

CITY COUNCIL

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APPROVED

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DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 9

Date: October 5, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: Mitigated Negative Declaration for the remediation of the Benton Dump/Burn site
(Case:ENV 10-0005)

STAFF RECOMMENDATION:

It is requested that Council approve Resolution No. 2011-126 adopting a Final Mitigated Negative Declaration (MND) and the associated Mitigation Monitoring Report Program for the remediation of the Benton Dump/Burn site.

PROJECT DESCRIPTION:

The project involves a MND for the remediation of the former Benton Dump site pursuant to the Remedial Action Plan (RAP) prepared for CalRecycle, (formerly the CA Integrated Waste Management Board), which would consist of the consolidation of waste and the capping of the surface with clean soil in an area less than one acre. The remediation work would remove about 0.05 acre of Coastal Sage Scrub and affect 0.06 acre of a drainage that may be considered jurisdictional waters, which would be mitigated through the purchase of conservation credits.

BACKGROUND:

Early this year, Engineering Services was awarded a \$200,000 grant from CalRecycle to remediate the site according to the approved Remedial Action Plan. The Mitigated Negative Declaration was prepared for the remediation activities of consolidating the burn ash and capping the surface with clean soil. CEQA requires the MND and mitigation monitoring report to be approved before commencing the work.

LOCATION:

The project site involves portions of three parcels, one parcel within the City of Escondido, and two parcels within the County of San Diego, generally located in a ravine between Still Water Glen and Sleepy Hill Road, (APNs 224-163-42, 224-190-36 and 224-190-52).

FISCAL ANALYSIS:

The city was awarded a \$200,000 grant from CalRecycle to do the remediation work.

PUBLIC COMMENT:


As part of the MND 30-day public review, various responsible or affected agencies were contacted and/or sent a notice/copy of the environmental document, including the County of San Diego Department of Environmental Health -LEA; Department of Fish and Game (CDFG); U.S. Army Corps of Engineers; the Department of Resources Recycling and Recovery (CalRecycle); and the Regional Water Quality Control Board. Property owners within a 500-foot-radius of the site also were sent

notices of the MND. No comments were received from neighboring property owners. A comment letter was received from the State Department of Toxic Substances Control regarding soil testing, long term monitoring and maintenance, and the need for a Health & Safety Plan for the proposed work. Clarifications have been made in the Final MND further emphasizing this information in the text. The only other comment letter was from the Department of Fish and Game indicating that construction activities should avoid the other avian species breeding season in addition to that of the California gnatcatcher, increasing the construction buffer distance from any active nests, and noting that the agency will evaluate the jurisdictional delineation upon submittal of a formal streambed notification package. These comments have been incorporated into the final MND, the mitigation measures, and the Mitigation Monitoring Report Program.

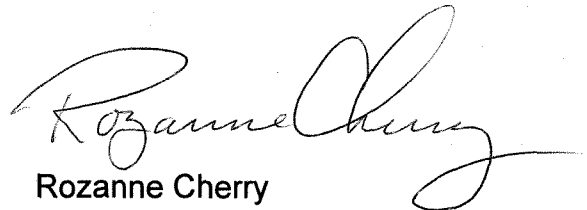
SUMMARY:

Staff feels that Final MND adequately addresses the potential environmental impacts of the remediation project. The comments submitted by the agencies have been addressed in the revised environmental document and mitigation measures. Therefore, staff recommends adoption of the Final MND. Following the Council's action, the adopted Final MND will be forwarded to CDFG, USACE and RWQCB to complete the City's permit applications with these agencies.

Respectfully submitted,



Barbara Redlitz
Director of Community Development



Rozanne Cherry
Principal Planner



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

MITIGATED NEGATIVE DECLARATION

CASE NO.: ENV 10-0005, Benton Burn Site Remediation Project

DATE ISSUED: August 15, 2011

PUBLIC REVIEW PERIOD: August 18, 2001 through September 19, 2011

PROJECT DESCRIPTION: The proposed project is the remediation of the former Benton Dump site. The activity involves less than one acre and would consist of consolidating waste and capping the surface with an engineered soil cover. The cap would include clean soil to meet the State Minimum Standards and minimize the potential for human exposure to burn ash-containing waste present on the ground surface and in shallow soil (less than two feet). A small area of unoccupied coastal sage scrub (0.05 acre) will be removed and mitigated at a 2:1 ratio with the purchase of 0.10 acre conservation credits. The remediation will also affect 0.06 acre of a drainage area, which may be un-vegetated jurisdictional waters that would be subject to permits from US Army Corps of Engineers and/or the California Department of Fish & Game. Construction activities will be limited to the hours between 8 A.M. and 5 P.M. Upon completion of construction, the project site would return to the relative appearance of existing conditions. The project would not construct any buildings and does not include lighting components. Existing non-native vegetation would be replaced by native seed mix over the soil cap.

LOCATION: The project site is located approximately two miles northwest of downtown Escondido, west of Interstate 15, near the intersection of Still Water Glen and David Glen, partly within the limits of the City of Escondido and partly within an unincorporated area of the County of San Diego, California. The site lies primarily in a ravine where the surrounding areas have been developed with residences. The project site is located on three parcels. One parcel is undeveloped, and part of a subdivision (Assessor's Parcel Number 224-163-42). The two other parcels are residential properties (Assessor's Parcel Number 224-190-36 and Assessor's Parcel Number 224-190-52 formerly APN 224-190-47) located at 2346 and 2374 Sleepy Hill Lane, respectively

APPLICANT: City of Escondido, Edward Domingue, Director of Engineering Services

An Initial Study has been prepared to assess this project as required by the California Environmental Quality Act and Guidelines, Ordinance and Regulations of the City of Escondido. The Initial Study is on file in the City of Escondido Planning Division.

Findings: The findings of this review are that the Initial Study identified potentially significant impacts associated with biology. However, mitigation measures incorporated into the project, and agreed to by the applicant, would reduce impacts to a less than significant level.


Rozanne Cherry, Principal Planner

Benton Burn Site Remediation Project
Response to Comments on Draft Mitigated Negative Declaration

No.	Commenter	Date	Comment	Response to Comment*
1	Department of Toxic Substances Control Al Shami Project Manager Brownfields and Environmental Restoration Program 5796 Corporate Avenue Cypress, California 90630	9/12/2011	1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.	The extent of the footprint of the former burn site has been identified and is the subject of this MND. There are no other known or potentially contaminated sites in the vicinity of the subject site.
2	Department of Toxic Substances Control Al Shami Project Manager Brownfields and Environmental Restoration Program 5796 Corporate Avenue Cypress, California 90630	9/12/2011	2) Appropriate sampling is necessary prior to disposal of the excavated soil. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.	As indicated in the MND and the RAP dated October 5, 2009, the remedial action involves consolidation and capping burn ash-containing soil in place. No burn ash-containing soil will be exported from the site and disposed. Both the MND and the RAP indicate that the imported fill to the site will be sampled and analyzed to ensure that it is free of contamination in accordance with existing guidelines. The following information has been added to the MND on page 3: "No burn ash-containing soil will be exported and disposed off site." No other changes to the text of the MND have been made.
3	Department of Toxic Substances Control Al Shami Project Manager Brownfields and Environmental Restoration Program 5796 Corporate Avenue Cypress, California 90630	9/12/2011	3) Long term monitoring and maintenance will be necessary to ensure the proposed cap is performing as designed and remains protective of human health and the environment. Also, formal land use controls will be necessary to ensure the cap and areas immediately surrounding it are not disturbed. Signage will need to be addressed to prevent trespasser access and to inform persons not to disturb the capped burn ash. Drainage and erosion control measures need be implemented to ensure the proposed cap design is not compromised. Also, confirmation samples should be collected to ensure that any unexcavated soils beyond the limits of the proposed cap footprint do not pose a threat to human health and the environment. It is necessary to ensure that adequate dust monitoring and control measures will be implemented during soil excavation and consolidation activities. All remediation work should be performed under a Health & Safety Plan which is compliant with Occupational Safety and Health Administration (OSHA) guidelines.	Please see pages 3-4 of the MND and Sections 5.2 and 5.5 of the RAP for discussion regarding monitoring and maintenance and land use controls. Please see pages 13-14 of the MND for a detailed discussion regarding dust monitoring and control measures. Please see page 21 of the MND for a discussion of the Health and Safety Plan prepared for this Project. These items are addressed in the MND and/or the RAP with the exception of signage and confirmation sampling on the perimeter of the burn site footprint. Therefore, the following information has been added to the MND on pages 5 and 4, respectively: "Permanent signage will be placed at the site for purpose of discouraging access by trespassers." And, "Confirmation samples will be collected on the perimeter of the footprint to ensure that surface soil remaining in place does not contain lead above the cleanup objective."

Benton Burn Site Remediation Project
Response to Comments on Draft Mitigated Negative Declaration

No.	Commenter	Date	Comment	Response to Comment*
4	<p>Department of Fish and Game Edmund Pert Regional Manager South Coast Region 3883 Ruffin Road San Diego, CA 92123</p>	9/19/2011	<p>1. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 353.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA). Accordingly, the Department recommends that the final MND reflect that if maintenance work is necessary adjacent to habitat occupied by native nesting birds, that not activity will occur within a buffer of 300 feet (500 feet for raptors) of active nests. Exceptions include implementing measures to minimize noise and disturbances to those adjacent birds during the avian breeding season generally February 15 to September 15, (as early as January for some raptors). Therefore, the Department recommends that section V (subsection Mitigation Measures, page 16) be edited to incorporate the changes indicated.</p> <p>Biological Resources v. MITIGATION MEASURES 3. To avoid take of active bird nests, the Project will avoid construction in California gnatcatcher and other avian nesting habitat during the California gnatcatcher and other avian species breeding season' (approximately February 15 through August 31-September 15, as early as January for some raptors). If vegetation clearing or other construction work will occur during the avian species breeding season, a qualified biologist will survey the area within 500 feet of construction, no more than 10 days prior to the beginning of project activities, to identify active nests. If active nests are found within the Project area, construction activities shall not occur within 400 300 feet of an active gnatcatcher or other avian species nest (500 feet for raptors), or a sound barrier will be erected in conjunction with biological monitoring to avoid take.</p>	<p>Text on pages 16 and 31 of the MND has been revised to incorporate edits as recommended by CDFG:</p> <p>Biological Resources v. MITIGATION MEASURES 3. To avoid take of active bird nests, the Project will avoid construction in California gnatcatcher and other avian nesting habitat during the California gnatcatcher and other avian species breeding season' (approximately February 15 through August 31-September 15, as early as January for some raptors). If vegetation clearing or other construction work will occur during the California gnatcatcher and other avian species breeding season, a qualified biologist will survey the area within 500 feet of construction, no more than 10 days prior to the beginning of project activities, to identify active nests. If active nests are found within the Project area, construction activities shall not occur within 400 300 feet of an active gnatcatcher or other avian species nest (500 feet for raptors), or a sound barrier will be erected in conjunction with biological monitoring to avoid take. A 50-foot buffer will be provided for common bird species detected during the nest survey.</p>

Benton Burn Site Remediation Project
Response to Comments on Draft Mitigated Negative Declaration

No.	Commenter	Date	Comment	Response to Comment*
5	<p>Department of Fish and Game Edmund Pert Regional Manager South Coast Region 3883 Ruffin Road San Diego, CA 92123</p>	9/19/2011	<p>2. The fourth mitigation measure located in section V, subsection Mitigation Measures, page 16 of the MND should state that the areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreage) at the time the project applicant formally submits a streambed notification package to the Lake and Streambed Alteration Program of the Department. During this time the Department will determine if a Streambed Alteration Agreement will be required. Therefore, the Department recommends that this section should be edited to incorporate the changes indicated below.</p> <p>Biological Resources v. MITIGATION MEASURES 4. The drainage feature located onsite may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. Assuming the USACE, RWQCB, and CDFG take jurisdiction. Impacts to the 0.06 acre of potentially jurisdictional waters on the site will be mitigated by adhering to the terms and conditions identified in the CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and CDFG 1602 Streambed Alteration Agreement. Areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreages) at the time the project applicant formally submits a streambed notification package to the Stream Alteration Team of the Department.</p>	<p>Text on pages 17 and 31 of the MND has been revised to incorporate edits as recommended by CDFG:</p> <p>Biological Resources v. MITIGATION MEASURES 4. The drainage feature located onsite may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. Assuming the USACE, RWQCB, and CDFG take jurisdiction. Impacts to the 0.06 acre of potentially jurisdictional waters on the site will be mitigated by adhering to the terms and conditions identified in the CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and CDFG 1602 Streambed Alteration Agreement. Areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreages) at the time the project applicant formally submits a streambed notification package to the Stream Alteration Team of the Department.</p>

* Revisions noted in this column have been made in underline-strikeout within the MND.



