

## Appendices

### **Appendix 2-2 Responses to the NOP**

## Appendices

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RECEIVED

JUN 22 2017

Planning-Comm Dev Dept  
City of Solana Beach

June 19, 2017

Attn: City of Solana Beach Community Development Department  
635 S Highway 101, Solana Beach, CA 92075

RE: California Environmental Quality Act Public Resources Code section 21080.3, subd. (b) ; California Assembly Bill 52, Request for Formal Notification of Proposed Projects within the geographic area that is traditionally and culturally affiliated with the **Mesa Grande Band of Mission Indians**.

The purpose of this letter is to request formal notification of proposed projects within the geographic area that is traditionally and culturally affiliated with the Mesa Grande Band of Mission Indians, in accordance with Public Resources Code Section 21080.3.1, subd. (b). As of the date of this letter, you have been formally notified that the boundaries of your local government's jurisdiction fall within the area that is traditionally and culturally affiliated with the Mesa Grande Band of Mission Indians. Attached to this letter you will find a traditional use area map that can be used for reference. Additionally, the Mesa Grande Band of Mission Indians has created the following specific requests and formal procedures in accordance with California Assembly Bill 52:

- Formal notice of and information on proposed projects for which your agency will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. Pursuant to Public Resources Code section 21080.3.1, subd. (b) shall be sent to the Mesa Grande Band of Mission Indians
- Within 14 days of determining that an application for a project is complete or of a decision by your agency to undertake a project, a lead agency must provide formal notification to Mario Morales, Tribal Member, who is the designated contact and tribal representative for the traditionally and culturally affiliated Mesa Grande Band of Mission Indians regarding notifications pertaining to California Assembly Bill 52

Contact Information:

Mario Morales  
PMB 366  
35008 Pala Temecula Rd.  
Pala, Ca 92059  
Phone: 760-622-1336

- We request that all notices be sent via certified U.S. Mail with return receipt.
- This notice shall consist of a formal written letter that includes:

- A description of the proposed project
  - The project's location
  - The lead agency contact information
  - A clear and definitive statement that the tribe has 30 day to request consultation
- 
- Once Mr. Morales, designated representative and recipient for the Mesa Grande Band of Mission Indians has received the notification, we will respond within 30 days as to whether we wish to initiate consultation as prescribed by Public Resources Code section 21080.3.1, subd. (d), the Mesa Grande Band of Mission Indians may request consultation, as defined by Public Resources Code section 21080.3.1, subd. (b), pursuant to Public Resources Code section 21080.3.2 to mitigate any project impacts a specific project may cause to tribal cultural resources.
  - The lead agency shall begin the consultation process within 30 days of receiving the Mesa Grande Band of Mission Indians request for consultation and prior to the release of a negative declaration, mitigated negative declaration, or environmental impact statement.
  - Once a review of inadvertent discoveries has been completed by the Mr. Morales, designated representative for the Mesa Grande Band of Mission Indians, all information will then be considered for a final decision and directive.
  - In the event that human remains are uncovered, all work in the immediate vicinity will halt and standard procedures will be followed as set forth by law.

On behalf of The Mesa Grande Band of Mission Indians, we appreciate your careful considerations and willingness to effectively carry out all requirements associated with AB 52. If you have any further questions or require any clarification, please feel free to contact me at your earliest convenience.

Sincerely,



Mario Morales  
PMB 366  
35008 Pala Temecula Rd.  
Pala, Ca 92059  
Phone: 760-622-1336



**MESA GRANDE BAND OF MISSION INDIANS**

**P.O. BOX 270**

**SANTA YSABEL, CALIFORNIA 92070**

**(760)782-3818 Tribal Office**

**(760) 782-0795 Tribal Fax#**

May 9, 2017

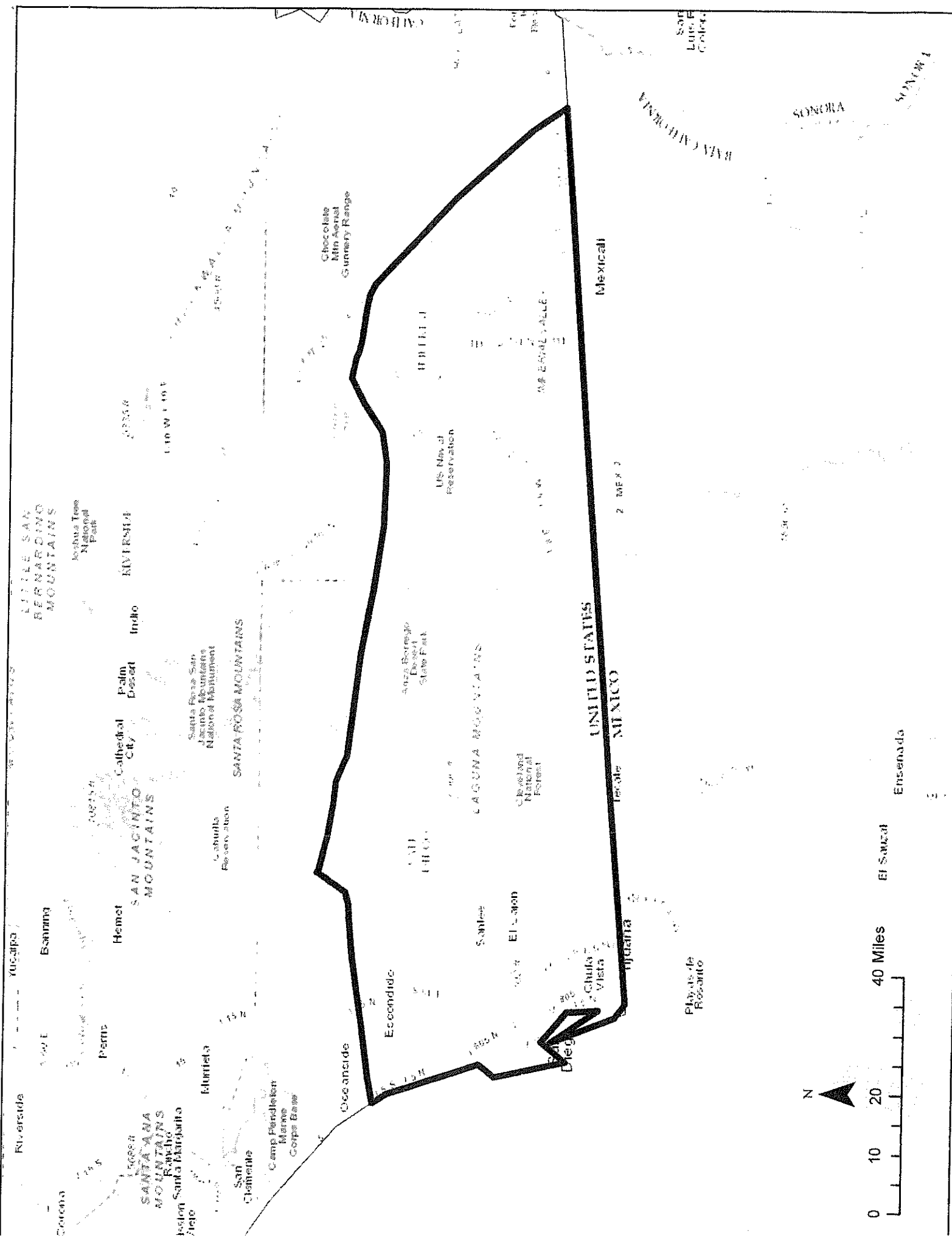
To Whom This May Concern:

