should be selected, and details should be provided in the MND. Coast live oak trees should be replaced in-kind (i.e., coast live oak tree(s) should be planted as compensatory mitigation). Oak woodland restoration should use locally collected acorns or saplings grown from collected acorns. Appropriate understory species should also be included to enhance structural diversity of the mitigation site. Oak trees should be monitored and managed for a minimum of 10 years to ensure success of the restoration effort.

The MND also does not identify the location in which tree planting would occur; location is extremely important to know whether or not the restoration will have long-term biological value for wildlife. As an alternative, the City could determine an appropriate acreage of oak woodland that would mitigate for the impacts to the described loss of individual trees, and authorize deduction of credits from the Daley Ranch conservation bank. The mitigation ratio for impacts to oak woodland habitat should be at least a 2:1 ratio.

If detailed plans for compensatory mitigation cannot be included in the MND, a mitigation measure should be added to the environmental document which states that CDFW and the USFWS will have the opportunity to review and approve the plans prior to their implementation.

Greg Mattson
City of Escondido
November 23, 2022
Page 5 of 11

COMMENT #3: Wildlife pre-construction surveys

Issue: Potential impacts to wildlife species may not be adequately minimized.

Specific impact: Due to an absence of wildlife pre-construction surveys, direct impacts to wildlife species such as small mammals and reptiles could result from vegetation clearing, grading, and construction.

Why impact would occur: Wildlife species may be trapped in trenches, holes, or pipes on the project site, or may be crushed by construction equipment.

A1-6

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure #3:

To minimize significant impacts: A wildlife pre-construction survey shall be conducted on the day that construction activities, including vegetation removal, occur within the Project site where suitable habitat is present. Construction personnel shall conduct daily inspections of trenches and holes for entrapped wildlife each morning prior to the onset of Project construction, and inspections of pipes, culverts, and similar construction material for entrapped wildlife at the beginning and end of the day. If sensitive wildlife species are observed during the pre-construction survey, a qualified biologist shall require additional measures to reduce potential impacts, such as establishing an appropriate buffer. Speed limits shall also be established for vehicles on site to lessen the chance of crushing wildlife.

The qualified biologist shall be required to obtain, as applicable, a Scientific Collecting Permit (SCP). A Species Relocation Plan may be appropriate to establish protocol for relocation of wildlife, including guidelines for the SCP-holding biologist to capture unharmed and release found species in appropriate habitat an adequate distance from the Project site, unless they are a Federally and/or State-listed species in which coordination and direction from USFWS and/or CDFW, respectively, shall be required.

COMMENT #4: Nesting birds

Issue: The Project may not adequately mitigate for impacts to nesting birds.

A1-7

Specific impact: The Project site contains suitable nesting habitat for a variety of bird species, including sensitive raptors. Mitigation Measure (MM) BIO-1 indicates that if construction activities occur during nesting season, a qualified biologist will survey for nesting birds. However, no timeline is provided.

Why impact would occur: If surveys are not completed at an appropriate time, direct impacts to nesting birds may occur from vegetation removal and grading. Indirect impacts may occur from increased human activity or vibration and noise from equipment.

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Greg Mattson
City of Escondido
November 23, 2022
Page 6 of 11

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure #4:

To minimize significant impacts: To adequately identify nesting bird presence in the Project area, surveys should be conducted by a qualified biologist within three days of vegetation removal, ground disturbance, or construction.

We recommend that MM BIO-1 be amended with the following language (changes in **bold**):

*2. Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat, on-site and within 300-feet surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist **within three days** before commencement of ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.*

COMMENT #5: Fire

Issue: Details on fire management and fuel modification zones are not provided.

Specific impact: The MND states that the Project site is not located in or adjacent to land classified as very high fire hazard severity zones, and that no fuel modification is required of the Project. However, the City's General Plan does show that the site is in a high fire hazard severity zone. The MND does not include a discussion of fire management or fuel modification as they relate to biological resources.

Why impact would occur: If fuel modification does occur, this could impact biological resources on site.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Recommendation #5:

To minimize significant impacts: The MND should include a discussion of fire risk, and decisions surrounding fuel modification zones, as they relate to biological resources. This should include an analysis of how fire risk will change due to vegetation removal and planting on site. If fuel modification zones are implemented at any point, they should not include areas where trees have been planted as compensatory mitigation.

A1-7
(cont)

A1-8

Greg Mattson
City of Escondido
November 23, 2022
Page 7 of 11

COMMENT #6: Landscaping

Issue: The MND does not provide details regarding plant species to be used in landscaping.

Specific impact: CDFW acknowledges that the City plans to include landscaping compatible for wildland fire restrictions (page 52). However, a discussion of using native, locally appropriate species is not included. Landscaping may introduce invasive species to the Project area.

A1-9

Why impact would occur: Habitat loss and invasive plants are a leading cause of native biodiversity loss. Many ornamental plants often selected for landscaping are invasive species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Recommendation #6:

To minimize significant impacts: CDFW recommends that no invasive plant material be used for landscaping. Furthermore, CDFW recommends using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at the California Invasive Plant Council Responsible Landscaping website (<https://www.cal-ipc.org/solutions/prevention/landscaping/>).

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: 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

A1-10

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.

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Greg Mattson
City of Escondido
November 23, 2022
Page 8 of 11

Sincerely,

DocuSigned by:



D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

OPR

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

USFWS

Jonathan Snyder, Carlsbad – 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).

City of Escondido, California Municipal Code, 2017 <https://www.escondido.org/escondido-municipal-code>

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Greg Mattson
 City of Escondido
 November 23, 2022
 Page 9 of 11

ATTACHMENT A: Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) or Recommendation (REC) Description	Implementation Schedule	Responsible Party
<p>MM-1: Mature and protected trees: Individual coast live oaks shall be mitigated at the following ratios:</p> <p>trees less than 5 inches diameter at breast height (DBH) shall be replaced at 3:1; trees between 5 and 12 inches DBH shall be replaced at 5:1; trees between 12 and 36 inches DBH shall be replaced at 10:1; and trees greater than 36 inches DBH shall be replaced at 20:1.</p>	Prior to Project activities	City of Escondido
<p>REC-2: Mitigation for loss of mature and protected trees: The MND should include a detailed compensatory mitigation plan or plans for impacts to 186 mature and/or protected trees, especially coast live oak. The plan(s) for the compensatory mitigation should include location, species, origin, and size of trees to be planted. Regionally and biologically appropriate species should be selected, and details should be provided in the MND. Coast live oak trees should be replaced in-kind (i.e., coast live oak tree(s) should be planted as compensatory mitigation). Oak woodland restoration should use locally collected acorns or saplings grown from collected acorns. Appropriate understory species should also be included to enhance structural diversity of the mitigation site. Oak trees should be monitored and managed for a minimum of 10 years to ensure success of the restoration effort.</p> <p>As an alternative, the City could determine an appropriate acreage of oak woodland that would mitigate for the impacts to the described loss of individual trees, and authorize deduction of credits from the Daley Ranch conservation bank. The mitigation ratio for impacts to oak woodland habitat should be at least a 2:1 ratio.</p> <p>If detailed plans for compensatory mitigation cannot be included in the MND, a mitigation measure should be added to the environmental document which states that CDFW and the USFWS will have the opportunity to review and approve the plans prior to their implementation.</p>	Prior to Project activities	City of Escondido
<p>MM-3: Wildlife pre-construction surveys: A wildlife pre-construction survey shall be conducted on the day that</p>	During Project activities	City of Escondido

Greg Mattson
 City of Escondido
 November 23, 2022
 Page 10 of 11

<p>construction activities, including vegetation removal, occur within the Project site where suitable habitat is present. Construction personnel shall conduct daily inspections of trenches and holes for entrapped wildlife each morning prior to the onset of Project construction, and inspections of pipes, culverts, and similar construction material for entrapped wildlife at the beginning and end of the day. If sensitive wildlife species are observed during the pre-construction survey, a qualified biologist shall require additional measures to reduce potential impacts, such as establishing an appropriate buffer. Speed limits shall also be established for vehicles on site to lessen the chance of crushing wildlife.</p> <p>The qualified biologist shall be required to obtain, as applicable, Scientific Collecting Permits (SCP). A Species Relocation Plan may be appropriate to establish protocol for relocation of wildlife, including guidelines for the SCP-holding biologist to capture unharmed and release found species in appropriate habitat an adequate distance from the Project site, unless they are a Federally and/or State-listed species in which coordination and direction from USFWS and/or CDFW, respectively, shall be required.</p>		
<p>MM-4: Nesting birds: Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat, on-site and within 300-feet surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist within three days before commencement of ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.</p>	<p>During Project activities</p>	<p>City of Escondido</p>
<p>REC-5: Fire: The MND shall include a discussion of fire risk, and decisions surrounding fuel modification zones, as they relate to biological resources. This shall include an analysis of how fire risk will change due to vegetation removal and planting on site. If fuel modification zones are implemented at any point, they shall not include areas where trees have been planted as compensatory mitigation.</p>	<p>Prior to Project activities</p>	<p>City of Escondido</p>

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Greg Mattson
City of Escondido
November 23, 2022
Page 11 of 11

REC-6: Landscaping: CDFW recommends that no invasive plant material be used for landscaping. Furthermore, CDFW recommends using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at the California Invasive Plant Council Responsible Landscaping website (https://www.cal-ipc.org/solutions/prevention/landscaping/).	During Project activities	City of Escondido
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Agency Response A-1 – California Department of Fish and Wildlife (November 23, 2022)

- A1-1 The comment is introductory and does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided. .
- A1-2 The comment explains California Department of Fish and Wildlife’s (CDFW) role as a Trustee Agency and a Responsible Agency. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- A1-3 This comment restates information presented in the project description section of the Draft IS/MND. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.
- A1-4 The comment suggests that **Mitigation Measures MM BIO-3 and MM BIO-4** may not be adequate mitigation for impacts to oak trees and oak woodland. Furthermore, the comment suggests that an alternatives analysis was not provided.

Extensive biological resource management planning has taken place in San Diego County for decades that involved CDFW and the U.S. Fish and Wildlife Service (USFWS). The Multiple Species Conservation Plan (MSCP) for San Diego County is broken up into three areas, North County, South County and East County Plan. The only officially approved conservation plan is South County (1998) with drafts in both North County (Draft 2020) and East County (Draft 2008). While the overarching plan is the North County Plan, prepared in 2020, the northern region encompasses seven incorporated cities of northwestern San Diego County (Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista). These jurisdictions are to implement their portion of the MHCP plan through Citywide “subarea” plans, which describe the specific policies each City will institute for the MHCP and their contribution to the regional conservation goals.

The San Diego County Board of Supervisors voted on October 28, 2020, to continue development of the North County Plan as a joint Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) to

achieve many of the same environmental and economic benefits realized through the adopted County Subarea Plan (South County Plan). Even though the North County Plan remains a draft, the County signed an agreement with the USFWS and CDFW in March 2021 pertaining to both the North County Plan and the East County Plan and the Agencies are working together to finalize and approve the North County Plan.

As stated in the *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson Strategic Land Solutions dated September 2022 and included in Appendix B of the Draft IS/MND:

The City of Escondido's Subarea Plan (Subarea Plan) is not adopted by the City or approved by CDFW or USFWS, though the City uses it as guidance when reviewing impacts to biological resources. The Subarea Plan represents the City's contribution to the MHCP and to regional NCCP conservation goals. The City has prepared this subarea plan to direct the conservation of natural biotic communities and sensitive plant and animal species within the City pursuant to the California Natural Community Conservation Planning (NCCP) Act of 1991 and the California and U.S. Endangered Species Acts (CESA and ESA). The Subarea Plan is an NCCP and a Habitat Conservation Plan (HCP) pursuant to Section 10(a) of the U.S. Endangered Species Act (as amended in 1982).

Within the City's Draft Subarea Plan, which is a component of the North County Plan, the Project site is identified as disturbed/developed land and agriculture. The Project site has not been identified for conservation, such as a Pre-Approved Mitigation Area (PAMA), which are areas identified as having important conservation value.

The North County Plan has established mitigation ratios to habitat types based on a tiered program, with higher mitigation ratios required for more biologically sensitive habitat, and higher ratios for impacts to biological resources within PAMA areas, as outlined within Table 7-1 of the North County Plan. Within the North County Plan, the mitigation ratio for impacts to oak trees and oak woodland is a 1:1 ratio. The City's Draft Subarea Plan requires a 2:1 mitigation ratio of "Rare Upland" habitat, which includes coast live oak woodland habitat. Therefore, the mitigation ratios

presented in **Mitigation Measures MM BIO-3 and MM BIO-4** are consistent with the City’s Draft Subarea Plan and are higher than the North County Plan. The comment’s request for a higher mitigation ratio is noted and will be forwarded to the decision makers. The Project site does not contain unique or special circumstances that warrant a higher mitigation ratio than specified in either the North County Plan or the City’s Draft Subarea Plan.

Mitigation for oak trees and oak woodland is proposed at the Daley Ranch Mitigation Bank. By purchasing mitigation bank credits, the concern of temporal loss is alleviated. In January 1997, the USFWS and CDFW approved the Daley Ranch Mitigation Bank, recognizing the superior biological value and long-term management associated with the mitigation provided at Daley Ranch.

An alternatives analysis was not provided in the Draft IS/MND for several reasons. Alternatives analyses are required to avoid or substantially lessen a significant impact (CEQA Guidelines § 15126.6). Based on evidence in the record, which includes a biological analysis of the Project site and reliance on the North County Plan and the City’s Subarea Plan for mitigation ratios, impacts to biological resources can be mitigated to a less than significant level. Furthermore, feasible alternatives must attain the most basic project objectives (CEQA Guidelines § 15126.6), which in the case of the Project is the development of market rate and affordable housing consistent with the City’s General Plan and the State’s Density Bonus law. Avoiding impacts to oak trees and oak woodland would conflict with this project objective.

- A1-5 The comment suggests the Draft IS/MND should include a detailed compensatory mitigation plan for impacts to oak trees, including among other details, where tree planting would occur. **Mitigation Measure MM BIO-3** requires mitigation for oak woodland through the purchase of coast live oak woodland mitigation credits at the Daley Ranch Mitigation Bank. The Daley Ranch Mitigation Bank was approved by the USFWS and CDFW as a mitigation bank in 1997. As specified in **Mitigation Measure MM BIO-4**, purchasing credits at the Daley Ranch Mitigation Bank would also apply toward the requirement for replacement of individual oak trees. It is anticipated that the majority, if not all, of the mitigation for individual oak trees would be satisfied by the Daley Ranch Mitigation Bank credits.

However, without knowing the exact number of oak trees included within the credits, **Mitigation Measure MM BIO-4** retains the requirement to mitigate for individual trees. Furthermore, the Applicant has the option to purchase additional coast live oak woodland mitigation bank credits to satisfy the individual tree mitigation requirement if necessary. Since the majority, if not all, of the mitigation is through an approved mitigation bank, a mitigation plan and long-term monitoring for replacement trees is unnecessary.

A1-6 The comment requests the addition of a mitigation measure requiring general wildlife pre-construction surveys. However, there is no evidence that general pre-construction surveys are required to mitigate impacts to less than significant. A biological resource assessment, including detailed plant and wildlife surveys, was conducted as well as a thorough records search and there is no indication of special status species being present on the Project site, other than raptors. The Draft IS/MND requires pre-construction nesting bird surveys due to the potential impact to raptors. However, there is no evidence of an impact to special status wildlife species that would necessitate a pre-construction survey.

A1-7 The comment requests an adjustment to **Mitigation Measure MM BIO-1** to include a time limitation on the validity of the pre-construction nesting bird surveys. **Mitigation Measure MM BIO-1** is revised to include a clarification that nesting bird surveys must occur within three days before the start of ground disturbance. The revised language is noted in underline bold below.

Mitigation Measure MM BIO-1: Prior to ground disturbances that would impact potentially suitable nesting habitat for avian species, the project applicant shall adhere to the following:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the extent feasible to avoid potential impacts to nesting birds and/or ground nesters.
2. Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to

August 31 for raptors) will require that all suitable habitat, on-site and within 300-feet surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist within three days before commencement of ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.

A1-8 The comment suggests the City’s General Plan shows the Project site within a high fire hazard severity zone and a discussion of fuel modification impacts is necessary. While the Project site is not located within a Very High Fire Hazard Severity Zone, the City’s General Plan Fire Protection Policy 2.16 requires preparation of a Fire Protection Plan (FPP). A FPP was prepared for the Project titled, *Fire Protection Plan Escondido North, APN 224-141-23 &24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC. The FPP was mistakenly not attached to the Draft IS/MND and is included as Attachment B to this Final IS/MND and referenced in the errata to the Draft IS/MND. The FPP identifies the need for fuel modification, however the limits of the fuel modification match the limits of grading in all areas except for a small triangular area (existing utility easement) near the intersection of Conway Drive and Lehner Avenue. This area is currently disturbed and contains a small grove of eucalyptus trees, which are permitted to remain within the fuel modification area. Therefore, the fuel modification areas included in the FPP do not impact habitat beyond what was analyzed in the *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson

Strategic Land Solutions dated September 2022 and included in Appendix B of the Draft IS/MND. No new impacts to biological resources or mature/protected trees would occur from implementation of the FPP.

A1-9 The comment suggests the Draft IS/MND does not provide detail regarding the plant species to be used in landscaping and suggests a mitigation measure be added to require the use of non-invasive and native plant material. The Project site is anticipated to use a mixture of native drought tolerant and fire resistant plant species, however at this stage in the planning process, specific plant or tree species have not been identified. The request for restrictions on non-invasive and native plant species will be incorporated into a condition of approval for the Project. In addition, the Project shall be in compliance with Article 62 (Water Efficient Landscape Standards) of the Escondido Zoning Code and the City of Escondido Street Tree List.

A1-10 This comment provides concluding statements and information on CDFW filing fees. This comment does not raise an issue regarding the adequacy of the Draft IS/MND, therefore, no further response is required or provided.

