

## **Appendix A: Notice of Preparation and Comments**

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**NOTICE OF PREPARATION  
OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE  
SUNROAD COMMERCIAL PROJECT  
CITY OF VISTA**

**SUMMARY**

Sunroad Vista Land Partners, LP (Project Applicant) is proposing the development of a 23,520 square foot (sf) commercial center consisting of five single-story buildings to include restaurants, (inline) retail, and a self-service car wash on a 4.12-acre site. The subject property is located at 460 Hacienda Drive in Vista, California, 92081 (see Figures 1 and 2, Regional Location and Project Vicinity). The site is located in the southeastern quadrant of the intersection of State Route (SR) 78 and Vista Village Drive. It is bounded to the south and east by Hacienda Drive, to the west by Vista Village Drive, and to the north by the eastbound on-ramp to SR-78. Vehicular access to the proposed project would be from two proposed driveways located off Hacienda Drive.

Under the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the Guidelines for Implementation of CEQA (State CEQA Guidelines) (California Code of Regulations, Section 15000 et seq.), the City of Vista (City) is the Lead Agency for environmental review and must evaluate the potentially significant environmental effects of the proposed project. Pursuant to State CEQA Guidelines Section 15168, the City has determined that an Environmental Impact Report (EIR) will be prepared to assess the proposed project's effects on the environment, to identify potentially significant impacts, and to identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts. As allowed under State CEQA Guidelines Section 15063, an Initial Study will not be prepared for the proposed project.

This Notice of Preparation (NOP) is being circulated pursuant to Public Resources Code Section 21153(a) and State CEQA Guidelines Section 15082. 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. A 30-day review period is provided to return written comments to the City. Comments will be accepted from February 20, 2019 to March 21, 2019 until 5:00 p.m. All comments should be directed to the City's Environmental Planner at the following address, or emailed at the address noted below:

John Hamilton, AICP  
Environmental Planner  
Community Development Department  
200 Civic Center Drive  
Vista, California 92084  
Fax: (760) 639-6101  
E-mail: [jhamilton@cityofvista.com](mailto:jhamilton@cityofvista.com)

## **ENVIRONMENTAL SETTING**

### **Project Site**

The site consists of five parcels (APNs 164-231-01, -02, -03, -04, and -36) for a gross acreage of 4.12 acres. The site is located in the southeastern quadrant of the intersection of SR-78 and Vista Village Drive. The site is bounded to the south and east by Hacienda Drive, to the west by Vista Village Drive, and to the north by eastbound on-ramp to SR-78. The site is currently vacant and roughly graded with gravel and contains minor vegetation. A storm drain inlet is located in the southwestern portion of the site, three sewer manholes span the northern perimeter, and miscellaneous debris is scattered throughout the project site. All required public utilities are available within the existing adjacent streets, including sewer and water. An existing City sewer line, within a sewer easement, runs east-west near the northern boundary.

### **Surrounding Uses and Circulation System**

Land uses to the north of the project site include the six-lane SR-78, along with the eastbound on-ramp and westbound off-ramp to Vista Village Drive. Vista Village Drive and Buena Vista Creek are located to the west. A shopping center, residential development, and Hacienda Drive are located to the south. Residential uses and vacant land are located to the east.

The closest Vista fire station, Fire Station No. 1, is located at 175 North Melrose Drive, approximately 0.4 mile to the northwest. The closest San Diego County Sheriff's Department office is located approximately 0.4 mile to the southwest of the project site at 325 South Melrose Drive. The closest airport to the project site is the McClellan-Palomar Airport, which is located approximately five miles to the southwest in the City of Carlsbad.

## **PROJECT DESCRIPTION**

The project site is designated as GC (General Commercial) in the Vista General Plan 2030 Update (2011) and is zoned C-1 (Commercial). The proposed commercial center would consist of five single-story buildings each with its own drive-thru, along with an open parking lot, two driveways, patios, walkways, and associated landscaping on a 4.12 acre site (see Figure 3, Proposed Site Plan). Each single-story building would have a maximum height of 35 feet. Each building would be setback 10 feet in the front, 20 feet in the rear, 20 feet on the left, and 10 feet on the right of the buildings. The proposed building pads would consist of the following square feet (sf): Pad 1 (4,800 sf); Pad 2 (4,000 sf); Pad 3 (4,500 sf); Pad 4 (6,020 sf); and Pad 5 (4,200 sq. sf). Pads 4 and 2 would consist of both retail and restaurant space, Pads 3 and 1 would consist of restaurant space, and Pad 5 would consist of the proposed car wash. In total, the project would consist of 13,740 sf of restaurant space, 5,580 sf of retail space, and a 4,200 sf car wash.