Please accept this letter from Mesa Grande Band of Mission Indians authorizing Mario Morales as the Tribe's designated Cultural Resources Representative. If you have any questions or concerns, please contact the Tribal office.

Sincerely,

A handwritten signature in black ink that reads "Virgil Oyos".

Virgil Oyos, Tribal Chairman  
Mesa Grande Band of Mission Indians





Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

Notice of Preparation

June 23, 2017

To: Reviewing Agencies  
  
Re: Residential Care Facility Specific Plan  
SCH# 2017061068

Attached for your review and comment is the Notice of Preparation (NOP) for the Residential Care Facility Specific Plan draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Leslea Meyerhoff  
City of Solana Beach  
635 South Highway 101  
Solano Beach, CA 92075

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

# Document Details Report State Clearinghouse Data Base

**SCH#** 2017061068  
**Project Title** Residential Care Facility Specific Plan  
**Lead Agency** Solana Beach, City of

**Type** NOP Notice of Preparation  
**Description** The proposed project includes a specific plan that would allow construction of a residential care facility for the elderly with 85 units and up to 99 beds. The site would be developed with a single building of varying heights and include parking facilities, landscape and hardscape areas, and a 9,200 sq. ft. garden available for community access. The EIR will evaluate the impacts of the project that can only proceed if it is approved by the City voters pursuant to City code.

## Lead Agency Contact

**Name** Leslea Meyerhoff  
**Agency** City of Solana Beach  
**Phone** 858-720-2400 **Fax**  
**email**  
**Address** 635 South Highway 101  
**City** Solano Beach **State** CA **Zip** 92075

## Project Location

**County** San Diego  
**City** Solana Beach  
**Region**  
**Cross Streets** 959 Genevieve Street at Marine View Ave.  
**Lat / Long** 32° N / 117° W  
**Parcel No.** 2983905100  
**Township** **Range** **Section** **Base**

## Proximity to:

**Highways** 5  
**Airports**  
**Railways** Amtrak  
**Waterways** Pacific Ocean, San Dieguito River  
**Schools** Santa Fe Montessori  
**Land Use** Land Use: Estate Residential (ER) Zoning: Estate Residential-2 (ER-2)

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 5; Department of Housing and Community Development; Native American Heritage Commission; Public Utilities Commission; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9

**Date Received** 06/23/2017 **Start of Review** 06/23/2017 **End of Review** 07/24/2017

# Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 2017061068

Project Title: Residential Care Facility Specific Plan

Lead Agency: City of Solana Beach

Contact Person: Leslea Meyerhoff

Mailing Address: 635 South Highway 101

Phone: 858-720-2400

City: Solana Beach

Zip: 92075

County: San Diego County

Project Location: County: San Diego County

City/Nearest Community: Solana Beach

Cross Streets: 959 Genevieve Street at Marine View Avenue

Zip Code: 92075

Longitude/Latitude (degrees, minutes and seconds): 32 ° 988 ' 497 " N / -117 ° 254 ' 64 " W Total Acres: 2.9

Assessor's Parcel No.: 2983905100

Section: N/A

Twp.: N/A

Range: N/A

Base: N/A

Within 2 Miles: State Hwy #: 5

Waterways: Pacific Ocean, San Dieguito River

Airports: N/A

Railways: Amtrak

Schools: Santa Fe Montessori, Pr

## Document Type:

CEQA: ☒ NOP  
☐ Early Cons  
☐ Neg Dec  
☐ Mit Neg Dec

☐ Draft EIR  
☐ Supplement/Subsequent EIR  
 (Prior SCH No.)  
 Other: \_\_\_\_\_

NEPA: ☐ NOI  
☐ EA  
☐ Draft EIS  
☐ FONSI

Other: ☐ Joint Document  
☐ Final Document  
☐ Other: \_\_\_\_\_

## Local Action Type:

☐ General Plan Update  
☒ General Plan Amendment  
☐ General Plan Element  
☐ Community Plan

☒ Specific Plan  
☐ Master Plan  
☐ Planned Unit Development  
☒ Site Plan

☒ Rezone  
☐ Prezone  
☐ Use Permit  
☐ Land Division (Subdivision, etc.)