SECTION 3.0 REVISIONS TO THE DRAFT IS/MND

3.1 Updates and Corrections to the Draft IS/MND

The following updates and clarifications have been made to the Draft IS/MND. Changes to the Draft IS/MND are shown as ~~strikeout text~~ to indicate deletions and underlined text to signify additions.

The following revisions are clarifications to the analysis presented in the Draft IS/MND and do not constitute substantial revisions. CEQA Guidelines Section 15073.5 states that a lead agency is required to recirculate a Draft IS/MND “when the document must be substantially revised after public notice of its availability (CEQA Guidelines 15073.5(a)).” Substantial revisions would occur if “a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance (CEQA Guidelines Section 15073.5(b)(1)).” Since the errata “merely clarifies, amplifies, or makes insignificant modifications to the negative declaration,” recirculation is not required (CEQA Guidelines Section 15073.5(c)(4)).

Section 2.5, Page 13, following Table 2

In addition to waivers of development standards, Government Code Section 65915 allows for concessions to facilitate the development of affordable housing. The Project has proposed ten (10) duplex housing units for the low-income units. The City has considered the request for duplex units as a zoning concession pursuant to Government Code Section 65915(k), which allows for modifications to the zoning code standards, which in this case includes duplex housing units. The City’s approval of the concession would result in the Project’s consistency with the City’s Zoning Code.

Section 4.4, Page 29, Discussion

The remaining special status animal species known to the region have a no potential to occur within the Proposed Project site due primarily to the lack of suitable habitat, isolation of the Proposed Project site from undeveloped habitat blocks in the region, and disturbances associated with the highly urbanized setting.

A jurisdictional delineation was conducted on the Proposed Project site to determine if any drainage features present on the Proposed Project site meets the definition of Waters of the United States or Waters of the State. The delineation determined that no

wetlands, riparian habitat, or jurisdictional drainage features are present on the Proposed Project site.

The Proposed Project site is located within the North County Multiple Habitat Conservation Program (MHCP). The Proposed Project occurs within the boundaries of the Draft City of Escondido Subarea Plan (Subarea Plan), which has not yet been approved or adopted. Within the Subarea Plan, the Proposed Project site is identified as disturbed and developed land and agriculture. The Proposed Project site is not found inside any Biological Core or Linkage Area. Furthermore, the Proposed Project site is located outside of areas targeted for conservation, including Focused Planning Areas, Hardline Preserve, Major Amendment Area, Natural Habitats (Outside of FPA), Core Gnatcatcher Conservation, Biological Core and Linkage Area (BCLA), and Edge Habitat.

The fuel modification limits identified in the Fire Protection Plan (FPP) titled, *Fire Protection Plan Escondido North, APN 224-141-23 & 24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC, match the limits of grading in all areas except for a small triangular area near the intersection of Conway Drive and Lehner Avenue. This area is currently disturbed and contains a small grove of eucalyptus trees, which are permitted to remain within the fuel modification area. Therefore, the fuel modification areas included in the FPP do not impact habitat or trees beyond what was analyzed in the *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson Strategic Land Solutions dated September 2022 and included in Appendix B of the Draft IS/MND.

Section 4.4, Page 30

Mitigation Measure MM BIO-1: Prior to ground disturbances that would impact potentially suitable nesting habitat for avian species, the project applicant shall adhere to the following:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the extent feasible to avoid potential impacts to nesting birds and/or ground nesters.
2. Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat, on-site and within 300-foot surrounding the site (as feasible), be thoroughly surveyed for the presence

of nesting birds by a qualified biologist within 3 days before commencement of ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.

Section 4.4, Page 32

e) Less than Significant with Mitigation. The Proposed Project site contains mature and protected trees subject pursuant to Section 33-1069, Article 55 of Chapter 33 of the City’s Municipal Code. The Proposed Project would result in unavoidable impacts to these trees, as summarized in **Table 8** below.

Table 1. Impacts to Protected and Mature Trees on the Proposed Project site

Mature Trees	DBH	Existing Number of trees	Total Impacted	Total Avoided
Native trees	4 inches to 9.99 inches	37 ¹	34 ²	3
Non-native trees species	8-inches or greater	199	141	58
<i>SUBTOTAL</i>	-	<i>236</i>	<i>175²</i>	<i>61</i>
Protected Trees	DBH (inches)	Existing Number of trees	Total Impacted	Total Avoided
Coast Live Oak	10-inches or greater	12	11	1
<i>SUBTOTAL</i>	-	<i>12</i>	<i>11</i>	<i>1</i>
TOTAL		248	186	64
<p>1. Native trees consists of 34 Coast Live Oak trees DBH 4 inch to 9.99 trees 1 black walnut tree with a DBH of 13.55- inches and two arroyo willow trees with a DBH of 7.8-inches and 12-inches. 2. Impacted native trees consists of 31 Coast Live Oak trees, 1 black walnut tree, and two arroyo willow trees.</p>				

The impacts to 186 Mature and Protected trees constitutes a significant impact. To offset this impact, the Project Applicant shall implement **Mitigation Measure MM BIO-4**, which requires the replacement of Mature and Protected trees either on or off site.

Mitigation Measure MM BIO-4: The Project Applicant shall replace impacted mature trees at a minimum of 1:1 ratio, a total of 175 trees, unless other biologically equivalent or superior mitigation has been determined by the City. Trees may be replaced either on or off-site. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the Development Services Director pursuant to Escondido Municipal Code Section 33-1069.

The Project Applicant shall replace impacted protected trees at a minimum of 2:1 ratio, a total of 22 trees, unless other biologically equivalent or superior mitigation has been determined by the City. Protected trees may be replaced on or off-site. The size of the replaced protected trees shall be a minimum of 24-inch box or as determined by the Development Services Director and shall be replaced in-kind with the same species as impacted.

To avoid double counting mitigation of oak trees since **Mitigation Measure MM BIO-3** requires mitigation for coast live oak woodland habitat that includes individual oak trees subject to this mitigation measure, the number of oak trees associated with the purchase of oak woodland habitat (either actual or estimate) mitigation credits may also be used to satisfy the individual tree replacement mitigation requirement found in this Mitigation Measure MM BIO-4.

The fuel modification limits identified in the Fire Protection Plan (FPP) titled, *Fire Protection Plan Escondido North, APN 224-141-23 &24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC, match the limits of grading in all areas except for a small triangular area near the intersection of Conway Drive and Lehner Avenue. This area is currently disturbed and contains a small grove of eucalyptus trees, which are permitted to remain within the fuel modification area. Therefore, the fuel modification areas included in the FPP do not impact habitat or trees beyond what was analyzed in the *Biological Technical Report (BTR) for the Tract F and H Project* prepared by Carlson Strategic Land Solutions dated September 2022 and included in Appendix B of the Draft IS/MND.

With implementation of **Mitigation Measure MM BIO-4**, impacts to mature and protected trees would be mitigated to less than significant.

Section 4.9, Page 49, Discussion

A Fire Protection Plan (FPP) titled *Fire Protection Plan Escondido North, APN 224-141-23 & 24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC, was prepared for the Project. The FPP analyzed potential fire risk and emergency access associated with the Project and determined no significant impacts would occur.

Section 4.9, Page 51

f) Less than Significant. The Proposed Project site is surrounded by residential streets and residential neighborhood, including Rincon Middle School across Lehner Avenue to the southwest. According to the City's General Plan Chapter VI Community Protection Element, Figure VI-1, the closest emergency evacuation routes to the Proposed Project site include Broadway, Rincon Avenue, and El Norte Parkway. All of these emergency access routes would remain unchanged by the Proposed Project and the Proposed Project would not interfere with an emergency response plan. The FPP prepared for the Project, *Fire Protection Plan Escondido North, APN 224-141-23 & 24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC, which was reviewed and approved by the Furthermore, during plan review the Escondido Fire Department, determined the Proposed Project provides sufficient on-site emergency access and would not interfere with the City's emergency response plan. Therefore, impacts would be less than significant.

g) Less than Significant. According to the City of Escondido General Plan Chapter VI Community Protection Element, Figure VI-6 and the Cal Fire - Fire and Resource Assessment Program, the Proposed Project site is not located within a Very High Fire Hazard Severity Zone. Figure VI-6 and the Cal Fire mapping are provided in **Figures 6 and 7**, respectively. However, in accordance with General Plan Fire Protection Policy 2.16, a FPP was prepared for the Project, *Fire Protection Plan Escondido North, APN 224-141-23 & 24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC,

As outlined in the FPP Therefore, the Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. The FPP includes fuel modification zones to reduce the density and flammability of surrounding vegetation and requires all structures comply with

ignition-resistant construction requirements of Chapter 7A of the California Fire Code and be constructed with automatic fire sprinklers. Furthermore, the Proposed Project would provide new streets and fire hydrants; ~~landscaping compatible for wildland fire restrictions, and all new structures would comply with current building standards, including fire sprinklers consistent with emergency access requirements.~~ Therefore, impacts would be less than significant.

Sources

- *Phase I Environmental Site Assessment Report*, dated October 7, 2022 by RSB Environmental (Appendix F).
- City of Escondido General Plan Chapter VI Community Protection Element, Figure VI-6.
- Cal Fire - Fire and Resource Assessment Program, [Map of CAL FIRE's Fire Hazard Severity Zones in Local Responsibility Areas - Escondido.](#)
- *Fire Protection Plan Escondido North, APN 224-141-23 &24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC

Section 4.11, Page 61, following Table 12

In addition to waivers of development standards, Government Code Section 65915 allows for concessions to facilitate the development of affordable housing. The Project has proposed ten (10) duplex housing units for the low-income units. The City has considered the request for duplex units as a zoning concession pursuant to Government Code Section 65915(k), which allows for modifications to the zoning code standards, which in this case includes duplex housing units. The City's approval of the concession would result in the Project's consistency with the City's Zoning Code.

Section 4.11, Page 61, Findings of Fact

a) Less than Significant. The Proposed Project plans to demolish 13 existing residences and construct 54 new residences, of which 10 residences would be affordable units. The Proposed Project site is surrounded by existing roads and development on all four sides. Rincon Middle School is located southwest of the Proposed Project site, across Lehner Avenue. The Proposed Project is not gated and includes new sidewalks on internal streets and along frontages of existing streets that would be available to existing surrounding residents. The Proposed Project is consistent with the land use designation per the Escondido General Plan and Zoning Code, with approval of the proposed concession under Density Bonus law. Therefore, impacts would be less than significant.

b) Less than Significant. The Proposed Project proposes a Density Bonus, ~~and~~ waiver of development standards, ~~and concession to zoning criteria~~, as described in **Table 11** ~~and the discussion above~~. The waiver of development standards ~~and concession to zoning criteria~~ has the potential to cause an impact if the waiver ~~and concession~~ of development standards would result in a conflict with adopted land use plans and policies, resulting in a significant physical impact to the environment. The proposed Density Bonus would result in changes to the adopted land use plan by proposing greater density of residential units than would otherwise be permitted, duplex units, and changes in development standards, such as, setbacks, minimum lot sizes, etc.

The zoning concession and waivers to development standards presented in **Table 12** are proposed in order to achieve the proposed Density Bonus. The concession permits construction of duplex units and the waivers include changes to setbacks, minimum lot sizes, lot coverage, and floor area ratio (FAR), all of which directly affect the amount of land necessary to accommodate each dwelling unit. The waivers also include a request to use a different type of approved fire turn-around design (hammerhead instead of cul-de-sac) and locations of storm drain easements. These last two requests pertain to a substitution of an alternative design to achieve the same outcome of fire turn-around and storm drainage, without a reduction in effectiveness. Therefore, the proposed waivers of development standards would not have a direct physical impact on the environment.

The proposed Density Bonus would permit 16 additional dwelling units above the density limit established in the General Plan¹. This Draft IS/MND has analyzed the additional 16 dwelling units in its analysis of the operational topics that are sensitive to density and the number of dwelling units, such as air quality, greenhouse gas, noise, energy, population and housing, public services, traffic, and utilities. This IS/MND has found for each of those environmental topics all impacts would be either less than significant or can be mitigated to less than significant.

Government Code § 65915(f)(5) provides that “[t]he granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment . . . , zoning change, or other discretionary approval.” (§ 65915, subd. (f)(5).) *Wollmer v. City of Berkeley*, A128121, 16 (Cal. Ct. App. 2011) The *Wollmer* case pertains to a project seeking a density bonus and a categorical exemption under CEQA Guidelines § 15332

¹ 54 new dwelling units are proposed for construction and 2 existing units would remain for a total of 56 units on the Project site. The General Plan density permits 40 dwelling units. Therefore, the density bonus permits 16 dwelling units above the General Plan density limits.

for infill projects. A requirement of the infill exemption is consistency with all applicable general plan designations and policies and all applicable zoning designations and regulations. The Appellate Court ruled the waiver of development standards, including the additional density afforded under density bonus law, are not “applicable” and the project could make the findings of general plan and zoning consistency under CEQA Guidelines § 15332. As it pertains to the Proposed Project, the *Wollmer* case confirms the request for a density bonus and waiver of development standards does not cause an inconsistency with adopted land use plans, policies, and standards.

The impact is less than significant.

Section 4.20, Page 95,

Discussion

A Fire Protection Plan (FPP) titled *Fire Protection Plan Escondido North, APN 224-141-23 & 24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC, was prepared for the Project. The FPP analyzed potential fire risk and emergency access associated with the Project and determined no significant impacts would occur.

Findings of Fact

a) Less than Significant. The Proposed Project site is not located in or adjacent to land classified as very high fire hazard severity zones. Neither the City of Escondido General Plan Chapter VI Community Protection Element, Figure VI-6 nor the Cal Fire - Fire and Resource Assessment Program list the Proposed Project site within a Very High Fire Hazard Severity Zone. See **Figures 6 and 7**, respectively. However, General Plan Fire Protection Policy 2.16 requires preparation of a Fire Protection Plan. Fire Protection Policy 2.16 states:

Fire Protection Policy 2.16

Require fire protection plans for mitigation of potential grass and wildland fires within designated high fire hazard areas and other areas required by the Fire Department, that address the need for fire systems, water availability, secondary emergency access routes, construction requirements, and fire resistant landscaping and appropriate defensible space around structures.

As outlined in the FPP, *Fire Protection Plan Escondido North, APN 224-141-23 & 24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. The FPP includes fuel modification zones

to reduce the density and flammability of surrounding vegetation and requires all structures comply with ignition-resistant construction requirements of Chapter 7A of the California Fire Code and be constructed with automatic fire sprinklers. Furthermore, the Proposed Project would provide new streets and fire hydrants, consistent with emergency access requirements. Therefore, impacts would be less than significant.

b) Less than Significant. The Proposed Project would not exacerbate fire risks as documented in the, *Fire Protection Plan Escondido North, APN 224-141-23 &24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC. The Proposed Project would provide new streets and fire hydrants, landscaping compatible for wildland fire restrictions (fuel modification), and all new structures would comply with current building standards, including fire sprinklers with ignition-resistant construction requirements of Chapter 7A of the California Fire Code and be constructed with automatic fire sprinklers. Therefore, the Proposed Project would not exacerbate fire risk to surrounding properties or to the new residents of the Proposed Project site. Fires in the general Escondido and County of San Diego areas could expose occupants to smoke during a wildfire. This risk is temporary and would not be exacerbated by the Proposed Project. Therefore, impacts would be less than significant.

c) Less than Significant. The Proposed Project site is not located in or adjacent to land classified as very high fire hazard severity zones. Neither the City of Escondido General Plan Chapter VI Community Protection Element, Figure VI-6 nor the Cal Fire - Fire and Resource Assessment Program list the Proposed Project site within a Very High Fire Hazard Severity Zone. See **Figures 6 and 7**, respectively. However, in accordance with requirements by the Escondido Fire Department a FPP was prepared for the Project, *Fire Protection Plan Escondido North, APN 224-141-23 &24, 224-142-30 through 33*, dated June 13, 2022, prepared by Firewise 2000, LLC,

As outlined in the FPP the Proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. The FPP includes fuel modification zones to reduce the density and flammability of surrounding vegetation and requires all structures comply with ignition-resistant construction requirements of Chapter 7A of the California Fire Code and be constructed with automatic fire sprinklers. Furthermore, the Proposed Project would provide new streets and fire hydrants, consistent with emergency access requirements. No fuel modification, fire breaks, etc. are required of the Proposed Project. Therefore, impacts would be less than significant.

d) Less than Significant. The Proposed Project site currently consists of gentle sloping hills. Once graded, the development areas would be generally flat. Furthermore, the Proposed Project site is surrounded by existing streets and residential development. The Proposed Project site is not located adjacent to any large hillsides that could cause flooding, mudflows, landslides, or significant erosion after a fire. Impacts would be less than significant.