CITY OF ESCONDIDO
Planning Division
201 North Broadway
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Environmental Checklist Form

1. Project Title and Case File Number: Benton Burn Site Remediation Project, Case No. ENV 10-0005
2. Lead agency name and address: City of Escondido
Planning Division
201 N. Broadway
Escondido, CA 92025
3. Lead Agency contact person name, phone number and email: Rozanne Cherry, Principal Planner
760-839-4536, rcherry@ci.escondido.ca.us
4. Project location: Ravine east of Still Water Glen and David Glen
5. Project applicant's name, address, phone number and email: Edward Domingue, Engineering Services
City of Escondido, 201 N. Broadway, Escondido, CA 92025
760-839-4813
edomingue@ci.escondido.ca.us
6. General Plan designation: City-Estate 1, County-Rural Residential Zoning: City-PD-R1.0, County-RR1
8. Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Implementation of the Remedial Action Plan (RAP) prepared for the California Integrated Waste Management Board, October 5, 2009, by URS Corporation. The RAP entails the consolidation of waste by excavating burn ash-containing waste present near or at the ground surface on the steep side slopes of the ravine and spreading it thinly across the floor of the ravine where it will be capped by 2-feet of clean soil. Vegetation in the areas of excavation and capping will be removed. The excavated areas of the sides of the ravine will be backfilled with clean soil at no more than 2:1 slope, compacted & seeded. The drainage area will be backfilled with 2-feet of rock and gravel for erosion control. The affected area is less than 1 acre. As 0.05 acre of Coastal Sage Scrub habitat will be removed, mitigation will be implemented.
9. Surrounding land uses and setting (briefly describe the project's surroundings):
To the west & south is a single-family residential development & to the northwest is an associated undeveloped open space lot owned by the Country Club Woods Homeowner Association, within the City of Escondido.
To the east and northeast are single-family homes located in the County.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

County of San Diego and possibly the United States Army Corps of Engineers, the California Department
of Fish and Game, and the Regional Water Quality Control Board.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

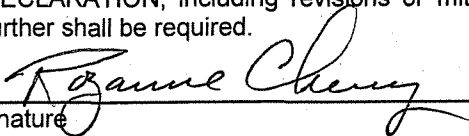
- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
- ☒ I find that, although the proposed project might have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by, or agreed to, the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
- ☐ I find that the proposed project might have a significant effect on the environment and/or deficiencies exist relative to the city's General Plan Quality of Life standards, and the extent of the deficiency exceeds the levels identified in the City's Environmental Quality Regulations pursuant to Zoning Code Article 47, Section 33-924 (b), and an ENVIRONMENTAL IMPACT REPORT shall be required.
- ☐ I find that the proposed project might have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT shall be required, but it shall analyze only the effects that remain to be addressed.
- ☐ I find that, although the proposed project might have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further shall be required.

Signature



Date

8-15-11

Rozanne Cherry, Principal Planner
Printed Name and Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. This section evaluates the potential environmental effects of the proposed project, generally using the environmental checklist from the State CEQA Guidelines as amended and the City of Escondido Environmental Quality Regulations (Zoning Code Article 47). A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take into account the whole action involved, including off-site, on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Once the lead agency has determined that a particular physical impact might occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. The definitions of the response column headings include the following:
 - A. "Potentially Significant Impact" applies if there is substantial evidence that an effect might be significant. If there are one or more "Potentially Significant Impact" entries once the determination is made, an EIR shall be required.
 - B. "Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 2 below, "Earlier Analyses," may be cross-referenced).
 - C. "Less Than Significant Impact" applies where the project creates no significant impacts, only less than significant impacts.
 - D. "No Impact" applies where a project does not create an impact in that category. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. Earlier Analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to the tiering, program EIR, or other CEQA. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - A. Earlier Analysis Used. Identify and state where it is available for review.
 - B. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of an adequately analyzed earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - C. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
3. Lead agencies are encouraged to incorporate references to information sources for potential impacts into the checklist (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
4. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
5. The explanation of each issue should identify:
 - A. The significance of criteria or threshold, if any, used to evaluate each question; and
 - B. The mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. <u>LAND USE PLANNING AND AESTHETICS (1, 2, 3, 6, 10, 13, 17, 21)</u>				
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. <u>AGRICULTURE RESOURCES (1, 2, 3, 10, 17, 21)</u>				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency or (for annexations only) as defined by the adopted policies of the Local Agency Formation Commission, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. TRANSPORTATION/TRAFFIC (1, 2, 4, 6, 7, 8, 17, 21)

Would the project:

a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. AIR QUALITY AND GREENHOUSE GAS EMISSIONS (1, 2, 4, 6, 7, 8, 16, 17, 21)

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. **BIOLOGICAL RESOURCES** (1, 2, 10, 11, 12, 13, 14, 18, 17, 20, 21, 22)

Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VI. CULTURAL RESOURCES (1, 2, 5, 10, 17, 19, 21)

Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GEOLOGY AND SOILS (1, 2, 6, 14, 17, 21)

Would the project:

a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS (1, 2, 15, 17, 21)

Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. **HYDROLOGY AND WATER QUALITY (1, 2, 6, 11, 12, 14, 17, 20, 21)**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially depleting groundwater supplies or substantially interfering with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Cause significant alteration of receiving water quality during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Cause an increase of impervious surfaces and associated run-off?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Cause potentially significant adverse impact on ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Create or exacerbate already existing environmentally sensitive areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m. Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
n. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
r. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. MINERAL RESOURCES (1, 2, 6, 10, 17, 21)

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. NOISE (1, 2, 6, 17, 21)

Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. POPULATION AND HOUSING (1, 2, 10, 17, 21)

Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. PUBLIC SERVICES (1, 2, 8, 9, 17, 21)

Would the project:

- a. 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 objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Libraries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gas/Electricity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. UTILITIES AND SERVICE SYSTEMS (1, 2, 17, 21)

Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range, of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source of Information/Material Used in Preparation of this Analysis

1. Escondido General Plan and Environmental Impact Report, 1990
2. Escondido General Plan Update and Environmental Impact Report, 2000
3. Escondido Zoning Code and Land Use Maps
4. SANDAG Summary of Trip Generation Rates
5. Escondido Historic Sites Survey
6. City of Escondido – Engineering Services Public Works Department
7. City of Escondido – Traffic Division
8. City of Escondido – Fire Department
9. City of Escondido – Police Department
10. City of Escondido – Planning Division
11. Escondido Drainage Master Plan, 1995
12. Flood Insurance Rate Maps (FIRM)
13. Draft Multiple Habitat Conservation Program (MHCP) maps
14. United States Geological Survey Topographic Map for San Diego (Escondido) area
15. County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List
16. Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents (Comment Draft, March 5, 2007)
17. Project Description and Preliminary Information
18. Biological Resources Technical Memorandum, prepared by URS Corporation, dated October 2010
19. Confidential Cultural Resources Technical Memorandum, prepared by URS Corporation, dated October 2010
20. Hydrology and Hydraulic Report, prepared by URS Corporation, dated March 2009
21. Remedial Action Plan, prepared by URS Corporation, dated October 2009
22. 45-Day Report for California Gnatcatcher Surveys, prepared by URS Corporation, dated May 2011



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

MITIGATED NEGATIVE DECLARATION

(Case No.: ENV10-0005)

ENVIRONMENTAL CHECKLIST SUPPLEMENTAL COMMENTS

INTRODUCTION

This Mitigated Negative Declaration (MND¹) assesses the environmental effects of the proposed project involving consolidating burn ash waste and surface capping the former Benton Burn Site on approximately one acre of land, located near the intersection of Still Water Glen and David Glen (Assessor's Parcel Number [APN]: 224-163-42, 224-190-36, and 224-190-52).

An Initial Study Environmental Checklist was prepared for this project and is included as a separate attachment to the Supplemental Comments within this report. The information contained in the Initial Study Environmental Checklist and the Supplemental Comments will be used by the City of Escondido (City) to determine potential impacts associated with the proposed development.

The detailed Supplemental Comments included in this document identify and evaluate physical impacts to the environment associated with developing or implementing the proposed project based on preliminary review of a variety of environmental factors identified in the attached Environmental Checklist. In analyzing the project, it has been determined that impacts related to biological resources would occur. Based on information and documentation incorporated in the analysis, it has been concluded that this Initial Study warrants issuing a MND. The MND acknowledges that certain aspects of the project would cause significant impact(s) on the environment, but those impacts would be reduced to an acceptable level by incorporating Mitigation Measures. As provided by the California Environmental Quality Act (CEQA), the City will act as a responsible agency because of its role in reviewing and potentially approving or issuing permits for the project.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the MND in writing before the end of the 30-day public review period starting on August 18th, 2011 and ending on September 19th, 2011.

¹ For a list of acronyms and abbreviations used within this document, please refer to pages 32 and 33.

Written comments on this environmental document shall be submitted to the following address by 5:00 p.m. **September 19th, 2011.**

City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025-2798

Contact: Rozanne Cherry, Principal Planner
Telephone: (760) 839-4536
Fax: (760) 839-4313
e-mail: rcherry@escondido.org

Following the close of the public comment review period, the City will consider this MND and all received comments in determining the approval of this project. A hard copy of this document and any associated plans and/or documentation are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division.

DETAILED PROJECT DESCRIPTION / LOCATION / BACKGROUND

The City is proposing to consolidate burn ash waste and surface cap the former Benton Burn Site (herein termed Project), located near the intersection of Still Water Glen and David Glen in Escondido, California (see Figures 1 through 4).

Background / Location - Based on reports provided by the California Department of Resources Recycling and Recovery (CalRecycle, formerly the Integrated Waste Management Board), the Project site was operated as a burn site from 1948 through 1953. Municipal and commercial refuse was accepted at the facility, where it was burned and placed in a canyon. The San Diego County Solid Waste Local Enforcement Agency (LEA) has been inspecting the site for compliance with applicable regulatory state minimum standards (SMS), in accordance with California Code of Regulations (CCR), Title 27, Division 2, Chapter 3, Subchapter 4, Articles 1 and 6, et. seq. Inspections of the burn dump revealed the presence of conditions that were cited as violations of the SMS. These violations included site security, drainage and erosion control, grading of fill surfaces, and site maintenance. In 2006, the LEA requested CalRecycle to conduct an investigation of the site to assess its conditions with respect to the SMS.

An investigation was conducted by CalRecycle in 2007 to evaluate the condition of the site and identify whether further action is needed to comply with the SMS for former landfill sites. Samples of fill, native soil, and burn ash-containing materials were analyzed for the chemicals of potential concern (COPCs) associated with burn ash. These included lead and other metals and organic compounds such as polynuclear aromatic hydrocarbons (PNAs), organochlorine pesticides (OCPs), polychlorinated biphenyls (PCBs), dioxins, and furans. The majority of the samples were analyzed for metals and a smaller subset was analyzed for the organic compounds. In general, lead was found to be present at concentrations that would characterize the materials as California hazardous. In addition, lead concentrations were present in some samples above the residential California Human Health Screening Level (CHHSL). Select samples were also subjected to the Waste Extraction Test (WET), the Toxicity Characteristic Leaching Procedure (TCLP), and the Deionized Water (DI) WET for lead and other metals. Copper was found to exceed regulatory limits in one sample to characterize the materials as California Hazardous. None of the TCLP results indicated that the burn ash-containing waste is a Resource Conservation and Recovery Act (RCRA) hazardous waste. The DI WET results indicate the lead present in the

soil does not exceed the Soluble Threshold Limit Concentration (STLC) of 5 milligrams per liter (mg/l). As such, this indicates that the lead present in the soil/waste is of low solubility and does not pose a significant threat to groundwater quality. This is supported by similar results at other burn sites investigated throughout California, according to the Remedial Action Plan (RAP) prepared by URS Corporation Americas (URS).

To support preparation of the RAP, CalRecycle conducted additional sampling and analyses in May 2009 in the western portion of the burn site footprint to refine the extent of the area where burn ash is present at depths shallower than two feet below the ground surface. Five samples collected from four of the 11 borings contained lead above the CHHSL of 150 mg/kg. None of the samples analyzed contained lead above the Total Threshold Limit Concentration (TTLC) regulatory limit, but eight samples contained lead at concentrations above 10 times its STLC regulatory limit (50 mg/kg). Of the eight samples subjected to the DI WET, none contained lead above the STLC regulatory limit of 5 mg/l.

In October 2009, URS prepared a RAP at the request of CalRecycle and evaluated remedial action alternatives. The recommended alternative in the RAP was consolidation and capping. The City is currently proceeding with implementing the recommended alternative. The Project would address burn ash-containing waste present within the burn site footprint by consolidating waste and capping the surface with an engineered soil cover, in order to meet SMS and to minimize the potential for human exposure to burn ash-containing waste present on the ground surface and in shallow soil (less than two feet). No burn ash-containing soil will be exported and disposed off site.

The Project is located approximately two miles northwest of downtown Escondido, west of Interstate 15 (I-15), partly within the limits of the City and partly within an unincorporated area of the County of San Diego (County), California (see Figure 1). The Project site lies primarily in a ravine where the surrounding areas have been developed with residences. On the southwest, the Project site is surrounded by single-family dwellings along Still Water Glen, David Glen, and Larkhaven Glen, while the northeastern portion is located on two residential parcels located west of Sleepy Hill Road. Based on the investigation results, the Project site occupies approximately one acre and is located on three parcels. One parcel is undeveloped and part of a subdivision belonging to the Country Club Homeowners Association (HOA; APN 224-163-42). The two other parcels are residential properties owned by Jesse and Charlene Longacre (APN 224-190-36) and Joel and Kathie Phillips (APN 224-190-52). The Longacre and Phillips properties are located at 2346 and 2374 Sleepy Hill Lane, respectively.

The proposed Project site contains land under jurisdiction of both the City and the County. The City of Escondido General Plan designates the western half of the proposed Project site (APN 224-163-42) as Estate 1, and is zoned PD-R1.0 (Planned Development Residential). The eastern half of the proposed Project site (APN 224-190-36 and 224-190-52) is considered by the County as Rural Residential and is zoned as RR1. The Project would not conflict with either of these zoning designations and does not propose a zoning change.

Access to the site is limited to passing through private residential property. The closest access points to the site are from the west at a cul-de-sac at the end of Still Water Glen, or from the east along Sleepy Hill Road. While the site is hidden in a ravine behind residential properties, it is not fenced and access by trespassers is unrestricted.

The overall protection of human health and the environment for containment treatments is good, provided that long-term monitoring and maintenance is conducted. Because the site is a former solid waste facility, it must

comply with CCR Title 27, which requires regular monitoring, maintenance, and reporting by the County Solid Waste Local Enforcement Agency (LEA) or Regional Water Quality Control Board (RWQCB). Such monitoring and maintenance oversight is expected to continue and be provided by the LEA. Institutional controls are currently in place for the Longacre and Phillips properties. The existing institutional controls include provisions to limit the potential for future breaching of the cap and potential exposure of receptors to COPCs in burn ash-containing materials/waste. Use of the areas within the HOA affected by burn ash-containing waste would be limited to open space; however, some type of institutional control (land use restriction) is needed by the City for the HOA property. In accordance with CCR Title 27, future activities that could involve breaching of the cap and exposure to burn ash-containing waste would require LEA notification and oversight. A Post-closure Monitoring and Maintenance Plan will be prepared to address long-term monitoring and maintenance of the site to ensure that the cap remains in good condition, limits the potential for human exposure, and is protective of the environment.