Governor's Office of Planning & Research

JUN 23 2017

STATE CLEARINGHOUSE

☐ Annexation  
☐ Redevelopment  
☒ Coastal Permit  
☐ Other: \_\_\_\_\_

## Development Type:

☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Educational: \_\_\_\_\_  
☐ Recreational: \_\_\_\_\_  
☐ Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_

☐ Transportation: Type \_\_\_\_\_  
☐ Mining: Mineral \_\_\_\_\_  
☐ Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
☐ Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
☐ Hazardous Waste: Type \_\_\_\_\_  
☒ Other: Residential Care Facility up to 99 beds

## Project Issues Discussed in Document:

☒ Aesthetic/Visual  
☒ Agricultural Land  
☒ Air Quality  
☒ Archeological/Historical  
☒ Biological Resources  
☒ Coastal Zone  
☒ Drainage/Absorption  
☐ Economic/Jobs

☐ Fiscal  
☒ Flood Plain/Flooding  
☒ Forest Land/Fire Hazard  
☒ Geologic/Seismic  
☒ Minerals  
☒ Noise  
☒ Population/Housing Balance  
☒ Public Services/Facilities

☒ Recreation/Parks  
☒ Schools/Universities  
☒ Septic Systems  
☒ Sewer Capacity  
☒ Soil Erosion/Compaction/Grading  
☒ Solid Waste  
☒ Toxic/Hazardous  
☒ Traffic/Circulation

☒ Vegetation  
☒ Water Quality  
☒ Water Supply/Groundwater  
☒ Wetland/Riparian  
☒ Growth Inducement  
☒ Land Use  
☒ Cumulative Effects  
☐ Other: \_\_\_\_\_

## Present Land Use/Zoning/General Plan Designation:

Land Use: Estate Residential (ER) Zoning: Estate Residential-2 (ER-2)

## Project Description: (please use a separate page if necessary)

The proposed project includes a specific plan that would allow construction of a residential care facility for the elderly with 85 units and up to 99 beds. The site would be developed with a single building of varying heights and include parking facilities, landscape and hardscape areas, and a 9,200 square foot garden available for community access. The EIR will evaluate the impacts of the project that can only proceed if it is approved by City voters pursuant to City code.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input checked="" type="checkbox"/> Caltrans District # 11	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Central Valley Flood Protection Board	<input checked="" type="checkbox"/> Regional WQCB # 9
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> Resources Agency
<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Quality
<input checked="" type="checkbox"/> Fish & Game Region # 5	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	
<input checked="" type="checkbox"/> Housing & Community Development	<input checked="" type="checkbox"/> Other: San Diego Association of Governments
<input type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date June 23, 2017

Ending Date July 24, 2017

Lead Agency (Complete if applicable):

Consulting Firm: PlaceWorks

Address: 750 B Street, Suite 1620

City/State/Zip: San Diego, CA, 92101

Contact: Barbara Heyman, Associate Principal


Phone: 619-299-2700

Applicant: The Lightfoot Png Group (c/o Pacific Sound Invest

Address: 5900 Pasteur Ct, Suite 110

City/State/Zip: Carlsbad, CA 92008

Phone: 760.692.1924

Signature of Lead Agency Representative: 

Date: 6/21/2017

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

# NOP Distribution List

SCH#

2017061068

County: San Diego

## Resources Agency

- ☒ Resources Agency  
Nadell Gayou
- ☒ Dept. of Boating & Waterways  
Denise Peterson
- ☒ California Coastal Commission  
Elizabeth A. Fuchs
- ☒ Colorado River Board  
Lisa Johansen
- ☒ Dept. of Conservation  
Crina Chan
- ☒ Cal Fire  
Dan Foster
- ☒ Central Valley Flood Protection Board  
James Herola
- ☒ Office of Historic Preservation  
Ron Parsons
- ☒ Dept. of Parks & Recreation  
Environmental Stewardship Section
- ☒ S.F. Bay Conservation & Dev't. Comm.  
Steve Goldbeck
- ☒ Dept. of Water Resources  
Nadell Gayou
- ☒ Fish and Game
- ☒ Depart. of Fish & Wildlife  
Scott Flint  
Division
- ☒ Fish & Wildlife Region 1  
Curt Babcock
- ☒ Fish & Wildlife Region 1E  
Laurie Harnsberger
- ☒ Fish & Wildlife Region 2  
Jeff Drongesen
- ☒ Fish & Wildlife Region 3  
Craig Weightman

- ☒ Fish & Wildlife Region 4  
Julie Vance
- ☒ Fish & Wildlife Region 5  
Leslie Newton-Reed  
Habitat Conservation Program
- ☒ Fish & Wildlife Region 6  
Tiffany Ellis  
Habitat Conservation Program
- ☒ Fish & Wildlife Region 6 I/M  
Heidi Calvert  
Inyo/Mono, Habitat Conservation Program
- ☒ Dept. of Fish & Wildlife M  
William Paznokas  
Marine Region
- ☒ Other Departments
- ☒ California Department of Education  
Lesley Taylor
- ☒ OES (Office of Emergency Services)  
Monique Wilber
- ☒ Food & Agriculture  
Sandra Schubert  
Dept. of Food and Agriculture
- ☒ Dept. of General Services  
Cathy Buck  
Environmental Services Section
- ☒ Housing & Comm. Dev.  
CEQA Coordinator  
Housing Policy Division
- ☒ Independent Commissions, Boards
- ☒ Delta Protection Commission  
Erik Vink
- ☒ Delta Stewardship Council  
Kevan Samsam
- ☒ California Energy Commission  
Eric Knight