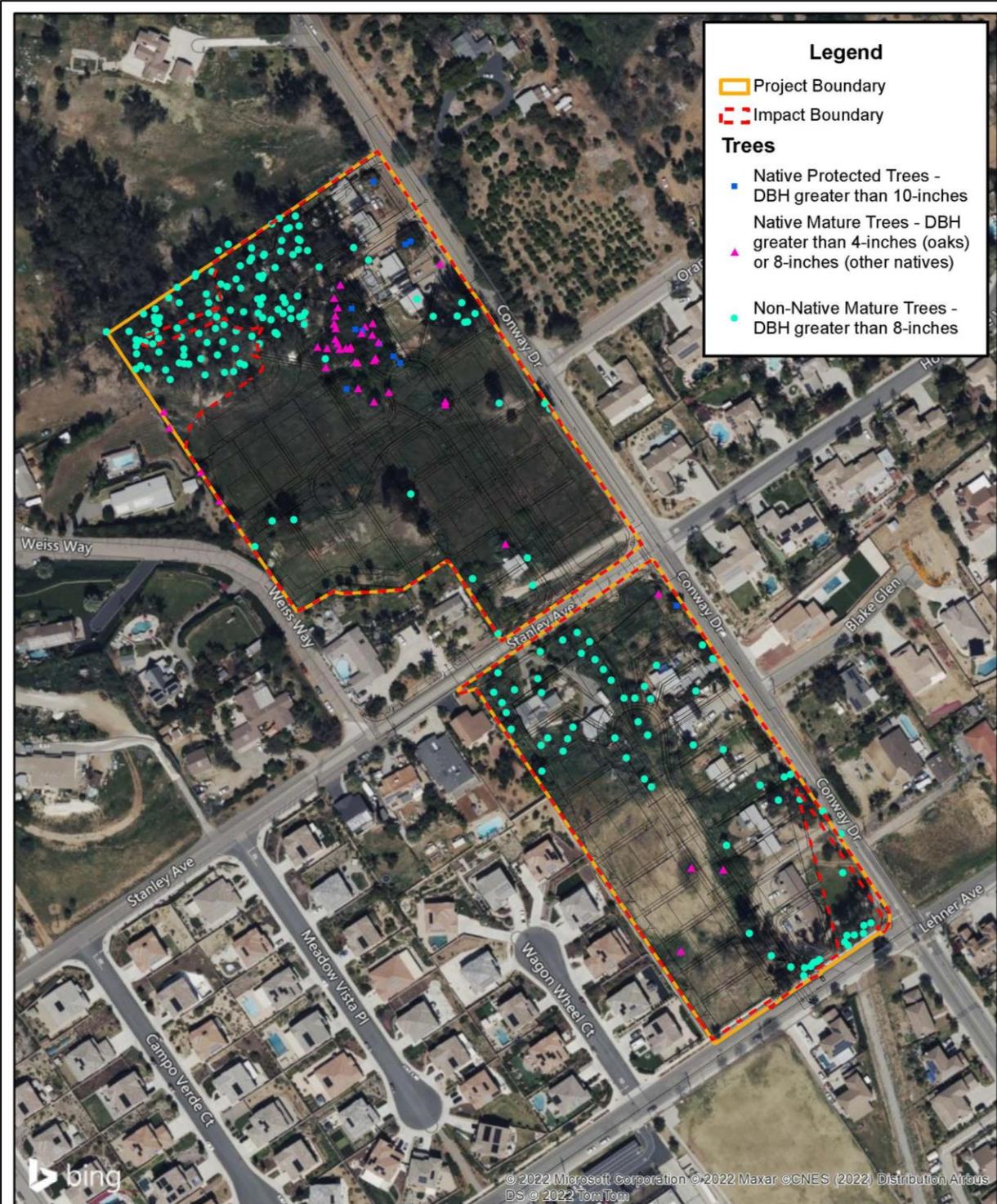
Sources

- City of Escondido General Plan Chapter VI Community Protection Element, Figure VI-6.
- Cal Fire - Fire and Resource Assessment Program, [Map of CAL FIRE's Fire Hazard Severity Zones in Local Responsibility Areas - Escondido](#).
- Fire Protection Plan Escondido North, APN 224-141-23 &24, 224-142-30 through 33, dated June 13, 2022, prepared by Firewise 2000, LLC

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Attachment A

Figure 1 Impacts to Protected and Mature Trees



<p>GIS Prepared By: Carlson SLS</p> <p>Created: September 25, 2022</p>		<p>Data Sources: Bing Maps Field Survey (3/17/21) Field Survey (4/7/21) CAD (07/25/22)</p>	<p>Argus Land Company: Tract F & H Project</p> <p>Impacts to Protected and Mature Trees</p>
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FIGURE 11

Attachment B

Fire Protection Plan Escondido North

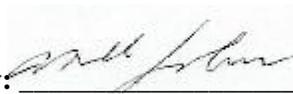
APN 224-141-23 & 24, 224-142-30 through 33



March 4, 2022, Revised April 20, 2022, June 13, 2022

**Applicant: Escondido North, LLC
30200 Rancho Viejo Road, Suite B
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Prepared and Certified by:


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Certified CEQA Wildland Fire Consultant
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Escondido North Fire Protection Plan

Table of Contents

<u>Headings</u>	<u>Page</u>
EXECUTIVE SUMMARY	1
1.0 INTRODUCTION	2
1.1 PROJECT LOCATION, DESCRIPTION AND ENVIRONMENTAL SETTING	3
1.1.1 Project Location	3
1.1.2 Project Description	3
1.1.3 Environmental Setting	3
1.1.3.1 Dates of Site Inspections/Visits Conducted	4
1.1.3.2 Topography	4
1.1.3.3 Climate	4
1.1.3.4 On-Site Vegetation	5
1.1.3.5 Fire History	5
1.1.3.6 On and Off-Site Land Uses	7
2.0 GUIDELINES FOR THE DETERMINATION OF SIGNIFICANCE	7
3.0. ANTICIPATED FIRE BEHAVIOR IN THE VICINITY	8
4.0 ANALYSIS OF PROJECT EFFECTS	9
4.1 Adequate Emergency Services	9
4.2 Fire Access	10
4.3 Water Supply	10
4.4 Ignition Resistant Construction & Fire Protection Systems	11
4.5 Defensible Space and Vegetation Management	11
4.5.1 Off-site Fire Hazard and Risk Assessment	12
4.5.2 On-site Fire Hazard and Risk Assessment	13
4.6 Vegetative Fuels Assessment/Fire Behavior	13
4.7 Required Fuel Modification Zones for Buildings, Structures and Access Roads	15
4.8 Cumulative Impact Analysis	18
5.0 MITIGATION MEASURES AND DESIGN CONSIDERATIONS	19
5.1 Construction Standards	19
5.2 Additional Requirements	19
5.3 Fuel Treatment Map	19
6.0 CONCLUSIONS	19
7.0 LIST OF PREPARERS, PERSONS, AND ORGANIZATIONS CONTACTED	20
7.1 List of Preparers	20
7.2 List of Persons Contacted During the Course of This Project	20

8.0 DEFINITIONS **20**

9.0 REFERENCES **22**

APPENDICES

Recommended Plant List	APPENDIX ‘A’
Prohibited/Invasive Plant List	APPENDIX ‘B’
Fire Protection Plan Map	APPENDIX ‘C’
Non-Combustible & Ignition Resistant Building Materials	APPENDIX ‘D’
Ignition Resistant Building Requirements	APPENDIX ‘E’
Behave Plus Version 6.0.0 Fire Behavior Calculations	APPENDIX ‘F’

EXECUTIVE SUMMARY

This Fire Protection Plan (FPP) evaluates the proposed Escondido North Project to ensure it does not unnecessarily expose people or structures to fire risks and hazards. The FPP identifies and prioritizes the measures necessary to adequately mitigate those impacts. The FPP has considered the property location, topography, geology, combustible vegetation (fuel types), climatic conditions and fire history. It considers water supply, access, structure ignitability and fire resistive building materials, fire protection systems and equipment, impacts to existing emergency services, defensible space and vegetation management.

This FPP also lists fuel modification requirements to mitigate the exposure of people or structures from a significant risk of loss, injury or death from wildland fires. Zone 1, the Immediate Zone is the first 5 feet from the exterior wall surface on a horizontal plane. Zone 1 will consist of hardscape or limited fire-resistant plantings approved by the AHJ from the approved County list. Zone 2A, the Intermediate Zone, is an irrigated, landscaped zone providing a safety area for fire suppression forces and protects structures from radiant and convective heat. Zone 2 extends out from Zone 1 to 50 feet from exterior wall surfaces in a horizontal plane and consists of fire resistant and maintained plantings. Zones 2B & 3, are the areas beyond Zone 2A, including manufactured slopes, biofiltration basins, and excludes all prohibited highly combustible native vegetation, but permits plantings within specific criteria and reduces the existing native vegetation by 50%. The owners will be responsible to the Escondido Fire Department Fire Marshal for the completion of all designated Fuel Modification Treatments.

1.0 INTRODUCTION

This Fire Protection Plan (FPP) has been prepared for the Escondido North Project. The purpose of the FPP is to assess the potential impacts resulting from wildland fire hazards and identify the measures necessary to adequately mitigate those impacts. As part of the assessment, the plan has considered the property location, topography, geology, combustible vegetation (fuel types) climatic conditions, and fire history. The plan addresses water supply, access (including secondary/emergency access where applicable), structural ignitability and fire resistive building features, fire protection systems and equipment, impacts to existing emergency services, defensible space, and vegetation management. The plan identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment that will protect one or more at-risk communities and essential infrastructures. The plan recommends measures that property owners will take to reduce the probability of ignition of structures throughout the area addressed by the plan.

General Information

Owner/Developer Escondido North LLC

Approving Departments:

Fire Authority: Escondido Fire Department/

Water: Escondido Mutual Water Company

The FPP will be submitted to and approved by the City of Escondido Fire Department (EFD) and is based upon current requirements, as of the date of this report, of the City of Escondido regarding Wildland Fire; 2018 International Urban-Wildland Interface Code, pertinent local Fire Ordinances; 2019 California Code of Regulations Title 24, Part 9, and Title 14, section 1280; the 2019 California Fire Code and Local Amendments Including Appendices to Chapters 1 & 4 and Appendices B, F & H; Chapter 7A; , the 2019 California Building Code Chapter 7A Materials and Construction Methods for Exterior Wildland Exposure; 2019 California Residential Code; the California State and Local Responsibility Area Fire Hazard Severity Zone Map; California Government Code, sections 51175 through 51189; California Public Resources Codes sections 4201 through 4204; and the National Fire Protection Association Standards 13 and 13D. Appendices attached to this FPP provide additional information that shall be considered a part of this FPP.

This Fire Protection Plan Includes:

- A wildland fire hazard rating assessment and expected fire behavior of both on-site and off-site native vegetative fuels.
- A long-term perimeter vegetative fuel modification treatment and maintenance plan to minimize the potential loss of any structure due to wildland fires.
- A long-term interior open space fuel modification treatment plan and landscaping” criteria to be utilized around the planned structures.
- “Ignition Resistive Building Features” that will be required for all structures.

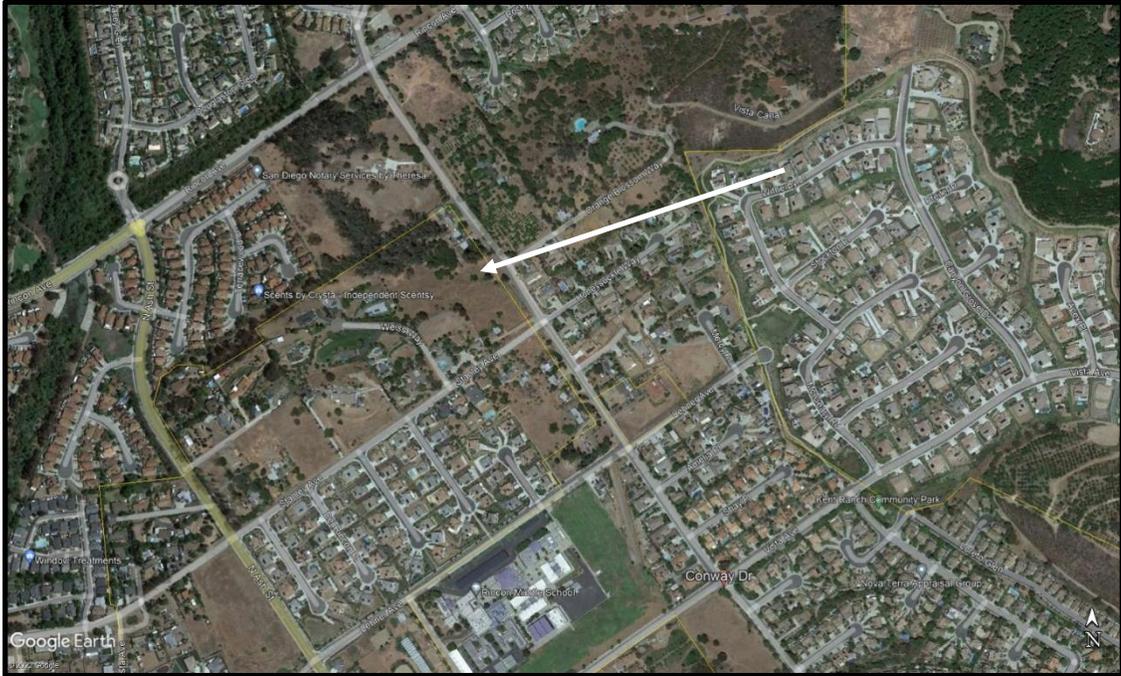


Photo #1 - Aerial View of Escondido North Project Site

1.1 Project Location, Description and Environmental Setting

1.1.1 *Project Location*

The proposed Escondido North Project (herein after referred to as the Project) is located west of Conway Dr from Lehner Avenue to north of Stanley Avenue (See Photo #1). The majority of the project is within the city of Escondido with one lot currently in San Diego County that after mapped will be 6 lots that will be annexed into the city.

1.1.2 *Project Description*

The Project site covers approximately 14.07 acres of vacant land and some existing houses. The proposed Project consists of the construction of 44 single family homes, five duplex buildings with 10 proposed units, two biofiltration basins, and two open space lots. Several existing homes within the property will be demolished.

1.1.3 *Environmental Setting*

1.1.3.1 *Dates of Site Inspections/Visits Conducted*

A site visit was conducted during January 2022, as well as phone calls and emails to determine pertinent information concerning the environmental setting.

Site Visit & Purpose

Date

Field Visit

January 25, 2022

Evaluate lot layout, vegetation, primary and secondary access road locations, topography, road conditions, and fire access

1.1.3.2 Topography

The topography of the development site is relatively flat with a slope of between five (5) and fifteen (15) percent that slopes generally to the east.

1.1.3.3 Climate

The climate within the Project area is characterized as a Mediterranean type of climate with generally mild, wet (14 -16 inches of rainfall per year) winters, with the bulk of the annual precipitation falling between January and March. Long, hot and very dry summer seasons frequently occur with occasional, multi-year droughts.

The most critical wind pattern to the Project area is an off-shore wind coming out of the north/northeast, typically referred to as a Santa Ana wind. Such wind conditions are usually associated with strong (> 60-MPH), hot, dry winds with very low (< 15%) relative humidity. Santa Ana winds originate over the dry desert land and can occur anytime of the year; however, they generally occur in the late fall (September through November) when non-irrigated vegetation is at its lowest moisture content.

The typical prevailing summer time wind pattern is out of the south or southwest and normally is of a much lower velocity (5-12 MPH with occasional gusts to 30-MPH) and is associated with higher relative humidity readings (> 30% and frequently more than 60%) due to a moist air on-shore flow from the ocean.

All other (northwest, south, west) wind directions may be occasionally strong and gusty. However, they are generally associated with cooler moist air and have higher relative humidity (> 40%). They are considered a serious wildland fire weather condition when wind speeds reach > 20-MPH.

Fire agencies throughout the western United States rely on a sophisticated system of Remote Automated Weather Stations (RAWS) to monitor weather conditions and aid in the forecasting of fire danger. The closest RAWS to the Project is the San Pasqual Valley RAWS. The data acquired from RAWS is important to modeling wildland fire behavior. **FIREWISE2000, LLC** determined that the San Pasqual Valley RAWS is relatively new, having only been in operation since October of 2009. Another RAWS that was evaluated was the Valley Center RAWS station. This RAWS is located north of the Project site approximately 7 miles and is located at a slightly higher elevation. The Valley Center RAWS site captured significant weather data during the major southern California fires of October 2007 with winds gust exceeding 40 mph and relative humidities less than 10%. Note: in late October, strong winds, low relative humidity are indicators of a Santa Ana wind event.

1.1.3.4 On-Site Vegetation

There is no significant on-site native wildland vegetation on the planned building site due to existing homes and mowing of annual grasses and weeds. The removal of the native vegetation allowed the introduction of non-native grasses. Long term changes in fuel types have led to dry weather grass becoming the dominate fuel type. A small stand of eucalyptus trees dominates the northern boundary that will be removed in the grading process. (See Photo #2).

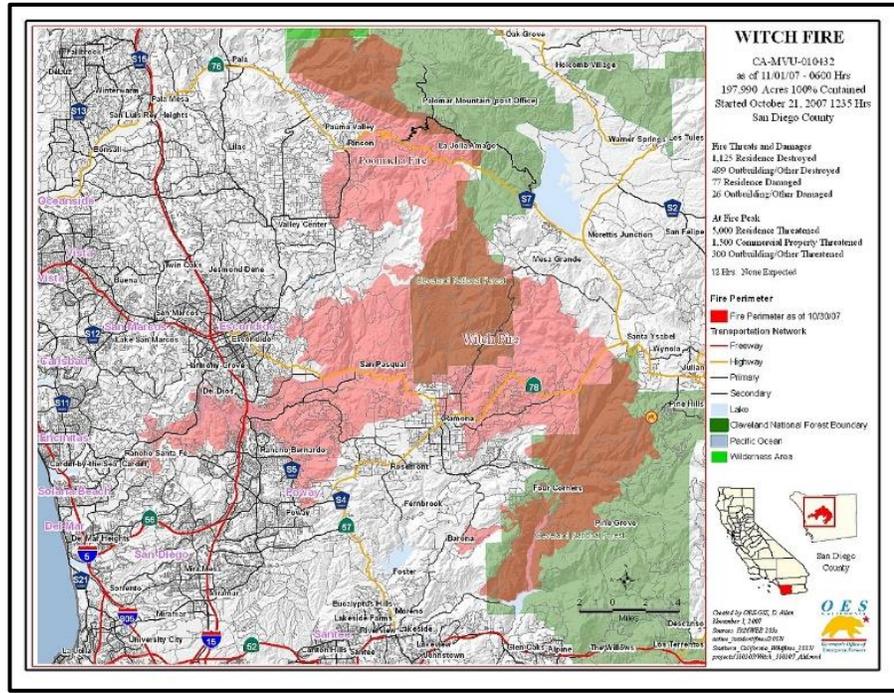


Photo #2 - Looking at the Northern End of the Project from Conway Ave

1.1.3.5 Fire History

The available data suggests that in the second half of the 20th Century the frequency of small fires increased in Southern California while their average size decreased. This was due primarily to human caused fires and rapid-fire suppression. In San Diego County, this has resulted in an increased rate of burning in low elevation coastal scrubland, especially the coastal sage scrub formation near the urban development areas. It also indicates over 600 large fires of over 100 acres in the foothills and mountains from 1910-1999. Recently however several years of drought have contributed to major fires (in excess of 50,000 acres) that have swept through San Diego County resulting in large losses of property and damage watershed.