The project proposes to provide 161 onsite parking spaces including nine handicap spaces and 26 vacuum stalls for the proposed self-service car wash. Two loading zones would be located in the northeast and northwest corners, respectively. The loading zones would encompass 1,445 sf and would be located adjacent to Pads 2 and 4. Landscaping and hardscape including sidewalks and asphalt would cover the remaining portions of the project site.

The architectural design would reflect a southwest modern style. The proposed building materials would incorporate smooth stucco with brick veneer and metal corrugated siding. The main body colors

of the buildings would portray a southwestern theme of beiges, tans, silvers, grey, and black accent with faux wood siding accents. All exterior wall finishes would receive anti-graffiti coating.

The primary entrance/exit would be located on the central south boundary of the project and consist of a 30-foot wide driveway. The secondary entrance/exit would be located on the east boundary of the project site and consist of a 26-foot wide driveway. Each driveway would have a one-way stop sign upon exiting the site onto Hacienda Drive. Upon entering the proposed commercial center, onsite circulation would be two lanes primarily flowing east/west with several looped drive parking areas. Natural grey concrete pathways would be provided at all storefronts and connect with each building to offer pedestrian access within the project site. A new five-foot sidewalk, curb, and gutter would be constructed along the southwest project site perimeter on the north side of Hacienda Drive to provide pedestrian connection to the existing sidewalk on Vista Village Drive. Nine bicycle parking spaces would be provided on-site with one bike rack provided by the future tenants situated at each proposed building, which exceeds the requirement of the City of Vista Development Code.

The proposed project would be required to obtain the following approvals for construction from the City: Landscape Construction Plan, Grading Permit, Encroachment Permit, Building Permit, and Certificate of Occupancy. In addition, the project will be required to submit a Notice of Intent (NOI) to the San Diego Regional Water Quality Control Board (SDRWQCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit.

## TOPICS TO BE ANALYZED IN THE EIR

**Cultural Resources and Tribal Cultural Resources.** The EIR will include the preparation of a cultural resources report, which will identify any significant impacts resulting from the project's potential to impact (1) the significance of historical resources; (2) the significance of archaeological resources; (3) the significance of tribal cultural resources; and (4) the disturbance of human remains.

**Greenhouse Gas Emissions.** The EIR will include the preparation of a Greenhouse Gas (GHG) emissions technical report, which will identify any significant impacts resulting from the project's potential to (1) generate GHG emissions, either directly or indirectly; and (2) conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

**Transportation.** The EIR will include the preparation of a Traffic Impact Analysis report, which will identify any significant impacts resulting from the project's potential to result in impacts to (1) circulation system performance; (2) congestion management plan; (3) increasing hazards due to design feature or incompatible use; and (4) inadequate emergency access.

**Cumulative Impacts.** In addition to analyzing the potential environmental impacts of the proposed project, the EIR will also discuss the potential cumulative impacts of the project. Section 15130 of the State CEQA Guidelines requires that an EIR discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. The EIR will analyze past, present, and reasonably foreseeable future projects within the city and surrounding areas (if applicable) which may contribute to a specific cumulative impact, when considered in conjunction with the impacts associated with implementation of the proposed project.

**Effects Not Found to be Significant.** Pursuant to Section 15128 of the State CEQA Guidelines, the EIR will include a discussion of the 16 environmental topics that were determined not to be significant. The topics in this section would include Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Geology/Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities/Service Systems, and Wildfire.

**Growth Inducement.** Pursuant to Section 15126.2 of the State CEQA Guidelines, the EIR will identify the potential for the proposed project to induce growth by providing new commercial uses. In addition, the EIR will address the proposed project's potential to induce employment, and if the proposed project would remove any known obstacles to growth in the region.

**Alternatives.** The EIR will include a discussion of reasonable alternatives, including a No Project Alternative, to the proposed project as specified in CEQA Guidelines Section 15126.6. The project alternatives will focus on reducing the proposed project's significant impacts.

## LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

Per State CEQA Guidelines Section 15050, the City is designated as the Lead Agency for the proposed project.

Responsible agencies are those agencies that have discretionary approval authority over one or more actions involved with the development of a proposed project. Trustee agencies are state agencies having jurisdiction by law over natural resources affected by a proposed project that are held in trust of the people of the State of California. The potential responsible agencies that have been identified as part of the preparation of this document and the required permits, approvals, or associated responsibilities for the proposed project are identified in Table A. No trustee agencies have been identified for this project.