- ☒ Native American Heritage Comm.  
Debbie Treadway
- ☒ Public Utilities Commission  
Supervisor
- ☒ Santa Monica Bay Restoration  
Guangyu Wang
- ☒ State Lands Commission  
Jennifer Deleong
- ☒ Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques
- ☒ Cal State Transportation Agency CalSTA
- ☒ Caltrans - Division of Aeronautics  
Philip Crimmins
- ☒ Caltrans - Planning  
HQ LD-IGR  
Christian Bushong
- ☒ California Highway Patrol  
Suzann Ikeuchi  
Office of Special Projects
- ☒ Dept. of Transportation
- ☒ Caltrans, District 1  
Rex Jackman
- ☒ Caltrans, District 2  
Marcelino Gonzalez
- ☒ Caltrans, District 3  
Eric Federicks - South  
Susan Zanchi - North
- ☒ Caltrans, District 4  
Patricia Maurice
- ☒ Caltrans, District 5  
Larry Newland
- ☒ Caltrans, District 6  
Michael Navarro
- ☒ Caltrans, District 7  
Dianna Watson
- ☒ Caltrans, District 8  
Mark Roberts

- ☒ Caltrans, District 9  
Gayle Rosander
- ☒ Caltrans, District 10  
Tom Dumas
- ☒ Caltrans, District 11  
Jacob Armstrong
- ☒ Caltrans, District 12  
Maureen El Harake
- ☒ Cal EPA
- ☒ Air Resources Board
- ☒ Airport & Freight  
Jack Wursten
- ☒ Transportation Projects  
Nesamani Kalandyur
- ☒ Industrial/Energy Projects  
Mike Tollstrup
- ☒ California Department of Resources, Recycling & Recovery  
Sue O'Leary
- ☒ State Water Resources Control Board
- ☒ Regional Programs Unit  
Division of Financial Assistance
- ☒ State Water Resources Control Board  
Cindy Forbes - Asst Deputy  
Division of Drinking Water
- ☒ State Water Resources Control Board  
Div. Drinking Water #
- ☒ State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality
- ☒ State Water Resources Control Board  
Phil Crader  
Division of Water Rights
- ☒ Dept. of Toxic Substances Control  
CEQA Tracking Center
- ☒ Department of Pesticide Regulation  
CEQA Coordinator

- ☒ Regional Water Quality Control Board (RWQCB)
- ☒ RWQCB 1  
Cathleen Hudson  
North Coast Region (1)
- ☒ RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)
- ☒ RWQCB 3  
Central Coast Region (3)
- ☒ RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)
- ☒ RWQCB 5S  
Central Valley Region (5)
- ☒ RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office
- ☒ RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office
- ☒ RWQCB 6  
Lahontan Region (6)
- ☒ RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office
- ☒ RWQCB 7  
Colorado River Basin Region (7)
- ☒ RWQCB 8  
Santa Ana Region (8)
- ☒ RWQCB 9  
San Diego Region (9)
- ☒ Other
- ☒ Conservancy

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710

RECEIVED

JUL -7 2017

Planning-Comm Dev Dept  
City of Solana Beach

June 27, 2017

Leslea Meyerhoff/ Bill Chopyk  
City of Solano Beach  
635 South Highway 101  
Solano Beach, CA 92075

Sent via e-mail: bchopyk@cosb.org

RE: SCH# 2017061068; Residential Care Facility Specific Plan Project, City of Solano Beach; San Diego County, California

Dear Ms. Meyerhoff and Mr. Chopyk:

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

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

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

*This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](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](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

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

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

## NAHC Recommendations for Cultural Resources Assessments

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

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

5

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710



June 27, 2017

Leslea Meyerhoff/ Bill Chopyk  
City of Solano Beach  
635 South Highway 101  
Solano Beach, CA 92075

Sent via e-mail: bchopyk@cosb.org

RE: SCH# 2017061068; Residential Care Facility Specific Plan Project, City of Solano Beach; San Diego County, California

Dear Ms. Meyerhoff and Mr. Chopyk:

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

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

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

*This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](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](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

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

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

## NAHC Recommendations for Cultural Resources Assessments

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

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

- Please contact me if you need any additional information at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov).

Gayle Totton, M.A., Ph.D.

cc: State Clearinghouse

# VIEJAS

TRIBAL GOVERNMENT

P.O. Box 908  
Alpine, CA 91903  
#1 Viejas Grade Road  
Alpine, CA 91901

July 6, 2017

Phone: 6194453810  
Fax: 6194455337  
viejas.com

Michael Paul  
PlaceWorks  
750 B Street, Suite 1620  
San Diego, CA 92101

**RE: Residential Care Facility SOLB-02 Project**

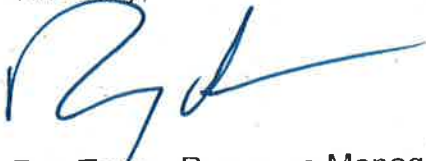
Dear Mr. Paul,

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site has cultural significance or ties to Viejas.

Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains.

Please call me at 619-659-2312 or Ernest Pingleton at 619-659-2314 or email, [rtaran@viejas-nsn.gov](mailto:rtaran@viejas-nsn.gov) or [epingleton@viejas-nsn.gov](mailto:epingleton@viejas-nsn.gov), for scheduling. Thank you.

Sincerely,



Ray Teran, Resource Management  
VIEJAS BAND OF KUMEYAAY INDIANS

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11

4050 TAYLOR STREET, M.S. 240

SAN DIEGO, CA 92110

PHONE (619) 688-6960

FAX (619) 688-4299

TTY 711

www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

July 17, 2017

11-SD-5

PM R36.9

Residential Care Facility Specific Plan

SCH#2017061068

Ms. Leslea Meyerhoff  
City of Solana Beach  
635 South Highway 101  
Solana Beach, CA 92075

Dear Ms. Meyerhoff:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for Draft Environmental Impact Report (EIR) for the proposed Residential Care Facility Specific Plan project located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans would like to submit the following comments:

**I-5 North Coast Corridor**

The approved I-5 North Coast Corridor Environmental Document identifies future impacts to the subject parcel. The existing topography of the site transitions from being above the freeway at the south end to being below the freeway at the north end. When the freeway is widened, retaining walls are proposed to accommodate the widened freeway. Additionally, based on the Caltrans noise study, a potential sound wall was considered along this property.