Proposed Project - The proposed Project would consist of consolidating waste and capping the surface with an engineered soil cover. The cap would include clean soil to meet the SMS and minimize the potential for human exposure to burn ash-containing waste present on the ground surface and in shallow soil (less than two feet). In the areas where burn ash-containing waste is present, a suitable cap consisting of at least two feet of clean soil would be constructed. The area of the Project site that does not meet the SMS and would be included in the consolidation and capping covers less than one acre.

Burn ash-containing waste present near or at the ground surface on the steep side slopes of the ravine will be excavated so that the grade will be similar to existing conditions, once a two-foot soil cap is placed in these areas. The excavated material will be spread thinly across the floor of the ravine, where it will be capped with clean soil. Prior to excavation and placement of burn ash-containing materials, vegetation present in the areas where the remedial action will be conducted will be removed. Confirmation samples will be collected on the perimeter of the footprint to ensure that surface soil remaining in place does not contain lead above the cleanup objective. Other areas along the eastern portion of the burn site on the Longacre property may be spot excavated or covered with two feet of clean soil to meet the SMS. Excavated materials will be spread thinly on the floor of the ravine. Once the areas of burn ash have been excavated where it is shallower than two feet and placed in the ravine, the sides of the ravine will be backfilled with clean soil at no more than a 2:1 slope and compacted. The burn ash-containing waste on the floor of the ravine will be covered with a geotextile within the approximate area of the 100-year flood plain. Two feet of clean soil will be placed above the waste placed on the floor of the ravine, with the exception of the width of the former stream channel and its floodplain. This area will instead be backfilled with two feet of rock and gravel, so that future storm flows will not result in the mobilization of sediment that could be carried downstream of the Project site.

As a result of these earthmoving activities, the site would be regraded using track hoes and other relatively small construction equipment. Excavation would occur up to a concrete brow ditch located on the northwestern portion of the Project footprint, but the structure would not be removed. Excavation would be conducted only that distance from the brow ditch where there is little or no vegetation in the footprint. No confirmation sampling is anticipated following excavation since the existing site footprint will be capped with a minimum of two feet of clean soil. There are no areas that will remain uncapped following excavation. The cap will consist of clean soil that would contain lead at concentrations below 150 mg/kg and other regulated chemicals at concentrations below their respective residential CHHSLs or Preliminary Remediation Goals (PRGs, currently Regional Screening Levels [RSLs]). This will be confirmed by analytical testing that will be conducted in accordance with Department of Toxic Substances Control's (DTSC) guidance on analyzing imported fill soil. It is estimated that approximately 500 cubic yards of burn ash-containing soil will be removed and placed elsewhere within the

former burn site footprint. Approximately 2,000 cubic yards (2,600 tons assuming 1.3 tons/cubic yard) of imported clean fill (soil and gravel) will be needed for the cap.

Construction of the proposed Project is expected to take approximately four weeks. Construction activities will be limited between the hours of 8 A.M. and 5 P.M. in order to have the least effect on neighboring residences. Street parking for workers along Still Water Glen and David Glen is expected to be adequate given the small number of workers necessary and the short time frame of construction. A temporary six-foot high chain-link fence will be placed along the western site perimeter during Project implementation, as this would be the area most readily accessible to trespassers. Other areas of the site that are not clearly accessible will not require fencing. Appropriate signage will be placed on the fencing to discourage entry and inform the public of the hazard associated with the site and remedial activities.

Upon completion of construction, the Project site would return to the relative appearance of existing conditions. The Project would not construct any buildings and does not include lighting components. Existing non-native vegetation would be replaced by native seed mix over the soil cap. Permanent signage will be placed at the site for purpose of discouraging access by trespassers. The Project operation is passive and does not require on-site employees; however, it is expected that inspectors would periodically observe site conditions to ensure erosion control is maintained and the SMS are being met.

Project Objectives - Remedial action objectives (RAOs) are established to protect human health and the environment. RAOs focus on site-specific characteristics and may include site-specific media of concern, COPCs, exposure routes and receptors, acceptable contaminant level for each exposure route, and/or range of contaminant levels for each exposure route. Based on the results of the investigation conducted by CalRecycle, groundwater is not included in the RAOs as it is an incomplete exposure pathway; however, surface water is a potential exposure pathway resulting in possible off site migration of burn ash-containing waste through sediment transport during storm events, when it intermittently flows in the bottom of the ravine. There are no aquatic habitats on site as the drainage is dry except during short periods following occasional major rain events. Therefore, as concluded in the RAP for the Project site, the media of concern is limited to soil and the COPCs associated with burn ash-containing waste.

Lead is typically the primary COPC in burn ash-containing waste that has the greatest potential to pose an adverse human health risk. Lead concentrations were present in the waste at the Project site at levels that would indicate that it could be considered a California hazardous waste, according to the RAP. Lead and burn ash are of low solubility and are not likely to be bioavailable; thus, the potential ecological risk at the site is relatively low. The primary exposure pathways are through direct exposure by ingestion or inhalation. Other COPCs, such as other metals (arsenic, antimony, cadmium, and copper) and organic constituents (PNAs and dioxins and furans), are collocated with lead such that receptors can be exposed to these through the same exposure pathways as lead. Eliminating complete exposure pathways between COPC-containing burn ash and site occupants, users and workers, and the surrounding community can mitigate the level of risk. Response actions that accomplish this include constructing a barrier, such as physical controls or removal.

The primary objectives of the Project are to implement remedial action in order to meet the SMS for former landfill sites to comply with CCR Title 27 and to reduce the potential for human exposure and health risk related to burn ash-containing waste.

Responsible Agency Permits – The proposed Project is a remedial action occurring on private lands and will be permitted using the process detailed in CEQA, with the City as the designated Lead Agency with discretionary authority over the primary Project proposal.

A drainage feature passes through the Project site and may be considered jurisdictional waters by the United States Army Corps of Engineers (USACE) and/or the California Department of Fish & Game (CDFG). If these agencies take jurisdiction over this feature, then a permit(s) to modify the affected 0.06 acre of the feature would be required. The feature is dominated by upland vegetation and does not support riparian habitat or other sensitive natural communities. Accordingly, the Project site does not support a wetland that is regulated by Section 404 of the Clean Water Act (CWA). However, the drainage feature may be unvegetated jurisdictional waters that would be subject to CWA 404 Wetlands Nationwide Permit (Nationwide Permit Number 38), CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement permit requirements for impacts to 0.06 acre.

The Project will conform to appropriate City, County, and other local laws and regulations. At a minimum, the discretionary local permits/approvals that may be necessary for development of the Project include a City and/or County Grading Permit, with possible inclusion of a Drainage and Grading Plan and an Erosion Control Plan.

PUBLIC MEETINGS/HEARINGS

Meeting

On March 19, 2009, the LEA and CalRecycle held a public meeting with the property owners and the HOA to discuss the RAP.

No other meetings/hearings are anticipated.

PROJECT ENVIRONMENTAL SETTING

The proposed Project site is located approximately two miles northwest of downtown Escondido, California, at 33.16532° North latitude, 117.11882° West longitude. The Project site occupies approximately one acre near the intersection of Still Water Glen and David Glen. The site has remained relatively undeveloped as part of two residential properties and a portion of open space associated with residential development.

From 1948 to 1953, the Project site was used as a garbage burn dump owned and operated by Mr. Jesse Benton. The site reportedly accepted residential and commercial waste; however, the volume of waste accepted at the dump is not known. Information appearing in a Garbage and Trash Disposal Survey for the City indicated that approximately 84 tons of trash and rubbish was collected on a weekly basis. The waste was disposed in the ravine, where it was burned. The dump was ordered closed by a judgment through an injunction of the State Superior Court (*County of San Diego*, Case 165725), which considered the smoke and odors from burning refuse to be a public nuisance. The former burn dump operated in the eastern 300 feet of Lot 1, Section 6 and part of Lot 4, Section 5 of Township 12 South, Range 2, San Bernardino Base Meridian (SBBM).

The proposed Project site contains land under jurisdiction of both the City and the County. The City of Escondido General Plan designates the western half of the proposed Project site (APN 224-163-42) as Estate 1, and is zoned PD-R1.0 (Planned Development Residential). The eastern half of the proposed Project site (APN 224-190-36 and 224-190-52) is considered by the County as Rural Residential and is zoned as RR1. The Project is surrounded by residential uses in the northeast, southeast, and southwest quadrants, while the

northwest quadrant is undeveloped. The area to the south of the Project was developed with a residential development in the 1980s.

The proposed Project lies within a ravine and topography of the site footprint generally slopes from northeast to southwest, with elevations of approximately 870 feet above Mean Sea Level (MSL) datum at its northeasterly end and 820 feet MSL at its southwesterly end. The Project site encompasses portions of an ephemeral stream near the base of granitic hills that serves as a drainage for a very small regional watershed of approximately 60 acres. The average stream slope along the lower end of the Project site varies from approximately 2% to 7%, while the slopes along the upper end of the site vary from approximately 5% to 30%. Storm runoff conveyed by the ephemeral stream enters into a 42-inch reinforced concrete pipe (RCP) that is located under David Glen. The entrance to the 42-inch RCP culvert is located on the easterly side of David Glen, and storm runoff is then conveyed to the west.

The drainage supports upland (non-hydrophytic) vegetation and is characterized by sandy to rocky soil that has been eroded to a channel width that varies from 0.5 to 2 feet. The ordinary high water mark (OHWM) is not easily discerned in many locations where the cut channel is surrounded by a relatively flat gradient. The detection of flotsam along drift lines is also confounded by dumping of yard waste in some areas and landscape maintenance clearing activities in other areas. The estimated OHWM along the channel ranges from 3 to 10 feet wide, with the average width being about 5.8 feet.

Vegetation on the site currently consists of ornamental plantings, non-native vegetation, and fruit orchards. Coastal sage scrub (CSS) vegetation is present on the slopes that rise to the northwest of the site, a small portion (0.05 acre) of which is included within the Project area. The intention is not to disturb this area. There are a couple of scrub oaks present on site, but there are no oak trees present. Ornamental vegetation on the site is represented by Eucalyptus trees (*Eucalyptus* sp.), pepper trees (*Schinus molle*), cotoneaster shrubs (*cotoneaster* sp.), and African daisy groundcover (*gazania* sp.). Overhead sprinkler irrigation is present in these areas. The orchards are present in the upstream section of the drainage on the Phillips property and are characterized by citrus trees, with bare ground and rip rap (12- to 24-inch diameter) within the channel. Residential ornamental landscaping and avocado orchards are found upstream of the site. The stream channel remains bare in the upstream area, with sandy and rocky soil that does not support hydrophytic vegetation. Weedy species present (primarily where orchards transition to ornamental vegetation) include tree tobacco (*Nicotiana glauca*), ice plant (*Carpobrotus edulis*), mustard (*Brassica* sp.), and horehound (*Marubium vulgare*). The perimeter of the ravine has been used for dumping of residential green waste (brush and other debris).

Soils on the site consist primarily of decomposed granite. The hydrologic soil group types consist of B, C and D, with the C hydrologic soil type being the most prevalent. Group B soils are defined as having moderate characteristics: a moderate infiltration rate when thoroughly wetted, moderately deep to deep, moderately well drained to well drained, moderately coarse textured, and a moderate rate of water transmission. Group C soils have a slow infiltration rate when thoroughly wetted and a slow rate of water transmission, and are chiefly soils that have a layer impeding downward movement of water, or are moderately fine to fine textured soils that have a slow infiltration rate. Group D soils are characterized as having a very slow infiltration rate when thoroughly wetted and a very slow rate of water transmission, and consist chiefly of clays that have a high shrink-swell potential, soils that have a high permanent water table, soils that have a claypan or clay layer at or near the surface, or soils that are shallow over nearly impervious material.

I. LAND USE AND PLANNING (1, 2, 3, 6, 10, 13, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on existing or planned land uses are considered significant if the proposed project would:

- a. Physically divide an established community;*
- b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;*

The proposed Project site contains land under jurisdiction of both the City and the County. The City of Escondido General Plan designates the western half of the proposed Project site (APN 224-163-42) as Estate 1, and is zoned PD-R1.0 (Planned Development Residential). The eastern half of the proposed Project site (APN 224-190-36 and 224-190-52) is considered by the County as Rural Residential and is zoned as RR1. The Project is surrounded by residential uses in the northeast, southeast, and southwest quadrants, while the northwest quadrant is undeveloped and part of open space. From a land use perspective, no adverse impacts from the Project are anticipated because the Project does not conflict with current zoning and does not propose to build any structures. The proposed Project would not disrupt or divide the physical arrangement of the area because it would simply make limited surface improvements to existing conditions within a ravine. Access to the Project site is only provided through private land, and the City is currently in the process of obtaining a right of entry from the cul-de-sac at the end of Still Water Glen. The street is not identified on the City's Circulation Element, as it is a dead-end residential street. Development of the Project and proposed improvements would not adversely alter or impact the existing circulation pattern throughout the surrounding neighborhood, nor preclude the development of surrounding parcels because Project traffic would be limited to approximately four weeks during construction, after which all circulation elements would return to levels prior to the Project. The Project's construction would not create any new land use barriers, or otherwise divide or disrupt the physical arrangement of the surrounding community, because the Project only involves remediation of existing conditions within a ravine and does not develop any new land use barriers or structures. Further, the configuration of the area's existing street network and sidewalks would not be affected by the Project because they can currently serve the Project construction without conflicts to Levels of Service, and because the Project does not involve any operational traffic. Adequate public facilities are available and water and sewer service do not need to be provided for the Project.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan;*

Implementation of the proposed Project would not conflict with the provisions of an adopted or proposed Habitat Conservation Plan or natural community conservation plan. A review of the City's draft Multiple Habitat Conservation Program (MHCP) planning efforts indicates that the Project site is not considered biologically significant or strategically located to warrant being included in a regional or local natural open space preserve. Mitigation measures that have been proposed, as detailed in the Biological Resources section, are consistent with the MHCP and will mitigate effects to less than significant.

