

**Hallmark-Barham Specific Plan EIR  
Technical Appendices**

**Appendix C  
NOP and Comment Letters**



## NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) AND SCOPING MEETING/PUBLIC WORKSHOP

**Project Title:** Hallmark-Barham Specific Plan

**Project Numbers:** Specific Plan (SP20-0002), General Plan Amendment (GP20-0002), Rezone (R20-0001), Multi-Family Site Development Plan (MFSDP20-0001), Tentative Subdivision Map (TSM20-0001), Conditional Use Permit (CUP20-0007) and Grading Variance (GV20-0002).

**Applicant:** Hall Land Company

**NOP Comment Period:** March 31, 2021 to April 30, 2021

**Meeting Date/Time:** April 15, 2021 at 6 PM (via Internet/GoToMeeting)

**PURPOSE FOR NOTICE:** This Notice of Preparation (NOP) is being issued by the City of San Marcos for the proposed Hallmark-Barham condominium project located in the City of San Marcos. The City is the lead agency for the project and will prepare an Environmental Impact Report (EIR) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementation guidelines. This NOP is being circulated pursuant to California Resources Code Section 211153(a) and CEQA Guidelines Section 15082.

The City is requesting written feedback from the public, interested organizations, and responsible trustee agencies about the scope and content of the environmental information that will be addressed in the EIR. The EIR will address the environmental issues discussed in the project's initial environmental study which is available at the Development Services Department's public information counter or on the City's website at:

<https://www.sanmarcos.net/departments/development-services/planning/environmental-review-sustainability/environmental-documents>

**Project Location:** The project site is located in the City of San Marcos at 943 E. Barham Drive (south side of Barham Drive, approx. 475 east of Woodland Parkway). Assessor's Parcel Number: 228-310-01-00.

**Project Description:** Request for a Specific Plan, Multi-Family Site Development Plan, and Tentative Subdivision Map for a 151-unit condominium development on 10.6 acres. Project includes a General Plan Amendment and Rezone to change the land use and zone of the property from Mixed Use-3 (MU-3) to Specific Plan Area (SPA). Additionally, a Grading Variance to allow for slopes to exceed 20 feet in height and a Conditional Use Permit for temporary crushing of rock material during grading operations is requested.

Based on the analysis contained in the Initial Study, the probable environmental effects to be analyzed in the EIR include the following: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, transportation, tribal cultural resources, utilities and service systems and wildfire. Responses received on this NOP may modify or add to the preliminary assessment of potential issues addressed in the EIR.

This NOP will be submitted to the State Clearinghouse, any Responsible and Trustee Agencies and other interested parties that have specifically requested a copy of the NOP. Public agencies and the public are invited to comment on the proposed



scope and content of the environmental information to be included in the EIR. All comments must be received by the City by the close of business on **April 30, 2021**.

**Scoping Meeting/Public Workshop:** A joint Scoping Meeting/Public Workshop for the project will be held on **April 15, 2021 at 6 PM**. The meeting will be conducted virtually using GoToMeeting. To participate in the meeting, please use the following internet link: <https://global.gotomeeting.com/join/953881893>. For voice access only, the meeting can also be accessed by phone at: 1-877-309-2073 and enter Access Code 953-881-893.

The intent of the Scoping Meeting/Public Workshop is to obtain information and solicit comments from the public about the issues and content of the EIR. During the meeting, the project applicant will provide an overview of the project, will explain the environmental review process, and will be available to hear your comments and questions. A copy of the presentation (PDF file) will be posted the day of the meeting at the website below to download for viewing if you participate by phone only. Attendance of the scoping meeting is not required in order to submit written comments.

