
Appendix A

NOP and Comments



THE CITY OF SAN DIEGO

Date of Notice: March 2, 2021

NOTICE OF PREPARATION FOR AN ENVIRONMENTAL IMPACT REPORT AND PUBLIC NOTICE OF A SCOPING MEETING

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007662

NOTICE OF PREPARATION: The City of San Diego as the Lead Agency has determined that the project described below will require the preparation of an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA), which requires that public agencies consider the potentially significant adverse environmental effects of projects over which they have discretionary approval authority before taking action on those projects (Public Resources Code [PRC] Section 21000 et. seq.). According to California Code of Regulations (CCR) Title 14, Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental effect. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

Thereby, this Notice of Preparation of an EIR and Scoping Meeting is publicly noticed and distributed on March 2, 2021. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego CEQA website at: <https://www.sandiego.gov/ceqa> under "Notice of Preparation and Scoping Meetings" tab.

PUBLIC NOTICE OF SCOPING MEETING: Consistent with Section 21083.9 of the CEQA Statutes and Section 15082 of the CEQA Guidelines, a public scoping meeting will be held to solicit comments regarding the scope and analysis of the EIR. However, due to the current State of Emergency and in the interest of public health and safety, and in accordance with the Office of Planning and Research, the City is not currently conducting in-person scoping meetings. Therefore, in lieu of a public scoping meeting to be held in person, a pre-recorded presentation will be made accessible to the public and available for viewing from March 2, 2021 through April 1, 2021.

HOW TO REVIEW THE PRESENTATION: Members of the public will be able to access the link to watch a pre-recorded presentation via livestream at <https://www.sandiego.gov/ceqa/meetings>. The link and pre-recorded presentation will remain available for viewing between March 2, 2021 at 12:00AM through April 1, 2021 at 12:00PM.

HOW TO SUBMIT COMMENTS: Comments on this Notice of Preparation document will be accepted for 30 days following the issuance of this notice and **must be received no later than April 1, 2021**. When submitting

comments, please reference the project name and number (Paseo Montril/No. 658273). Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. Upon completion of the scoping process, all public comments will be organized and considered in the preparation of the draft environmental document

Comment letters may be submitted electronically via e-mail at: DSDEAS@sandiego.gov. Due to the COVID-19 pandemic and State orders, non-essential City staff are working remotely. The City requests that all comments be provided electronically, however if a hard copy submittal is necessary, it may be submitted to:

E. Shearer-Nguyen
City of San Diego
Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

GENERAL PROJECT INFORMATION:

- **Project Name / Number:** Paseo Montril / 658273
- **Community Area:** Rancho Penasquitos
- **Council District:** 5

PROJECT DESCRIPTION: A GENERAL PLAN AMENDMENT to redesignate a portion of the site from Park, Open Space and Recreation to Residential; Community Plan Amendment to redesignate a portion of the site from Open Space to Medium Density Residential; A REZONE from RM-2-5 and RS-1-14 to RM-1-3 (Residential-Multiple) and OC-1-1 (Open Space-Conservation); SEWER EASEMENT VACATION; VESTING TENTATIVE MAP to create two lots; PLANNED DEVELOPMENT PERMIT; and a SITE DEVELOPMENT PERMIT to construct a 55 multi-family residential unit development. The project would split the 15.2-acre lot into two separate lots; 4.9-acre Lot 1 would include the proposed project development; 10.3-acre Lot 2 would consist of an open space lot. The multi-family residential units would be within five separate structures. The structures would be clustered in the center of Lot 1 near the terminus of Paseo Montril. Each structure would be up to 40 feet in height. The proposed residential development would adhere to Design Guidelines specifically developed for the site. Each unit would include a one or two-car garage, with bicycle parking provided within each garage. The development would include exterior open space use areas intended for residents to utilize, including a dog park, community bar-b-que and picnic areas, landscaped areas with seating, and private balconies. Future maintenance and operation of the project would be through a homeowner's association (HOA) that would be responsible for all private roads, private utilities, and common amenities. The project would preserve the area outside the graded footprint that contains Environmentally Sensitive Lands (ESL; steep slopes or sensitive biological habitat) within a Covenant of Easement. The Covenant of Easement would include land use restrictions with the intent to preclude future development and to preserve the area. Various site improvements would also be constructed, including internal infrastructure improvements comprised of hardscape, landscaping, utilities, and retaining walls. Allowable deviations from development standards are proposed that include side yard setback, front yard setback, and height. The vacant approximate 15.9-acre project site is located at the terminus of Paseo Montril. The General Plan designates the site Park, Open Space and Recreation; whereas the land use designation is Open Space and zoned RM-2-5 (Residential Multiple) and RS-1-14 (Residential-Single) in the Rancho Penasquitos Community Plan. Additionally, the site is within Airport Influence Area (MCAS Miramar – Review Areas 2), Airport Land Use Compatibility Overlay Zone (MCAS Miramar). (Assessor's Parcel Nymner:315-020-00.) **The site is not included on any Government Code listing of hazardous waste sites.**