To construct the freeway widening, retaining walls and sound wall, a right of way take and temporary construction easements are proposed. The right of way take and easements shown are based on the current topography and Caltrans is willing to work with the applicant to develop a preferred right of way scenario. There is not enough information in the provided specific plan to determine whether or not the proposed development conflicts with the freeway widening.

The approved I-5 Environmental Document includes a noise study which identifies a receptor located in the subject property as being severely impacted. Section 3.12, "Noise" of the provided specific plan does not address the existing or future noise levels. It is recommended that noise associated with the proposed freeway widening be considered during construction of this project and appropriate measures be taken.

### **Traffic Impact Study**

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures.

- The geographic area examined in the TIS should include, at a minimum, all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
- A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacity. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.
- In addition, the TIS could also consider implementing vehicles miles traveled (VMT) analysis into their modeling projections.
- Any increase in goods movement operations and its impacts to State highway facilities should be addressed in the TIS.
- The data used in the TIS should not be more than 2 years old.
- Please provide Synchro Version 8 files.
- Early coordination is recommended.

### **Noise**

For local development projects that will require an encroachment permit from Caltrans, the traffic noise analysis should meet the Caltrans' standards for a traffic noise analysis. Caltrans' standards can be found in the Traffic Analysis Protocol 2011 and the Technical Noise Supplement 2013 at the following website:

<http://env.onramp.dot.ca.gov/noise-and-vibration-overview>

The current noise model for use by the Department is TNM 3.0 (Traffic Noise Model). Existing noise levels should be identified and future predicted noise levels should be modeled based on the projected traffic volumes from I-5 and adjacent roads.

Ms. Meyerhoff  
July 17, 2017  
Page 3

If traffic noise impacts are identified then noise abatement is to be considered. Consideration of noise abatement is two-fold. First consideration is whether the noise abatement is feasible which is defined as achieving a minimum 5-dBA reduction at the impacted receiver. Second consideration is whether the abatement is cost reasonable to construct. The base cost for any reasonable/feasible analysis should use \$92,000.

The applicant must be made aware of 23 CFR 772 and the requirements with regard to future noise impacts on currently undeveloped lands. This project may not be a Type 1 project but could be considered a Type 2 project that would not be eligible for federal participation in accordance with 23 CFR 772.13(b). The Department will not be responsible for existing or future traffic noise impacts associated with I-5.

### **Hydrology and Drainage Studies**

Hydrology and Hydraulics studies, drainage and grading plans must be submitted to Caltrans.

### **Mitigation**

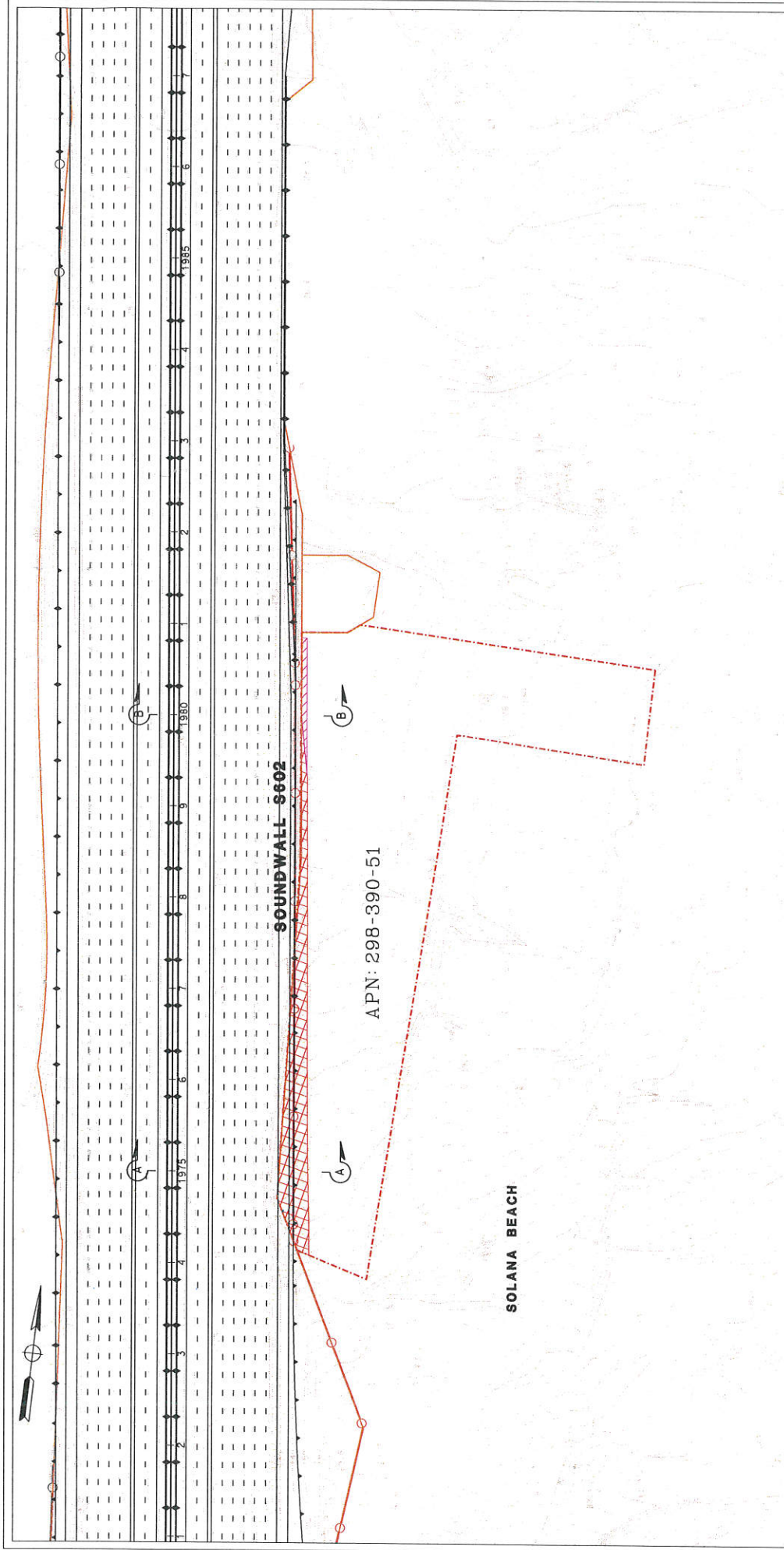
Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Any work performed within Caltrans right-of-way (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. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans's R/W, and any corresponding technical studies.