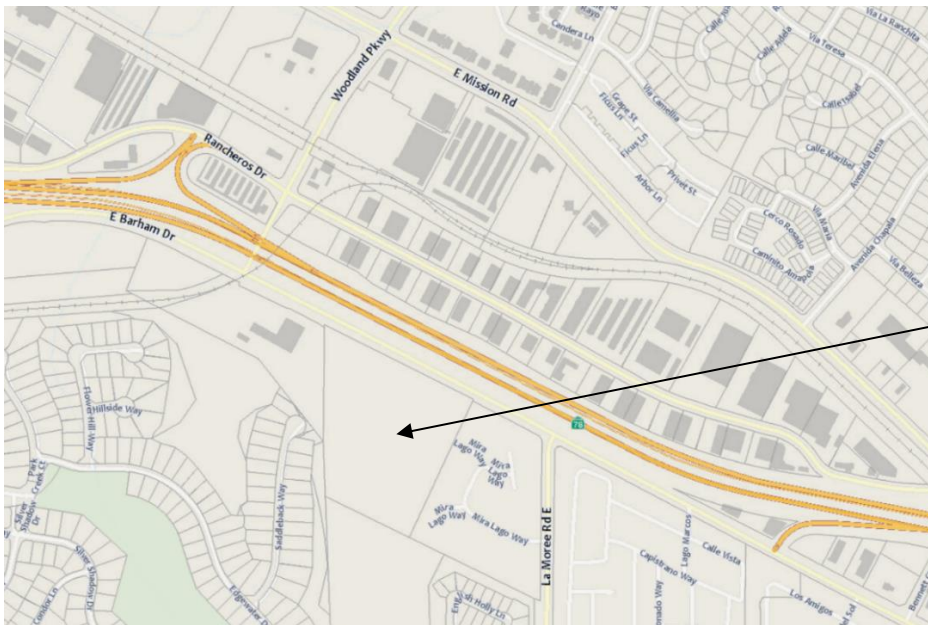
**NOP Comments:** All written comments must be submitted within 30 days of this notice and received no later than close of business on **April 30, 2021**. Written comments can be submitted via letter or email to the following address, and should include your name and contact information or the name of a contact person in your organization or agency, if applicable.

Norm Pedersen, Associate Planner  
 City of San Marcos Planning Division  
 1 Civic Center Drive  
 San Marcos, CA 92069  
 Email: [npedersen@san-marcos.net](mailto:npedersen@san-marcos.net)

For more information regarding the proposed project, please visit:  
<https://www.sanmarcos.net/departments/development-services/planning/environmental-review-sustainability/environmental-documents>

or contact Norm Pedersen, Associate Planner, at (760) 744-1050 x3236 or [npedersen@san-marcos.net](mailto:npedersen@san-marcos.net).

**VICINITY MAP:**



**Project  
 Location**



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](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



April 30, 2021

Norm Pedersen  
City of San Marcos  
Development Services Department, Planning Division  
1 Civic Center Drive  
San Marcos, CA 92069  
[npedersen@san-marcos.net](mailto:npedersen@san-marcos.net)

**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for Hallmark-Barham Specific Plan (Project) SCH #2021040009**

Dear Mr. Pedersen:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from City of San Marcos (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

## **CDFW ROLE**

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

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<sup>1</sup> 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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CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City has prepared a draft NCCP Subarea Plan (SAP) under the San Diego Multiple Habitat Conservation Plan (MHCP), but this plan has not been formally adopted.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Mariana McGrain, Hall Land Company, 740 Lomas Santa Fe Drive, Suite 204 Solana Beach, CA 92075

**Objective:** The Project will require a General Plan Amendment (GP20-0002), Specific Plan (SP20-0002), Rezone (RZ20-0001), Multi-Family Site Development Plan (MFSDP20-0001), Tentative Subdivision Map (TSM20-0001), a Conditional Use Permit (CUP20-0007) and a Grading Variance (GV20-0002). The Project will construct 151 multi-family residential units situated on approximately 10.6 acres. Residential buildings comprise approximately 2.8 acres of the Project site. Multi-family residential dwelling units include one, two, and three-story condominiums; overall building heights will not exceed 40 feet. Open space within the Specific Plan area will total approximately 5.35 acres. Common open space is divided into four components: common open space area with grades 10 percent or greater, common open space area with grades less than 10 percent, the water quality basin bioretention area, and recreational areas.

