

APPENDIX A
Notice of Preparation and
Notice of Preparation Comments



THE CITY OF SAN DIEGO

Date of Notice: July 17, 2023

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

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24009320

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

Thereby, this Notice of Preparation of an EIR and Scoping Meeting is publicly noticed and distributed on July 17, 2023. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego CEQA website at: <https://www.sandiego.gov/ceqa> under "Notice of Preparation and Scoping Meetings" tab.

PUBLIC NOTICE OF SCOPING MEETING: Consistent with Section 21083.9 of the CEQA Statutes and Section 15082 of the CEQA Guidelines, a public scoping meeting will be held to solicit comments regarding the scope and analysis of the EIR. In lieu of a public scoping meeting to be held in person, a pre-recorded presentation will be made accessible to the public and available for viewing from July 17, 2023 through August 16, 2023.

HOW TO REVIEW THE PRESENTATION: Members of the public will be able to access the link to watch a pre-recorded presentation via livestream at <https://www.sandiego.gov/ceqa/meetings>. The link and pre-recorded presentation will remain available for viewing between July 17, 2023 at 12:00AM through August 16, 2023 at 12:00AM.

HOW TO SUBMIT COMMENTS: Comments on this Notice of Preparation document will be accepted for 30 days following the issuance of this notice and **must be received no later than August 16, 2023**. When submitting comments, please reference the project name and number (6110 Camino De La Costa /No. PRJ-1066101). Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when

responding. Upon completion of the scoping process, all public comments will be organized and considered in the preparation of the draft environmental document

Comment letters may be submitted electronically via e-mail at: DSDEAS@sandiego.gov. The City requests that all comments be provided electronically, however if a hard copy submittal is necessary, it may be submitted to:

Marlene Watanabe
City of San Diego
Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

GENERAL PROJECT INFORMATION:

- **Project Name / Number:** 6110 Camino De La Costa /No. PRJ-1066101
- **Community Area:** La Jolla
- **Council District:** 1

PROJECT DESCRIPTION: A Coastal Development Permit and Site Development Permit to demolish an existing historically designated 3,036 square-foot (sf) 2-story residence and construct a new 2-story 10,013 sf residence with a basement located at 6110 Camino de la Costa. The project would also include a pool under the proposed residence and associated site improvements (i.e. hardscape and landscaping). The project would preserve the existing wall along the frontage of the site and detached garage in place. The site would be accessible from a new driveway off Camino De La Costa and the project would connect to existing utilities within Camino De La Costa. Drainage would be directed away from the coastal bluff and directed into the existing storm drain system. The proposed project would also include removal of the existing walls and stairs west of the bluff edge and would preserve all portions of the lot west of the bluff edge as Environmentally Sensitive Lands (sensitive coastal bluff) within a Covenant of Easement. The Covenant of Easement would include land use restrictions with the intent to preclude future development and to preserve the area. The 0.37-acre project site is located at 6110 Camino De La Costa in the La Jolla Community Planning Area in the City of San Diego. The project site is zoned as RS-1-5 and designated as Low Density Residential (5-9 du/ac) within the La Jolla Community Plan area. The project site contains Environmentally Sensitive Lands consisting of sensitive coastal bluffs. The project site is also located within overlays including Environmentally Sensitive Lands, Coastal Overlay (Appealable) Zone, Coastal Height Limit Overlay Zone, First Public Roadway Overlay, Parking Impact Overlay Zone, Transit Area Overlay Zone, and Transit Priority Area. **The site is not included on any Government Code listing of hazardous waste sites.**

APPLICANT: Matthew Segal

RECOMMENDED FINDING: Pursuant to Section 15060(d) of the CEQA Guidelines, it appears that the proposed project may result in significant environmental impacts in the following areas: Land Use, Geologic Conditions, Cultural Resources, Hydrology, Water Quality, and Cumulative.

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

ADDITIONAL INFORMATION: For environmental review information, contact the environmental analyst, Marlene Watanabe at (619) 446-5129. The Scoping Letter and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Fifth floor of the Development Services Department. **For information regarding public meetings/hearings on this project, contact the Project Manager, Jose Bautista at (619) 557-7983.** This notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on July 17, 2023.

Raynard Abalos
Deputy Director
Development Services Department



NATIVE AMERICAN HERITAGE COMMISSION

July 21, 2023

Marlene Watanabe
City of San Diego
1222 First Ave, MS 501
San Diego, CA 92101

Re: 2023070270, 6110 Camino De La Costa, San Diego County

Dear Ms. Watanabe:

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

ACTING CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Vacant

COMMISSIONER
Vacant

COMMISSIONER
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EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@naahc.org
www.nahc.org

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

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

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

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

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

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) 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: Pricilla.Torres-Fuentes@nahc.ca.gov

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse



San Diego County Archaeological Society, Inc.

Environmental Review Committee

8 August 2023

To: Ms. Marlene Watanabe
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Notice of Preparation of a Draft Environmental Impact Report
6110 Camino de la Costa
Project No. 1066101

Dear Ms. Watanabe:

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

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the Notice of Availability of the DEIR.

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

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Royle, Jr.", is written over the typed name.

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

cc: SDCAS President
File

Watanabe, Marlene

From: angeles leira <maladeibarrola@gmail.com>
Sent: Tuesday, July 25, 2023 10:19 AM
To: DSD EAS
Cc: Diane Kane
Subject: [EXTERNAL] Fwd: Environmental Review for Casa de los Amigos, 6110 Camino de la Costa.

This email came from an external source. Be cautious about clicking on any links in this email or opening attachments. _____

I recommend that the following itens be included in and Environmental Review for Casa de los Amigos, in order to have a complete evaluation of impacts prior to development, in a manner consistente with the City's Code.

ISSUE EVALUATION

To the already liste issues, I recommend evaluating the impacts on Coastal Resources. Casa de los Amigos is located in an área with remaining Coastal bluff and tidepools. This is one of the new remaining natural bluf and shoreline in the área, as adjacent owners have in the past built shoreline structures. Development in or adjacent to the remaining bluffs can affect the shoreline's biológico and physical condición. Specially if a new project is built the Materials and Weight of the new estructura has to be asessed regarding its impacts on the bluffs and remaining natural shoreline tidepool environment.

DEVELOPMENT ALTERNATIVES

Additionally, the alternativas presented to the HRB Design Assistance Subcommittee, on behalf of the La Jolla Community Planning Association, should be evaluated.

Thank you for the opportunity to comment

Angeles Leira
Retired Architect and City Planner
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