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## **Appendix A**

### Notice of Preparation and Public Comments





THE CITY OF SAN DIEGO

Date of Notice: April 6, 2022

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

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24008728

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**NOTICE OF PREPARATION:** The City of San Diego (City) as the Lead Agency has determined 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 April 6, 2022. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City's CEQA website at: <https://www.sandiego.gov/ceqa> under "Draft Documents For Public Review" 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 April 6, 2022 through May 6, 2022.

**HOW TO VIEW THE PRESENTATION:** Members of the public will be able to access a link to watch a pre-recorded presentation via livestream at <https://youtu.be/7K0JYrFZCbw>. The link and pre-recorded presentation will remain available for viewing between April 6, 2022 at 12:00AM through May 6, 2022 at 12:00PM.

**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 May 6, 2022. When submitting comments, please reference the project name and number (Renzulli Estates / 674401). 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](mailto:DSDEAS@sandiego.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:

Morgan Dresser  
Development Services Department  
1222 First Avenue, MS-501  
San Diego, CA 92101

**GENERAL PROJECT INFORMATION:**

- **Project Name / Number:** Renzulli Estates / 674401
- **Community Area:** Scripps Miramar Ranch
- **Council District:** 5

**PROJECT DESCRIPTION:** A COMMUNITY PLAN AMENDMENT, REZONE, SITE DEVELOPMENT PERMIT, VESTING TENTATIVE MAP, and NEIGHBORHOOD DEVELOPMENT PERMIT to demolish a single dwelling unit and two accessory structures to construct 100 single-family residential units and 12 for rent multi-family residential units, which would be affordable units. The project would require a Community Plan Amendment to change the existing residential designation from 1.1 dwelling unit per acre to 2.8 dwelling units per acre. A rezone would change the existing AR-1-1 zone to RX-1-1 and RM-2-4. The project is also requesting a Multi-Habitat Planning Area (MHPA) Boundary Line Correction and MHPA Boundary Line Adjustment. The project would also include a trail system with a public recreational area easement in the adjacent open space. The project would also construct various site improvements, including internal infrastructure improvements, comprising hardscape, landscaping, utilities, and internal roadways, which would connect with existing public infrastructure adjacent to the project site. The approximate 40.6-acre project site is located 11495 Cypress Canyon Road. The site is designated Park, Open Space, and Recreation and Residential and is zoned AR-1-1 per the Scripps Miramar Ranch Community Plan. Additionally, the site is within the Fire Hazard Sensitivity Zone (Very High). (LEGAL DESCRIPTION: The northeast quarter of the southeast quarter of Section 27, Township 14 south, Range 2 west of the San Bernardino Base and Meridian in the City of San Diego, County of San Diego, State of California according to the United States Government Survey.)

**APPLICANT:** Green Phair Scripps Partners

**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, Air Quality and Odor, Biological Resources, Energy, Geologic Conditions, Greenhouse Gas Emissions, Health and Safety, Historical Resources, Hydrology, Noise, Paleontological Resources, Population and Housing, Public Services, Public Utilities, Tribal Cultural Resources, Visual Effect and Neighborhood Character, Water Quality, Wildfire and Cumulative Effects.



**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](mailto: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 Morgan Dresser at (619) 446-5404. For information regarding public meetings/hearings on this project, contact Development Project Manager, Martin Mendez, at (619) 446-5309. This Notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on March 6, 2022.

Raynard Abalos  
Deputy Director  
Development Services Department

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

## **NOP Distribution:**

### **Federal**

U.S. Fish and Wildlife Service (23)

### **State of California**

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)

Scripps Miramar Ranch Branch Library (81FF)

Historical Resources Board (87)

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

SANDAG (108)

San Diego Metropolitan Transit System (112)

Metropolitan Transit Systems (115)

Rancho Santa Ana Botanic Garden at Claremont (161)

Sierra Club (165)

San Diego Natural History Museum (166)

San Diego Audubon Society (167)

Mr. Jim Peugh (167A)

California Native Plant Society (170)

Endangered Habitats League (182)

Endangered Habitats League (182A)

**Other Interested Organizations, Groups, and Individuals (continued)**

Carmen Lucas (206)  
South Coastal Information Center (210)  
San Diego History Center (211)  
San Diego Archaeological Center (212)  
Save Our Heritage Organisation (214)  
Ron Christman (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)  
Lisa Cumper - Jamul Indian Village  
Clint Linton - Lipay Nation of Santa Ysabel  
Angelina Gutierrez - San Pasqual Tribe  
Beeler Canyon Conservancy (436)  
Scripps Ranch Planning Group (437)  
Alliant International University (438)  
Miramar Ranch North Planning Committee (439)  
Scripps Ranch Civic Association (440)  
Acquisitions - Walter Library USIU (441)  
Richard Drury  
Molly Greene  
John Stump  
Bill Shaddon  
Rudy Pacheco  
Allison Bailie  
Angela Medeiros  
Alexander Petrovic  
Becky  
Robert Petering  
Brian  
Dan and Teri Jacobson  
Darlene Shaddon  
Don Ringel  
Dennis Engler  
David Mickels  
Douglas White  
Daniel Torpey  
Emily Forgeron  
Emma Lefkowitz  
Eric Runyon  
Roy Pearson  
Gwendolyn Bandt