- d. Have a substantial adverse effect on a scenic vista;*
- e. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;*

- f. Substantially degrade the existing visual character or quality of the site and its surroundings;*

The property generally slopes from northeast to southwest with an elevation change of approximately 50 feet across the site. There are no significant visual resources or any significantly prominent topographical features as identified in the City's General Plan or Area Plans. The property is not located on a ridgeline identified in the Community Open Space/Conservation Element of the General Plan. Development of the proposed Project would not significantly alter the undeveloped character of the site nor adversely impact any scenic views through and across the property. Existing vegetation would be replaced by native seed mix. The Project would not damage any significant scenic resources within a designated State scenic highway or create an aesthetically offensive site open to the public since the site is not located along a State scenic highway and the Project improvements are all at or below current elevations. A moderate amount of grading is proposed for the site and any grading and subsequent compaction of the site, as necessary, will be per City standards (Article 55, Escondido Zoning Code) to the satisfaction of the City Engineer.

Cumulative Impacts: Existing and planned developments have altered and would continue to alter the existing landforms and visual setting throughout the general Project area. However, given that the Project would not alter current landforms or the visual setting of the area, the Project would not produce a significant individual or cumulatively significant impact.

- g. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.*

Development of the subject site would not create additional sources of light and glare in the area. The Project would not produce a source of light and no new lighting structures are proposed. The Project would not be expected to have an effect to any light or glare in the area.

II. AGRICULTURE RESOURCES (1, 2, 3, 10, 17, 21)

Significance Criteria and Impact Analysis

In determining whether impacts to agricultural resources are significant environmental effects, the City has referred to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. The effects of a project on agricultural resources are considered significant if the proposed project would:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;*
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract; or,*
- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The Project site is within a residential area. The site is not listed as Farmland as identified in the General Plan Final Environmental Impact Report (EIR), which was prepared for the City's most recent General Plan revisions in 2000. The site does not appear to have been used for agricultural purposes, and it is not involved in a Williamson Act Contract or other agricultural land contract. Therefore, the proposed Project would not result in significant individual or cumulative impacts to agricultural resources.

III. TRANSPORTATION/TRAFFIC (1, 2, 4, 6, 7, 8, 17, 21)

Significance Criteria and Impact Analysis

Impacts are considered significant if the project would:

- a. *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?*
- b. *Conflict with an applicable congestion management program, including, but not limited to level of service (LOS) standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*
- c. *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*
- d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e. *Result in inadequate emergency access?*
- f. *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

Project Impacts - The property would be accessed from the cul-de-sac at the east end of Still Water Glen, which is a 24-foot wide residential street, and is anticipated to operate at a LOS "C or better" under current conditions. The street would continue to operate at LOS "C or better" with all Project components/phases, based on engineering judgment for a typical residential street. Since Project operation would not be a traffic generator, future traffic analyses are not necessary as part of the traffic study for this Project.

However, traffic operations are studied during the construction of the proposed Project. Due to low traffic volume and off-peak travel times, deficiencies and impacts are not expected. Under the City's adopted standards, a direct significant impact would occur on a street if Project implementation degrades the LOS to worse than mid-level "D" and increases the rate of flow/capacity (v/c) ratio by more than 0.02. If the segment already operates at mid-LOS D or worse in the baseline condition, a significant cumulative impact would result if the Project increases v/c by more than 0.02. Based on the San Diego Association of Governments (SANDAG) Traffic Generation Rates for the San Diego region, the proposed Project is not anticipated to generate any Average Daily Trips (ADT). The current land uses on the site are residential and open space; no ADT are generated from the land uses currently operating on the site. Because the Project will not generate new ADT, and will not change the current land uses or ADT, there would be no significant impact to the existing traffic.

The proposed Project would not result in a significant direct impact to the existing levels of service on the adjacent streets since a stable flow of traffic is maintained along the street segments. Also, the proposed Project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels of service on any of the adjacent roadways or intersections since the Project would not add 200 additional trips to a circulation element street with a service level below the mid-range of LOS D, and the v/c ratio would not increase more than 0.02.

Design Features/Hazards/Emergency Access – The proposed Project would not result in inadequate emergency access. Emergency and non-emergency response times of the Escondido Fire Department would remain the same with the proposed Project.

Cumulative Impacts – The above traffic data indicated the Project would not result in any significant direct or cumulative impact to the LOS of the adjacent road segments and intersections.

Temporary Construction Traffic – Temporary construction-related traffic impacts would occur during grading and construction activities. Moderate grading is anticipated to prepare the site, and equipment used for grading and excavation generally would remain on site and would not contribute to a substantial increase in traffic. Approximately 130 truck loads (260 truck trips) would be anticipated over the course of the grading operations to bring in the fill material to the site. Implementation of the Project is anticipated to take about four weeks to complete. If the haul only occurs during three weeks and five days each week, then total days of operation is 15 days and the average daily trucks is 18. Assuming each truck accounts for three passenger cars equivalents, then ADT is 52 vehicles per day, which is less than the threshold of 200 trips. Additional traffic would be associated with employee trips to and from the site, equipment delivery and removal, and other related activities. An increase of 52 vehicles per day on roads would not be enough to exceed service capacity. Given that the increased volume of traffic would be limited compared to the capacity on the roads proposed for use, and that the additional traffic would be temporary, this impact would be less than significant. Potential impacts from hauling and construction operations would be avoided by requiring the Project proponent to coordinate and implement safety/traffic control measures with the City that minimize potential conflicts. The hours of operation would be limited to 8 AM to 5 PM. All measures would be implemented prior to the onset of construction activities. The tentative truck route to the site will be as follows:

- Exit I-15 and travel west approximately ½-mile on El Norte Parkway;
- Right (north) on Nutmeg Street;
- Left (west) on Country Club Lane;
- Right (north) on Gary Lane;
- Left on David Drive to David Glen; and
- Right on Still Water Glen and proceed to cul-de-sac.

The total distance from I-15 is approximately 2.5 miles. The impacts to other regionally significant arterial system segments and intersections, including freeway on/off ramp intersections, would be less than significant, where the threshold is 50 or more peak hour trips in either direction to adjacent street traffic. Similarly, the impacts to mainline freeway locations would also be less than significant, where the threshold is 150 peak hour trips in either direction.

Parking – The remediation project would not require on-site parking. Appropriate parking would be provided for each phase of the Project. On street parking along David Glen, David Drive, and Gary Lane would continue to be provided. Parking along the Still Water Glen easterly cul-de-sac would be limited during the construction activities and would have to be coordinated with the residents.

Airport Impacts – The Project is not located within the vicinity of a public or private airstrip and would not result in a change in air traffic patterns, increase in traffic levels, or a change in location that results in substantial safety risks.

Adopted Plans/Policies – The Project would not conflict with adopted policies, plans, or programs supporting alternative transportation. There are no bus stops along the Project frontage; therefore, the proposed Project would not impact any proposed bus routes or stops, or require the development of new or relocated bus stops.

IV. AIR QUALITY (1, 2, 4, 6, 7, 8, 16, 17, 21)

Significance Criteria and Impact Analysis

Where applicable, the significance criteria established by the applicable air quality management or Air Pollution Control District (APCD) may be relied upon to make the following determinations. Impacts would be significant if the project:

- a. Conflicts with or obstruct implementation of the applicable air quality plan;
- b. Violates any air quality standard or contribute substantially to an existing or projected air quality violation;
- c. Results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- d. Exposes sensitive receptors to substantial pollutant concentrations; or,
- e. Creates objectionable odors affecting a substantial number of people.
- f. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- g. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?

City of Escondido Significance Criteria:

Project related impacts exceeding any of the following South Coast Air Quality Management District (SCAQMD) daily emissions criteria can be considered significant:

- | | |
|--------------------------------|---------|
| • Carbon Monoxide (CO) | 550 lbs |
| • Reactive Organic Gases (ROG) | 55 lbs |
| • Oxides of Nitrogen (NOx) | 55 lbs |
| • Fine Particulate Matter (PM) | 150 lbs |

The Project area is within the San Diego Air Basin (SDAB). Air quality at a particular location is a function of the kinds and amounts of pollutants being emitted into the air locally, and throughout the basin, and the dispersal rates of pollutants within the region. The major factors affecting pollutant dispersion are wind speed and direction, the vertical dispersion of pollutants (which is affected by inversions), and the local topography. The air basin currently is designated a state and federal non-attainment area for ozone and PM. However, in the SDAB, part of the ozone contamination is derived from the South Coast Air Basin (SCAB, located in the Los Angeles area). This occurs during periods of westerly winds (Santa Ana condition) when air pollutants are windborne over the ocean, drift to the south and then, when the westerly winds cease, are blown easterly into the SDAB. Local agencies can control neither the source nor transportation of pollutants from outside the basin. The APCD policy, therefore, has been to control local sources effectively enough to reduce locally produced contamination to clean air standards.

For long-term emissions, the direct impacts of a project can be measured by the project's consistency with regional plans to improve and maintain air quality. Local air-quality impacts are directly related to the number of vehicle trips and operation levels on adjacent streets and intersections. According to CEQA Guidelines, a project normally is considered

to have a significant air quality impact if it violates any ambient air quality standard, contributes substantially to an existing or projected air-quality violation, or exposes sensitive receptors to substantial pollution concentrations.

Project-Related Impacts – Long-term emissions are related to the amount of vehicular traffic generated by a project. As noted in the Transportation/Traffic section herein, the anticipated additional trips generated from the Project would not significantly impact the existing LOS on the adjacent streets or intersections. Therefore, the anticipated daily emissions would not exceed local or South Coast Air Quality Management District (SCAQMD) daily emissions criteria. Since the Project would not deteriorate the LOS on adjacent streets and intersections, and is not anticipated to exceed SCAQMD thresholds of significance, the Project would not result in a significant impact to local or regional air quality. The proposed Project would have an incremental impact to basin-wide air-quality on a short-term basis, but the individual impacts attributed to the Project are immeasurably small on a regional scale and would not cause ambient air-quality standards to be exceeded on a regional scale. Therefore, the Project will not have a significant impact on air quality and no mitigation measures are required.

Construction-Related Emissions

Air emissions from the proposed Project will only be generated from activities usually associated with construction. Construction-related activities are temporary, short-term sources of air emissions. Sources of the proposed Project air emission include:

- Fugitive dust from grading activities;
- Construction equipment exhaust;
- Construction-related trips by worker, delivery trucks, and material-hauling trucks; and
- Construction-related power consumption.

Proposed grading consists of approximately 500 cubic yards of cut and approximately 2,500 cubic yards of fill, with import of approximately 2,000 cubic yards of material. Construction equipment primarily would be utilized in an incremental fashion over the course of construction. Due to the relatively small amount of grading anticipated and the small size of the Project, no significant earthwork or diesel truck impacts are anticipated. Approximately 130 truck loads (260 truck trips) would be anticipated over 15 work days of the grading operations to bring in the fill material to the site. Maximum daily emissions of NO_x during construction periods are not projected to exceed City thresholds or APCD standards based on similar studies performed for similar size grading operations.

Earthmoving activities also are a source of fugitive dust emissions that may be a substantial, but temporary impact on local air quality. Dust from grading and other site preparation would generate PM emission. With appropriate use of grading and operation procedures (in conformance with APCD Best Management Practice [BMP] for dust control), the Project would not generate significant PM or dust. The City of Escondido Grading Ordinance and erosion control requirements include provisions for dust control to reduce impacts to air quality during grading and construction activities. At a minimum, these ordinances and provisions require projects to perform regular watering and timely re-vegetation of disturbed areas to minimize the dust and airborne nuisance impacts to off-site receptors.

Fugitive dust can be generated during the handling of soil and burn ash-containing materials after it has been excavated or disturbed. Fugitive dust control measures will be implemented at the site to mitigate dust migration outside of the work area (exclusion zone) and off-site, so that there is limited potential for exposure to site

workers, visitors, and residents in the neighborhood. Potable water will be lightly sprayed at the time of excavation and grading to control dust. The volume of water sprayed will not be such that it results in surface water runoff or standing water. Airborne dust monitoring will be conducted by a contractor to verify and document dust suppression efforts.

Emissions from construction equipment, worker, delivery and material-hauling trucks, and construction-related power consumption would be temporary and would result in an extremely small contribution to the SDAB, and therefore would not result in a significant impact. The proposed Project would not significantly increase traffic volumes on local streets and intersections, as indicated in the Transportation/Traffic section above, and the proposed Project would not result in a substantial increase in the number of vehicles operating in cold start mode or substantially increase the number of vehicles on local roadways. Therefore, the Project would not cause an unacceptable concentration of CO at any Project-affected intersection.

Since the Project would not adversely impact area roadways and intersections, the development of the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation and would have a less than significant impact on local and regional air quality. Individual impacts attributed to the proposed Project are small on a regional scale and would not cause ambient air-quality standards to be exceeded, nor contribute to any adverse cumulative impacts.

Consistency with the Regional Air Quality Standards (RAQS) - Consistency with the RAQS assumptions is determined by analyzing the Project with the assumptions in the RAQS. Forecasts used in the RAQS are developed by SANDAG. The SANDAG forecasts are based on local general plans and other related documents that are used to develop population projections and traffic projections. The existing residential development on the lots underlying the project site is consistent with the current general plan and zoning. The remediation project would not increase density or traffic. Therefore, the Project would not exceed the assumptions used to develop the RAQS and would not obstruct or conflict with the San Diego Air Pollution Control District's (SDAPCD) RAQS.

Odors - During construction, diesel equipment operating at the site may generate some nuisance odors. However, due to the temporary nature of construction, odors associated with Project construction would not be considered significant.