The Project will require a Grading Variance because it includes slopes exceeding 20 feet in height without benching. Areas where slopes are proposed to be greater than 20 feet include the southern extent of development (31.6-foot maximum slope height), a small area on the western edge of the Project site (25.8-foot maximum slope height), and a portion of the Project frontage along East Barham Drive (22.8-foot maximum slope height with 6-foot retaining wall). Due to granitic bedrock conditions, blasting and rock crushing may be required during the Project grading and site preparation activities. If required, blasting will occur in the northeast portion of the Project site. The Project will comply with all provisions identified in the City's Municipal Code section 17.60.06 as it relates to blasting and blasting shall only be permitted between the hours of 9:00 A.M. and 4:00 P.M. during any weekday. The Project approvals will also include a Conditional Use Permit, which would allow for the temporary use of the rock crusher.

Access to the Project site will be through two driveways on East Barham Drive which will provide an internal loop through the Project site and provide access to alleys. A secondary emergency-only access is provided through the western boundary of the Project site to connect to an existing emergency access driveway on the adjacent property, which connects to Saddleback Way and then to East Barham Drive. The southern end of the Project includes a 150-foot fuel modification buffer subject to vegetation management to reduce fire fuels. Construction materials will be stored on site.

**Location:** The Project site is located at 943 East Barham Drive, west of La Moree Road in the Barham/Discovery Community in the eastern portion of the City. The assessor parcel number (APN) is 228-310-0100. The Project vicinity is developed with primarily residential uses: the Mira Lago to the east; Williamsburg to the southeast; and the Walnut Hills II Specific Plan to the southwest. Designated open space is located south of the Project, along with a private community park/viewpoint, and additional residences within the Williamsburg residential development. The Grace Church and the Barham Park & Ride are located to the west. The northern boundary of the Project site is East Barham Drive, and immediately north of East Barham Drive is the Right-of-Way (ROW) for the State Route 78 (SR-78).

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**Biological Setting:** Preliminary biological analysis identifies the following sensitive habitats on site: Diegan coastal sage scrub (CSS), chaparral, and non-native grasslands. Special status wildlife species with the potential to occur near the Project include the coastal California gnatcatcher (*Polioptila californica californica*; federal Endangered Species Act (FESA)-threatened and State Species of Special Concern (SSC)). Special status plant species identified with the potential to occur include: San Diego thornmint (*Acanthomintha ilicifolia*; FESA- and California Endangered Species Act (CESA)-endangered), San Diego button-celery (*Eryngium aristulatum* var. *parishii*; FESA- and CESA-endangered), and spreading navarretia (*Navarretia fossalis*; FESA-threatened and California Native Plant Society (CNPS) rare plant rank 1B.1). Other sensitive plant species with the potential to occur near the Project include Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*; FESA-endangered and CNPS 1B.1), and wart-stemmed ceanothus (*Ceanothus verrucosus*; CNPS 2B.2).

**Timeframe:** The Project is expected to start construction in late 2022 with an occupancy date of spring 2025, assuming Project approvals are acquired in late 2021.

## 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. Based on the potential for the Project to have a significant impact on biological resources, CDFW agrees that a DEIR is appropriate for the Project.