The Witch Fire in October of 2007 burned over 197,990 acres, caused the evacuation of over 500,000 people, and caused two civilian fatalities. Combining with the Guejito Fire within the first day, the fires destroyed over 70 homes approximately 4 miles south on Ash Street in southern Escondido. The combined Witch and Guejito Fires rate of spread was stopped due to a change in slope and fuel type along with a sudden decrease in the Santa Ana winds.



The 2003 Paradise Fire which began northeast of Escondido, burned along the eastern boundary of the City of Escondido and through the eastern portions of the Rincon Del Diablo Fire District. The fire spread through Valley Center and crossed County Road S-6, Valley Center Rd., and began burning approximately 1 mile east east of the Project site. The Paradise Fire’s western progression was stopped by a combination of backfiring along the eastern

ridgeline of Daley Ranch and a drop in the strong east winds affecting San Diego County.

Wildland fire history in the immediate area includes fires along I-15, in the Jesmond Dene area and along Gopher Canyon Road west of the Project site. These fires burned several thousand acres and destroyed 7 homes. The Jesmond Dene fire caused the evacuation of several neighborhoods west of the Project site.

1.1.3.6 On-site and Off-site Land Uses

The existing parcel of land proposed for development is currently in a disturbed state as the vegetation has been converted to both native and non-native grasses. Existing houses also have impacted the site.

The surrounding land is either suburban, residential, dedicated roadways or undeveloped land. East of Conway Avenue lies an orange grove and a subdivision. Other homes lie to the west and south of the property, with a small area of undeveloped land to the northwest.

2.0 GUIDELINES FOR THE DETERMINATION OF SIGNIFICANCE

The Escondido North FPP evaluates the potential adverse environmental effects that the Escondido North residential development may have from wildland fire and proposes appropriate mitigations for any adverse impacts to ensure that this development does not unnecessarily expose people or structures to a significant risk of loss, injury or death in regard wildland fire. The following guidelines for the determination of significance are used:

1. Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The Project is partially bordered by existing development and where wildlands are adjacent to the Project, fuel modification and other requirements outlined in this FPP reduce the exposure of people or structures to a less than significant risk of loss, injury or death involving wildland fires.

2. Would the Project result in inadequate emergency access?

Conway Drive and Stanley Ave are both major circulation roads, the Project will be accessed off of Stanley Avenue and Lehner Avenue and not off of either major circulation roads. This design feature will reduce the impact on traffic circulation and not impede emergency access to the Project area and neighboring residences.

3. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for fire protection?

The Escondido Fire Department (EFD) currently provides fire and EMS services to the development area. The existing facilities are more than adequate to provide acceptable emergency service and response times.

4. Would the Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?

The Project developer will be connecting to existing water service provided by the Escondido Mutual Water District.

3.0 ANTICIPATED FIRE BEHAVIOR IN THE VICINITY

The fire behavior calculations in Table 3.1 predict a maximum rate of spread of 305 feet/minute in the combined grass and shrub fuel model under Santa Ana winds at 60 mph and 80 feet/minute in the combined grass and timber fuel model. (See Section 4.6 and APPENDIX ‘F’ for details of the Fire Behave Modeling). Winds of 60-mph are the expected maximum velocity on the property. Due to fuel modifications and the location of buildings to adjacent fuels, the potential for wildfire exposure to buildings due to radiant heat and direct flame contact is low.

TABLE 3.1
A Comparison of Fire Conditions Under 60 mph Northeast Wind Conditions
Untreated Fuels Versus Treated Fuels

<u>Untreated Fuels gr4 & sh1</u>		<u>After Fuel Treatment tl6 & gr1</u>	
Rate of Spread	305 ft/min	Rate of Spread	32 ft/min
Fireline Intensity	3,022 BTU/ft/sec	Fireline Intensity	185 BTU/ft/sec
Flame Length	18 Feet	Flame Length	5.0 Feet

A Comparison of Fire Conditions Under 60 mph East Wind Conditions
Untreated Versus Treated Fuels

<u>Untreated Fuels tl6 & gr2</u>		<u>After Fuel Treatment tl6 & gr1</u>	
Rate of Spread	98.6 ft/min	Rate of Spread	36 ft/min
Fireline Intensity	1,048 BTU/ft/sec	Fireline Intensity	250 BTU/ft/sec
Flame Length	11 Feet	Flame Length	5.7 Feet

One or more of the following factors start structure ignitions from wildfires: a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment. During periods of high fire intensity and strong, dry winds, convective firebrands have the capability of being transported over great distances. A fire burning to the northeast will shower the Project with embers. Accordingly, wind driven embers are addressed in this FPP. Ignition resistant building materials will be used in the construction of the structures within the Project to reduce the potential of firebrands entering the buildings or catching exterior components on fire.

4.0 ANALYSIS OF PROJECT EFFECTS

The Project demonstrates compliance, or offers the “*same practical effect*”, with applicable fire regulations, including but not limited to the California Fire Code, California Code of Regulations, and the Escondido Fire Code.

The comprehensive Fire Protection Plan and the Project design are consistent with the Escondido City recommendations including fuel modification and emergency response times.

4.1 Adequate Emergency Services

The Escondido North Project is within the City of Escondido Fire Department (EFD). The nearest fire station is located at 1220 N. Ash Street, Fire Station #7, and is 1.6 miles south of the Project which is located at Stanley Avenue and Conway Drive. The anticipated response time is less than 4 minutes. The next closest engine, Engine 133, is located at Fire Station #3, 1808 N. Nutmeg Street with a travel time of less than six (6) minutes. Staffing at Station #3 is five (5) personnel, covering an engine and a paramedic ambulance. The engine company also cross staffs a Type III engine which is available for wildland fire dispatch. Engine 132 would be the third arriving engine to the Project site responding from Fire Station #2, 421 N. Midway Drive. Staffing at Station #2 is five (5) personnel covering an engine and a paramedic ambulance. A Type III engine is also available for cross staffing purposes. The response from Fire Station #2 to the Escondido North Project is approximately 4 miles and takes less than 9 minutes to arrive on scene. Fire Station #1 located at 310 N. Quince St. would provide the fourth arriving engine company. A total of ten firefighters staff Fire Station #1, personnel cover a Type I structure firefighting engine, a Truck Company, a paramedic ambulance and a Battalion Chief. For wildland fires, the crew may staff a Type III fire engine designed for wildland firefighting and off-road driving. Normal response time for Engine 131 to the Project site is approximately nine (9) minutes based on computer modeling with a travel distance of approximately 4 miles.

The Escondido Fire Department staffs seven (7) engine companies, one truck company and 5 paramedic ambulances daily, in addition, automatic and mutual aid resources are available from fire agencies throughout San Diego County. On high or extreme wildland fire danger days there often may be multiple fire starts with multiple engine companies deployed on other incidents. First alarm wildland dispatch will include a minimum of four engines, a combination of both structure and wildland engines, a Battalion Chief and paramedic ambulance. For structure fires, 3 engines, 1 truck, 1 paramedic ambulance and a Battalion Chief are dispatched on the first alarm. The fire department also has the ability to upstaff the wildland engines with off-duty firefighters in the advent of predicted extreme wildland fire weather conditions.

Despite the relatively close proximity of the nearest fire station, there is no assurance that Engine Company 137 will be in its station when a wildfire threatens the Escondido North Project from an ignition outside the community. Engines may respond from other stations further away or from other incidents. The goal of this FPP therefore is to make the houses in the Escondido North Development as safe as possible until such time as firefighting equipment arrives and/or residents can be evacuated. With the implementation of the fuel modification, ignition resistant construction measures, and other mitigation measures described in this FPP, the Escondido North Project will be provided with a higher degree of protection from wildfire than a majority of older existing homes in San Diego County.

4.2 Fire Access

The Escondido North Project will be accessed via Conway Drive to Stanley Avenue and via Conway Drive to Lehner Avenue. Road improvements may include but are not limited to widening, curbs and gutters. Roads within the Project may be constructed of asphaltic concrete if the slope does not exceed 14.9%. Roads with slopes ranging between 15% and 20% will require a concrete, heavy broom finish to improve road traction. All fire access roads within the Project shall be all-weather approved paved surfaces capable of supporting not less than 75,000 pounds. No hammerheads are planned, but should Project design change, a hammerhead or other approved turnaround method will be required and constructed to Escondido code requirements. Minimum roadway widths shall be 24 feet no parking, 28 feet with parking on one side.

No gates are planned at this time but if future gates are installed, gates shall have an “Opticom” or similar strobe light to automatically open the gates. A Knox override key switch, or similar device, must be installed outside the gate in an approved, readily visible, and unobstructed location at or near the gate to provide emergency access. Any future access road gates will be constructed to allow free egress with electronic “sensor strips” in the roadbeds. A battery backup shall be provided for all gates within the facility to allow for access/egress in case of power being shut-off to the facility.

Road name signs shall comply with the current design standards of the City of Escondido. Signs, postings, red curbs and white stencils shall conform to the requirements of Section 22500.1 of the California Vehicle Code and shall be maintained in perpetuity.

4.3 Water

The Escondido North Project water supply will be provided by the Escondido Mutual Water District. Since all buildings are required to have fire sprinklers, as per the fire code, the required hydrant fire flow for the Project shall be 1500 gpm for 2 hours at 20 PSI residual pressure as per Escondido Municipal Code Ordinance 2022-04 & June 2022 Supplement. The water supply system and fire hydrants shall be installed and tested prior to bringing on site any combustible building materials. The installation and flow testing must be approved by the EFD Fire Marshal.

Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Escondido Municipal Code Ordinance 2022-04 & June 2022 Supplement. Fire hydrants along roadways shall be located at intervals not to exceed ~~350~~ 250-feet on alternating sides of street as approved by the EFD Fire Marshal. (See Fire Protection Plan Map, APPENDIX “C”, for proposed fire hydrant locations). Installation of a blue dot marker will be required for each fire hydrant as required by the Escondido Fire Department. Bollards shall be provided when the fire hydrant is located within 3 feet of any vehicle accessible surface.

4.4 Ignition-Resistant Construction and Fire Protection Systems

All structures shall comply with ignition-resistant construction requirements of Chapter 7A of the California Fire Code (see APPENDIX ‘E’). All structures shall have automatic fire sprinklers for

interior fire protection and shall meet the requirements of National Fire Protection Standard (NFPA) 13D, those of the City of Escondido, and specifically, to the satisfaction of the Escondido Fire Department. The EFD shall review and approve fire sprinkler installations prior to the issuance of an occupancy permit.

The homeowners and the HOA of the Escondido North Project will be required to maintain the exterior of their property to Zones 1, 2A, 2B, and 3 Fuel Modification standards as outlined in Section 4.7 and will keep the roof and rain gutters free of leaves, needles, and other combustible debris. All firewood and other combustible materials must be properly stored away from the structure so that burning embers falling on or near the structure have no suitable host. The homeowners or property managers must keep all doors and windows tightly closed whenever a wildland fire is reported in the near vicinity. The integrity of all doors must be maintained, including removal of any illegally placed door stops, to reduce the chances of embers being blown through open doorways and starting a fire.

4.5 Defensible Space and Vegetation Management

Plant succession and the climax plant communities must be assessed when considering the wildland fire hazard of a particular property. The vegetation described below is the most likely climax plant community that will exist without human intervention and the one utilized for planning purposes.

4.5.1 Off-Site Fire Hazard and Risk Assessment

Currently, local off-site fuels have been severely modified due to the impacts of residential development. Northeast of the Project site is an orange grove separated by Conway Avenue. Large residential developments exist east of Conway Avenue (see Photo #3) and southwest of the project. Bordering the project on west are several homes on large parcels. Fuel treatments on these homesites vary from well-maintained to others with overgrown vegetation throughout the property (see Photo #4).

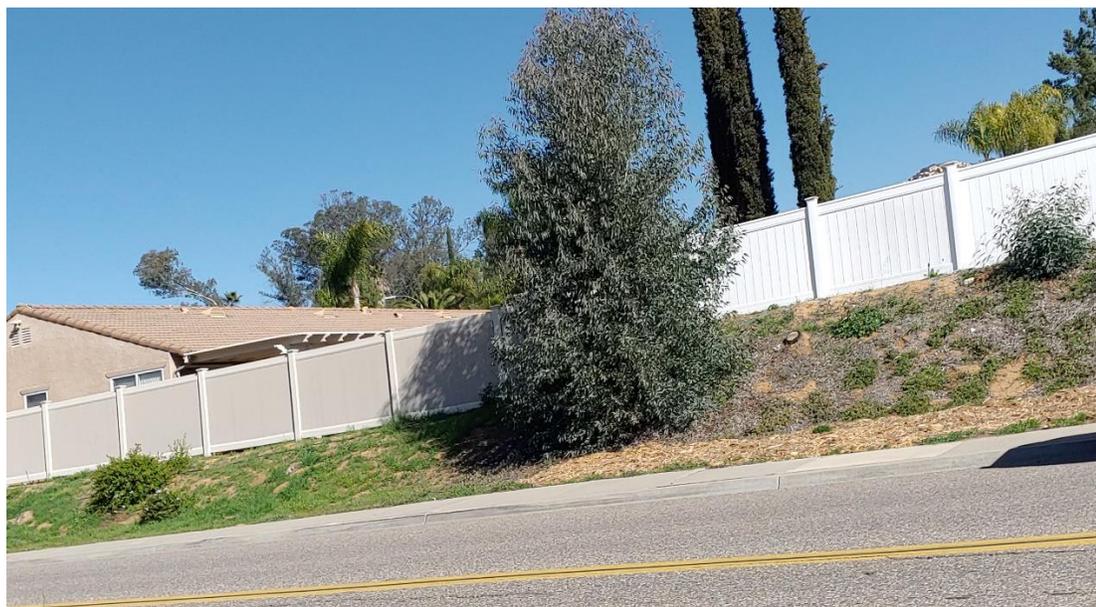


Photo #3 - Existing Subdivision East of Conway Avenue



Photo #4 – Existing Homes Adjacent to the Project

Hills and slopes further north and east are covered with moderate stands of coastal sage scrub, typically one-to-three feet high with a moderate grass load (See Photo #5). The dominant fuels in coastal sage/scrub include Coastal Sage Scrub, Buckwheat, and Mulefat Scrub. Other commonly found vegetation consists of black sage, California sagebrush, blue blossom Ceanothus, laurel sumac, lemonade berry, cactus, and toyon. Typical trees found in the creek bottoms include several species of oaks, sycamores and California peppers. Non-native eucalyptus and palm trees are found in creek bottoms throughout the Escondido foothills as both spread easily and will lead to a loss of native trees.



Photo #5 – Brush Covered Hills to the Northeast that Could Generate Embers from a Northeast Driven Wildfire.

The goal of any FPP is to prevent the loss of lives, homes, and personal property when wildfires do occur with the challenge of allowing well planned development interspersed with fully functioning mixed chaparral habitats. This goal is accomplished by requiring communities to

be built with fire resistant materials and properly designed and maintained fuel modification treatments that will safely mitigate the High Fire Hazard to insignificant levels. Therefore, the proposed fuel modification treatments, landscaping, and the use of ignition resistant building construction standards will mitigate the potential loss of any of the buildings and structures due to direct fire impingement, wind driven embers or radiant heat around the perimeter of the structures.

4.5.2 On-Site Fire Hazard and Risk Assessment

All on site vegetation as well as some of the existing houses will be removed in grading the site. Any wind or topography driven wildfire burning under Santa Ana wind conditions, with winds from the north and northeast, will create a high wildland fire hazard for the Project due to embers. Also, a typical day with a southwesterly wind pattern will create a low to moderate wildfire hazard to the development.

4.6 Vegetative Fuels Assessment/Fire Behavior

The BEHAVE Plus Fire Behavior Prediction and Fuel Modeling System–Burn Subsystem by Patricia L. Andrews and Collin D. Bevens, is one of the best systematic methods for predicting wildland fire behavior. The BEHAVE Plus fire model describes a wildfire spreading through surface fuels, which are the burnable materials within six (6’) feet off the ground and contiguous to the ground. Regardless of the limitations expressed, experienced wildland fire managers can use the BEHAVE Plus modeling system to Project the expected fire intensity, rate-of-spread and flame lengths with a reasonable degree of certainty for use in Fire Protection Planning purposes. Of these three fire behavior Projections, flame length is the most critical in determining structure protection requirements. The FIREWISE 2000, LLC. evaluation team used the computer based BEHAVE Plus 6.0.0: Fire Behavior Prediction and Fuel Modeling System to make the fire behavior assessments for the Escondido North Project.