Global Climate Change - Global climate change alleged to be caused by greenhouse gases (GHG) is currently one of the important and widely debated scientific, economic, and political issues in the United States. Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. With the adoption of AB 32, the California Global Warming Solutions Act of 2006, the State of California has determined that global warming proposes a serious threat to the State's economy, public health, and environment. As such, actions that may contribute to global warming are beginning to be addressed in CEQA documents. The adopted legislation defines the greenhouse gasses to be considered and regulated as follows: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

An individual project of this scale and nature would not generate enough GHG to significantly influence global climate change. GHG occur in a worldwide system and the Project does participate in this potential impact through its incremental contribution, which is combined with the cumulative increase of all other sources of GHGs. The State of California currently is working to define the GHG inventory that existed in 1990 to provide a

statewide benchmark against which to measure progress. Once that inventory is determined, AB 32 measures future acceptable emissions against that standard over a period of several years. Although the incremental contribution to GHG is not considered significant due to the relatively small size and potential impact from the Project, newer projects throughout the City continue to implement certain California Air Resources Board (CARB) Greenhouse Gas Emission Reduction Strategies.

V. BIOLOGICAL RESOURCES (1, 2, 10, 11, 12, 13, 14, 18, 17, 20, 21, 22)

Significance Criteria and Impact Analysis

The effects of a project on biological resources are considered to be significant if the proposed project would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or U.S. Fish and Wildlife Service (USFWS);*
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS;*
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA) (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;*
- e. Conflict with any local policies/ ordinance that protect biological resources (e.g. tree preservation policy or ordinance); or,*
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

The approximately one-acre Project site has been disturbed and the majority of native plant cover has been removed through past uses. The Project site is now dominated by ornamental vegetation, and surrounding fruit orchards extend into the site. Mature trees on the site consist of eucalyptus and pepper trees, which will be retained where practicable. A couple of scrub oaks were observed during a biological survey performed by URS in October, 2010, but no oak trees are present on the site (URS, Biological Resources Technical Memorandum, 2010). Approximately 0.05 acre of CSS is present in the northwestern edge of the Project site within the City limits and would be removed during grading. This CSS is located within the City's Focus Planning Area, which is designated for 100 percent preservation. CSS on one parcel within the County will be avoided.

The CSS habitat is a sensitive natural community that may support coastal California gnatcatcher (CAGN; *Poliophtila californica californica*), a state- and federally-threatened species. Although not observed during URS survey activities, the presence of CCS vegetation infers the potential for CAGN to inhabit the area. United States Fish and Wildlife Service (USFWS) protocol surveys were performed in April 2011. CAGN was absent from the site, and no brown-headed cowbird was detected during the surveys. The 45-Day Report for California Gnatcatcher Surveys at the Benton Burn Site was submitted to USFWS on May 25, 2011. Impacts to CSS would be minimized to less than significant through BMPs, which include avoiding construction during the breeding season, installing temporary construction fencing and biological monitoring during vegetation grubbing, and restoring habitat within the site with a native seed mix, as well as mitigating at a ratio of 2:1 for loss of 0.05 acre of CSS habitat.

A drainage feature passes through the Project site and may be considered jurisdictional waters by the USACE or the CDFG. If these agencies take jurisdiction over this feature, then a permit(s) to modify the affected 0.06 acre of this feature would be required. The feature is dominated by upland vegetation and does not support riparian habitat or other sensitive natural communities. Accordingly, the Project site does not support a wetland that is regulated by Section 404 of the CWA. However, the drainage feature may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. The design of the Project includes placing two feet of rock and gravel within the channel and the floodplain, which will minimize the potential for future storm flows to cause the mobilization of contaminated sediment that could be carried downstream of the Project site.

The Project area is surrounded by developed land uses (residential and orchards) and would not interfere significantly with the movement of any native resident species, wildlife corridors, or nursery sites. The property is not listed as an open space corridor or animal migration corridor on any City open space planning maps, nor is the site listed on the City's Parks, Trails, and Open Space Plan.

Implementation of the proposed Project would not conflict with the provisions of an adopted or proposed Habitat Conservation Plan. A review of the City's draft MHCP planning efforts indicates that the Project site is not considered biologically significant or strategically located to warrant being included in a regional or local natural open space preserve. Mitigation measures that have been proposed are consistent with the MHCP and will mitigate the impacts to the 0.05 acre of CSS and the 0.06 acre of potentially jurisdictional waters on the site to less than significant.

MITIGATION MEASURES:

1. The project shall mitigate the removal of 0.05 acres of CSS by purchasing 0.10 acre of CSS conservation credits at a ratio of 2:1 and restoring the habitat within the Project site with a native seed mix consistent with adjacent CSS species composition.
2. Prior to commencing work, the Project will install temporary construction fencing along the boundary between the burn ash footprint and adjacent CSS located outside of the Project site, and provide biological monitoring during vegetation grubbing.
3. To avoid take of active bird nests, the Project will avoid construction in California gnatcatcher and other avian nesting habitat during the California gnatcatcher and other avian species breeding season (approximately February 15 through ~~September 15~~ August 31, ~~as early as January for some raptors~~). If vegetation clearing or other construction work will occur during the California gnatcatcher and other avian species breeding season, a qualified biologist will survey the area within 500 feet of construction, no more than 10 days prior to the beginning of project activities, to identify active nests. If active nests are found within the Project area, construction activities shall not occur within 300 ~~400~~ feet of an active gnatcatcher or other avian species nest (500 feet for raptors), or a sound barrier will be erected in conjunction with biological monitoring to avoid take. ~~A 50-foot buffer will be provided for common bird species detected during the nest survey.~~
4. The drainage feature located onsite may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. Assuming the USACE, RWQCB, and CDFG take jurisdiction, impacts to the 0.06 acre of potentially jurisdictional waters on the site will be mitigated by adhering to the terms and conditions identified in the CWA 404 Wetlands Nationwide Permit, CWA

401 Water Quality Certification, and CDFG 1602 Streambed Alteration Agreement. Areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreages) at the time the project applicant formally submits a streambed notification package to the Stream Alteration Team of the Department.

VI. CULTURAL RESOURCES (1, 2, 5, 10, 17, 19, 21)

Significance Criteria and Impact Analysis

The effects of a project on cultural resources are considered to be significant if the proposed project would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5;*
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5;*
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or,*
- d. Disturb any human remains, including those interred outside of formal cemeteries.*

The proposed Project would not cause an adverse change in the significance of a historical resource or archaeological resource as defined in CEQA Section 15064.5. As detailed below, although there is one newly discovered cultural resource identified in the Project area, it is recommended not eligible; therefore, no effect to a significant resource is anticipated as a result of this Project.

On September 1, 2010, a records search was requested with the South Coastal Information Center (SCIC) at the California State University, San Diego, by URS. The record search included the Project area and a quarter-mile search radius surrounding the Project. Information reviewed included location maps for all previously recorded prehistoric and historic sites and isolates, site record forms and updates for all cultural resources previously identified, previous investigation boundaries, and National Archaeological Database (NADB) citations for associated reports, historic maps, and historic addresses. The SCIC records search results found that seven cultural resource studies have been conducted within the quarter-mile search radius. Of these previously conducted investigations, one was completed within the Project area: SD-1130432 in 2006 by ASM Affiliates, Inc., which consisted of a Cultural Resources Sensitivity Analysis for the carryover storage and San Vicente Dam Raise Project (CSP) Alternatives Analysis, with the boundary of that investigation covering the northeastern portion of the Project site. No previously documented cultural resources have occurred within the Project area; however, one cultural resource (P37-030889) has been previously recorded within a quarter-mile search area from the Project. The cultural resource was recorded in 2009 by Stephen R. Van Wormer and was described as being part of the Vista Irrigation District Bench Flumes, which was constructed between 1924 and 1926. It did not appear that the site was evaluated for significance to the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or for purposes of CEQA.

In order to provide a specific understanding of the archaeological potential of the Project area, on October 14, 2010, URS performed an archaeological survey (URS, Confidential Cultural Resources Technical Memorandum, 2010). The survey included a "walkover" archaeological inspection of the Project area, overview photographs of the site and survey conditions and notes/observations. As expected, the results of the cultural resource survey were positive for archaeological resources as a result of the former dump site. An historic 1940s-1950s dump is located within the ravine of the Project area. The purpose and function of this cultural site was an historic dump, in which refuse was discarded and burned between 1948 and 1953. As stated in the

letter report documenting the survey (URS, Confidential Cultural Resources Technical Memorandum, 2010), the dumping activities cannot be linked to a single person, event, or household, as there have been multiple dumping episodes by residents of the community at that time. Thus, the debris lacks context and no clear association with any particular residence. Further, the refuse contains ubiquitous data in that it is consistent with known consumer behavior of the period. Therefore, the newly identified cultural resources site lacks the potential to provide additional data to contribute to history, and as a result the site was recommended as not eligible for the CRHR. Because there are no eligible archaeological resources within the Project site, no effect to a significant resource is expected as a result of the Project.

In addition, URS completed a review to determine potential effects on any historical resources in the Project area. The National Register Inventory System (NRIS), the electronic database for NRHP-listed properties and the California Historical Landmarks electronic database were examined. Each of these databases indicates that there are no historic properties within the Project area. According to the Office of Historic Preservation (OHP), the Archaeological Determinations of Eligibility (ADOE) and Historic Property Directory (HPD) databases show no listed properties located within the boundaries of the Project. The site also does not contain any resources listed on the City's Historic Sites.

While there are no structures over 50 years old located on the Project site, some of the surrounding residences were built during that approximate time period. Nevertheless, the Project would have a less than significant effect on these surrounding properties due to the lack of visual changes as a result of the Project as well as the existing intrusions between the Project site and the residences. The Project consists of capping the burn footprint with two feet of soil, so no substantial changes would occur to the height or landform of the site. Additionally, ornamental vegetation and fruit orchards are present between the Project site and surrounding properties, obstructing views of the site from these residences. Further, because the Project site is within a ravine, residences located on surrounding bluffs have limited views of the site as a result of elevation differences. Therefore, surrounding residences were not further evaluated and the Project is expected to have a less than significant impact on historical resources.

The Project site was also assessed for potential to disturb paleontological resources or unique geological features. On September 13, 2010, a records search of the Project area was conducted by the San Diego Natural History Museum (SDNHM). According to the SDNHM, no fossil localities have been recorded within a one-mile radius of the Project. The only rock unit exposed in the Project area is the Merriam Mountains monzogranite of Cretaceous age. These plutonic rocks are part of the Peninsular Ranges Batholith of San Diego County and they range in age from late Jurassic to late Cretaceous, approximately 90-140 Ma. These plutonic rocks formed from molten magma at a depth of several miles in the earth's crust and no fossils are known to exist in this type of material. Based on the records search and the plutonic nature of the underlying rocks, SDNHM rated the paleontological sensitivity for the Project site as zero. Additionally, the City of Escondido General Plan (EIR) (1990a) does not include the Project site in areas identified as having potential paleontological resources. Surface soil on the Project site consists primarily of decomposed granite, which is not likely to produce significant paleontological resources. Finally, no unique geologic features were identified on the Project site. Therefore, the Project would not result in a significant impact to these resources.

The Project is not expected to disturb any human remains, including those interred outside of formal cemeteries. There are no formal cemeteries or evidence of human remains within the Project area. A review of historic maps and images at the SCIC indicated that the Project area environs were not previously associated with funerary activities and the area lacks evidence of historic habitation. Therefore, the Project is not expected to

impact human remains, including those interred outside of formal cemeteries.

VII. GEOLOGY AND SOILS (1, 2, 6, 14, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on geology and soils are considered to be significant if the proposed project would:

- a. *Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (Refer to Division of Mines and Geology Special Publication 42).*
 - ii. *Strong seismic ground shaking;*
 - iii. *Seismic-related ground failure, including liquefaction; or,*
 - iv. *Landslides.*

Although the City is located within a Seismic Zone 4, the Project site is not located within proximity to active faults as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The closest known active faults are the Rose Canyon Fault and the Elsinore Fault. The Rose Canyon Fault is located approximately 15.4 miles southwest of the Project site. The Julian segment of the Elsinore Fault is approximately 17.8 miles northeast of the Project site. Accordingly, fault surface rupture is not likely at this Project. In the event of a major earthquake on these faults or other faults within the Southern California region, the site could be subjected to moderate to severe ground shaking. However, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general.

- b. *Result in substantial soil erosion or the loss of topsoil;*
- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or,*
- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.*

The Project lies within a ravine and topography of the site generally slopes and drains from northeast to southwest with elevations of approximately 870 feet above MSL datum at its northeasterly end and 820 feet MSL at its southwesterly end. The average stream slope along the lower end of the Project site varies from approximately 2% to 7%, while the slopes along the upper end of the site vary from approximately 5% to 30%. The soil in this Project area falls into Soil Groups B, C, and D, with the C hydrologic soil type being the most prevalent, according to the San Diego County Hydrology Manual Appendix A. Group B soils are defined as having moderate characteristics: a moderate infiltration rate when thoroughly wetted, moderately deep to deep, moderately well drained to well drained, moderately coarse textured, and a moderate rate of water transmission. Group C soils have a slow infiltration rate when thoroughly wetted and a slow rate of water transmission, and are chiefly soils that have a layer impeding downward movement of water, or are moderately fine to fine textured soils that have a slow infiltration rate. Group D soils are characterized as having a very slow infiltration rate when thoroughly wetted and a very slow rate of water transmission, and consist chiefly of clays that have a high shrink-swell potential, soils that have a high permanent water table, soils that have a claypan or clay layer at or

near the surface, or soils that are shallow over nearly impervious material. Proposed grading consists of approximately 500 cubic yards of cut and approximately 2,500 cubic yards of fill, with import of approximately 2,000 cubic yards of material.