### Listed Species and California Species of Special Concern

1. A review of the California Natural Diversity Database (CNDDDB) and the Initial Study (IS) indicate historic presence of CESA-listed plants, including San Diego thornmint and San Diego button-celery, in the Project vicinity. Project related activities may adversely impact potential habitat for this species. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Take of any endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project Proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)). CDFW encourages early consultation because significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation, monitoring, and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
2. CNDDDB includes detection of State Species of Special Concern and FESA-listed coastal California gnatcatchers in coastal sage scrub habitat to the west of the Project area. The DEIR should include a report of recent, seasonally appropriate, focused surveys for coastal California gnatcatcher in all areas with suitable habitat within and adjacent to the Project. Focused

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species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required to determine species presence under FESA. Acceptable species-specific survey procedures are detailed in *Coastal California Gnatcatcher (Polioptila californica californica) Presence/Absence Survey Guidelines* (United States Fish and Wildlife Service (USFWS) 1997). If present, the DEIR should disclose potential impacts to the species as well as proposed avoidance and mitigation measures. CDFW considers impacts to federally threatened species a significant direct and cumulative adverse effect without the implementation of appropriate avoidance and/or mitigation measures. If impacts are proposed to occupied or suitable habitat or adjacent habitats, CDFW recommends that the DEIR include consultation with the USFWS at the earliest opportunity as take authorization may be required.

3. The IS identifies California Rare Plant Rank 1B.1 and FESA-threatened spreading navarretia as a potential concern. CNDDDB also documents the presence of California Rare Plant Rank 1B.1 Del Mar manzanita, and 2B.2 wart-stemmed ceanothus immediately adjacent to the south and southwest of the site. The DEIR should include a report of seasonally appropriate surveys in all areas with suitable habitat for sensitive plants, conducted within the last two years. If present, the DEIR should disclose potential impacts to the species as well as proposed avoidance and mitigation measures.
4. The preliminary biological analysis provided in the IS notes the potential for sensitive plants such as San Diego button-celery, spreading navarretia, and San Diego thornmint. The first two of these species are associated with vernal pools, and San Diego thornmint may be associated or located in the vicinity of vernal pools. Vernal pools are considered a rare resource, as it is estimated over 95% of vernal pools in California have been destroyed (USFWS 1998). CDFW considers the loss of these pool complexes to be regionally and biologically significant. To the extent practicable, vernal pools and depressions, and the entire sub-watershed that supports the hydrology of the pool/depression, should be avoided and conserved. The DEIR should identify any existing vernal pool habitat, analyze potential impacts, and propose avoidance and mitigation measures should vernal pools be identified on site.

### **Project Description and Alternatives**

5. The NOP includes a brief discussion of the Project but does not provide sufficient detail to conduct a comprehensive analysis of the potential impacts. To facilitate meaningful review of the Project from the standpoint of the protection of plants, fish, and wildlife, CDFW recommends the following information be included in the DEIR:
  - a. the document should contain a complete discussion of the purpose and description of the Project, including all staging areas and access routes to the construction and staging areas; and,
  - b. the DIER should include a range of feasible alternatives to ensure that alternatives to the Project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources.

### **Biological Baseline Assessment**

6. CDFW has responsibility for wetland and riparian habitats. CDFW strongly discourages development in wetlands or conversion of wetlands to uplands. CDFW opposes any development or conversion that would result in a reduction of wetland acreage or wetland

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habitat values, unless, at a minimum, project mitigation assures there will be “no net loss” of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to aquatic resources must be included in the DEIR.

- a. The central portion of the Project site includes an aquatic feature that may have a bed, bank, or channel. As a Responsible Agency under CEQA, CDFW has authority over a) activities in streams and/or lakes that will divert or obstruct the natural flow; b) changes in the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; and, c) use of material from a streambed. For any such activities, the Project Proponent must provide written notification to CDFW pursuant to Fish and Game Code section 1600 *et seq.*
  - b. CDFW’s issuance of a Lake or Streambed Alteration Agreement (LSAA) for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the Environmental Impact Report of the local jurisdiction (City) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA.
  - c. A preliminary delineation of the streams and associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and riparian habitats subject to CDFW’s authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers’ section 404 permit and Regional Water Quality Control Board section 401 Certification.
  - d. In Project areas which may support ephemeral streams, herbaceous vegetation and woody vegetation also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. If these buffer areas are proposed for impact, they should be included in the sensitive habitat impact analysis.
  - e. Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
  - f. As part of the LSAA Notification process, CDFW requests a hydrological evaluation of the 100-, 50-, 25-, 10-, 5-, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
7. The NOP includes a brief discussion of the flora and fauna within the Project’s area of potential effect but does not provide a full assessment in sufficient detail to conduct a comprehensive analysis of the potential impacts. CDFW recommends the DEIR provide a complete