APPLICANT: Tri Point Homes (formally known as Pardee Homes)

RECOMMENDED FINDING: Pursuant to Section 15060(d) of the CEQA Guidelines, it appears that the proposed project may result in significant environmental impacts in the following areas: Land Use, Transportation, Air Quality and Odor, Biological Resources, Energy, Geologic Conditions, Greenhouse Gas Emissions, Health and Safety, Historical Resources, Hydrology, Noise, Paleontological Resources, Population and Housing, Public Services and Facilities, Public Utilities, Tribal Cultural Resources, Visual Effect and Neighborhood Character, Water Quality, Wildfire, and Cumulative.

AVAILABILITY IN ALTERNATIVE FORMAT: To request this Notice or any additional information in an alternative format, please email the Development Services Department at DSDEASNoticing@sandiego.gov. Your request should include the suggested recommended format that will assist with the review of documents.

ADDITIONAL INFORMATION: For environmental review information, contact the environmental analyst, Elizabeth Shearer-Nguyen at (619) 446-5369. The Scoping Letter and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Fifth floor of the Development Services Department. **For information regarding public meetings/hearings on this project, contact the Project Manager, Martin Mendez at (619) 446-5309.** This notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on March 2, 2021.

Raynard Abalos
Deputy Director
Development Services Department

ATTACHMENTS: NOP Distribution List
Figure 1: Project Location
Figure 2: Site Plan

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



Governor's Office of Planning & Research

Apr 07 2021

April 7, 2021

STATE CLEARINGHOUSE

11-SD-15, 56
PM VAR
Paseo Montril
NOP/SCH#2021030038

Ms. Elizabeth Shearer-Nguyen
City of San Diego
1222 1st Ave.
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Paseo Montril project located near Interstate 15 (I-15) and State Route 56 (SR-56). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation network to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Impact Study

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.¹
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.
- Please submit the VMT and any Traffic/Transportation study that was not submitted as part of this package for review and impacts to Caltrans I-15 and SR-56 intersections, ramps, and freeway general purpose lanes.

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

- It is shown that the traffic study and a revised VMT report was submitted to the City of San Diego in the "Applicant Response to Issues..." PDF document.
- Proposed developments trip generation that impacts the exit ramps storage queue will need to be evaluated in the traffic study.
- All of Paseo Montril Development construction will be accessed through the project's private property and Paseo Montril street. There will be no access from Caltrans right of way or freeway ramps.

Hydrology and Drainage Studies

- Please provide hydraulics studies, drainage, and grading plans to Caltrans for review.
- Provide a pre and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
- Provide drainage plans and details. Include detention basin details of inlets/outlet.
- Provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
- On all plans, show Caltrans' Right-of-Way (R/W).
- Early coordination with Caltrans is recommended.
- Previous comments dated January 28, 2021 (see below), were sent via email to Civil Sense (consultants for the Paseo Montril project) related to the diversion of flow and the need to provide an alternative that does not drain into Caltrans R/W or Caltrans drainage facilities, remain unaddressed. An alternative must be provided for our review process to continue.

"After detailed discussions with the District 11 Design Liaison, it was determined that a Diversion of Flow is occurring by the proposed development regardless of the proposed mitigation of that diversion with the installation of a detention basin. Therefore, the Developer must provide an alternative where the Diversion of Flow does not occur.

Once a non-diversion alternative is provided and the Developer contends that this alternative is not practical, the Developer must go through the Encroachment Policy Exception request process, which includes a required documentation of all design options evaluated, including, but not limited to, the Preferred alternative, No Diversion Alternative and No Build . Be aware that projects proposed in interstate R/W will require FHWA review and approval. The estimated amount of time to process an EPE request is a minimum of 5 months."

- Previous Hydraulics Branch comments dated December 21, 2020 remain unaddressed.
- Placing private infrastructure (18" RCP and connection) in State R/W has no benefit to the public.

Design

- An encroachment exception is needed if the drainage from the development will be entering State R/W.
 - HQ would be the approval authority for this exception.
- The encroachment exception would require concurrence from the district Hydraulics unit that our system could handle the additional drainage from the residential development.
 - The developer would have to pay for any necessary upgrades to our drainage system due to the change in land use.
- FHWA approval may be needed if there are any proposed access gates associated with the project.