Based on the results of an investigation conducted by CalRecycle in 2007, the site does not contain high groundwater. If any potential groundwater or drainage issues are encountered they are effectively addressed through appropriate grading and drainage techniques/improvements. Due to the geologic characteristics of the site and the proposed grading, it is anticipated that blasting will not be required; however, any blasting that would occur would comply with the City's Blasting Ordinance. The proposed Project would not result in any substantial soil erosion or the loss of topsoil because BMPs would be implemented, including but not limited to placement of fiber rolls, straw bales, and/or silt fencing, as well as stabilizing the soil slopes with a tackifier. Bare soil would also be hydroseeded with a native seed mix. Appropriate compaction of the site would be required to stabilize the cap material. Appropriate on site drainage facilities would be constructed in conformance with the City's grading and storm water provisions. Other potential geologic hazards such as tsunamis, seiches, liquefaction or collapse are considered to be negligible or nonexistent.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

No septic tanks or alternative wastewater disposal system would be utilized as part of the Project. Construction activities, including excavation, are not anticipated to affect existing adjacent septic systems, leach fields, or reserve areas.

VIII. HAZARDS AND HAZARDOUS MATERIALS (1, 2, 15, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on hazards and hazardous materials are considered to be significant if the proposed project would:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or,*
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment*

The proposed Project consists of consolidating waste and capping the surface of the Project site with an engineered soil cover. The cap of clean soil would minimize the potential for human exposure to burn ash-containing waste currently present on the ground surface and in shallow soils of the Project site. The proposed Project requires the use of earthmoving equipment and activities during the excavation of burn ash-containing waste on the steep side slopes of the ravine. As part of the proposed Project, excavated material would be spread thinly across the floor of the ravine, where it would be capped with clean soil. The use of construction equipment would require limited and temporary use of hazardous materials (e.g., batteries, diesel or gasoline, and oil for

use in equipment). Small amounts of hazardous wastes generated from construction equipment may include used equipment oil and oily rags. Hazardous materials would be used, handled, stored, transported and disposed of in accordance with applicable Certified Unified Program Agency (CUPA), City, County, State, and Federal requirements. As a result, the routine hazardous materials (including hazardous waste) use, handling, storage, transportation, and disposal would be anticipated to result in less than significant impacts during the proposed Project.

The proposed Project does not involve the use or storage of hazardous materials that would result in a reasonably foreseeable upset from hazardous materials or accident conditions involving the release of hazardous materials into the environment. The Project would be required to comply with all applicable Fire and Health and Safety Codes, which would eliminate hazards to the public or environment.

Based on a review of land use in the area, no schools or proposed schools are known to be located within 500 feet of the Project site. The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The Benton Burn Site has been identified as a hazardous materials site on regulatory databases pursuant to Government Code Section 65962.5. The site was operated as a burn site from approximately 1948 through 1953. Municipal and commercial refuse was accepted at the facility, where it was burned and placed in a canyon. The LEA conducted inspections of the site for compliance with applicable regulatory SMS. Violations reported during inspections included site security, drainage and erosion control, grading of fill surfaces, and site maintenance. In 2006, the LEA requested CalRecycle to conduct an investigation of the site to assess its conditions with respect to the SMS. An investigation was conducted by CalRecycle in 2007, and supplemental soil sampling and analyses were conducted in 2009 to support the preparation of a RAP. Findings from these studies concluded that COPCs associated with burn ash were present. Lead was reported to be the primary COPC in ash-burning waste that has the greatest potential to pose an adverse human health risk. The primary exposure pathways were reported to be by ingestion or inhalation. In October 2009, URS prepared a RAP at the request of CalRecycle and evaluated remedial action alternatives. The recommended alternative in the RAP was consolidation and capping. The proposed Project would address burn ash-containing waste present within the burn site footprint by consolidating waste and capping the surface with an engineered soil cover, in order to meet SMS and to minimize the potential for human exposure to burn ash-containing waste present on the ground surface and in shallow soil (less than two feet). According to the RAP, the remediation work would be conducted under a Health & Safety Plan that complies with Occupational Safety and Health Administration (OSHA) guidelines in order to protect Project workers. In addition, a Community Health and Safety Plan to protect the health and safety of the community would be implemented. The RAP also includes fugitive dust control measures to limit the potential for exposure to site workers, visitors, and residents in the neighborhoods. These measures include light spraying of soil with water during excavation and grading activities. Airborne dust monitoring would be conducted to verify and document dust suppression efforts. Based on this information, the proposed Project would not create a significant hazard to the public or the environment.

- e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, impacts would occur if the project results in safety hazard for people residing or working in the project area; or,*
- f. *For a project within the vicinity of a private airstrip, the project results in a safety hazard for people residing or working in the project area; or,*

- g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; or,*
- h. 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 not located within an airport land-use plan, an airport land-use plan that is to be adopted, or within two miles of a public airport. The Project is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the Project area. The nearest airport is the private Lake Wohlford Resort Airport, located approximately 11.6 miles east of the Project site.

The Project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan. The proposed Project is not expected to result in the need for additional emergency and fire facilities. The Project would be required to comply with all applicable Fire, Building and Health and Safety Code and would not result in a significant impact to emergency services.

The Project would not expose people or structures to a significant risk of loss, injury, or death involving wild fires as the project involves only minor excavation and capping of the former dump site. No structures are proposed.

IX. HYDROLOGY AND WATER QUALITY (1, 2, 6, 11, 12, 14, 17, 20, 21)

Significance Criteria and Impact Analysis

The effects of a project on hydrology and water quality are considered to be significant if the proposed project would:

- a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants);*
- b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);*
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site;*
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts;*
- e. Cause significant alteration of receiving water quality during or following construction;*
- f. Cause an increase of impervious surfaces and associated runoff;*
- g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;*
- h. Cause potentially significant adverse impact on ground water quality;*

- i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses;*
- j. Is the project tributary to an already impaired water body, as listed on the CWA Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired;*
- k. Create or exacerbate already existing environmentally sensitive areas;*
- l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters; or,*
- m. Impact aquatic, wetland or riparian habitat.*
- n. Otherwise substantially degrade water quality;*

The Project lies within a ravine and topography of the site footprint generally slopes from northeast to southwest with elevations of approximately 870 feet above MSL datum at its northeasterly end and 820 feet MSL at its southwesterly end. The Project site encompasses portions of an ephemeral stream near the base of granitic hills that serves as a drainage for a very small regional watershed of approximately 60 acres. The average stream slope along the lower end of the Project site varies from approximately 2% to 7%, while the slopes along the upper end of the site vary from approximately 5% to 30%. Storm runoff conveyed by the ephemeral stream enters into a 42-inch RCP that is located under David Glen. The entrance to the 42-inch RCP culvert is located on the easterly side of David Glen, and storm runoff is then conveyed to the west. Based on a Hydrology Report prepared by URS in March, 2009, the total runoff from the existing conditions during a 50-year storm is 88 cubic feet per second (cf/s).

Upon implementation of the Project, the amount of runoff from the site would be expected to remain the same due to the amount of impervious surfaces associated with the Project remaining unchanged. The proposed Project would not construct any structures or establish any impervious surfaces. A site-specific Stormwater Pollution Prevention Plan (SWPPP) will not be necessary for the Project since the affected area is less than one acre.

Implementation of the proposed Project would result in the placement of approximately two feet of fill over those areas where burn ash-containing waste is within two feet of the ground surface at the site. Within the areas of the 100-year floodplain and included in the area to be capped, filter fabric will be placed and covered with two feet of rock designed to withstand 100-year flood hydraulic shear stresses to prevent mobilization of the rock during flood events. According to the RAP, the recommended minimum rock diameter is one to two inches. Larger rock (a minimum of 12-inch diameter) is recommended for the steeper area of the drainage near the center of the burn site footprint. While implementation of the Project would result in local increases in water surface elevations due to rock fill placement within the 100-year floodplain, the water surface elevations would be well below the existing top of bank and house pad elevations and will not result in increased flooding, erosion, or sedimentation downstream of the site.

The Project would not withdraw groundwater or interfere with groundwater recharge and groundwater table level. Grading operations associated with the Project are not expected to impact groundwater or be a factor during removal and any recompaction on site. Standard BMPs would be implemented during construction to adequately control erosion and siltation impacts to a less than significant level. The Project would not cause any diversion to or from the existing watershed. Proper use of erosion and sediment control measures as well as BMPs (which are standard requirements as part of the grading permit) would reduce potential water quality impacts to less than significant. The Project does not include activities that would discharge pollutants into groundwater aquifers.

As indicated in the Biological Resources section, above, the drainage feature that passes through the Project site may be considered jurisdictional waters by the USACE or the CDFG. If these agencies take jurisdiction over this channel, then a permit(s) to modify the affected 0.06 acre of the channel would be required. The drainage feature may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. The design of the Project includes placing two feet of rock and gravel within the channel and the floodplain, which will minimize the potential for future storm flows to cause the mobilization of contaminated sediment that could be carried downstream of the Project site.

- o. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;*
- p. Place project within a 100-year flood hazard area structures which would impede or redirect flood flows;*
- q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or,*
- r. Inundate the site by seiche, tsunami, or mudflow.*

Although part of the Project site is located within a 100-year flood zone, as noted above, no impervious surfaces are being constructed as part of the Project, and Project design and BMPs have been developed under the premise that the proposed Project maintain the existing conditions such as land use and grading. Therefore, the effects from the Project on flooding and erosion as a result of a 100-year storm would be less than significant. The Project does not propose to construct a levee or dam and would not otherwise expose people or structures to a significant risk of flooding. The Project does not include activities that would increase the risk of inundation by seiche, tsunami, or mudflow.

X. MINERAL RESOURCES (1, 2, 6, 10, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on mineral resources are considered to be significant if the proposed project would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or,*
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan.*

No known locally important mineral resource recovery site is located on the Project site or within the vicinity of the Project site. The Project would not change the existing availability of mineral resources that would be of value to the region and residents of the state.

XI. NOISE (1, 2, 6, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on noise are considered to be significant if the proposed project would result in:

- a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*
- b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels;*

- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or,*
- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.*

Noise generally is defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and that interferes with or disrupts normal activities. The human environment is characterized by a certain consistent noise level which varies by location and is termed ambient noise. The City's General Plan Noise Element contains policies which outline acceptable noise levels associated with each type of land use. The City requires that noise levels be presented in terms of Community Noise Equivalent Level (CNEL). CNEL is a weighted sound level during a 24-hour period, after the addition of 5 decibels (dB) to average sound levels at evening hours (7 PM to 10 PM) and 10 dB to the average night hours (10 PM to 7AM) is applied to account for noise sensitivity during evening and nighttime hours. A 60 dBA CNEL exposure is considered normally acceptable for exterior residential land uses and 45 dBA CNEL for interior levels based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

The Project is not located adjacent to a projected 1990 noise contour of 60 dB or greater. Therefore, exterior noise measures would not be required for the proposed Project. General Plan Noise Policy E1.2 states the following: In accordance with Table IV-2, the goal for outdoor noise levels in residential areas is a CNEL of 60 dB or less. However, a CNEL of 60 dB or less is a goal that may not necessarily be achievable in all residential areas within the realm of economic or aesthetic feasibility. This goal should be applied where outdoor use is a major consideration (e.g., schools, churches and recreation areas). The proposed Project does not include outdoor/recreation areas or structures and upon completion of the remediation of the site, no noise will be generated. The project would therefore conform to General Plan policies.

Construction Noise – Noise impacts from construction are a function of the noise generated by the construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Noise levels within and adjacent to the specific construction sites would increase during the construction period. Construction would not cause long-term impacts since it would be temporary and daily construction activities would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. Upon completion of the Project, all construction noise would cease. No pile driving or explosives blasting is anticipated as a result of the Project and, thus, no significant vibrations or groundborne noise would be associated with construction of the proposed Project.

Operational Noise – Development of the Project would not increase noise levels within the immediate area. Operation of the Project does not require on site staff, and the site is expected to remain vacant after construction. Post-construction monitoring of the site conditions would result in an increase in vehicle trips along the area roadways, which could incrementally add to the noise level. However, these trips would be minimal and disbursed throughout a period of months, so the incremental increase would not be considered significant nor require any mitigation.

- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, significant impact would occur if the project exposed people residing or working in the project area to excessive noise levels; or ,*

- f. For a project within the vicinity of a private airstrip, if the project exposed people residing or working in the project area to excessive noise levels.*

No private or public airstrips are located within two miles of the proposed Project site; thus, people working in the Project area would not be exposed to excessive noise levels due to airport operations.

XII. POPULATION AND HOUSING (1, 2, 10, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on population and housing are considered to be significant if the proposed project would:

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Population within the surrounding area and city would not incrementally increase as a result of the Project, as the Project does not consist of any new housing elements, does not require operational staffing, and does not alter existing infrastructure. The site does not contain any existing housing or rental units that would be displaced. The proposed Project would not add units to the existing housing stock and would not create a demand for additional housing. The Project would not be considered growth inducing, since the Project site is within an existing residential area and adequate public facilities are available within the area to serve the Project.

XIII. PUBLIC SERVICES (1, 2, 8, 9, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on public services are considered to be significant if the proposed project would:

- a. 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 objectives for any of the public services:*

- i. Fire protection*

Fire services for the proposed Project site are provided by both the City Fire Department and the County Fire Department, since the Project site lies in both jurisdictions. The area currently is served by City Fire Station Number 3, located approximately two miles southeast of the Project at 1808 North Nutmeg Street, and by North County Dispatch Joint Powers Authority (JPA).

