



THE CITY OF SAN DIEGO

Date of Notice: December 15, 2022

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

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24009264

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**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 December 15, 2022. 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, a public scoping meeting will be held to solicit comments regarding the scope and analysis of the EIR. During the current State of Emergency and in the interest of public health and safety, and in accordance with the Office of Planning and Research guidance, the City is not currently conducting in-person scoping meetings. Instead, a pre-recorded presentation is being provided.

Therefore, in lieu of a public scoping meeting to be held in person, a pre-recorded presentation has been made accessible to the public and available for viewing from December 15, 2022 through January 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 December 15, 2022 at 12:00AM through January 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 January 16, 2023**. When submitting comments, please reference the project name and number (AVA Pacific Beach / 1059329). 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@sanidiego.gov](mailto:DSDEAS@sanidiego.gov). Due to the COVID-19 pandemic and State orders, non-essential City staff are working remotely. The City requests that all comments be provided electronically, however if a hard copy submittal is necessary, it may be submitted to:

Courtney Holowach  
Development Services Department  
1222 First Avenue, MS-501  
San Diego, CA 92101

**GENERAL PROJECT INFORMATION:**

- **Project Name / Number:** AVA Pacific Beach / 1059329
- **Community Area:** Pacific Beach
- **Council District:** 2

**PROJECT DESCRIPTION:** A COMMUNITY PLAN AMENDMENT (CPA), REZONE from RM-3-7 to RM-3-8, a COASTAL DEVELOPMENT PERMIT (CDP), and a NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) for deviations to base zone to construct an additional 138 residential units, including six affordable units; a surface parking lot; and two new parking structures within an existing multi-family development. The project would require an amendment to the Pacific Beach Community Plan to change the existing land use from Multifamily 29-43 dwelling units per net residential acre (du/rna) to Residential 15-54 (du/rna) and a Rezone to change the existing zone from RM-3-7 to RM-3-8. The 4.3-acre site is within Coastal Overlay Zone; Coastal Height Limitation Overlay Zone; Parking Impact Overlay Zone; Parking Standards Transit Priority Area; and Transit Priority Area within the Pacific Beach Community Plan Area. (LEGAL DESCRIPTION: Lots 1, 2, 3, and 4 of Crown Point Country Club Condominiums, in the City of San Diego, County of San Diego, State of California). **The site is not included on any Government Code listing of hazardous waste sites.**

**APPLICANT:** AvalonBay Communities

**RECOMMENDED FINDING:** Pursuant to Section 15060(d) of the CEQA Guidelines, it appears the proposed project could result in significant environmental effects in the following areas: Land Use, Transportation/Circulation, Visual Effects and Neighborhood Character, Air Quality, Greenhouse Gas Emissions, Energy, Noise, Historical Resources, Hydrology, Water Quality, Public Services and Facilities, Public Utilities, Paleontological Resources and Tribal Cultural Resources.

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

**ADDITIONAL INFORMATION:** For environmental review information, contact Courtney Holowach at (619) 446-5187. For information regarding public meetings/hearings on this project, contact Development Project

Manager, Xavier Del Valle, at (619) 557-7941. This Notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on December 15, 2022.

Raynard Abalos  
Deputy Director  
Development Services Department

**ATTACHMENTS:** Distribution List  
Figure 1: Vicinity Map  
Figure 2: Project Location Map  
Figure 3: Site Plan

## **NOP Distribution:**

### **Federal**

U.S. Fish and Wildlife Service (23)

### **State of California**

CALTRANS District 11 (31)

California Department of Fish and Wildlife (32)

Department of Toxic Substance Control (39)

State Clearinghouse (46)

California Transportation Commission (51)

California Department of Transportation (51A)

California Department of Transportation (51B)

California Native American Heritage Commission (56)

### **City of San Diego**

Mayor's Office (91)

Councilmember LaCava, District 1

Councilmember Campbell, District 2

Councilmember Whitburn, District 3

Council President Pro Tem Montgomery Steppe, District 4

Councilmember von Wilpert, District 5

Councilmember Cate, District 6

Councilmember Campillo, District 7

Councilmember Moreno, District 8

Council President Elo-Rivera, District 9

Development Services Department

EAS Analyst

EAS Senior

Transportation Development (78)

Fire and Life Safety (79)

San Diego Fire – Rescue Department Logistics (80)

Library Department – Gov. Documents (81)

Central Library (81A)

Pacific Beach/Taylor Branch Library (81X)

Historical Resources Board (87)

### **Other Interested Organizations, Groups, and Individuals**

SANDAG (108)

San Diego Metropolitan Transit System (115)

University of California, San Diego Library – Government Document Unit (134)