Complete Streets and Mobility Network

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

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

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with

local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable “smart growth” type land use planning and policies.

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

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-15 and SR-52.

Environmental

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

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

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in any additional mitigation measures identified for the DEIR.

Biology

Approximately 4 acres of Lot 1 proposed for residential development consist of coastal sage scrub habitat. Coastal sage scrub provides habitat for the federally threatened coastal California gnatcatcher (*Polioptila californica californica*). Two recent occurrences of the coastal California gnatcatcher have been mapped within the area proposed for development. Habitat in the remainder of Lot 1 consists of disturbed non-native vegetation. Lot 2 consists primarily of coastal sage scrub habitat.

Mitigation for any impacts to sensitive species will be required. In addition, consultation pursuant to Section 7 of the Endangered Species Act will be required if there are impacts to the coastal California gnatcatcher, or any other federally listed species. Any impacts to state listed species would require a California Endangered Species Act incidental take permit pursuant to Fish and Game Code section 2081.

The preferred mitigation for impacts to coastal sage scrub and the coastal California gnatcatcher would be to debit credits from a mitigation bank, which would reduce the mitigation ratio. However, if coastal sage scrub impacts are not mitigated at a bank, mitigation at a ratio of at least 2:1 with an acquisition cost of approximately \$60,000-\$70,000/acre will be required.

It is recommended that any temporarily impacted areas within the project limits be seeded with an appropriate native erosion control mix. Any native trees removed, including oaks, should be replaced. In addition, any vegetation clearing including tree removal within the project limits should be limited to a time of year that is outside the breeding season to avoid impacts to nesting birds.

Less than 10% of the total project cost may be required for biological mitigation for this project. Please note that the preceding information is preliminary and based upon a cursory examination.

Cultural

As part of brief background research, a review of cultural resource sensitivities was conducted. According to the results of this research there are no sites within or near Caltrans R/W that the project may impact. Therefore, potential for encountering any cultural resources during construction of this project is low.

Hazardous Waste/Materials

Any soil disturbance work done within Caltrans R/W (via encroachment permit) will require that the Permittee be responsible for proper identification (including sampling and analysis) and management of any excess soil that is removed and/or excavated from the work site. It is the Permittee's responsibility to comply with the Department of Toxic Substances Control (DTSC) ADL requirements for soil management. "Hazardous Materials and Hazardous Waste Management Special Provisions" (TR-0408) must be included in the permit (see Appendix K of Caltrans Encroachment Permit Manual). A lead compliance plan, prepared by a Certified Industrial Hygienist (CIH), must be prepared, and implemented for all workers handling the soil.

NPDES/Storm Water

The NPDES Branch has reviewed the above referenced project. The following has been concluded:

- In Utility Plan Sheet 5 of 15, there is a proposed 18-inch reinforced concrete pipe (RCP) that would connect to Caltrans existing storm drain. (Refer to Figure 1 in the next page.) In most cases, this is not allowed. Caltrans drainage is designed for Caltrans facilities, and not intended for use by private development without proper approval. It is recommended that the 18-inch RCP be re-designed to drain into City R/W that will not negatively affect Caltrans facilities.
- In the Grading Plan Sheet 4 and Landscape Concept Plan Sheet 11, there is a concern of inadequate erosion control. With the development on the edge of Caltrans R/W, there is a possibility that sediment would erode into Caltrans R/W, flow through Los Penasquitos Creek, and eventually settle into Los Penasquitos Lagoon, which has a Water Board designated total maximum daily load (TMDL) for sediment. Between the construction period and the time it takes for the proposed landscape vegetation to mature leaves the proposed graded slopes expose to rain events. It is recommended that further consideration for erosion control be taken, ensuring that the project abides by the State NPDES Permit and Construction General Permit.

Visual

The applicant should confirm that the slope planting is adequate to ensure this project doesn't erode into Caltrans R/W.

Right-of-Way

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

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

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

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development and Intergovernmental Review



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

April 1, 2021

April 1, 2021

STATE CLEARINGHOUSE

Elizabeth Shearer-Nguyen
Environmental Analyst at Development Services Department
City of San Diego
Lead/Public Agency
1222 1st Avenue
San Diego, CA 92101
EShearer@sandiego.gov

Subject: Paseo Montril Project (PROJECT), Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), SCH #2021030038

Dear Ms. Elizabeth Shearer-Nguyen:

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

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

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the

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

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extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Diego (City)

Objective: The Project consists of a General Plan Amendment to rezone an area currently designated for Park, Open Space, and Recreation to Residential. It also consists of a Community Plan Amendment to redesignate an area of Open Space to medium density Residential. The proposed project will split 15.2 acres into two lots. Lot 1 will designate 4.9 acres to 55 multi-family residential units consisting of structures that will be up to 40 feet in height. The development will also include areas for outdoor use including a dog park, picnic area, and landscaped seating areas. The Project will include internal infrastructure comprised of hardscape, landscaping, utilities, and retaining walls. The Project will conserve the area that is directly outside the boundary of the grading footprint that contains Environmentally Sensitive Lands (ESL; steep slopes or biologically sensitive habitat). The Covenant of Easement will include land use restrictions preventing future development to preserve the area. Lot 2 will be a 10.3-acre open space lot that will not be developed at this time; however, it is not being designated as Preserve for the purposes of regional planning.