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assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete species compendium of the entire Project site, undertaken at the appropriate time of year. The DEIR should include the following information:

- a. CEQA Guidelines, section 15125(c), specifies that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed 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. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3, and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;
- b. a complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CNDDDB should be reviewed 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 <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>;
- c. an inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and USFWS;
- d. a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>); floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *A Manual of California Vegetation*, second edition, should be used to inform this mapping and assessment. Alternately, for assessing vegetation communities located in western San Diego County, the *Vegetation Classification Manual for Western San Diego County* (Sproul et al. 2011) may be used; and,
- e. adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

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### **Biological Direct, Indirect, and Cumulative Impacts and Proposed Mitigation Measures**

8. The NOP does not provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. To facilitate meaningful review of the Project's potential impacts on biological resources, the DEIR should include a detailed discussion of potential impacts as well as specific measures to offset such impacts.
  - a) Indirect Impacts: a discussion of potential adverse impacts from lighting, noise, exotic species, and human activity and proposed mitigation measures to alleviate such impacts.
    - i) Adjacent Resources: the DEIR should include 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 the proposed NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
    - ii) Landscaping: the Project includes landscaped areas. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR also stipulate that no invasive plant material shall be used. Furthermore, CDFW 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/>.
    - iii) Pesticide: the Project may include outside pesticide use. Please be aware of a new California law, AB 1788, which bans the use of second-generation rodenticide.
  - b) Mitigation Measures: 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, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. CDFW recommends that mitigation ratios should be consistent with the table *Mitigation Ratios for Impacts to Subarea Plan Species* on page 72 of the City's draft conservation plan. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the City must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
    - i) Long-term Management of Mitigation Lands: the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide

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for long-term management of mitigation lands.

- ii) Sensitive Bird Species: to avoid impacts to nesting birds, the DEIR should require that, when biologically warranted, construction (especially clearing and rough grading) would occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. CDFW generally recommends the buffer be a minimum width of 100 feet for general passerine birds, 300 feet from state or federal listed bird species, and 500 feet for raptor species. The buffer should be demarcated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. 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.
  - iii) Translocation: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
- c) Cumulative Effects: a cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to the DEIR impacts on similar wildlife habitats.

## 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 Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](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](mailto: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](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.)

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## 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 Elyse Levy, Senior Environmental Scientist, at [Elyse.Levy@wildlife.ca.gov](mailto:Elyse.Levy@wildlife.ca.gov).

Sincerely,

DocuSigned by:



D700B4520375406...

David A. Mayer  
Environmental Program Manager I  
South Coast Region

cc: CDFW

Jennifer Turner, San Diego – [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)

Jennifer Ludovissy, San Diego – [Jennifer.Ludovissy@wildlife.ca.gov](mailto:Jennifer.Ludovissy@wildlife.ca.gov)

Susan Howell, San Diego – [Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)

CEQA Program Coordinator, Sacramento, [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

USFWS

Jonathan Snyder, [Jonathan\\_d\\_Snyder@fws.gov](mailto:Jonathan_d_Snyder@fws.gov)

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Norm Pedersen  
City of San Marcos  
April 30, 2021  
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## California Department of Transportation

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
(619) 709-5152 | FAX (619) 688-4299 TTY 711  
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April 30, 2021

11-SD-78  
PM VAR  
Hallmark-Barham Specific Plan  
NOP/SCH#2021040009

Mr. Norman Pedersen  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

Dear Mr. Pedersen:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Draft Environmental Impact Report (NOP) for the Hallmark-Barham Specific Plan located near State Route (SR-78). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development-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.<sup>1</sup>
- 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 include a Local Mobility Analysis (traffic operations study).