Beach Bay Press (137)

Sierra Club (165)

San Diego Natural History Museum (166)

San Diego Audubon Society (167)

Mr. Jim Peugh (167A)

California Native Plant Society (170)

**Other Interested Organizations, Groups, and Individuals (cont.)**

Endangered Habitats League (182)  
Endangered Habitats League (182A)  
Carmen Lucas (206)  
South Coastal Information Center (210)  
San Diego History Center (211)  
San Diego Archaeological Center (212)  
Save Out Heritage Organization (214)  
Ron Chirstman (215)  
Clint Linton (215B)  
Frank Brown- Inter Tribal Cultural Resources Council (216)  
Campo Band of Mission Indians (217)  
San Diego County Archaeological Society, Inc. (218)  
Native American Heritage Commission (222)  
Kumeyaay Cultural Heritage Preservation (223)  
Kumeyaay Cultural Repatriation Committee (225)  
Native American Distribution (225A-S)  
Debby Knight (373)  
Pacific Beach Town Council (374)  
Crown Point Assn (376)  
Pacific Beach Historical Society (377)  
Lisa Cumper – Jamul Indian Village  
Clint Linton – lipay Nation of Santa Ysabel  
Angelina Gutierrez – San Pasqual Tribe  
Pacific Beach Planning Group  
Mark Janda, AvalonBay  
Sofia Zamora, AvalonBay  
Karen Ruggels, KLR Planning  
Richard Drury  
Molly Greene  
John Stump  
Kevin Johnston