Location: The Project site is located east of Rancho Penasquitos Boulevard at the terminus of Paseo Montril in the community of Rancho Penasquitos. The site is generally bounded by Interstate-15 (I-15) on the east and State Route-56 (SR-56) to the north, with a retirement residential community and commercial property to the west.

COMMENTS AND RECOMMENDATIONS

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

Specific Comments

- 1) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species including any Covered Species under the City’s approved MSCP, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:

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- a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity.
<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;
 - b. A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities;
 - c. A complete, recent, assessment of the biological resources associated with each habitat type onsite and within adjacent areas that could also be affected by the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;
 - d. A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 2) Environmentally Sensitive Lands. The Project Description stated the presence of Environmentally Sensitive Lands (ESL; steep slopes or sensitive biological habitat) within the 15.2-acre site, which includes both Lot 1 and Lot 2. CDFW acknowledges that the grading footprint will be outside the ESL area, but if any brush management for fuel modification is needed, a discussion about brush management zones in relation to the steep slopes and development footprint is recommended. Please provide discussion in the DEIR on the location, width, and plant pallet of the brush management zones within the ESL. The location of the dog park, picnic area and landscaped sitting areas are not shown on the Project Site Plan map. Due to the proximity to the ESL, we recommend the dog park, picnic area and landscaped sitting areas be centralized and away from the ESL. The City considers the steep hillside topographic feature an ESL; therefore, regulations for percentage of allowable development should be considered per Section 143.0142(a)(2) of the City's Municipal Code.
- 3) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity to open areas, it is essential to understand how open space and the biological diversity within it may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely

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affect biological resources, with specific measures to offset such impacts. The following should be addressed in the DEIR:

- a. A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - b. A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
 - c. A discussion on Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. Mitigation measures proposed to alleviate such Project impacts should be included.
 - d. An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - e. A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 4) Sensitive Bird Species. The Project plans will impact areas with existing shrubs and trees, and a significant portion of the site will be demolished and graded. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.
- a. CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
 - b. Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur

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outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 5) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR stipulate that no invasive plant material shall be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

General Comments

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

Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore would not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity consistent with the City's MSCP requirements.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during

Ms. Elizabeth Shearer-Nguyen
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Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

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

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

FILING FEES

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

CONCLUSION

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

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

Sincerely,

DocuSigned by:


D700B4520375406...

David Mayer
Environmental Program Manager I
South Coast Region

ec: CDFW

Karen Drewe, San Diego – Karen.Drewe@wildlife.ca.gov

Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov

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

Jonathan Snyder, USFWS – Jonathan_d_Snyder@fws.gov

Ms. Elizabeth Shearer-Nguyen
City of San Diego
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References

California Department of Fish and Wildlife. 2020. California Natural Diversity Database.
Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program.
Available from: <https://wildlife.ca.gov/Conservation/LSA>

City of San Diego Municipal Code, Land Development Manual, Biology Guidelines.
Chapter 14: General Regulations.

Cowardin et al. 1970. Classification of Wetlands and Deepwater Habitats of the United States.

NATIVE AMERICAN HERITAGE COMMISSION

March 3, 2021

Governor's Office of Planning & Research

Mar 05 2021

STATE CLEARINGHOUSE

Elizabeth Shearer-Nguyen
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

Re: 2021030038, Paseo Montril Project, San Diego County

Dear Ms. Shearer-Nguyen:

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

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

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

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



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

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

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

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

- 3.** Contact the NAHC for:
 - a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



San Diego County Archaeological Society, Inc.

Environmental Review Committee

8 March 2021

To: Ms. Elizabeth Shearer-Nguyen
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Notice of Preparation of a Draft Environmental Impact Report
Paseo Montril
Project No. 658273

Dear Ms. Shearer-Nguyen:

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

We are pleased to note the inclusion of historical resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in notification of the public review of the DEIR, and ensure availability of a copy of the cultural resources technical report(s).

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

Sincerely,


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

cc: SDCAS President
File