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to [kimberly.dodson@dot.ca.gov](mailto:kimberly.dodson@dot.ca.gov).

Sincerely,

  
MAURICE EATON, Acting Chief  
Local Development/Intergovernmental Review Branch



**LEGEND**

	APPROXIMATE PARCEL BOUNDARY
	EXISTING CALTRANS R/W
	PROPOSED RETAINING WALL/BARRIER
	PROPOSED CONCRETE BARRIER
	PROPOSED NOISE BARRIER
	PARTIAL TAKE
	TEMPORARY CONSTRUCTION EASEMENT

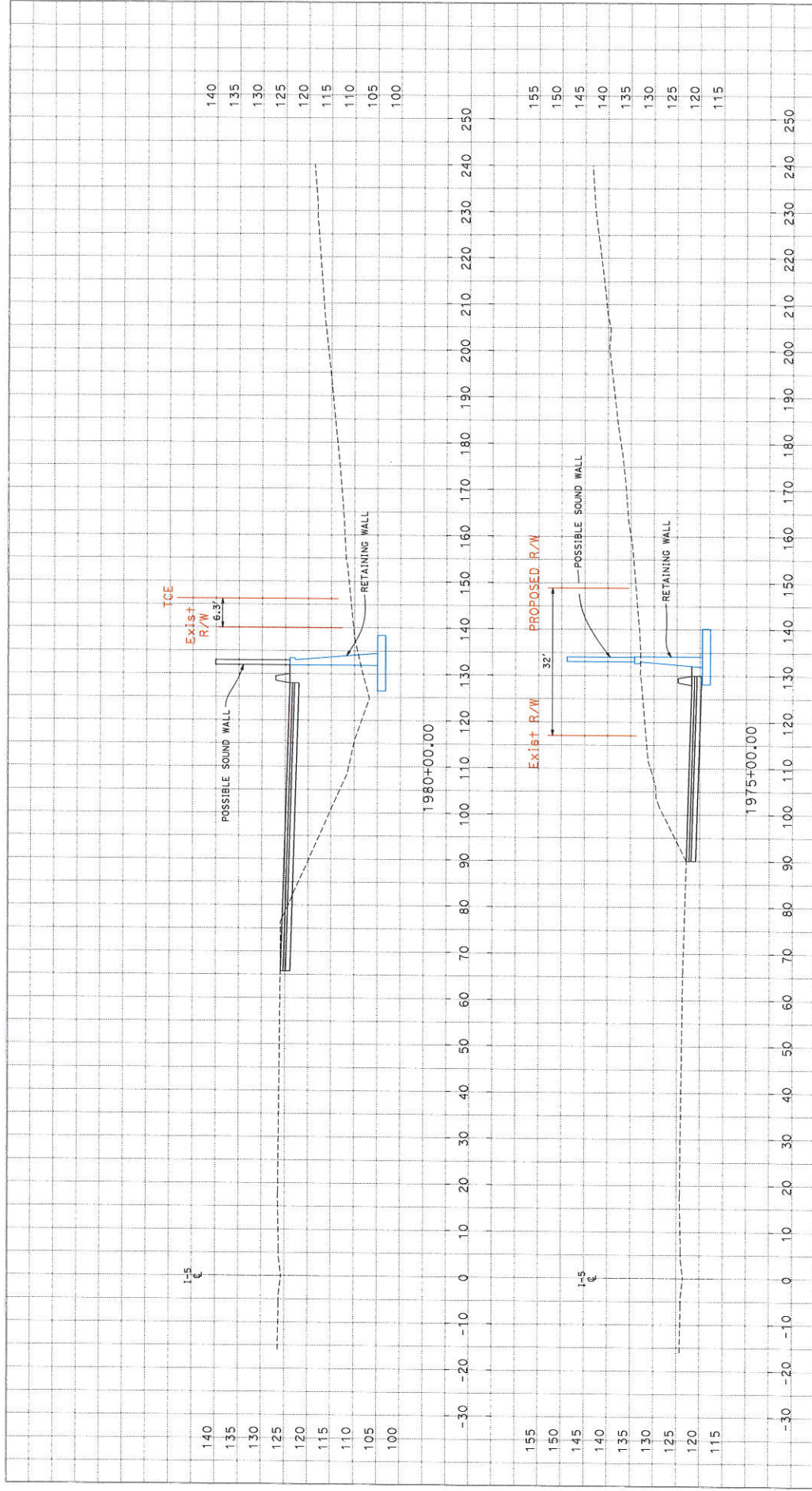
I-5 NORTH COAST CORRIDOR  
 APN: 298-390-51  
 959 GENEVIEVE STREET  
 SOLANA BEACH, CA  
**DESIGN STUDY ONLY**