Below are the fire behavior calculations for the area adjacent to the Project followed by appropriate mitigation measures. Two fire scenarios are presented in the tables below based on “worst case” San Diego County fire weather assumptions with 60 mph northeast and east winds. Each table displays the expected Rate of Fire Spread (expressed in feet per minute), Fireline Intensity (expressed in British Thermal Units per foot per second) and Flame Length (expressed in feet) for two (2) separate BEHAVE Plus fire behavior predictions. The tables also include the calculation inputs used in the BEHAVE Plus program which were obtained from Project site observations and fuel moisture levels typically observed during the local fire season. (See APPENDIX “F” for calculations)

Table 4.6.1

<i>Fire Scenario #1 Northwest Boundary Fire Approaching from the North or Northeast (Late Fire Season With 60 MPH North or Northeast Wind Conditions)</i>	
Fire Behavior Calculation Input Data	Anticipated Fuel Moistures
<ul style="list-style-type: none"> • 5 percent slope • 60 mph 20-foot wind speed • 160° slope aspect from north • 45° wind direction from north 	<ul style="list-style-type: none"> * 1-Hour Fine Fuel Moisture of.....2% * 10-Hour Fuel Moisture of.....2% * 100-Hour Fuel Moisture of.....4% * Live Herbaceous Fuel Moisture of.....30% * Live Woody Fuel Moisture of.....45%

Expected Fire Behavior	
Combined Fuel Model [gr4 –moderate load, dry climate grass (85%) and sh1 – low load dry climate shrub (15%)]	
Rate of Spread	- 305 ft/min
Fireline Intensity	- 3,022 BTU/ft/s
Flame Length	- 18.0 feet
Expected Fire Behavior in Treated Fuels	
Combined Fuel Model - [tl6 – moderate load broadleaf littler (50%) and gr1 – sparse short, dry climate grass (50%)]	
Rate of Spread	- 32 ft/min
Fireline Intensity	- 185 BTU/ft/s
Flame Length	- 5.0 feet

Table 4.6.2

<u>Fire Scenario #2 Northeast Boundary</u> <u>Fire Approaching from the Northeast</u> <i>(Late Fire Season With 60 MPH East Wind Condition)</i>	
Fire Behavior Calculation Input Data	Anticipated Fuel Moistures
<ul style="list-style-type: none"> • 15 percent slope • 60 mph 20-foot wind speed • 250° slope aspect from north • 45° wind direction from north 	<ul style="list-style-type: none"> * 1-Hour Fine Fuel Moisture of.....2% * 10-Hour Fuel Moisture of.....2% * 100-Hour Fuel Moisture of.....4% * Live Herbaceous Fuel Moisture of.....30% * Live Woody Fuel Moisture of.....60%
Expected Fire Behavior	
Combined Fuel Model [tl6–Moderate load, broadleaf litter (60%) and gr2 – low load , dry climate grass (40%)]	
Rate of Spread	- 98.6 ft/min
Fireline Intensity	- 1,048 BTU/ft/s
Flame Length	- 11.0 feet
Expected Fire Behavior in Treated Fuels	
Combined Fuel Model - [tl6 – moderate load broadleaf littler (50%) and gr1 – sparse short, dry climate grass (50%)]	
Rate of Spread	- 35.6 ft/min
Fireline Intensity	- 250 BTU/ft/s
Flame Length	- 5.7 feet

The fire behavior calculations in Tables 4.6.1 & 4.6.2 predict a maximum rate of spread greatly reduced under the maximum expected wind conditions when treated.

4.7 Required Fuel Modification Zones for Structures, Bio-retention Areas and Access Roads

Projects located in Hazardous Fire Areas shall include Fuel Treatment Zones (FTZ) surrounding all structures that are greater than 250 square feet in size. A Landscaping Plan has been developed for the Project and shall include plants selected from the County of San Diego Acceptable Plants for Defensible Space in Fire Prone Areas list. (See APPENDIX 'A'). Plants not on the County list shall be approved by the EFD.

The Escondido Fire Code stipulates that the FTZ be a minimum of 100-foot area surrounding and extending in all directions from all structures, in which flammable vegetation or other combustible growth is cleared away or modified, **except for:**

- Single specimens of trees or other vegetation that are well-pruned and maintained
- Grass and other vegetation located more than 50 feet from the structure and less than 18 inches in height above the ground
- All ornamental landscaping that is consistent with the customized Wildland Interface plant list (See APPENDIX 'A')

Below are the detailed definitions and required treatments for the Fuel Modification Zones within the Project. See Fire Protection Plan Map, Section 5.3, for all fuel treatments. There are three fuel treatment or modification zones required for the Escondido North facility, a zone consisting of hardscape or limited fire-resistant plantings, an irrigated zone extending out 50 feet from the exterior wall surface of the building, and a 50% thinning zone extending from the outer edge of Zone 2 to 100' from the exterior wall surface. Treatments in Zone 3 include the removal of target species, limbing of trees 6' off the ground on mature trees, and thinning of existing plants and weed whipping grasses and weeds, for a total of 100 feet of continuous fuel treatment on the property.

All distances in this plan are measured horizontally. These distances are depicted on the Fire Protection Plan Map included herein in APPENDIX "C". (A fully scalable APPENDIX 'C' map is attached at the end of the document.) Prior to construction on any building site, all roads (primary and secondary) for this development shall be accepted by the Escondido Fire Marshal.

The responsibility for the fuel modification maintenance defined below shall remain with the current owners and any subsequent owners, and as such shall run with the land. In the event the Project is repossessed or sold, the unit/agency holding title to Escondido North will be responsible for such maintenance. (See Fuel Treatment Map -Section 5.3 and APPENDIX 'C').

Fuel Modification Zone 1, Immediate Zone 0" – 5" (Homeowner Responsibility - (Shown as No Color on the Fire Protection Plan Map)

Defined:

Zone 1 comprises the first 5 feet around a structure (front, back and side yards) and is commonly called the Immediate Zone. Within Zone 1, only hardscape or limited fire-resistant plantings acceptable to the EFD, shall be allowed. The use of flammable mulch and other combustible materials is prohibited within Zone 1. Fuel Treatment Zone 1 is measured from the exterior walls of the structure or from the most distal point of a combustible Projection, an attached accessory structure, or an accessory structure within 10 feet of a habitable structure. It provides the best protection against the high radiant heat produced by a wildfire and a generally open area in which

fire suppression forces can operate during wildfire events. This zone includes a level or level-graded area around the structure.

Required Landscaping:

- Zone 1 will be composed of hardscaping, either concrete, gravel, rock, or pavers surrounding the perimeter of each structure.
- Limited fire-resistant plantings approved by the FAHJ may be permitted within the zone.
- Plants in this zone need to be fire resistant and shall not include any pyrophytes that are high in oils and resins.
- Plants used in fuel modification zones should exhibit the following qualities to be the most “fire resistant: thick, succulent or leathery leaf species with high moisture content; tendency to produce limited litter; the presence of high salt levels or similar compounds which may contribute to fire resistance; ability to withstand drought; and the ability to withstand severe pruning. Refer to APPENDIX ‘B’ for the EFD Prohibited Plant list.
- Landscaping shall be irrigated and primarily consist of fire-resistant, maintained native or ornamental plantings.
- All plant material must be selected from an approved drought tolerant, fire-resistant list.

Required Maintenance:

The property identified as a part of this FPP shall be maintained year-round by the property owner, or any subsequent owner(s) as required by this FPP or the EFD. Firewood and combustible materials such as flammable mulch, shall not be allowed within the zone. Any low-growing plant material in Zone 1 must be trimmed to 6’ to 18” in height.

Fuel Modification Zone 2A Intermediate Zone 5’ to 50’ (Owner Responsibility - (Shown as No Color on the Fire Protection Plan Map)

Defined:

Zone 2A, the Intermediate Zone, is the area beginning at the outer edge of Zone 1 and extending an additional 45 feet out on a horizontal plane (front, back and side areas including access roads and planted sections) and is commonly called the Intermediate Zone. It is an irrigated zone and shall be free of all combustible construction and materials. Vegetation within this zone shall not exceed 10’ in height. Trees shall not exceed 30’ in height. Flammable native vegetation shall be removed and replanted with drought tolerant, fire resistive, irrigated and non-irrigated plantings from the San Diego County Approved plantings list. (See APPENDIX ‘A’).

Required Landscaping:

- Zone 2A will be cleared of all existing native vegetation and replanted with drought tolerant and irrigated fire-resistant lawns, ground covers or shrubs.
- Landscaping shall be irrigated and primarily consist of fire resistant, maintained native or ornamental plantings usually less than 18 inches in height.
- This zone may contain occasional fire-resistant trees, and single well-spaced ornamental shrubs up to 48 inches in height, intermixed with ground covers and lawn.
- Shrubs and groundcovers may be located no closer than 5 feet from the structure provided these plants will not carry fire to the structure.
- Non-flammable concrete patios, driveways, swimming pools, walkways, boulders, rock, and gravel can be used to break up fuel continuity within Zone 2.
- Plants in this Zone need to be fire resistant and should not include any pyrophytes that are high in oils and resins such as pines, eucalyptus, cedar, cypress, or juniper species. Thick, succulent, or leathery leaf species with high moisture content are the most “fire resistant”.

- Refer to APPENDIX ‘A’ County of San Diego’s Desirable Plant List and APPENDIX ‘B’ for prohibited plants for plant selection.
- Any retained trees and all newly planted trees must be sited so that when they reach maturity the tips of their branches are at least 10 feet away from any structure, 20 feet from the crown of an adjacent tree, and must have a minimum of 6 feet of vertical separation from low growing irrigated vegetation beneath the canopy of the tree.

Required Maintenance:

The building/property owner(s), and any subsequent owner shall maintain year-round Zone 2A area to the requirements listed in this FPP and the City of Escondido Fire Code.

- Shrubs and trees are to be annually maintained free of dead material.
- Trees will be maintained so that their crown cover will be more than ten (10) feet from any structure.
- Tree crowns will be separated by twenty (20) feet or more on steep slopes and maintained to keep a separation of 6 feet between the ground fuels (shrubs and groundcovers) and the lower limbs.
- Any trees within Zone 2 should be irrigated, limbed up to 6-feet from the ground, pruned of dead wood, grass understory weed-whipped, and leaf drop removed to prevent large accumulations of dead material under the trees.
- All trees must be maintained to the current ANSI A300 standards [Tree, Shrub, and Other Woody Plant Maintenance —Standard Practices (Pruning)] (www.treecareindustry.org/public/gov_standards_a300.htm).

Fuel Modification Zone 2B (HOA Responsibility - (Shown as Green on the Fire Protection Plan Map)

Defined:

This area includes manufactured slopes adjacent to the biofiltration basins.

Required Landscaping & Maintenance

Same as Zone 2A

Fuel Modification Zone 3 (HOA Responsibility) - (Shown as Orange on the Fire Protection Plan Map)

Defined:

Zone 3 begins at the edge of Zone 2B, in a horizontal plane and excludes all prohibited highly combustible native vegetation. Zone 3 is partially, or non-irrigated and includes the bottom of the biofiltration basins. The goal within Zone 3 is the reduction or selective clearing of existing native vegetation and dense chaparral by 50%

Required Landscaping:

All exotic and flammable native plants (see San Diego County prohibited plant list in APPENDIX ‘B’) shall be removed with the resulting 50 feet temporarily irrigated or non-irrigated except for areas where existing trees are to be retained.

Required Maintenance:

Zone 3 and the area within the bio-retention basin will be maintained as needed to remove 50% of the ground level fuels covering the zone.

- Native annual and perennial grasses will be allowed to grow and produce seed during the winter and spring. As grasses begin to cure (dry out), they will be cut to 4 inches or less in height.
- Low growing plants and shrubs will be maintained to a height of 18” or less.
- Non-native species will be removed, tree canopy’s will be limbed to 6-feet off the ground.
- A reduction of 100% of the dead and down material is required. Fire codes require that any existing or planted trees located within Zone 3 be pruned to 6 feet above ground level and irrigated.
- Maintenance will be ongoing throughout the year as needed.

4.8 Cumulative Impact Analysis

The combination of San Diego County’s weather, fuel, and terrain has often contributed to intense, uncontrolled wildland fires. This was evident in the devastating Cedar, Paradise and Otay Fires of October 2003 and Witch Creek and Rice Fires of November 2007 and most recently, the Lilac Fire in 2017.

Typically, the areas of greatest concern are adjacent to urbanized areas (wildland urban interface) or where residences are spread throughout the hills and valleys (wildland intermix). As the population of San Diego County increases and the Wildland Urban Interface (WUI) expands, fire hazards and risks will continue to be encountered. The risks associated with this Project, will not significantly increase the risk of increased human activity. A slight increase in human activity in the immediate area may occur, but the removal of flammable fuels, removal of flammable vegetation and increased security should lesson the impacts of the development.

The approval of this proposal in addition to the already approved developments in the area, and future development will increase the concern of wildland fires as the area becomes more urbanized. At present, the density of development in this area of Escondido includes a significant number of properties compliant with the fuel modification and weed abatement requirements of the City of Escondido Fire Department.

5.0 MITIGATION MEASURES AND DESIGN CONSIDERATIONS

Several mitigation measures have been designed to improve the overall safety of the Project. The following list describes the proposed mitigation measures.

1. Fire sprinklers as required by California Codes
2. Fuel treatments required throughout the Project.
3. All structures within the Escondido North Project shall be designed and constructed with ignition resistant construction standards and design features as per the current City of Escondido Building Code. For a summary description of these construction requirements see APPENDIX ‘E’.
4. All combustible building materials, decks, balconies, patios, covers, gazebos, and fences will be permanently prohibited in Zones 1 and 2. These structures may be allowed if constructed with Ignition Resistant materials as per the City of Escondido Fire and Building Codes. The owners are not restricted from having concrete patios or walkways within these zones, provided the lot is large enough. Refer to APPENDIX ‘D’ for photos and descriptions of non-combustible decks, patio covers, and railings.

5.1 Additional Requirements

1. Brush removal shall be completed prior to commencing any flammable construction.

2. During construction at least 50 feet of clearance around the structures shall be kept free of all flammable vegetation as an interim fuel modification zone during construction of structures.
3. Any trimmings produced by thinning and pruning will be removed from the site.
4. This plan and its requirements shall be incorporated by reference into the final Project Conditions of Approval.

5.3 Fire Protection Plan Map

Attached to this FPP is the Fire Protection Plan Map depicting the location of all proposed fuel treatment locations, lot lines, roads, fire hydrants, fire department connections, and mitigation measures for the Escondido North development. The Fire Protection Plan Map is located in APPENDIX 'C'. (A fully scalable APPENDIX 'C' map is attached at the end of the document.)

6.0 CONCLUSIONS

This FPP evaluated the adverse environmental effects that the proposed commercial development may have from wildland fire and identified means to properly mitigate those impacts to ensure that this development does not unnecessarily expose people or structures to a significant risk of loss, injury or death involving wildland fires.

- The requirements of this FPP provide the fuel modification standards to mitigate the exposure of people or structures to a significant risk of loss, injury or death. Zone 1, the area immediately adjacent to the buildings will be clear of all flammable and combustible materials. Zone 2A provides the defensible space zone for fire suppression forces and will protect the two structures from radiant and convective heat. This zone will be a landscaped zone that is permanently irrigated and consists of fire resistant and maintained plantings. Zones 2B & 3 are the next 50-100 feet from a structure, includes all manufactured slopes, biofiltration basins, and requires irrigation or the removal of 50 percent of the native vegetation at a minimum, including all prohibited highly combustible native vegetation, but permits plantings with specific criteria.
- The development will have adequate emergency access in terms of access and construction standards for roadways and streets. EFD, CAL FIRE and nearby fire departments through automatic and mutual aid, will provide fire protection. The following mitigating factors will more than mitigate the fire threat to the planned community.
 - Quick response times,
 - Fire sprinklers as required by California Codes
 - Fuel treatment zones throughout the development site

7.0 LIST OF PREPARERS, PERSONS & ORGANIZATIONS CONTACTED

7.1 List of Preparers

The principal author and preparer of this Fire Protection Plan is Melvin Johnson, Owner **FIREWISE 2000, LLC.**, a San Diego County DPLU Certified Wildland Fire Consultant. Other **FIREWISE 2000, LLC.** members contributed to this plan with comments and peer review. These members include Peter Montgomery, Wildland Fire Associate.

7.2 Persons and Organizations Contacted

- | | |
|-------------------|--|
| 1. Dylan Bird | Escondido North, LLC |
| 2. John Kaye | Escondido North, LLC |
| 3. LaVona Koretke | Deputy Fire Marshal, Escondido Fire Department |
| 4. Ryan Waufle | Associate Principal, Pasco Laret Suiter & Associates |

8.0 DEFINITIONS

For the purposes of this Fire Protection Plan, the following definitions apply to the terms used in this document. Where terms are not included, common usage of the terms shall apply.

ASPECT - Compass direction toward which a slope face.

AUTHORITY HAVING JURISDICTION (AHJ) – An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

CLIMAX VEGETATION - The final stage in ecological plant succession in which a relatively constant environment is reached and species composition no longer changes in a directional fashion, but fluctuates about some mean, or average, community composition.

COMBUSTIBLE – Any material that, in the form in which it is used and under the conditions anticipated will ignite and burn or will add appreciable heat to an ambient fire.

COMBUSTIBLE VEGETATION – Means material that in its natural state will readily ignite, burn, and transmit fire from native or landscape plants to any structure or other vegetation. Combustible vegetation Includes dry grass, brush, weeds, litter or other flammable vegetation that creates a fire hazard.

DEFENSIBLE SPACE – Is an area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

EXTREME FIRE BEHAVIOR – "Extreme" implies a level of fire behavior characteristics that ordinarily precludes methods of direct control action. One or more of the following is usually involved: high rate of spread, prolific crowning and/or spotting, presence of fire whirls, strong convection column. Predictability is difficult because such fires often exercise some degree of influence on their environment and behave erratically, sometimes dangerously.

FIRE BEHAVIOR – The manner in which a fire reacts to the influences of fuel, weather and topography.

FIRE HAZARD SEVERITY ZONES – Are geographical areas designated pursuant to California Public Resources Code sections 4201 through 4204 and classified as Very High, High and Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code sections 51175 through 51189. The California Code of Regulations, Title 14, Section 1280 entitles maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

FIRE RESISTIVE PLANTS – Plants that do not readily ignite from a flame or other ignition sources. These plants can be damaged or even killed by fire; however, their foliage and stems do not significantly contribute to the fuel and, therefore, the fire's intensity.

FLAME LENGTH – The distance between the flame tip and the midpoint of the flame depth at the base of the flame (generally the ground surface); an indicator of fire intensity.

FUEL MOISTURE – The quantity of moisture in vegetative fuels expressed as a percentage of the weight when thoroughly dried at 212 degrees F.

FUEL MODEL – Simulated fuel complex (or combination of vegetation types) for which all fuel descriptors required for the solution of a mathematical rate of spread model have been specified. Fuel models are utilized in the BehavePlus Fire Model to aid in forecasting fire behavior.

FUEL MODIFICATION – Any manipulation or removal of fuels to reduce the likelihood of ignition or the resistance to fire control.

GROUND FUELS - All combustible materials such as grass, duff, loose surface litter, tree or shrub roots, rotting wood, leaves, peat, or sawdust that typically support combustion.

LADDER FUELS – Fuels which provide vertical continuity between strata, thereby allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease. They help initiate and assure the continuation of crowning.