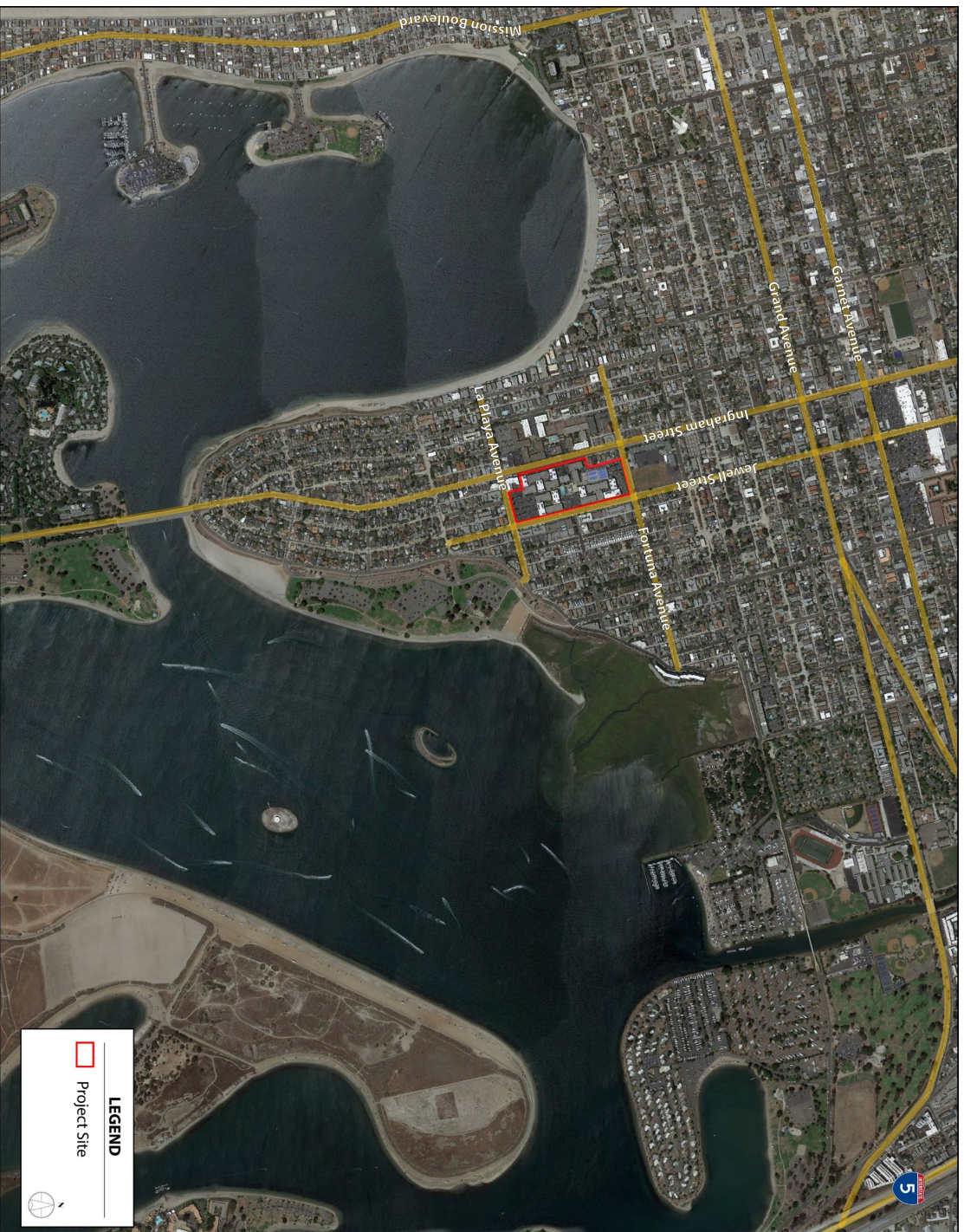




## Vicinity Map

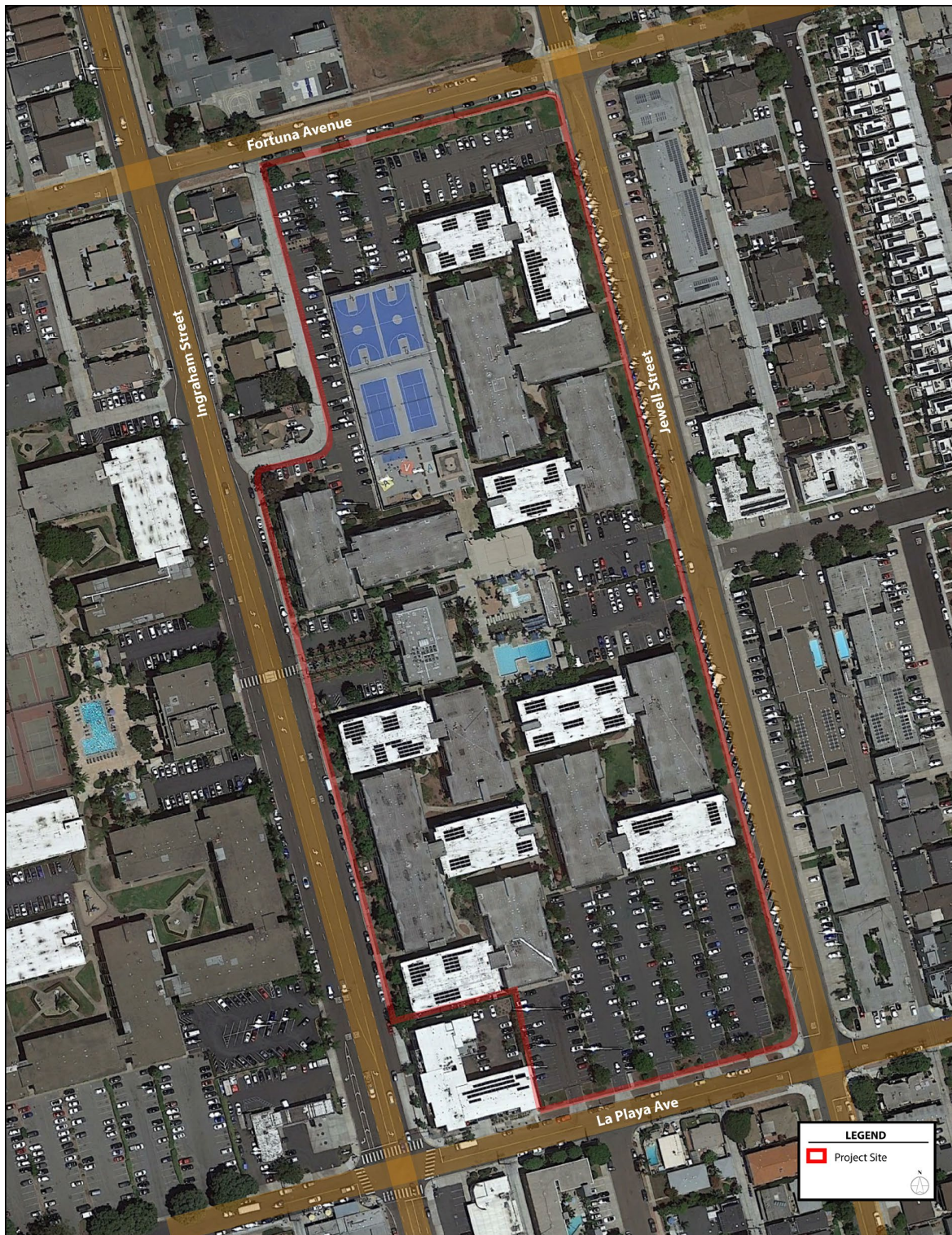
AVA Pacific Beach / Project No. 1059329

City of San Diego – Development Services Department



**FIGURE**  
**No. 1**





## Project Location Map

AVA Pacific Beach / Project No. 1059329

City of San Diego – Development Services  
Department

**FIGURE**  
**No. 2**





AVA Pacific Beach / Project No. 1059329  
City of San Diego – Development Services Department