VERTICAL DATUM: NAVD 1988  
 COORDINATE SYSTEM: CCS 83(1991.35)  
 UNITS= FEET  
 MAP SCALE: 1"=50' CONTOUR INTERVAL= 2'  
 PLANE 1  
 GDS= 6165251.635, 1772251.635, -214748.365  
 ZONE 6

July 10, 2017



# DESIGN STUDY ONLY



PARCEL IMPACT EXHIBIT  
APN 298-390-51  
DATE 7-10-2017

VERTICAL DATUM: NAVD 1988  
SCALE: 1" = 10' Horiz.  
1" = 10' Vert.  
All Dimensions are US Survey Feet



# City of Del Mar

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JUL 17 2017

Planning-Comm Dev Dept  
City of Solana Beach



July 13, 2017

Mr. Bill Chopyk, AICP  
Community Development Director  
City of Solana Beach  
635 South Highway 101  
Solana Beach, CA 92075

**SUBJECT: Notice of Preparation of a Draft EIR for Proposed Residential Care Facility  
Specific Plan Project- City of Del Mar Comment**

Mr. Chopyk,

Thank you for sending the City of Del Mar a copy of the Initial Study and Notice of Preparation of a Draft Environmental Impact Report for the proposed Residential Care Facility at 959 Genevieve Street in Solana Beach. We would like to be noticed of any further actions in regards to the project including a copy of the Draft Environmental Impact Report when available.

Specifically, Del Mar would like to know about any traffic impacts, if any, at Via de la Valle notably any traffic onto Jimmy Durante Boulevard. Also, we would like to know of any impacts from run-off into waterways which could affect the San Dieguito Lagoon.

Please let me know if you have any questions, I can be contacted at (858) 755-9313, Ext. 1148 or by email at [jgavin@delmar.ca.us](mailto:jgavin@delmar.ca.us).

Thank you,

A handwritten signature in black ink, appearing to read "JGavin", written over a light blue horizontal line.

Jennifer Gavin  
Associate Planner

**Michael Paul**

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**Subject:** FW: street name

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**From:** Jane Morton [<mailto:jmorton@roadrunner.com>]

**Sent:** Saturday, June 24, 2017 5:05 PM

**To:** Greg Wade; Bill Chopyk; Amy Uruburu

**Subject:** street name

City Manager Wade and City Planning Director Chopyk, Councilmembers,

I received the notice of the meeting regarding the senior facility on East Genevieve. I would like information and to make a suggestion that relates to that.

How does one go about changing the name of a street? I have seldom seen it done in Solana Beach and the most notable is Lomas Santa Fe, previously called Skyline Drive. God forbid that gets changed again, as it would affect so many businesses and all the printing that would be involved plus changes to web pages etc., so many homes, maps, street signs, freeway signage. Not something to be done lightly.

However East Genevieve, where the senior facility is planned is at a perfect point in time for it to be changed. There are no addresses on that street presently as far as I know (or maybe only one), and the time to make a change would be now. My suggestion is to call it Marine View Court.

If the project requirements (change to zoning) went to an election, it would be totally confusing for those voters that vote but really pay little attention. To them, Genevieve would be in their minds as being in Eden Gardens and that might be the basis on which they cast a vote. If they happen to be aware of a similar project that is in the offing for Eden Gardens, that might be what they think they are voting on.

Either way, clear it up now with a name change so that whoever is reading about the project or voting on the project will have a better idea of the location of the senior facility. Same with visitors to the facility in the future; there will be no confusion as there could be if the address is Genevieve.

The only other street that I can think of that has had a name change is Stevens Ave. West. It used to be called Jack Drive when Kaypro was the main addressee there. When that business closed down, the street became Stevens

Avenue and multiple storage facilities began to dot the street.

I would like this to be considered and if a petition of registered voters is needed to make this happen, I would like to know.

Thank you for your attention to this.

Sincerely,  
Jane Morton



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To:

July 18, 2017  
**RECEIVED**

JUL 21 2017

Planning-Comm Dev Dept  
City of Solana Beach

The City Council of Solana Beach and Mr. Bill Chopyk

This is concerning the proposed residential care facility on Marine View in the Solana Beach neighborhood of Keaney Marine View Gardens. My name is Linda J. Smith, I own two properties in Solana Beach, one is my beloved long time home (1968) on the corner of Highland Dr. and Marine View.

I was unable to attend the July 13<sup>th</sup> meeting but since this is such an important matter I would like to submit my written comments for your consideration.

First, haven't we been through this before? I don't know how many years ago, but a care facility was proposed. There was meeting after meeting until finally the city manager got up and commented that the corner, right across from Mr. Field's and the Smericans properties, is so severe that no emergency vehicle could get around that corner without going into the other lane!

This is the thing about Keaney Marine View Gardens, it is made up of very windy roads with many blind corners. There was a man killed by a car, years back, on these roads there are near misses all the time.

2.  
Children on bikes, people walking dogs jumping into the bushes because a car is coming too fast around a blind corner. The speed limit is 25 MPH BUT NOBODY GOES THAT SPEED. There are no sidewalks, it is not that kind of neighborhood, all tidy and groomed with sidewalks and wide straight streets. That's the kind of place a 99 bed care facility should be built; easy access for ALL THE emergency vehicles (you know a fire truck accompanies an ambulance, loved ones (how many a day would that be - A LOT), medical people, medicare deliveries, STAFF (That's A LOT everyday - housekeepers, caretakers, cooks, administration) - LOTS + LOTS of cars everyday at all times of the day. Did you know we have a lot of night walkers in this neighborhood with no street lamps?