MITIGATION – Action that moderates the severity of a fire hazard or risk.

ONE-HOUR FUEL - 1-hour fuels consist of those portions of vegetation that are < 0.625 cm (0.25 in.) in diameter. 1-hour fuels are the most important for carrying surface fires and their moisture content governs fire behavior.

RADIANT HEAT – Transfer of heat in straight lines through a gas or vacuum other than by heating of the intervening space.

RELATIVE HUMIDITY – A weather term, the amount of moisture in the air as a percentage of the maximum the air will hold at a given temperature. The amount of moisture in a given parcel of air expressed as a percentage of the maximum amount that parcel of air could hold at the same air temperature.

REMOTE AUTOMATED WEATHER STATION – Is a combination of sensors, radios and related electronic equipment installed in wildland areas that are designed to monitor the weather and provide weather data that assists land management agencies with a variety of Projects such as monitoring air quality, fire danger rating, and providing information for research applications.

SHALL - Indicates a mandatory requirement.

RISK – The measure of the probability of ignition and severity of adverse effects that result from an exposure to a wildland fire (direction flames, radiant heat, or firebrands (embers).

SLOPE – Is the variation of terrain from the horizontal; the number of feet, rise or fall per 100 feet, measured horizontally, expressed as a percentage.

TEN-HOUR FUELS – 10-hour fuels are those portions of plant material that are between (0.625 - 2.5 cm (0.25 to 1 in.) in diameter. Ten-hour fuels are readily consumed when dead fuel moistures are low.

WILDFIRE – Is any uncontrolled fire spreading through vegetative fuels that threaten to destroy life, property, or resources as defined in Public Resources Code sections 4103 and 4104.

WILDFIRE EXPOSURE – One or a combination of radiant heat, convective heat, direct flame contact and burning embers being Projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE – The line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

9.0 REFERENCES

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2. *Behave Plus Fire Modeling System, Version 5.0.5*, General Technical Report RMRS-GRT-106WWW Revised. July 2008. Patricia L. Andrews, Collin D. Bevens, Robert Seli. United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
3. National Fire Protection Association - NFPA 1144 *Standard for Reducing Structure Ignition Hazards from Wildfire*.
4. National Fire Protection Association - NFPA 13 Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes, 13-R & 13-D
5. 2019 California Code of Regulations, Title 14, section 1280 and Title 24 Part 9
6. 2019 California Public Resources Codes sections 4201 through 4204
7. California Government Code, sections 51175 through 51189
8. 2019 California Fire Code including Local Amendments and Appendices to Chapters 1 & 4 and Appendices B, F & H
9. 2021 International Wildland-Urban Interface Code
10. International Fire Code 2021
11. *County of San Diego. Plant List and Acceptable Plants for a Defensible Space in Fire Prone Areas. Department of Planning and Land Use, December 1998*
12. *2019 Chapter 7A-California Building Code*
13. *The California State and Local Responsibility Area Fire Hazard Severity Zone Map*
14. City of Escondido Fire Department Requirements *Ordinance No. 2019-17*
15. Escondido Weed Abatement *Standards*
16. Escondido Fire Prevention Requirements
17. Escondido Wildland/Urban Interface Standard Development Guidelines

18. Escondido Municipal Code Ordinance 2022-04 & June 2022 Supplement
19. County of San Diego. *Guidelines for Determining Significance and Report Format and Content Requirements Wildland Fire and Fire Protection*. Land Use and Environment Group - Department of Planning and Land Use and the Department of Public Works. December 19, 2008. 19 pages.
20. Western Region Climate Center. *Historic Climate Data from Remote Automated Weather Stations*. RAWS USA Climate Archive. Reno, NV. Data for all Remote Automated Weather Stations is available at the following web site: <http://www.raws.dri.edu/index.html>

APPENDIX 'A'

Recommended Plant List

APPENDIX 'A'

COUNTY OF SAN DIEGO ACCEPTABLE PLANTS FOR DEFENSIBLE SPACE IN FIRE PRONE AREAS

ALL NATIVE PLANTS ON THE FOLLOWING LIST are considered to be drought-tolerant in the particular climate zone they are found. Those that grow best in riparian areas, as indicated by the "R", are generally the least drought-tolerant plants on the list.

SPECIAL NOTE: When planting, it is necessary to water deeply to encourage the plant roots to seek natural moisture in the soil. This watering should continue for at least three years to allow the plants to naturalize. More water should be provided in summer and less (if any) in the winter. These plants should be weaned off the supplemental irrigation and become less dependent on it over the establishment period.

No plant is totally fire resistant. The plants listed were chosen to due to their high-water content, minimum amount of flammable resins and/or low fuel volume.

Definitions:

Drought-Tolerant Plant Materials: Trees, shrubs, groundcovers, and other vegetation capable of sustained growth and reproduction with only natural moisture. Occasional supplemental irrigation is necessary only in extreme drought situations.

Establishment Period: The time it takes for a plant to become drought resistant. This is usually a period of three years and is the time when supplemental irrigation is necessary.

Native or Naturalizing Plant Species: Plant species native to the region or introduced which, once established, are capable of sustaining growth and reproduction under local climatic conditions without supplemental irrigation.

FIREWISE 2000, LLC.* Note:** The plant list which follows was developed using the plants found on the San Diego County approved plant list. This list was then compared to those plants which are suitable for the climatic zone in which the Project is located. Only those plants suitable for the Project area are listed below. The list is therefore shorter than that provided by the County. By providing this custom list, plants that are likely to be killed or seriously damaged by frost or will not perform in hot dry conditions have been eliminated. ***FIREWISE 2000, LLC. believes that the planting of species suited to the site is essential to fire management goals and is an environmentally sound practice.

San Diego County
Customized Acceptable Plant List
For the Escondido North Project

No.	<u>Type</u>	<u>Genus</u>	<u>Species</u>	<u>Common Name</u>
1	Annual	Lupinus spp.	nanus	Lupine
2	Groundcover	Achillea	millefolium	Yarrow
3	Groundcover	Aptenia	cordifolia	Aptenia
4	Groundcover	Arctostaphylos spp.		Manzanita
5	Groundcover	Cerastium	tomentosum	Snow-in-Summer
6	Groundcover	Coprosma	kirkii	Creeping Coprosma
7	Groundcover	Cotoneaster spp.		Redberry
8	Groundcover	Drosanthemum	hispidum	Rosea Ice Plant
9	Groundcover	Dudleya	brittonii	Britton's Chalk Dudleya
10	Groundcover	Dudleya	pulverulenta	Chalk Dudleya
11	Groundcover	Dudleya	virens	Island Live-Forever
12	Groundcover	Eschscholzia	californica	California Poppy
13	Groundcover	Ferocactus	viridescens	Coast Barrel Cactus
14	Groundcover	Gaillardia	grandiflora	Blanket Flower
15	Groundcover	Gazania spp.		Gazania
16	Groundcover	Helianthemum spp.		Sunrose
17	Groundcover	Lantana spp.		Lantana
18	Groundcover	Lasthenia	californica	Common Goldfields
19	Groundcover	Lasthenia	glabrata	Coastal Goldfields
20	Groundcover	Lupinus spp.		Lupine
21	Groundcover	Myoporum spp.		Myoporum
22	Groundcover	Pyracantha spp.		Firethorn
23	Groundcover	Rosmarinus	officinalis	Rosemary
24	Groundcover	Santolina	chamaecyparissus	Lavender Cotton
25	Groundcover	Santolina	virens	Santolina
26	Groundcover	Trifolium	frageriferum	O'Connor's Legume
27	Groundcover	Verbena	rigida	Verbena
28	Groundcover	Viguiera	laciniata	San Diego Sunflower
29	Groundcover	Vinca	major	Periwinkle
30	Groundcover	Vinca	minor	Dwarf Periwinkle
31	Perennial	Coreopsis	gigantea	Giant Coreopsis
32	Perennial	Coreopsis	grandiflora	Coreopsis
33	Perennial	Coreopsis	maritima	Sea Dahlia
34	Perennial	Coreopsis	verticillata	Coreopsis
35	Perennial	Heuchera	maxima	Island Coral Bells
36	Perennial	Iris	douglasiana	Douglas Iris
37	Perennial	Kniphofia	uvaria	Red-Hot Poker
38	Perennial	Lavandula spp.		Lavender
39	Perennial	Limonium	californicum perezii	Coastal Statice
40	Perennial	Limonium	californicum var. mexicanum	Coastal Statice
41	Perennial	Oenothera spp.		Primrose
42	Perennial	Penstemon spp.		Penstemon
43	Perennial	Satureja	douglasii	Yerba Buena
44	Perennial	Sisyrinchium	bellum	Blue-Eyed Grass

45	Perennial	Sisyrinchium	californicum	Golden-Eyed Grass
46	Perennial	Solanum	xantii	Purple Nightshade
47	Perennial	Zauschneria	'Catalina'	Catalina Fuschia
48	Perennial	Zauschneria	californica	California Fuschia
49	Perennial	Zauschneria	cana	Hoary California Fuschia
50	Shrub	Agave	americana	Desert Century Plant
51	Shrub	Agave	Amorpha fruticosa	False Indigobush
52	Shrub	Agave	deserti	Shaw's Century Plant
53	Shrub	Agave	shawii	NCN
54	Shrub	Agave		Century Plant
55	Shrub	Arctostaphylos spp		Manzanita
56	Shrub	Atriplex	canescens	Hoary Saltbush
57	Shrub	Baccharis	pilularis	Coyote Bush
58	Shrub	Baccharis	salicifolia	Mule Fat "R"
59	Shrub	Carissa	macrocarpa	Natal Plum
60	Shrub	Ceanothus spp.		California Lilac
61	Shrub	Cistus spp.		Rockrose
62	Shrub	Cneoridium	dumosum	Bush rue
63	Shrub	Comarostaphylis	diversifolia	Summer Holly
64	Shrub	Convolvulus	cneorum	Bush Morning Glory
65	Shrub	Dalea	attenuata v orcuttii	Orcutt's Delea
66	Shrub	Elaeagnus	pungens	Silverberry
67	Shrub	Encelia	californica	Coast Sunflower
68	Shrub	Encelia	farinosa	White Brittlebush
69	Shrub	Eriobotrya	deflexa	Bronze Loquat
70	Shrub	Eriophyllum	confertiflorum	Golden Yarrow
71	Shrub	Escallonia spp.		Escallonia
72	Shrub	Feijoa	sellowiana	Pineapple Guava
73	Shrub	Fremontodendron	californicum	Flannelbush
74	Shrub	Fremontodendron	mexicanum	Southern Flannelbush
75	Shrub	Galvezia	juncea	Baja Bush-Snapdragon
76	Shrub	Galvezia	speciosa	Island Bush-Snapdragon
77	Shrub	Garrya	elliptica	Coast Silktassel
78	Shrub	Garrya	flavescens	Ashy Silktassel
79	Shrub	Heteromeles	arbutifolia	Toyon
80	Shrub	Lantana spp.		Lantana
81	Shrub	Lotus	scoparius	Deerweed
82	Shrub	Mahonia spp.		Barberry
83	Shrub	Malacothamnus	clementinus	San Clemente Island Bush Mallow
84	Shrub	Malacothamnus	fasciculatus	Mesa Bushmallow
85	Shrub	Melaleuca spp.		Melaleuca
86	Shrub	Mimulus spp.		Monkeyflower
87	Shrub	Nolina	parryi	Parry's Nolina
88	Shrub	Photinia spp.		Photinia
89	Shrub	Pittosporum	crassifolium	NCN
90	Shrub	Pittosporum	rhombifolium	Queensland Pittosporum
91	Shrub	Pittosporum	tobira 'Wheeleri'	Wheeler's Dwarf
92	Shrub	Pittosporum	undulatum	Victorian Box
93	Shrub	Pittosporum	viridiflorum	Cape Pittosporum
94	Shrub	Plumbago	auriculata	Cape Plumbago

95	Shrub	Prunus	caroliniana	Carolina Laurel Cherry
96	Shrub	Prunus	ilicifolia	Hollyleaf Cherry
97	Shrub	Prunus	lyonii	Catalina Cherry
98	Shrub	Puncia	granatum	Pomegranate
99	Shrub	Pyracantha spp.		Firethorn
100	Shrub	Quercus	dumosa	Scrub Oak
101	Shrub	Rhamus	alaternus	Italian Buckthorn
102	Shrub	Rhamus	californica	Coffeeberry
103	Shrub	Rhaphiolepis spp.		Rhaphiolepis
104	Shrub	Rhus	continus	Smoke Tree
105	Shrub	Rhus	integrifolia	Lemonade Berry
106	Shrub	Rhus	laurina	Laurel Sumac
107	Shrub	Rhus	ovata	Sugarbush
108	Shrub	Rhus	trilobata	Squawbush
109	Shrub	Romneya	coulteri	Matilija Poppy
110	Shrub	Rosa	californica	California Wild Rose
111	Shrub	Rosa	minutifolia	Baja California Wild Rose
112	Shrub	Salvia spp.		Sage
113	Shrub	Sambucus spp.		Elderberry
114	Shrub	Symphoricarpos	mollis	Creeping Snowberry
115	Shrub	Syringa	vulgaris	Lilac
116	Shrub	Tecomaria	capensis	Cape Honeysuckle
117	Shrub	Teucrium	fruticans	Bush Germander
118	Shrub	Verbena	lilacina	Lilac Verbena
119	Shrub	Xylosma	congestum	Shiny Xylosma
120	Shrub	Yucca	schidigera	Mojave Yucca
121	Shrub	Yucca	whipplei	Foothill Yucca
121	Tree	Acer	macrophyllum	Big Leaf Maple
122	Tree	Acer	saccharinum	Silver Maple
123	Tree	Alnus	rhombifolia	White Alder "R"
124	Tree	Arbutus	unedo	Strawberry Tree
125	Tree	Archontophoenix	cunninghamiana	King Palm
126	Tree	Brahea	armata	Blue Mexican Palm
127	Tree	Brahea	edulis	Guadalupe Palm
128	Tree	Ceratonia	siliqua	Carob
129	Tree	Cercis	occidentalis	Western Redbud
130	Tree	Cornus	stolonifera	Redtwig Dogwood
131	Tree	Eriobotrya	japonica	Loquat
132	Tree	Erythrina	caffra	Kaffirboom Coral Tree
133	Tree	Gingko	biloba "Fairmount"	Fairmount Maidenhair Tree
134	Tree	Juglans	californica	California Walnut
135	Tree	Lagerstroemia	indica	Crape Myrtle
136	Tree	Ligustrum	lucidum	Glossy Privet
137	Tree	Liquidambar	styraciflua	Sweet Gum
138	Tree	Liriodendron	tulipifera	Tulip Tree
139	Tree	Lyonothamnus	floribundus asplenifolius	Fernleaf Catalina Ironwood
140	Tree	Melaleuca spp.		Melaleuca
141	Tree	Myoporum spp.		Myoporum
142	Tree	Nerium	oleander	Oleander
143	Tree	Parkinsonia	aculeata	Mexican Palo Verde

144	Tree	Pistacia	chinensis	Chinese Pistache
145	Tree	Pistacia	vera	Pistachio Nut
146	Tree	Pittosporum	phillyreoides	Willow Pittosporum
147	Tree	Pittosporum	viridiflorum	Cape Pittosporum
148	Tree	Platanus	acerifolia	London Plane Tree
149	Tree	Platanus	racemosa	California Sycamore "R"
150	Tree	Populus	alba	White Poplar
151	Tree	Populus	fremontii	Western Cottonwood "R"
152	Tree	Populus	trichocarpa	Black Cottonwood "R"
153	Tree	Prunus	caroliniana	Carolina Laurel Cherry
154	Tree	Prunus	cersifera 'Newport'	Newport Purple-Leaf Plum
155	Tree	Prunus	ilicifolia	Hollyleaf Cherry
156	Tree	Prunus	lyonii	Catalina Cherry
157	Tree	Prunus	xblireiana	Flowering Plum
158	Tree	Quercus	agrifolia	Coast Live Oak
159	Tree	Quercus	engelmannii	Engelmann Oak
160	Tree	Quercus	suber	Cork Oak
161	Tree	Rhus	lancea	African Sumac
162	Tree	Salix spp.		Willow "R"
163	Tree	Tristania	conferta	Brisbane Box
164	Tree	Ulmus	parvifolia	Chinese Elm
165	Tree	Ulmus	pumila	Siberian Elm
166	Tree	Umbellularia	californica	California Bay Laurel "R"
167	Vine	Antigonon	leptopus	San Miguel Coral Vine
168	Vine	Distictis	buccinatoria	Blood-Red Trumpet Vine
169	Vine	Keckiella	cordifolia	Heart-Leaved Penstemon
170	Vine	Lonicera	japonica 'Halliana'	Hall's Honeysuckle
171	Vine	Lonicera	subspicata	Chaparral Honeysuckle
172	Vine	Solanum	jasminoides	Potato Vine

For plants to be used in fuel treatment Zones A or B that are not found on this list, acquire approval from your local fire department first before installing them. Only "firewise" plants can be used in these zones.