The Project site is located within the Very High Fire Severity Zone, as indicated on City Fire Maps. The proposed Project is located in a ravine, with open space bordering the northwest side and residential back yards abutting the remaining borders. A Fire Protection Plan (FPP) was not prepared for the proposed Project because the Project would not introduce new wildland fire hazards or risks that may threaten life and property. The Project would not

construct any structures. Existing vegetation over the burn area footprint would be removed at the start of the Project, and native seed mix would be planted upon completion to cover the soil cap and return the ravine to a natural state. The Project is therefore expected to have a less than significant effect on fire protection in the area; and in fact may improve fire protection in the short term because potential vegetative fuel would be removed from the majority of the site.

ii. Police protection

Development of the Project is not expected to result in an incremental increase in demand for Police Services. The Escondido Police Department and County Sheriff serve the proposed Project site. Impacts to police services are anticipated to be less than significant because construction of the Project would involve a very short time period, would include a temporary six-foot high chain-link fence along the most readily accessible western site perimeter, and would utilize appropriate signage on the fencing to discourage entry and inform the public of the hazard associated with the site and remedial activities. Additionally, operational staff is not associated with the Project, and there would not be any facilities constructed that require security; so there would not be an effect on police services after completion of the project.

iii. Schools

Development of the Project would not result in additional elementary or high school students as no new housing is being proposed and no staffing of the site is required after completion of the project.

iv. Parks

The Project would not result in an incremental increase in demand on the City's recreational facilities; and the site would not contain its own recreational amenities. The Project would not affect existing recreational opportunities since the site currently is not used for recreational activities and is not listed as a potential park site in the City's Master Plan of Parks, Trails and Open Space. Therefore, no significant impact to recreational resources would occur as a result of the Project.

v. Libraries

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities or staff. The Project would not result in a significant increase in demand on library services, or the development of additional library spaces, books or other related items, as no new housing is proposed.

vi. Gas/Electric

San Diego Gas & Electric (SDG&E) provides gas and electric services to the Project area; however, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered SDG&E facilities. The Project does not require power and would not have a significant effect on gas or electric services.

- b. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- c. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The Project would not result in an increase of existing neighborhood and regional parks or recreational facilities. The Project does not include recreational facilities or require the construction or expansion of recreational facilities. No significant impact to recreational resources would occur as a result of the Project.

XIV. UTILITIES AND SERVICE SYSTEMS (1, 2, 17, 21)

Significance Criteria and Impact Analysis

The effects of a project on utilities and service systems are considered to be significant if the proposed project would:

- a. *Exceed wastewater treatment requirements of the applicable RWQCB;*
- b. *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- c. *Require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;*
- d. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;*
- e. *Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;*
- f. *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs;*
- g. *Comply with federal, state, and local statutes and regulations related to solid waste;*

Solid Waste – During construction, brush and existing vegetation within the area included in the remedial action will be cleared and grubbed. The removed materials would then be disposed at a municipal landfill as green waste, provided that no burn ash-containing waste materials are commingled with the green waste. Conventional construction equipment would be used to excavate the burn ash-containing waste on the margins of the burn site footprint, and these materials would be placed on the floor of the ravine, where it will be thinly spread. If temporary soil stockpiling is deemed necessary, excavated soil would be placed in stockpiles on the floor of the ravine within the footprint of the burn site and covered with plastic sheeting. The stockpiles would be managed in a manner to avoid any conditions of pollution or nuisance, and wastes will be managed in compliance with applicable State requirements in 23 CCR, Chapter 15. After construction, the Project site will be revegetated as an undeveloped natural area and will not generate any significant amount of solid waste that could not be accommodated by existing landfill sites.

Sewer Service – The Project does not require sewer service as no structures will be constructed and no operational staff will be present on the site. During construction, portable toilets will be provided and maintained for construction personnel.

Water Service – Water service for the Project is not required. Dust suppression will be provided by potable water during construction, and the Project does not require water after completion of the project.

Drainage Facilities – See analysis contained within Hydrology & Water Quality section, above.

MANDATORY FINDINGS OF SIGNIFICANCE

Potential impacts to the environment as a result of this project are in the area of Biological Resources. With the implementation of the mitigation measures and conditions of approval, the project is not expected to have any significant impacts, either short- or long-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. The project will not degrade the quality of the environment for plant or animal communities since the project will not cause fish and wildlife populations to drop below self-sustaining levels nor reduce the number or restrict the range of endangered plants or animals. The project will not materially degrade levels of service of the adjacent streets, intersection, or utilities. Therefore, in staff's opinion, the proposed project would not have a significant individual or cumulative impact to the environment.

SUMMARY OF MITIGATION MEASURES

No mitigation measures are proposed for environmental factors other than Biological Resources, as potential project effects in other areas have been determined to be less than significant without the need for mitigation.

Mitigation Measure BIO-1

Approximately 0.05 acre of CSS is present in the northwestern edge of the Project site. This CSS is located within the City's Focus Planning Area, which is designated for 100 percent preservation. The project shall mitigate the removal of 0.05 acres of CSS by purchasing 0.10 acre of CSS conservation credits at a ratio of 2:1 and restoring the habitat within the Project site with a native seed mix consistent with adjacent CSS species composition.

Mitigation Measure BIO-2

Prior to commencing work, the Project will install temporary construction fencing along the boundary between the burn ash footprint and adjacent CSS located outside of the Project site, and provide biological monitoring during vegetation grubbing.

Mitigation Measure BIO-3

To avoid take of active bird nests, the Project will avoid construction in California gnatcatcher and other avian nesting habitat during the California gnatcatcher and other avian species breeding season (approximately February 15 through ~~September 15~~ August 31, as early as January for some raptors). If vegetation clearing or other construction work will occur during the California gnatcatcher and other avian species breeding season, a qualified biologist will survey the area within 500 feet of construction, no more than 10 days prior to the beginning of project activities, to identify active nests. If active nests are found within the Project area, construction activities shall not occur within ~~300~~ 400 feet of an active gnatcatcher or other avian species nest (500 feet for raptors), or a sound barrier will be erected in conjunction with biological monitoring to avoid take. ~~A 50-foot buffer will be provided for common bird species detected during the nest survey.~~

Mitigation Measure BIO-4

The drainage feature located onsite may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. Assuming the USACE, RWQCB, and CDFG take jurisdiction, impacts to the 0.06 acre of potentially jurisdictional waters on the site will be mitigated by adhering to the terms and conditions identified in the CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and CDFG 1602 Streambed Alteration Agreement. Areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreages) at the time the project applicant formally submits a streambed notification package to the Stream Alteration Team of the Department.

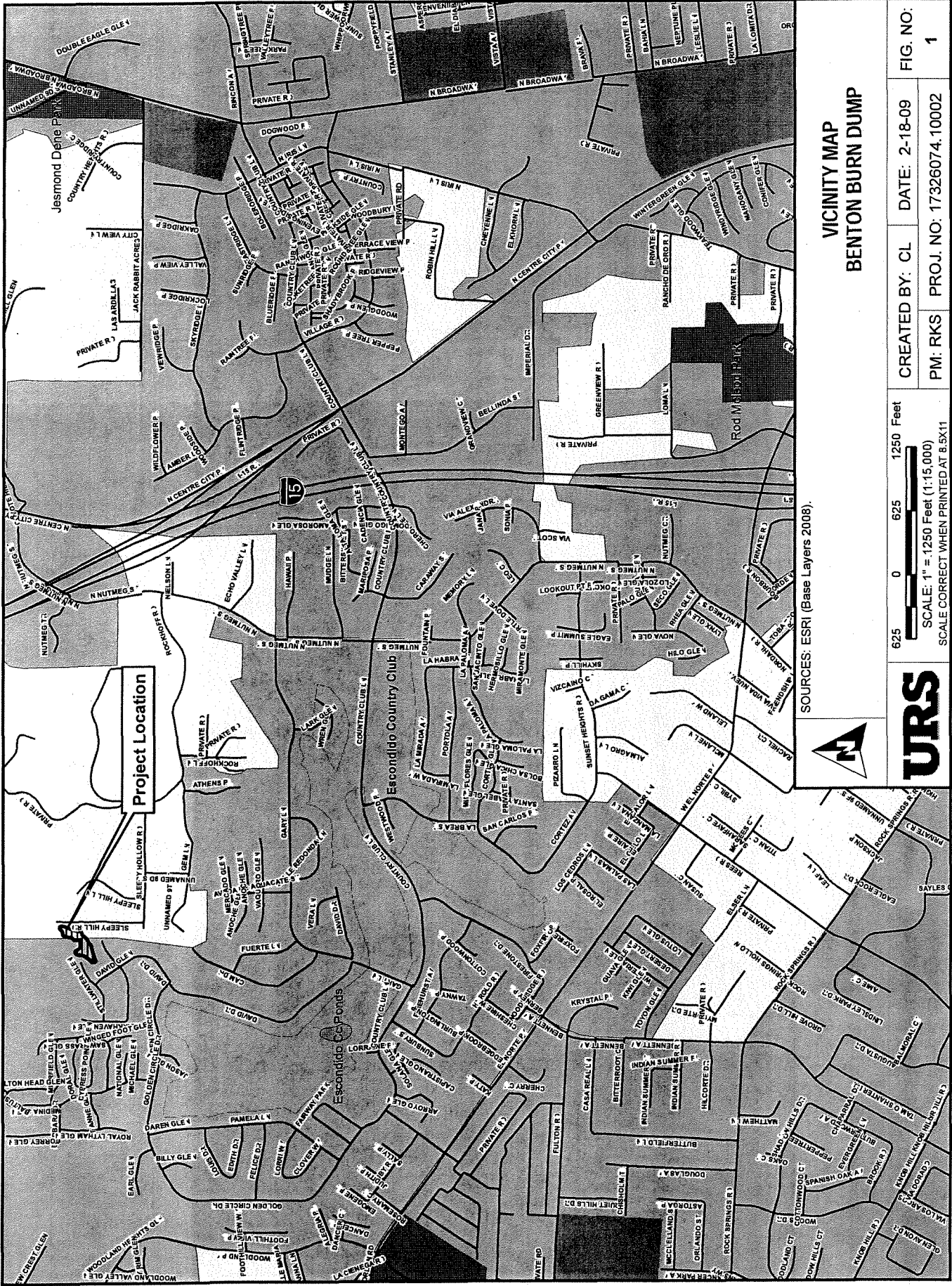
Materials Used in Preparation of this Analysis

1. Escondido General Plan and Environmental Impact Report, 1990
2. Escondido General Plan Update and Environmental Impact Report, 2000
3. Escondido Zoning Code and Land Use Maps
4. SANDAG Summary of Trip Generation Rates
5. Escondido Historic Sites Survey
6. City of Escondido – Engineering Services Public Works Department
7. City of Escondido – Traffic Division
8. City of Escondido – Fire Department
9. City of Escondido – Police Department
10. City of Escondido – Planning Division
11. Escondido Drainage Master Plan, 1995
12. Flood Insurance Rate Maps (FIRM)
13. Draft Multiple Habitat Conservation Program (MHCP) maps
14. United States Geological Survey Topographic Map for San Diego (Escondido) area
15. County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List
16. Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents (Comment Draft, March 5, 2007)
17. Project Description and Preliminary Information
18. Biological Resources Technical Memorandum, prepared by URS Corporation, dated October 2010
19. Confidential Cultural Resources Technical Memorandum, prepared by URS Corporation, dated October 2010
20. Hydrology and Hydraulic Report, prepared by URS Corporation, dated March 2009
21. Remedial Action Plan, prepared by URS Corporation, dated October 2009
22. 45-Day Report for California Gnatcatcher Surveys, prepared by URS Corporation, dated May 2011

List of Acronyms and Abbreviations

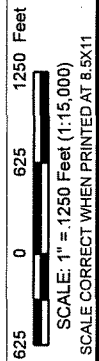
AB32	California Global Warming Solutions Act of 2006
ADOE	Archaeological Determinations of Eligibility
ADT	Average Daily Trip
AEP	Association of Environmental Professionals
APCD	Air Pollution Control District
APN	Assessor's Parcel Number
BMPs	Best Management Practices
CAGN	Coastal California gnatcatcher
CalRecycle	California Department of Resources Recycling and Recovery (formerly the Integrated Waste Management Board)
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFG	California Department of Fish & Game
CEQA	California Environmental Quality Act
cf/s	Cubic Feet per Second
CHHSL	California Human Health Screening Level
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
COPC	Chemical of Potential Concern
CRHR	California Register of Historical Resources
CSS	Coastal Sage Scrub
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	Decibel
DI	Deionized Water
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
FPP	Fire Protection Plan
FRIM	Flood Insurance Rate Maps
GHG	Greenhouse Gases
HMMD	Hazardous Material Management Division
HOA	Homeowners Association
HPD	Historic Property Directory
JPA	Joint Powers Authority
LEA	San Diego County Solid Waste Local Enforcement Agency
LOS	Level of Service
mg/l	Milligrams per Liter
MHCP	Multiple Habitat Conservation Program
MND	Mitigated Negative Declaration
MSL	Mean Sea Level
NADB	National Archaeological Database

NOx	Oxides of Nitrogen
NRHP	National Register of Historic Places
NRIS	National Register Inventory System
OCF	Organochlorine Pesticide
OHP	Office of Historic Preservation
OHWM	Ordinary High Water Mark
OSHA	Occupational Safety and Health Administration
PCB	Polychlorinated Biphenyl
PM	Fine Particulate Matter
PNA	Polynuclear Aromatic Hydrocarbon
PRG	Preliminary Remediation Goal
RAO	Remedial Action Objectives
RAP	Remedial Action Plan
RAQS	Regional Air-Quality Standards
RCP	Reinforced Concrete Pipe
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RR	Rural Residential Area
RSL	Regional Screening Levels
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SCIC	South Coastal Information Center
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control Board
SDG&E	San Diego Gas & Electric Company
SDNHM	San Diego Natural History Museum
SMS	State Minimum Standards
STLC	Soluble Threshold Limit Concentration
SWPPP	Stormwater Pollution Prevention Plan
TCLP	Toxicity Characteristic Leaching Procedure
TTLC	Total Threshold Limit Concentration
URS	URS Corporation Americas
USACE	United States Army Corps of Engineers
USFWS	United States Fish & Wildlife Service
WET	Waste Extraction Test



VICINITY MAP BENTON BURN DUMP

SOURCES: ESRI (Base Layers 2008).