Keaney Marine View Gardens is not designed to take all of that traffic. Are you aware that we already have a residential care facility in the neighborhood on Solana Drive? It's in a house - a single house. A small number of people live and work there. It is reasonable for the neighborhood

to support that size care facility. It is not reasonable to expect this neighborhood to be able to support a 99 bed facility — a campus really. As it was last time — reason should prevail and this project should be rejected. It is too dangerous for our neighborhood.

Sincerely,

Linda J. Smith

1032 HIGHLAND DR

SOLANA BEACH  
92075

958-755-4560

MAIL ADDRESS: PO BX 607  
DEL MAR, CA  
92014

**Michael Paul**

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**Subject:** FW: Senior Living Facility

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**From:** Jane Morton [<mailto:jsmorton@roadrunner.com>]

**Sent:** Monday, July 24, 2017 10:01 AM

**To:** Bill Chopyk

**Subject:** Senior Living Facility

Good Morning Bill,

I have 2 suggestions of information I think would be of interest at the next meeting regarding this proposal.

1. Could a visual of the area be provided to show which homes were included in notification of the project/meeting and a number of notices sent out?

Considering the size of the properties in that area, I would think it nice of the developer to notice up to 500 ft. Although I know that they have met the requirement which the City has of 300 ft, that really reached very few homes in the surrounding area.

2. The chart which was shown during the meeting which showed a comparison of presently allowed FAR compared to the FAR that would be a part of the Special Overlay was good and contained a lot of important information. I feel that this chart should be a part of any packets made available at each and every meeting in the future.

thank you,

Jane Morton



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## Michael Paul

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**Subject:** RE: Comments on the Notice of Preparation for 959 Genevieve St.

**From:** Jeff Lyle [<mailto:qelyle@gmail.com>]

**Sent:** Monday, July 24, 2017 2:37 PM

**To:** Bill Chopyk

**Subject:** Comments on the Notice of Preparation for 959 Genevieve St.

Please ensure the EIR addresses the following:

- Transportation / Traffic. Please include an analysis of:
  - Marine View – stretch to/from the Vons shopping center
  - Solana Drive – Highland Drive to/from Marine View
  - Highland Drive – to/from Marine View
  - Las Banderas – to/from San Andres
  - Traffic during school drop off and pick up (meaning study when school is in session, not summer traffic)
- Safety
  - Driving South on Marine View from the Vons shopping center: At the Timbers, Solana Drive heads to the left while Marine View continues down a hill. The view down Marine View from the Timbers building is blind (meaning can't see down Marine View) during daylight hours and obviously worse at night. The road is also narrow. Emergency vehicles and other trucks/cars will be using this route to get to the proposed facility.
    - What is the assumption regarding the speed at which emergency vehicles would travel?
    - Please consider the blind hill/turn in the analysis
    - Children walk/bike/skateboard to school on this road, sometimes wearing headphones. People jog and walk their dogs as well.
    - Given the neighborhood is a dark sky one and there are no sidewalks on Marine View past the Timbers, what safety mitigation could reasonably be done?
    - Please address safety after daylight savings when it becomes dark by 5pm.
  - There are schools in the area (including Sandy Hill and LePort). What mitigation can be done to maintain student safety?
  - Safety concerns for people walking in neighborhood on narrow roads with no sidewalks.
- Benchmarking
  - Are there other similar size/use facilities in San Diego that do not have sidewalks in the neighborhood for public safety? And if so, where are they?

Regards,

Jeff Lyle

(M) 619.890.4794

[QELyle@gmail.com](mailto:QELyle@gmail.com)

**Michael Paul**

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**Subject:** FW: Solana Beach Senior Care Project

-----Original Message-----

From: lees805@roadrunner.com [mailto:lees805@roadrunner.com]

Sent: Tuesday, August 15, 2017 2:32 PM

To: Bill Chopyk

Subject: Solana Beach Senior Care Project

Dear Sir,

I would like to add my concerns to those of my neighbors about this proposal. My points below.

I am concerned about encroachment of high density housing into what is a low density residential area. It is inappropriate.

I am concerned about traffic. Developers may claim that the impact of traffic will only be felt along San Andreas Drive/Banderas/Marine View but it will not be restricted to there, no matter what they say.

I am sure the developers of Le Port school or the church said the same, but the truth is that much traffic comes down Highland Drive/Solana Drive for those locations, impacting those residents.

This is a family neighborhood, not a rat run, and there are alternative routes that are as fast or faster for travelers. BUT once established can I, or you, or this developer, force drivers to use the best routes? The answer is no, just as I cannot currently force or even request parents using Solana Drive to get to Le Port school using San Andreas, rather than Solana Drive.

I would propose a mitigation that the junctions of Solana Drive and Marine View and Highland/Marine View are closed, making Solana drive and Highland Dr dead end streets. That way traffic to this site (and the schools which already supply a dangerous supply of distracted parents speeding and texting through the neighborhood) would have to use the access from Lomas Santa Fe.

I don't see how that would differ from San Julio Road, from the perspective of emergency services or access.

I am concerned about who this benefits. The people of Solana Beach and Del Mar? That is the developers argument I see (Pointing to studies that claim Solana Beach's senior population will balloon from 2,200 to 3,500 over the next 20 years, DeWald said there is far more demand for senior housing than there is supply."), but I disagree.

If this property is to be considered, I would propose a condition is that ONLY former residents of Solana Beach and Del Mar can live there. Why not, that tallies with what the developers argument for the desperate need is so why would they have a problem with that? If they do, or that is not possible, the answer is to refuse the development.

Otherwise why are we sacrificing our standard of living, for strangers, for out-of-towners and developers only interested in profits? Why are city employees, such as your self, who represent, and are paid for by, local residents, entertaining a development that offers limited benefit to us at much greater cost?

I request this developer is asked to think again.

Regards  
Stephen Lees  
1149 Solana Drive  
Del Mar  
92014