APPENDIX 'B'

Prohibited/Invasive Plant List

UNDESIRABLE PLANT LIST

The following species are highly flammable and avoided when planting within the first 50 feet adjacent to a structure. The plants listed below are more susceptible to burning due to rough or peeling bark, production of large amounts of litter, vegetation that contains oils, resin, wax, or pitch, large amounts of dead material in the plant, or plantings with a high dead to live fuel ratio. Many of these species, if existing on the property and adequately maintained (pruning, thinning, irrigation, litter removal, and weeding) may remain as long as the potential for spreading a fire has been reduced or eliminated.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<u>Abies species</u>	Fir Trees
<u>Acacia species</u>	Acacia (trees, shrubs, groundcovers)
<u>Adenostoma sparsifolium**</u>	Red Shanks
<u>Adenostoma fasciculatum**</u>	Chamise
<u>Agonis juniperina</u>	Juniper Myrtle
<u>Araucaria species</u>	Monkey Puzzle, Norfolk Island Pine
<u>Artemesia californica**</u>	California Sagebrush
<u>Bambusa species</u>	Bamboo
<u>Cedrus species</u>	Cedar
<u>Chamaecyparis species</u>	False Cypress
<u>Coprosma pumila</u>	Prostrate Coprosma
<u>Cryptomeria japonica</u>	Japanese Cryptomeria
<u>Cupressocyparis leylandii</u>	Leylandii Cypress
<u>Cupressus forbesii**</u>	Tecate Cypress
<u>Cupressus glabra</u>	Arizona Cypress
<u>Cupressus sempervirens</u>	Italian Cypress
<u>Dodonea viscosa</u>	Hopseed Bush
<u>Eriogonum fasciculatum**</u>	Common Buckwheat
<u>Eucalyptus species</u>	Eucalyptus
<u>Heterotheca grandiflora**</u>	Telegraph Plant
<u>Juniperus species</u>	Junipers
<u>Larix species</u>	Larch
<u>Lonicera japonica</u>	Japanese Honeysuckle
<u>Miscanthus species</u>	Eulalia Grass
<u>Muehlenbergia species**</u>	Deer Grass
<u>Palmae species</u>	Palms
<u>Picea species</u>	Spruce Trees
<u>Pickeringia Montana**</u>	Chaparral Pea
<u>Pinus species</u>	Pines
<u>Podocarpus species</u>	Fern Pine
<u>Pseudotsuga menziesii</u>	Douglas Fir
<u>Rosmarinus species</u>	Rosemary
<u>Salvia mellifera**</u>	Black Sage
<u>Taxodium species</u>	Cypress
<u>Taxus species</u>	Yew
<u>Thuja species</u>	Arborvitae
<u>Tsuga species</u>	Hemlock
<u>Urtica urens**</u>	Burning Nettle

** San Diego County native species

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Gordon, H. White, T.C. 1994. Ecological Guide to Southern California Chaparral Plant Series. Cleveland National Forest.

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County of Los Angeles Fire Department. 1998. Fuel Modification Plan Guidelines. Appendix I, Undesirable Plant List, and Appendix II, Undesirable Plant List.

APPENDIX 'C'

Fire Protection Plan Map

NE Wind 60 MPH
 Combined Fuel Model t2/gr2
 Flame Length 11.0 Feet

N Wind 60 MPH
 Combined Fuel Model gr4/sh1
 Flame Length 18.0 Feet



FIRE PROTECTION MAP LEGEND
 Escondido North Project

Symbol	Description
No Color	IMMEDIATE ZONE 1 (PROPERTY OWNER MAINTAINED) - Zone 1 is the first 5 feet on a horizontal plane from the exterior wall of a building. All vegetation, mulch, bark and other combustible materials are prohibited. However, limited irrigated fire-resistant plantings or containerized plants may permit in this zone with the permission of the Escondido Fire Department. Allowed vegetation shall not exceed 18" in height and must be approved (see written Fire Protection Plan for further information).
No Color	IRRIGATED ZONE 2A (PROPERTY OWNER MAINTAINED) - Zone 2 is an irrigated zone beginning at the edge of Zone 1 and includes the entire lot (front, back and sideyards). Zone 2A will be cleared of all existing native vegetation and replanted with drought tolerant, fire resistant and irrigated fire resistant lawns, ground covers and low growing shrubs (see written Fire Protection Plan for further information).
Green	IRRIGATED ZONE 2B (HOA OWNER MAINTAINED) - Zone 2 is an irrigated zone beginning at the property line and includes manufactured slopes. Zone 2 will be cleared of all existing native vegetation and replanted with drought tolerant, fire resistant and irrigated fire resistant lawns, ground covers and low growing shrubs (see written Fire Protection Plan for further information).
Light Green	THINNING ZONE 3 (HOA MAINTAINED) - Zone 3 is a non-irrigated thinning zone beginning at the edge of Zone 2 includes all natural and manufactured slopes and biofiltration basins. The intent is to thin shrub vegetation to 50% of the original canopy cover, trim up trees, and annually remove of all dead and dying vegetation, flammable vegetation, prohibited invasive species, and outgrowths when cored. (see written Fire Protection Plan for further information).
Red Dot	Zone Markers - Permanent ground markers for the purpose of guiding annual fuel treatment and inspections (see written Fire Protection Plan for further information).
Black Diamond	Hydrants - Proposed hydrant location, final location to be determined by Escondido Fire.

Certified By
 Melvin A. Johnson, Owner Date: 3/4/2022
 Certified CEQA Wildland Fire Consultant
FIREWISE2000, LLC
 PO Box 338
 Lower Lake, CA 95457
 Telephone: 707.745.3947
 info@firewise2000.com
 This Exhibit is found to be compliant with
 The Fire Protection Plan dated 3/4/2022

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APPENDIX 'D'

Non-Combustible & Fire-Resistant Building Materials

APPENDIX 'D'

Non-Combustible & Fire-Resistant Building Materials For Balconies, Carports, Decks, Patio Covers and Floors

Note: The Office of the State Fire Marshal (SFM) Fire Engineering Division administers licensing programs and performs engineering functions affecting consumer services and product evaluation, approval and listing. The following link is to the State Fire Marshal's office for more information on the Building Material List for non-combustible and fire resistant building materials: <https://osfm.fire.ca.gov/divisions/fire-engineering-and-investigations/building-materials-listing/bml-search-building-materials-listing>.

Examples of non-combustible & fire-resistant building materials for balconies, carports, decks, patio covers, and floors are as follows (these are only examples and materials listed here must meet local fire and building codes:

I. NON-COMBUSTIBLE HEAVY GAGE ALUMINUM MATERIALS - *Metals USA Building Products Group - Ultra-Lattice*



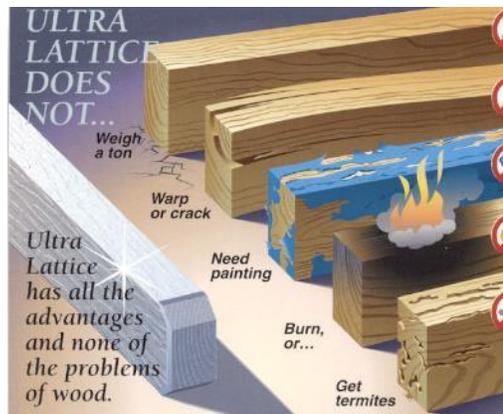
**Ultra-Lattice Stand Alone Patio
Cover**



**Ultra-Lattice Attached Patio
Cover**



Ultra-Lattice Solid Patio Cover



Ultra-Lattice Vs. Wood

II. FRX Exterior Fire-Retardant Treated Wood

Exterior Fire Retardant Treated (FRT) Wood

FRX® fire retardant treated wood may be used in exterior applications permitted by the code where: public safety is critical, other materials would transfer heat or allow fires to spread, sprinkler systems cannot easily be installed, corrosive atmospheres necessitate excessive maintenance of other materials, or fire protection is inadequate or not readily available. Local Building, Residential and Urban-Wildland Interface Codes and regulations, permit the use of fire retardant treated wood in specific instances. See below for typical exterior uses and typical residential uses.

Typical Exterior Uses

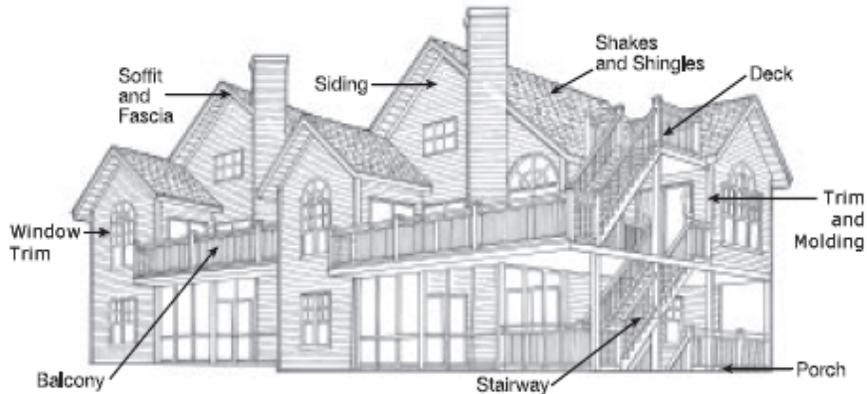
- Wall coverings
-
- Balconies
-
- Decks
-
- Stairways
-
- Fences
-
- Sheds
-
- Gazebos
-
- Roof coverings
-
- Open-air roof systems
-
- Canopies and awnings
-
- Storefronts and facades
-
- Eaves, soffits and fascia
-
- Agricultural buildings and horse stalls
-
- Scaffolding and scaffold planks
-
- Construction staging
-
- Various other residential and commercial uses



Property owners and Architects: See this [2 minute video](#) and the illustration below.



Typical Residential Uses

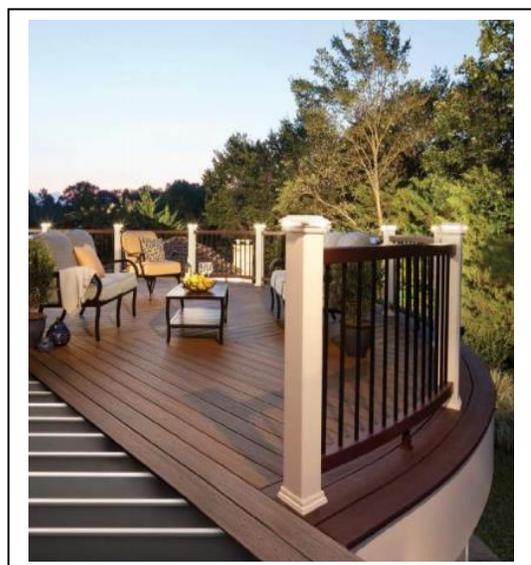


Rising concerns over fire damage and the adoption of urban-wildland interface codes have increased the use of FRT wood in residential structures.

For information on fire retardant treated wood for exterior uses, visit www.frxwood.com.

III. TREX COMPANY, INC. – “Trex Transcend®, Trex Select® and Trex Enhance® wood and polyethylene composite deck board, nominal ranging in size from 1” x 5-1/2” to 1-3/8” x 5-1/2” installed per manufacturer maximum edge-to-edge gap of 3/16”. All Trex decking products meet or exceed the SFM 12-7A-4A testing protocol.

Trex combines both beauty and fire defense. A few examples of installations are shown below:





IV. SOLID “WOOD” DECKING

Company Name: Various Manufacturers

Product Description: Solid “Wood” decking, when installed over minimum 2” x 6” solid “Douglas Fir” or better joists, space 24” or less on center, and decking and joints comply with American Softwood Lumber Standard PS20 as follows:

Minimum nominal 5/4”thick and nominal 6” wide decking boards with a maximum 3/8” radius edges made of solid wood species “Redwood”, “Western Red Cedar”, “Incense Cedar”, “Port Orford Cedar”, or “Alaska Yellow Cedar” having a Class B Flame Spread rating when tested in accordance with ASTM E84. Lumber grades; construction common, commercial or better grade for Redwood; 3 common, commercial or better grades for Cedars.

V. Vents

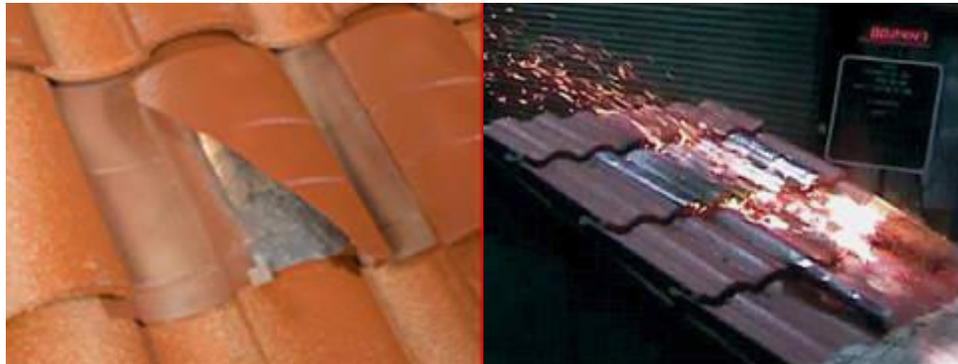
Examples of Approved Vents

Brandguard



O'Hagin Fire & Ice® Line – Flame and Ember Resistant

An available option for all O'Hagin attic ventilation products, this attic vent not only features all the same design, construction elements and color choices as the O'Hagin Standard Line, but also features an interior stainless-steel matrix that resists the intrusion of flames and embers. This patent-pending attic vent is accepted for use by many local fire officials for installation in Wildland Urban Interface (WUI) zones.



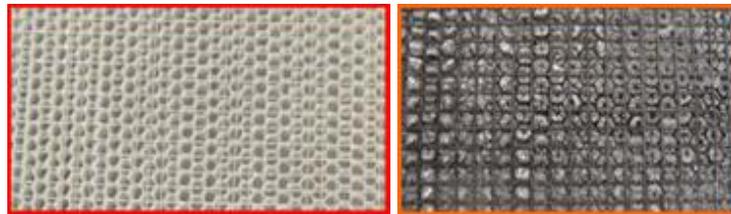
Vulcan Vents

The founders of Gunter Manufacturing have been working closely over the last two years, with the scientists and inventors of Vulcan Technologies to bring to market this incredible product.

Combining our quality vent products with the fire-stopping honeycomb matrix core designed by Vulcan has produced unique and remarkable results.

At Gunter manufacturing has over 50 years of combined sheet metal manufacturing experience. Special orders are not a problem. Their vent frames are industry standard frames so there is little or no learning curve for installers and contractors. Their stated goal is to provide people with the vents they need to secure their homes with additional safety against wildfires and give them piece of mind from knowing that their home or structure is protected by a product that works!

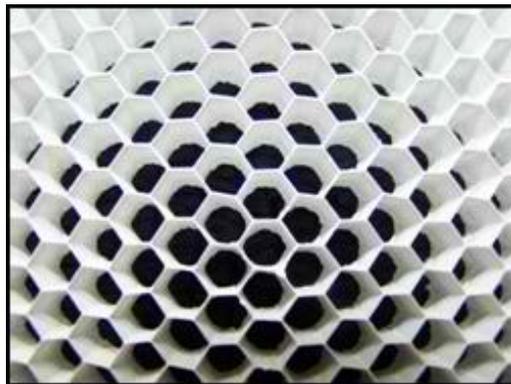
The core of their fire and ember safe vents are manufactured out of hi-grade aluminum honeycomb and coated with an intumescent coating made by [FireFree Coatings](#). The intumescent coating is designed to quickly swell up and close off when exposed to high heat. The expanded material acts as an insulator to heat, fire, and embers



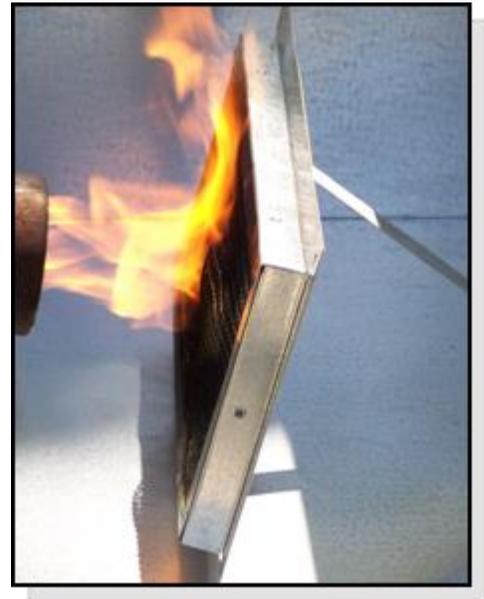
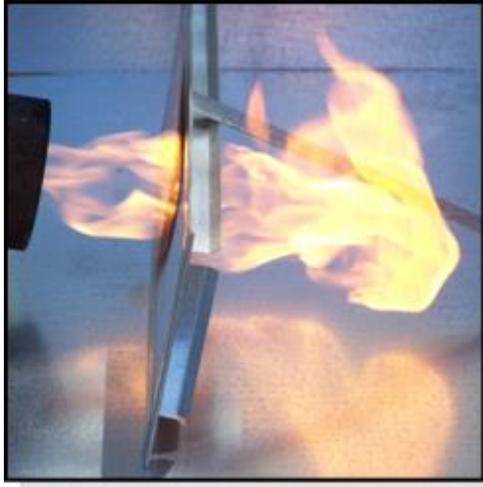
Before

After

After the cells close off, they are extremely well insulated, and fire or embers cannot penetrate. Even before the cells close off, the vent is designed to protect against flying embers. In many cases embers will attack a structure before fire ever comes near, so this feature is very important.



Close-up of the coated honeycomb matrix.



Fire easily passes through a standard vent, on the left, but stops cold when it comes up against a Vulcan Vent shown on right.

APPENDIX 'E'

Ignition Resistant Construction

Appendix 'E'

Ignition Resistant Construction

The following is a summary of the current requirements for ignition resistant construction for high fire hazard areas under Chapter 7A of the California Building Code (CBC) 2019 edition. However the requirements listed below are not all inclusive and all exterior building construction including roofs, eaves, exterior walls, doors, windows, decks, and other attachments must meet the current CBC, Chapter 7A ignition resistance requirements, the California Fire Code, and any additional County and/or City codes in effect at the time of building permit application. See the current applicable codes for a detailed description of these requirements and any exceptions.

1. All structures will be built with a Class A Roof Assembly and shall comply with the requirements of Chapter 7A and Chapter 15 of the California Fire Code. Roofs shall have a roofing assembly installed in accordance with its listing and the manufacturer's installation instructions.
2. Roof valley flashings shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909, at least 36-inch-wide (914 mm) running the full length of the valley.
3. Attic or foundation ventilation louvers or ventilation openings in vertical walls shall be covered with a minimum of 1/16-inch and shall not exceed 1/8-inch mesh corrosion-resistant metal screening or other approved material that offers equivalent protection.
4. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to resist the intrusion of flames and embers, be fire stopped with approved materials or have one layer of a minimum 72 pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.
5. Enclosed roof eaves and roof eave soffits with a horizontal underside, sloping rafter tails with an exterior covering applied to the under-side of the rafter tails, shall be protected by one of the following:
 - Non-combustible material
 - Ignition-resistant material
 - One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the rafter tails or soffit
 - The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the rafter tails or soffit including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual

- Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in Section 707A.10 when tested in accordance with the test procedures set forth in ASTM E2957.
- Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

Exceptions: The following materials do not require protection:

1. Gable end overhangs and roof assembly Projections beyond an exterior wall other than at the lower end of the rafter tails.
2. Fascia and other architectural trim boards.