**Table A: Potential Responsible Agencies**

Agency	Potential Permit/Approval
State Water Resources Control Board/San Diego Regional Water Quality Control Board	Notice of Intent to comply with the terms of the National Pollutant Discharge Elimination System General Construction Permit to discharge stormwater associated with construction activity.
California Department of Transportation (Caltrans)	Encroachment Permit for the extension of utilities and dedicated right turn lane on Vista Village Drive.

## ENVIRONMENTAL PROCEDURES

This NOP will be submitted to the State Clearinghouse, which will forward it to potential Responsible Agencies and/or Trustee Agencies. Other interested parties that may have permit authority or have specifically requested notification of this project will also receive a copy of the NOP.

After the 30-day review period for the NOP is complete and all comments are received, a Draft EIR will be completed in accordance with CEQA and the State CEQA Guidelines. Detailed analyses will be conducted in order to ascertain the proposed project's effects on the environment, and the relative degree of impact. Where impacts are determined to be significant, mitigation measures will be prescribed with the purpose of reducing the project's effects on those impacts either completely, or to

the maximum degree feasible. An analysis of alternatives to the proposed project will also be included in the Draft EIR, including the No Project Alternative.

Once the Draft EIR is completed, it will be made available for a 45-day public review and comment period. A Notice of Availability of the Draft EIR will be mailed directly to those agencies and members of the general public commenting on the NOP.



Document Path: I:\Projects\City of Vista\180-0259-001 Sunroad Commercial\Figures\Support files\Sunroad Figure 1 Regional.mxd