**BUILDING 1**  
36' HEIGHT

**BUILDING 2**  
20' HEIGHT

**BUILDING 3**  
30' HEIGHT

**Buildings and Specifications:**

- (E) 3-STORY BUILDING R: 10,732 SF, 29' HEIGHT
- (E) 3-STORY BUILDING P: 6,634 SF, 29' HEIGHT
- (E) 3-STORY BUILDING N: 9,985 SF, 29' HEIGHT
- (E) 3-STORY BUILDING M: 6,666 SF, 29' HEIGHT
- (E) 3-STORY BUILDING T: 14,979 SF, 29' HEIGHT
- (E) 3-STORY BUILDING S: 6,539 SF, 32' HEIGHT
- (E) 3-STORY BUILDING U: 8,443 SF, 29' HEIGHT
- (E) 3-STORY BUILDING V: 8,348 SF, 28' HEIGHT
- (E) 3-STORY OFFICE BUILDING: 5,373 SF, 32' HEIGHT
- (E) 3-STORY BUILDING E: 6,591 SF, 29' HEIGHT
- (E) 3-STORY BUILDING F: 7,948 SF, 29' HEIGHT
- (E) 3-STORY BUILDING A: 8,447 SF, 28' HEIGHT
- (E) 3-STORY BUILDING B: 6,883 SF, 29' HEIGHT
- (E) 3-STORY BUILDING C: 12,710 SF, 28' HEIGHT
- (E) 3-STORY BUILDING D: 28' HEIGHT
- (E) 3-STORY BUILDING G: 8,417 SF, 29' HEIGHT
- (E) 3-STORY BUILDING H: 29' HEIGHT
- (E) 3-STORY BUILDING K: 8,335 SF, 28' HEIGHT
- (E) 3-STORY BUILDING L: 10,842 SF, 28' HEIGHT

**Other Features:**

- (E) VOLUNTARY CO-OP
- (E) BUILDING
- (E) POOL
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## NATIVE AMERICAN HERITAGE COMMISSION

December 15, 2022

Courtney Holowach  
City of San Diego  
1222 1<sup>st</sup> Ave, MS 501  
San Diego, CA 92101

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE 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]**

EXECUTIVE SECRETARY  
**Raymond C. Hitchcock**  
Miwok/Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2022120345, AVA Pacific Beach Project, San Diego County**

Dear Ms. Holowach:

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:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - 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:**
- Avoidance and preservation of the resources in place, including, but not limited to:
    - Planning and construction to avoid the resources and protect the cultural and natural context.
    - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - 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:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
  - 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.
  - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - 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)).
  - 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:
- 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.
  - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - 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 ([https://ohp.parks.ca.gov/?page\\_id=30331](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](mailto:Pricilla.Torres-Fuentes@nahc.ca.gov).

Sincerely,

*Pricilla Torres-Fuentes*

Pricilla Torres-Fuentes  
Cultural Resources Analyst

cc: State Clearinghouse

## California Department of Transportation

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



January 11, 2023

11-SD-5, 8  
PM VAR  
AVA Pacific Beach  
NOP/SCH#2022120345

Ms. Courtney Holowach  
Planner  
City of San Diego  
1222 1<sup>st</sup> Avenue  
San Diego, CA 92101

Dear Ms. Holowach:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation (NOP) for the AVA Pacific Beach Project located near Interstate 5 (I-5) and Interstate 8 (I-8). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of San Diego in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections



between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

### **Traffic Impact Study**

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.<sup>1</sup>
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

### **Complete Streets and Mobility Network**

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

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

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

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<sup>1</sup> California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

## **Land Use and Smart Growth**

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable “smart growth” type land use planning and policies.

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

## **Environmental**

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

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

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

## **Broadband**

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

## **Right-of-Way**

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

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing [D11.Permits@dot.ca.gov](mailto:D11.Permits@dot.ca.gov) or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

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

Sincerely,

*Maurice A. Eaton*

MAURICE EATON  
Branch Chief  
Local Development Review





# San Diego County Archaeological Society, Inc.

Environmental Review Committee

5 January 2023

To: Ms. Courtney Holowach  
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  
AVA Pacific Beach  
Project No. 1059329

Dear Ms.Holowach:

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

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

Sincerely,

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

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

cc: SDCAS President  
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