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<sup>1</sup> 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](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

## **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.

## **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 Marcos 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 SR-78.

## **Environmental**

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

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

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

## **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.



Mr. Norman Pedersen  
April 30, 2021  
Page 4

- 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](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

*Maurice A. Eaton*

MAURICE EATON  
Branch Chief  
Local Development and Intergovernmental Review



## NATIVE AMERICAN HERITAGE COMMISSION

April 5, 2021

Norm Pedersen  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

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**Julie Tumamait-  
Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

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(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2021040009, Hallmark-Barham Specific Plan Project, San Diego County**

Dear Mr. Pedersen:

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

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

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

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

## AB 52

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

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §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\\_CalEPA.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPA.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](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](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](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse





# San Diego County Archaeological Society, Inc.

Environmental Review Committee

13 April 2021

RECEIVED  
APR 13 2021  
CITY OF SAN MARCOS  
PLANNING DIVISION

To: Mr. Norm Pedersen, Associate Planner  
Planning Division  
City of San Marcos  
1 Civic Center Drive  
San Marcos, California 92069

Subject: Notice of Preparation of a Draft Environmental Impact Report  
Hallmark-Barham Specific Plan  
SP20-0002, GP20-0002, R20-0001, MFSDP20-0001, TSM20-0001,  
CUP20-0007, GV20-0002

Dear Mr. Pedersen:

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

We are pleased to note the inclusion of cultural 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 environmental review process for this project.

Sincerely,

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

cc: SDCAS President  
File

Sylvia J. Williams  
1145 E. Barham Dr spc52  
Sam Marcos, CA 92078  
[Sylviewil1934@gmail.com](mailto:Sylviewil1934@gmail.com)

Norm Pedersen, Associate Planner  
City of San Marcos Planning Division  
1 Civic Center Drive  
San Marcos, CA 92069

Mr Pedersen,

In response to your letter in regard to Hallmark-Barham Specific Plan. I have a very specific concern that should be addressed in the EIR, namely the increase of traffic on Barham Dr.

As I am sure you are very well aware, traffic is **horrendous** at that location during the daytime hours due to the access and egress of cars from Cal State San Marcos. Not only is the number of cars astronomical but those car drivers completely ignore speed limit signs and seem not to be aware of speed reductions around senior residences. As a senior (i.e. elderly) resident, along with 265 other residents of San Marcos Mobile Estates I find myself restricted by this traffic and cannot safely exit the main driveway in the early morning, noon and between 2 and six p.m.. If I and others need to leave the area during these times, we are forced to use our back gate and exit onto La Moree Rd and go to the stop light there ( an additional ¼ mile driving for me), and La Moree is subject to the same racing traffic. As you know most professional offices operate only during daytime hours (doctors, City, DMV etc) so we have no choice but to leave during the day and endure the stress that others create. There have been numerous accidents due to the fact that these drivers want to shave seconds before they access the 78 freeway and seem to have no regard for the needs of others. **This is definitely a safety issue for local drivers.**

I am aware that there are plans to relocate this on-ramp, but like all infrastructure plans these plans are subject to the whims of other committees and budgets. **These road changes need to be IN PLACE before an additional 300 cars are added to the daily total.**

I know that housing in the area is critical and more is absolutely needed and would have no objection to housing being built, but in this case traffic is a problem and needs to be addressed first.

I am sure the Planning Staff is smart enough to find a solution before the first shovelful of dirt is tossed but, I still wish for this objection to be taken seriously and positive action taken to file this with the EIR.

In Good Faith

Sylvia J. Williams