Source: ESRI 2018

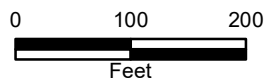




Source: ESRI 2018

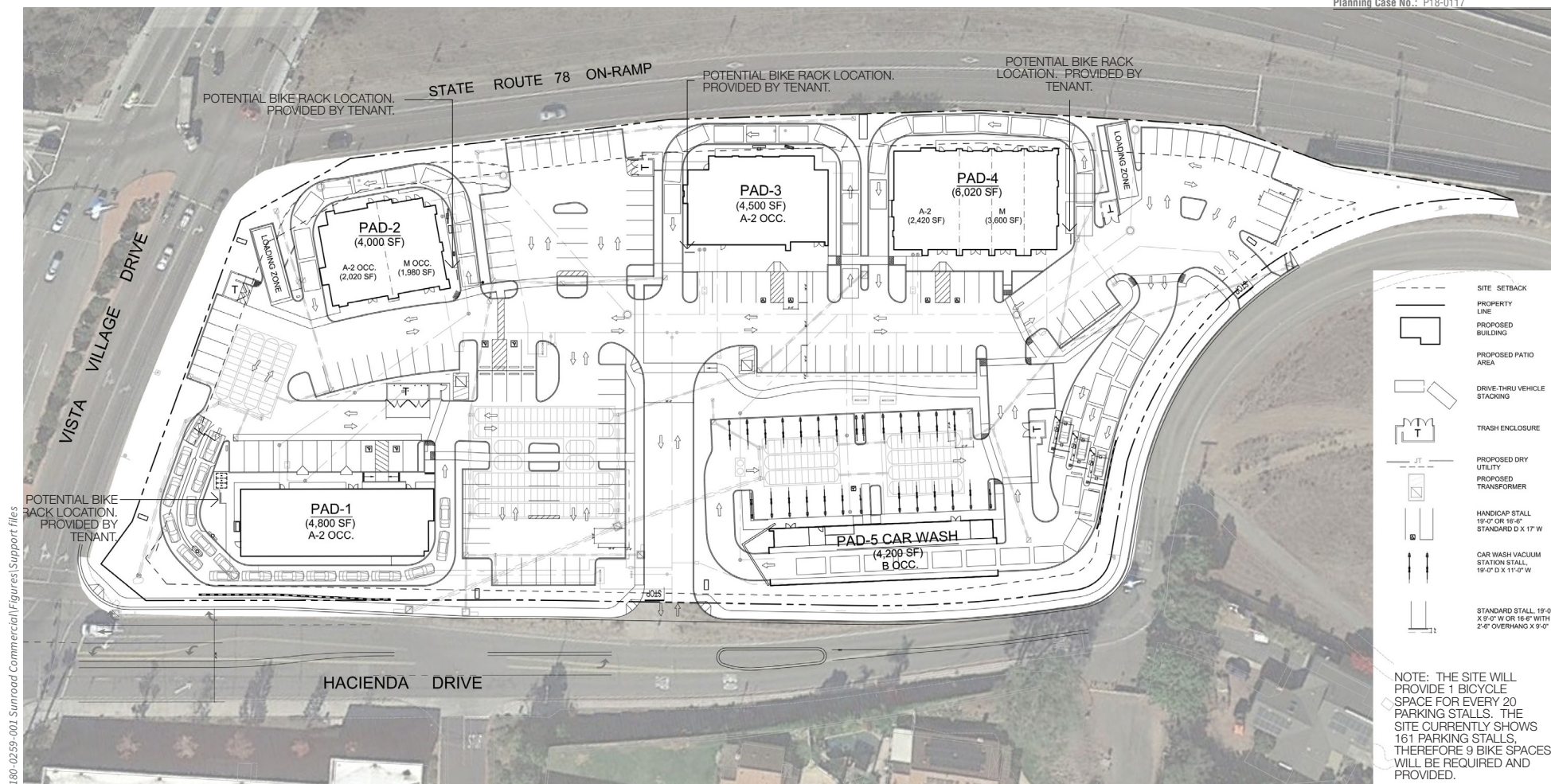


**Harris & Associates**



**Figure 2**  
Aerial View of Project Site





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Source: SGPA Architecture and Planning 2018



Harris & Associates



**Figure 3**  
Proposed Site Plan

Josh and Maria Bowman  
544 Matagual Drive  
Vista, CA 92081  
760-650-9812  
jmb.designs@cox.net

March 26, 2019

John Hamilton, AICP  
Environmental Planner  
200 Civic Center Drive  
Vista, CA 92084

SUBJECT:  
Sunroad Commercial Project  
460 Hacienda Drive  
Vista, CA 92081

Dear Mr. Hamilton and City of Vista,

Thank you for giving us the opportunity to comment on the Sunroad Commercial Project, as it will greatly affect our neighborhood. Frankly, we prefer that nothing commercial be built there. In addition to the new housing development located on Vale View, the Sunroad shopping center will greatly increase traffic congestion and other possible safety issues. But if it passes, here are our comments regarding the project. Refer to the diagram. We request or suggest:

1. A tall wall or hedge to block the center from our home, for noise control and privacy.
2. Well-lit sidewalks and landscaping along the southern and eastern part of the property.
3. A right-turn-only lane on westbound Hacienda Drive, at Vista Village Drive. (With increased traffic from the housing development and this possible shopping center, traffic will be backed up during rush hour on westbound Hacienda Drive.)
4. A solution to prevent drivers from running or speeding through the 2-way stop at the corner of Hacienda Drive and Matagual Drive, in front of our home. (About 15 years ago, the City of Vista graciously put up the stop signs and rumble strips at our request after 7 or 8 car accidents occurred at that corner in a single year. Since then, there have only been one or two accidents, but drivers still run the stop.)





Please contact us for further communication regarding the Sunroad Project and any of the above comments. Thank you for your time.

Josh and Maria Bowman

P.S. We wanted to thank you for fixing the white barricade at the corner of Matagual Drive and Hacienda Drive. The wood had fallen apart, and we were going to fix it ourselves. But you beat us to it. The workers did a fine job.

## NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department

1550 Harbor Blvd., Suite 100

West Sacramento, CA 95691 Phone (916) 373-3710

Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)Website: <http://www.nahc.ca.gov>

Twitter: @CA\_NAHC



RECEIVED

MAR 11 2019

Community  
Development

March 6, 2019

John Hamilton  
City of Vista  
200 Civic Center Drive  
Vista, CA 92084

RE: SCH# 2019029136 Sunroad Commercial Project, San Diego County

Dear Mr. Hamilton:

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\\_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 §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: Steven.Quinn@nahc.ca.gov.

Sincerely,



for  
Steven Quinn  
Associate Governmental Program Analyst

cc: State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11

4050 TAYLOR STREET, MS-240

SAN DIEGO, CA 92110

PHONE (619) 688-6075

FAX (619) 688-4299

TTY 711

www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

March 28, 2019

11-SD-78

PM 5.903

Sunroad Commercial Project

NOP/SCH#2019029136

Mr. John Hamilton  
City of Vista  
200 Civic Center Drive  
Vista, CA 92084

Dear Mr. Hamilton:

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 for the Sunroad Commercial Project located near State Route 78 (SR-78). 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 has the following comments:

**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.

- Please include ramp intersections at SR-78/Vista Village Drive and SR-78/S. Melrose Drive. The geographic area examined in the TIS should also 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.
- 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 10 files.

### **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).

### **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 system. 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 system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego, is encouraged.

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

### **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.

Mr. John Hamilton  
March 28, 2019  
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Mitigation measures to State facilities should be included in TIS/TIA. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

### **Right-of-Way**

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. 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' R/W, and any corresponding technical studies.

Early coordination with Caltrans is recommended. 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,



MELINA PEREIRA, Acting Branch Chief  
Local Development and Intergovernmental Review Branch