CREATED BY: CL	DATE: 2-18-09	FIG. NO: 1
PM: RKS	PROJ. NO: 17326074.10002	



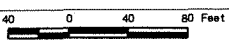
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SOURCES: AirPhoto USA (Aerial 2007).

HYDRAULIC MAP
BENTON BURN DUMP

URS



SCALE: 1" = 80' (1:960)
SCALE CORRECT WHEN PRINTED AT 11X17

CREATED BY: CL

DATE: 2-19-09

FIG. NO:

PM: RKS

PROJ. NO: 17326074.10002

2



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

ATTACHMENT "A"
MITIGATION MONITORING REPORT
CASE NO.: ENV 10-0005

PROJECT NAME: Benton Burn Site Remediation Project
PROJECT LOCATION: Ravine east of Still Water Glen and north of Larkhaven Glen, Escondido, San Diego County, CA 92026
(APNs: 224-163-42, 224-190-36, and 224-190-52)
PROJECT DESCRIPTION: Consolidation of burn ash waste and capping the surface with an engineered soil cover on approximately one acre of land, which involves the removal of 0.05 acres of coastal sage scrub and possibly jurisdictional waters.
PROJECT MANAGER: Edward Domingue, Engineering Services
CONTACT PERSON: Rozanne Cherry, Planning Division
PHONE NUMBER: 760-839-4536

Phase at which the Mitigation
Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTING	CERTIFIED INITIAL/DATE	COMMENTS
PRIOR TO APPROVAL OF GRADING PLANS					
Biological	The city shall purchase 0.10 acre of coastal sage scrub conservation credits at a ratio of 2:1.	Mitigation Measure BIO-1	City of Escondido		
PRIOR TO COMMENCING WORK					
Biological	Temporary construction fencing shall be installed along the boundary between the burn ash footprint and adjacent coastal sage scrub located outside of the Project site.	Mitigation measure BIO-2	City of Escondido		
	A biological monitor shall be provided during vegetation grubbing.	Mitigation Measure BIO-2	City of Escondido		

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
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PRIOR TO COMPLETION OF WORK

Biological	The habitat shall be restored within the Project site with a native seed mix consistent with adjacent coastal sage scrub species composition.	Mitigation Measure BIO-1	City of Escondido		
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GENERAL

Biological	To avoid take of active bird nests, the Project will avoid construction in California gnatcatcher and other avian nesting habitat during the California gnatcatcher and other avian species breeding season (approximately February 15 through September 15 August 31, as early as January for some raptors). If vegetation clearing or other construction work will occur during the California gnatcatcher and other avian species breeding season, a qualified biologist will survey the area within 500 feet of construction, no more than 10 days prior to the beginning of project activities, to identify active nests. If active nests are found within the Project area, construction activities shall not occur within 300-400 feet of an active gnatcatcher or other avian species nest (500 feet for raptors), or a sound barrier will be erected in conjunction with biological monitoring to avoid take. A 50-foot buffer will be provided for common bird species detected during the nest survey.	Mitigation Measure BIO-3	City of Escondido		
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Biological	The drainage feature located onsite may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. Assuming the USACE, RWQCB, and CDFG take jurisdiction, impacts to the 0.06 acre of potentially jurisdictional waters on the site will be mitigated by adhering to the terms and conditions identified in the CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and CDFG 1602 Streambed Alteration Agreement. Areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreages) at the time the project applicant formally submits a streambed notification package to the Stream Alteration Team of the Department.	Mitigation Measure BIO-4	City of Escondido		
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CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

ACKNOWLEDGEMENT OF ENFORCEABLE COMMITMENT

Case No.: ENV 10-0005

The items listed on the attached Mitigation Monitoring Program constitute an enforceable commitment in conformance with Section 21081.6(b) of the California Environmental Quality Act (Public Resources Code Sections 21000-21178). The applicant shall be required to provide, and comply with, all of the mitigation measures listed herein. These mitigation measures also have been included as conditions of the project approval.

8/5/11

Edward Domingue, Engineering Services

A handwritten signature in black ink, appearing to read "Edward Domingue", written over a horizontal line.

Date

Applicant's Name (printed)

Applicant's Signature



Department of Toxic Substances Control

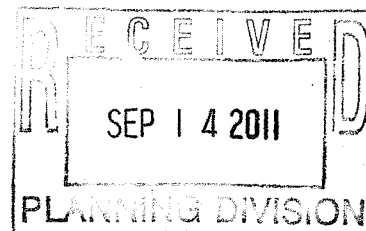


Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

September 12, 2011



Ms. Rozanne Cherry
City of Escondido Planning Department
201 N. Broadway
Escondido, California 92025

TRANSMITTED TO CONSULTANT
ON 9-14-2011 RC

DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR BENTON BURN
SITE REMEDIATION PROJECT (SCH# 2011081061) ENV 10-0005

Dear Ms. Cherry:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The proposed project is the remediation of the former Benton Dump site by implementing the Final Remedial Action Plan Benton Burn Site, SWIS No. 37-CR-0008 dated October 5, 2009, prepared by URS for the California Integrated Waste Management Board. The activity involves less than one acre and would consist of consolidating waste and capping the surface with an engineered soil cover. The cap would include clean soil to meet the State Minimum Standards and minimize the potential for human exposure to burn ash-containing waste present on the ground surface and in shallow soil. A small area of unoccupied coastal sage scrub will be removed and mitigated at a 2:1 ratio with the purchase of 0.10 acre conservation credits. The remediation will also affect 0.06 acre of a drainage area, which may be un-vegetated jurisdictional waters that would be subject to permits from US Army Corps of Engineers and the California Department of Fish and Game. Construction activities will be limited to the hours between 8AM and 5PM. Upon completion of construction, the project site would return to the relative appearance of existing conditions. The project would not construct any buildings and does not include lighting components. Existing non-native vegetation would be replaced by native seed mix over the soil cap".

Based on the review of the submitted document DTSC has the following comments:

- 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- 2) Appropriate sampling is necessary prior to disposal of the excavated soil.

Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

- 3) Long term monitoring and maintenance will be necessary to ensure the proposed cap is performing as designed and remains protective of human health and the environment. Also, formal land use controls will be necessary to ensure the cap and areas immediately surrounding it are not disturbed. Signage will need to be addressed to prevent trespasser access and to inform persons not to disturb the capped burn ash. Drainage and erosion control measures need be implemented to ensure the proposed cap design is not compromised. Also, confirmation samples should be collected to ensure that any unexcavated soils beyond the limits of the proposed cap footprint do not pose a threat to human health and the environment. It is necessary to ensure that adequate dust monitoring and control measures will be implemented during soil excavation and consolidation activities. All remediation work should be performed under a Health & Safety Plan which is compliant with Occupational Safety and Health Administration (OSHA) guidelines.

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov



DEPARTMENT OF FISH AND GAME

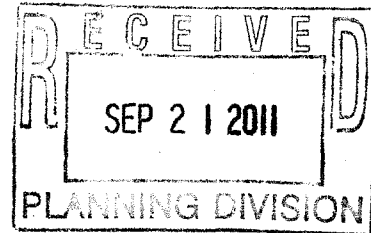
CHARLTON H. BONHAM, Director

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.dfg.ca.gov



September 19, 2011

Ms. Rozanne Cherry
Lead Planner
Planning Division
201 N. Broadway
Escondido, CA 92025
Fax #: (760) 839-4313



Subject: Comments on the draft Mitigated Negative Declaration for the Benton Burn Site Remediation Project, City of Escondido, CA, San Diego County, (SCH# 2011081061)

Dear Ms. Cherry:

The Department of Fish and Game (Department) has reviewed the above-referenced draft Mitigated Negative Declaration (MND) dated August 15, 2011. The comments provided herein are based on information provided in the draft MND and associated documents (including the Biological Resources Review Report, prepared by URS Incorporated, dated May, 2011).

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15281, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program.

The proposed project is located in northwestern San Diego County in the City. Borders of the City include San Marcos to the west and coastal mountains and hills to the east, north, and south. Escondido is located about 18 miles inland from the Pacific Ocean. The City is located 30 miles northeast of downtown San Diego and is approximately 37 square miles. Plans for the proposed project involve the remediation of the former Benton Landfill site by implementing the Final Remedial Action Plan (Benton Burn Site, SWIS No. 37-CR-0008). This activity involves less than one acre and would consist of consolidating waste and capping the surface with an engineered soil cover. The cap would include clean soil to ensure that the State Minimum Standards are obtained. Additionally soil will serve to minimize the potential for human exposure to burn ash-containing waste present on the ground surface and in shallow (less than two feet) soil. A small area of unoccupied coastal sage scrub (0.05 acre) will be removed and mitigated at a 2:1 ratio with the purchase of 0.10 acre conservation credits. The remediation will also affect 0.06 acre of a drainage area, which may be un-vegetated jurisdictional waters that may be subject to permits from US Army Corps of Engineers and/or the Department. Construction activities will be limited to the hours between 8 A.M. and 5 P.M. Upon completion of construction, the project site

would return to the relative appearance of existing conditions. The project would not construct any buildings and does not include lighting components. Existing non-native vegetation would be replaced by native seed mix over the soil cap.

The Department is generally in agreement with the proposed mitigation measures for the project and analysis provide with the MND. However, we have comments that should be addressed prior to the adoption of the final MND.

1. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Accordingly, the Department recommends that the final MND reflect that if maintenance work is necessary adjacent to habitat occupied by native nesting birds, that no activity will occur within a buffer of 300 feet (500 feet for raptors) of active nests. Exceptions include implementing measures to minimize noise and disturbances to those adjacent birds during the avian breeding season generally February 15 to September 15, (as early as January for some raptors). Therefore, the Department recommends that section V (subsection Mitigation Measures, page 16) be edited to incorporate the changes indicated below.

Biological Resources

V. MITIGATION MEASURES

3. To avoid take of active bird nests, the Project will avoid construction in California gnatcatcher and other avian nesting habitat during the California gnatcatcher and other avian species breeding season (approximately February 15 through August 31 September 15, as early as January for some raptors). If vegetation clearing or other construction work will occur during the California gnatcatcher and other avian species breeding season, a qualified biologist will survey the area within 500 feet of construction, no more than 10 days prior to the beginning of project activities, to identify active nests. If active nests are found within the Project area, construction activities shall not occur within 400 300 feet of an active gnatcatcher or other avian species nest (500 feet for raptors), or a sound barrier will be erected in conjunction with biological monitoring to avoid take.
2. The fourth mitigation measure located in section V, subsection Mitigation Measures, page 16 of the MND should state that the areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreage) at the time the project applicant formally submits a streambed notification package to the Lake and Streambed Alteration Program of the Department. During this time the Department will determine if a Streambed Alteration Agreement will be required. Therefore, the Department recommends that this section should be edited to incorporate the changes indicated below.

Biological Resources

V. MITIGATION MEASURES

4. The drainage feature located onsite may be unvegetated jurisdictional waters that would be subject to a CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and/or CDFG 1602 Streambed Alteration Agreement for impacts to 0.06 acre. Assuming the USACE, RWQCB, and CDFG take jurisdiction, impacts to the 0.06 acre of potentially jurisdictional waters on the site will be mitigated by adhering to the terms and conditions identified in the CWA 404 Wetlands Nationwide Permit, CWA 401 Water Quality Certification, and CDFG 1602 Streambed Alteration Agreement. Areas defined with the current jurisdictional delineation report as being regulated pursuant to Section 1600 et seq. of the Fish and Game Code will be evaluated (including mitigation ratios and effected acreage) at the time the project applicant formally submits a streambed notification package to the Stream Alteration Team of the Department.

We appreciate the opportunity to comment on the draft MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you should have any questions please contact Bryand Duke of the Department by email (bduke@dfg.ca.gov) or by phone at (858) 637-5511.

Sincerely,



Edmund Pert
Regional Manager
South Coast Region

cc: Janet Stuckrath, U.S. Fish and Wildlife Service, Carlsbad
Bryand Duke, CA Department of Fish and Game, San Diego
State Clearinghouse, Sacramento

RESOLUTION NO. 2011-126

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING A FINAL MITIGATED NEGATIVE
DECLARATION AND MITIGATION
MONITORING REPORTING PROGRAM FOR
THE REMEDIATION OF THE BENTON
DUMP/BURN SITE

Case No. ENV 10-0005

WHEREAS, on September 1, 2010, the City Council of the City of Escondido approved the submission of an application for grant funds from the Solid Waste Cleanup Program administered by the Department of Resources Recycling and Recovery (CalRecycle) for the remediation of the former Benton Dump/Burn site to protect the public health and safety. Remediation involves the consolidation of waste, capping the surface with a clean soil cover, and sowing a native seed mix over the soil cap, in an area of less than one acre located in a ravine between Still Water Glen and Sleepy Hill Lane (portions of APN's 224-163-42, 224-190-36 and 224-190-52); and

WHEREAS, the Remedial Action Plan prepared by URS Corporation for the Benton Dump/Burn site was approved by CalRecycle (formerly the California Integrated Waste Management Board); and

WHEREAS, a Mitigated Negative Declaration was prepared for the remediation project and circulated for public review by the City of Escondido in compliance with the California Environmental Quality Act ("CEQA"); and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to adopt the Final Mitigated Negative Declaration and Mitigation

Monitoring Report Program, as reflected on plans and documents on file in the offices of the City Clerk and Planning Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Final Mitigated Negative Declaration and Mitigation Monitoring Report Program prepared for the project in conformance with the CEQA, the staff report, and has heard and considered any written comments concerning the Mitigated Negative Declaration, Mitigation Monitoring Report Program and any testimony given at the meeting, and certifies the project would not result in any significant impacts to the environment.
3. That upon consideration of all material in the staff report (a copy of which is on file in the Community Development Department), any public testimony presented at the meeting, and all other oral and written evidence on this Mitigated Negative Declaration, this City Council adopts Final Mitigated Negative Declaration (Case No. ENV 10-0005) and the Mitigation Monitoring Report Program as reflected on plans and documents on file in the offices of the City Clerk and Community Development Department.