6. The exposed roof deck on the underside of unenclosed roof eaves shall consist of one of the following:

- Non-combustible material, or
- Ignition-resistant material, or
- One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside exterior of the roof deck, or
- The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the roof deck designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association fire Resistance Design Manual.

Exceptions: The following materials do not require protection:

1. Solid wood rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2 inch (50.8 mm).
2. Solid wood blocking installed between rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2 inch (50.8 mm).
3. Gable end overhangs and roof assembly Projections beyond an exterior wall other than at the lower end of the rafter tails.
4. Fascia and other architectural trim boards.

7. Vents - ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials or other devices that meet one of the following requirements:

- A. Vents listed to ASTM E2886 and complying with all the following:
 - i. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
 - ii. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
 - iii. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).
- B. Vents shall comply with all of the following:
 - i. The dimensions of the openings therein shall be a minimum of 1/16-inch (1.6 mm) and shall not exceed 1/8-inch (3.2 mm).

- ii. The materials used shall be non-combustible.
Exception: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by non-combustible wire mesh, may be of combustible materials.
 - iii. The materials used shall be corrosion resistant.
8. Vents shall not be installed on the underside of eaves and cornices.
Exceptions:
 1. Vents listed to ASTM E2886 and complying with all the following:
 - There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
 - There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
 - The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).
 2. The enforcing agency shall be permitted to accept or approve special eave and cornice vents that resist the intrusion of flame and burning embers.
 3. Vents complying with the requirements of Section 706A.2 shall be permitted to be installed on the underside of eaves and cornices in accordance with either one of the following conditions:
 - 3.1. The attic space being ventilated is fully protected by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or,
 - 3.2. The exterior wall covering, and exposed underside of the eave are of noncombustible materials, or ignition-resistant materials, as determined in accordance with SFM Standard 12-7A-5 Ignition-Resistant Material and the requirements
9. All chimney, flue or stovepipe openings that will burn solid wood will have an approved spark arrester. An approved spark arrester is defined as a device constructed of nonflammable materials, having a heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized steel or 24-gauge stainless steel. or other material found satisfactory by the Fire Protection District, having ½-inch perforations for arresting burning carbon or sparks nor block spheres having a diameter less than 3/8 inch (9.55 mm). It shall be installed to be visible for the purposes of inspection and maintenance and removeable to allow for cleaning of the chimney flue.
10. All residential structures will have automatic interior fire sprinklers installed according to the National Fire Protection Association (NFPA) 13D 2019 edition - Standard for the Installation of Sprinkler Systems in One and Two-family Dwellings and Manufactured Homes. Fire sprinklers are not required in unattached non-habitable structures greater than 50 feet from the residence.
11. The exterior wall covering, or wall assembly shall comply with one of the following requirements:
 - Noncombustible material, or

- Ignition resistant material, or
- Heavy timber exterior wall assembly, or
- Log wall construction assembly, or
- Wall assemblies that have been tested in accordance with the test procedures for a 10-minute direct flame contact expose test set forth in ASTM E2707 with the conditions of acceptance shown in Section 707A.3.1 of the California Building Code, or
- Wall assemblies that meet the performance criteria in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in SFM Standard 12-7A-1.

Exception: Any of the following shall be deemed to meet the assembly performance criteria and intent of this section including;

- One layer of 5/8-inch Type X gypsum sheathing applied behind the exterior covering or cladding on the exterior side of the framing, or
- The exterior portion of a 1-hour fire resistive exterior wall assembly designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Associate Fire Resistance Design Manual.

12. Exterior walls shall extend from the top of the foundation to the roof and terminate at 2-inch nominal solid blocking between rafters at all roof overhangs, or in the case of enclosed eaves, terminate at the enclosure.
13. Gutters shall be provided with the means to prevent the accumulation of leaf litter and debris within the gutter that contribute to roof edge ignition.
14. No attic ventilation openings or ventilation louvers shall be permitted in soffits, in eave overhangs, between rafters at eaves, or in other overhanging areas.
15. All Projections (exterior balconies, decks, patio covers, unenclosed roofs and floors, and similar architectural appendages and Projections) or structures less than five feet from a building shall be of non-combustible material, one-hour fire resistive construction on the underside, heavy timber construction or pressure-treated exterior fire-retardant wood. When such appendages and Projections are attached to exterior fire-resistive walls, they shall be constructed to maintain same fire-resistant standards as the exterior walls of the structure.
16. Deck Surfaces shall be constructed with one of the following materials:
 - Material that complies with the performance requirements of Section 709A.4 when tested in accordance with both ASTM E2632 and ASTM E2726, or
 - Ignition-resistant material that complies with the performance requirements of 704A.3 when tested in accordance with ASTM E84 or UL 723, or
 - Material that complies with the performance requirements of both SFM Standard 12-7A-4 and SFM Standard 12-7A-5, or
 - Exterior fire retardant treated wood, or

- Non-combustible material, or
 - Any material that complies with the performance requirements of SFM Standard 12-7A-4A when the attached exterior wall covering is also composed of noncombustible or ignition-resistant material.
17. Accessory structures attached to buildings with habitable spaces and Projections shall be in accordance with the Building Code. When the attached structure is located and constructed so that the structure or any portion thereof Projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas and exterior wall construction in accordance with Chapter 7A of the Building Code.
18. Exterior windows, skylights and exterior glazed door assemblies shall comply with one of the following requirements:
- Be constructed of multiplane glazing with a minimum of one tempered pane meeting the requirements of Section 2406 Safety Glazing, or
 - Be constructed of glass block units, or
 - Have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 257, or
 - Be tested to meet the performance requirements of SFM Standard 12-7A-2.
19. All eaves, fascia and soffits will be enclosed (boxed) with non-combustible materials. This shall apply to the entire perimeter of each structure. Eaves of heavy timber construction are not required to be enclosed as long as attic venting is not installed in the eaves. For the purposes of this section, heavy timber construction shall consist of a minimum of 4x6 rafter ties and 2x decking.
20. Detached accessory buildings that are less than 120 square feet in floor area and are located more than 30 feet but less than 50 feet from an applicable building shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2 of the California Building Code.
Exception: Accessory structures less than 120 square feet in floor area located at least 30 feet from a building containing a habitable space.
21. All rain gutters, down spouts and gutter hardware shall be constructed from metal or other noncombustible material to prevent wildfire ignition along eave assemblies.
22. All side yard fence and gate assemblies (fences, gate and gate posts) when attached to the home shall be of non-combustible material. The first five feet of fences and other items attached to a structure shall be of non-combustible material.
23. Exterior garage doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the bottom, sides and tops

of doors, from exceeding 1/8 inch. Gaps between doors and door openings shall be controlled by one of the methods listed in this section.

- Weather-stripping products made of materials that:
 - (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, where the maximum allowable difference in tensile strength values between exposed and non-exposed samples does not exceed 10%; and (b) exhibit a V-2 or better flammability rating when tested to UL 94, Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.
- Door overlaps onto jambs and headers.
- Garage door jambs and headers covered with metal flashing.

24. Exterior doors shall comply with one of the following:

1. The exterior surface or cladding shall be of noncombustible material or,
2. The exterior surface or cladding shall be of ignition-resistant material or,
3. The exterior door shall be constructed of solid core wood that complies with the following requirements:
 - 3.1. Stiles and rails shall not be less than 1-3/8 inches thick.
 - 3.2. Panels shall not be less than 1-1/4 inches thick, except for the exterior perimeter of the panel that shall be permitted to taper to a tongue not less than 3/8 inch thick.
4. The exterior door assembly shall have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 252 or,
5. The exterior surface or cladding shall be tested to meet the performance requirements of Section 707A.3.1 when tested in accordance with ASTM E2707 or,
6. The exterior surface or cladding shall be tested to meet the performance requirements of SFM Standard 12-7A-1.

CITY OF ESCONDIDO GENERAL REQUIREMENTS:

1. All awnings attached to any structure shall meet the 15-foot structure setback requirement and be identified as fire rated. Additionally, the awning shall be contained in a metal, self-enclosing or box-protected cover.
2. Portable awnings shall have UL Approved Fire-Retardant Rating and be no closer than 20 feet from any combustible structures.
3. The following requirements apply to both pool heating and power supply. Solar panels located less than 20 feet to a combustible structure shall have a metal frame, otherwise the size and type of materials of the entire solar panel system will determine the separation distance to combustible structures. All solar panels placed on a roof top shall comply with the Class "A" roof assembly and materials requirements.

4. Trash enclosures or trash can storage shall be located at least 10 feet or more from any structure. Trash enclosures trellis or roof should be non-combustible or made of heavy timber.
5. Small storage buildings shall be located at least 20 feet from any structure.
6. Clearance too combustibles shall be kept a minimum of 10 feet from any propane tanks or containers.
 - a. 100-foot Fuel Modification Zone extends from the attached structure perimeter.
 - b. Maximize the use of non-combustible material. Columns must be non-combustible masonry and/or stucco or pre-cast concrete.
 - c. Nominal timber size requirements (4"x 6") for fire resistive construction will be required.
 - d. Attached structure may not extend into the pre-determined, structure setbacks.
 - e. Any covered area shall be required to be protected with fire sprinkler system when the dimension from the wall of the structure to the edge of the covered area exceeds ten feet.

Escondido Fire Department Requirements

AUXILLARY STRUCTURES: PAVILIONS, TRELLISES, ARBORS, PERGOLAS, CABANAS, PALAPAS, AND PLAYGROUND EQUIPMENT

- Auxiliary Structures are evaluated for a fire event (i.e., type of combustible materials, size of structure, distance from house and intended use). In addition, if structure is more than 50% covered, a Class A noncombustible roof is required.

ATTACHED, AUXILLARY STRUCTURE TO HOME; i.e., Overhead covers and decking not enclosed on three sides:

Detached Auxiliary Structures Less Than 250 Square Feet; i.e., small playground equipment, gazebos, shed, trellis, palapas and arbor:

1. When structure is 250 square feet or less, the 100-foot Fuel Modification Zone extends from the house outwards, not the auxiliary structure.
2. The structures shall be a minimum of 20 feet from other combustible structures.
3. Maximize the use of non-combustible material. Columns must be non-combustible Masonry and/or stucco or pre-cast concrete.
4. Nominal timber size requirements (4"x 6") for fire resistive construction will be required
5. Structure may not extend into the fuel modification setbacks from top of slope.
6. The canvas awnings for playground equipment shall be identified and maintained, annually, as fire retardant.
7. Structures enclosed on three or more sides may require an automatic fire sprinkler system.

8. All palapas with thatched roof shall be at a minimum 30 feet from any combustible structure. Roofing materials shall be applied with a fire-retardant chemical. Proof of application and UL rating of fire-retardant chemical shall be provided to Fire District prior to installation of palapas.

Detached Auxiliary Structures Greater Than 250 Square Feet; i.e., large playground equipment (*e.g., King Kong Clubhouse*), guesthouse, cabana, palapas and pool house)

1. When structure is 250 square feet or greater, the 100-foot Fuel Modification Zone extends from the auxiliary structure.
2. The structures shall be a minimum of 30 feet from other combustible structures, unless otherwise permissible by local zoning requirements.
3. Maximize the use of non-combustible material. Columns must be non-combustible masonry and/or stucco or pre-cast concrete.
4. Nominal timber size requirements (4"x 6") for fire resistive construction will be required.
5. Structure may not extend into the fuel modification setbacks from top of slope.
6. The canvas awnings for playground equipment shall be identified and maintained, annually, as fire retardant.
7. Structures enclosed on three or more sides may require an automatic fire sprinkler system. 10-30-2007 – cfh/ms.

APPENDIX 'F'

Behave Plus 6.0.0 Fire Behavior Calculations

Inputs: SURFACE, SPOTDescription  NE Exp. - Escondido Northwest 60 MPH NE Wind**Fuel/Vegetation, Surface/Understory**

First Fuel Model  t16

Second Fuel Model  gr2

First Fuel Model Coverage %  60

Fuel/Vegetation, Overstory

Canopy Cover %  50

Canopy Height ft  15

Crown Ratio fraction  0.7

Fuel Moisture

1-h Fuel Moisture %  2

10-h Fuel Moisture %  2

100-h Fuel Moisture %  4

Live Herbaceous Fuel Moisture %  30

Live Woody Fuel Moisture %  60

Weather

20-ft Wind Speed mi/h  60

Wind Direction (from north) deg  45

Terrain

Slope Steepness %  15

Site Aspect deg  250

Fire

Surface Fire Spread Direction (from north) deg  225

Run Option Notes

Maximum effective wind speed limit IS imposed [SURFACE].

Two fuel model weighting method: two-dimensional spread [SURFACE].

Fire spread is in the HEADING direction only [SURFACE].

Wind is in specified directions [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

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NE Exp. - Escondido Northwest 60 MPH NE Wind

Head Fire

Surface Fire Rate of Spread	98.6 ft/min
Surface Fireline Intensity	1048 Btu/ft/s
Surface Fire Flame Length	11.0 ft

Inputs: SURFACE, SPOTDescription  NE Exp. - Escondido Northwest 60 MPH NE Wind Treat**Fuel/Vegetation, Surface/Understory**

First Fuel Model		t16
Second Fuel Model		gr1
First Fuel Model Coverage	% 	50

Fuel/Vegetation, Overstory

Canopy Cover	% 	50
Canopy Height	ft 	15
Crown Ratio	fraction 	0.7

Fuel Moisture

1-h Fuel Moisture	% 	2
10-h Fuel Moisture	% 	2
100-h Fuel Moisture	% 	4
Live Herbaceous Fuel Moisture	% 	30
Live Woody Fuel Moisture	% 	60

Weather

20-ft Wind Speed	mi/h 	60
Wind Direction (from north)	deg 	45

Terrain

Slope Steepness	% 	15
Site Aspect	deg 	250

Fire

Surface Fire Spread Direction (from north)	deg 	225
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Run Option Notes

Maximum effective wind speed limit IS imposed [SURFACE].
 Two fuel model weighting method: two-dimensional spread [SURFACE].
 Fire spread is in the HEADING direction only [SURFACE].
 Wind is in specified directions [SURFACE].
 Wind and spread directions are degrees clockwise from north [SURFACE].
 Wind direction is the direction from which the wind is blowing [SURFACE].

Output Variables

Surface Fire Rate of Spread (ft/min) [SURFACE]
 (continued on next page)

NE Exp. - Escondido Northwest 60 MPH NE Wind Treated

Head Fire

Surface Fire Rate of Spread	35.6 ft/min
Surface Fireline Intensity	250 Btu/ft/s
Surface Fire Flame Length	5.7 ft

Inputs: SURFACE, SPOT

Description ➤ North Exp. - Escondido Northwest 60 MPH NE Wind

Fuel/Vegetation, Surface/Understory

First Fuel Model ➤ gr4

Second Fuel Model ➤ sh1

First Fuel Model Coverage % ➤ 85

Fuel/Vegetation, Overstory

Canopy Cover % ➤ 40

Canopy Height ft ➤ 80

Crown Ratio fraction ➤ 0.7

Fuel Moisture

1-h Fuel Moisture % ➤ 2

10-h Fuel Moisture % ➤ 2

100-h Fuel Moisture % ➤ 4

Live Herbaceous Fuel Moisture % ➤ 30

Live Woody Fuel Moisture % ➤ 45

Weather

20-ft Wind Speed mi/h ➤ 60

Wind Direction (from north) deg ➤ 45

Terrain

Slope Steepness % ➤ 5

Site Aspect deg ➤ 160

Fire

Surface Fire Spread Direction (from north) deg ➤ 225

Run Option Notes

Maximum effective wind speed limit IS imposed [SURFACE].

Two fuel model weighting method: two-dimensional spread [SURFACE].

Fire spread is in the HEADING direction only [SURFACE].

Wind is in specified directions [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

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North Exp. - Escondido Northwest 60 MPH NE Wind

Head Fire

Surface Fire Rate of Spread	304.6 ft/min
Surface Fireline Intensity	3022 Btu/ft/s
Surface Fire Flame Length	18.0 ft

Inputs: SURFACE, SPOTDescription  North Exp. - Escondido Northwest 60 MPH NE Wind**Fuel/Vegetation, Surface/Understory**

First Fuel Model			t16
Second Fuel Model			gr1
First Fuel Model Coverage	%		50

Fuel/Vegetation, Overstory

Canopy Cover	%		40
Canopy Height	ft		80
Crown Ratio	fraction		0.7

Fuel Moisture

1-h Fuel Moisture	%		2
10-h Fuel Moisture	%		2
100-h Fuel Moisture	%		4
Live Herbaceous Fuel Moisture	%		30
Live Woody Fuel Moisture	%		45

Weather

20-ft Wind Speed	mi/h		60
Wind Direction (from north)	deg		45

Terrain

Slope Steepness	%		5
Site Aspect	deg		160

Fire

Surface Fire Spread Direction (from north)	deg		225
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Run Option Notes

Maximum effective wind speed limit IS imposed [SURFACE].
 Two fuel model weighting method: two-dimensional spread [SURFACE].
 Fire spread is in the HEADING direction only [SURFACE].
 Wind is in specified directions [SURFACE].
 Wind and spread directions are degrees clockwise from north [SURFACE].
 Wind direction is the direction from which the wind is blowing [SURFACE].

Output Variables

Surface Fire Rate of Spread (ft/min) [SURFACE]
 (continued on next page)

NW Exp. - Escondido Northwest 60 MPH NE Wind Treated**Head Fire**

Surface Fire Rate of Spread	32.3 ft/min
Surface Fireline Intensity	185 Btu/ft/s
Surface Fire Flame Length	5.0 ft