**Other Interested Organizations, Groups, and Individuals (continued)**

Gordon Boerner  
Howard  
Tamar Silverstein  
Ilona Kiss  
Mark Wiesbrock  
Jana Rudnick  
Jason Yusypchuk  
Jennifer VanderVeer  
Jenny Marshall  
John McWilliams  
John Lyons  
Julie Ellis  
Jimmy  
Kim Walzer  
Keith Rudnick  
La Bruzzo  
Laura McWilliams  
Jon LaBruzzo  
Marty Lorenzo  
Matt Johnson  
Mina  
Marc Sorensen  
Marvin Miles  
Michelle  
Nick Yang  
Paul Hoang  
Reg Kobzi  
Rod Kelley  
Daniel Roberts  
Dave & Cleopatra Settles  
Roy Pearson  
Sandy Wetzel-Smith  
Stuart Gross  
Shauna Lindsay  
Scott Waid  
Rhonia Yusypchuk  
Ted Hoffman  
Tony Gogoi  
Tracy  
Vicki Sanders  
Wei Li  
Bob Ilko  
Bob Ilko  
Michelle Abella-Shon  
Wally Wulfeck  
Marni vonWilpert

**Other Interested Organizations, Groups, and Individuals (continued)**

Quinton Grounds

Wade Booth

Victoria LaBruzzo

Consultant, Iluia Roman, DUDEK

Applicant, Jeff Phair, GreenPhair Scripps Partners

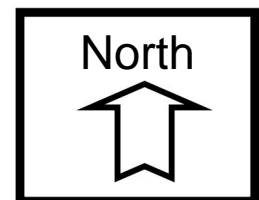






## Project Location Map

Renzulli Estates– 11495 Cypress Canyon Road  
**PROJECT NO. 674401**



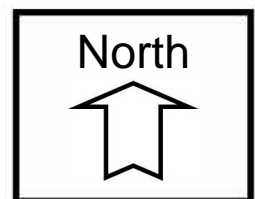






## Site Plan

Renzulli Estates- 11495 Cypress Canyon Road  
PROJECT NO. 674401





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**From:** shauna lindsay <smlpr19@gmail.com>  
**Sent:** Monday, April 11, 2022 4:37 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] Renzulli Estates #674401-comments EIR

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

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Development services team,

Thank you for the opportunity to comment on the EIR scope of this proposed project.

As the proposed development is adjacent to a park, it is not known if the park can in some way be expanded as this project is constructed. It is hoped this can, at least, be considered.

Has emergency egress in case of fire evacuation been considered? Two evacuations have been required in the last 15 years and traffic patterns create significant choke points during such events.

The current property appears to have some trees and native vegetation. Will care be taken to plant trees and native plants where possible to help mitigate the intense concrete/asphalt/stucco addition of the development?

Regards,

Shauna Lindsay  
Scripps Ranch resident

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**From:** d. rambles <robertsrambles@gmail.com>  
**Sent:** Wednesday, April 13, 2022 12:50 PM  
**To:** DSD EAS; Nick Y  
**Subject:** [EXTERNAL] Renzulli Estates Project / 674401: Response to Notice of Preparation of an Environmental Impact Report Scoping  
**Attachments:** Renzulli Terminal Access Road Accident History.xlsx; Traffic Accident History Renzulli Project Cypress Canyon Road.pdf; Traffic Accidents Renzulli Project East Access Roads.pdf; Traffic Accidents Renzulli Project Access Roads Overview.pdf; Traffic Accidents Renzulli Project Angelique.pdf

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

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Dear Development Services Department,

I am a homeowner who lives adjacent to Cypress Canyon Road, west of the proposed Renzulli Estates Development. The project would more than double the number of homes designated by the community plan and increase traffic on Cypress Canyon Road.

There have been a considerable number of accidents on Cypress Canyon Road. Since May of 2018, there have been seven major traffic accidents caused by speeding drivers on Cypress Canyon Road west of the proposed development. There have been nine accidents since 2015. The last known accident occurred on 9/5/2021 involving a motorist who side swiped several cars and crashed into the back of a parked car. One car crashed into a house and another rolled over the sidewalk and caught fire.

I have compiled an accident history for the terminal access roads to the Renzulli property from collision data sets published by the San Diego Police Department and San Diego Police Department Event Logs since 2017, the earliest available. Please find the data in the attached spreadsheet along with a map of the accidents. I have also published a map of Terminal Access Road Accident History at [Renzulli Project Terminal Road Accident History](#)

The data shows the vast number of accidents on terminal access roads have occurred west of the Renzulli property on Cypress Canyon Road. The road is steep and lined with single family residential homes that face the street. There are two medians designed to slow the speed of traffic but they have had very little impact.

Given the unusually high number of accidents on Cypress Canyon Road, it is in the interest of public safety to include an accident analysis as part of the Environmental Impact study. The accident history was brought to the attention of the City Transportation Development section and the developer, however, the developer did not include an accident analysis in their traffic study because it was not required by "city staff."

A discontinuous Cypress Canyon Road as previously proposed by the developer would mitigate any

unnecessary risk posed by increased traffic caused by the development.

Homeowners east of the development have lobbied for a continuous road primarily because they know the vast majority of traffic will flow west on Cypress Canyon Road where services are located. This will result in an unfair distribution of traffic along a road with a significant accident history.

Emergency access has been touted as a reason for a continuous road even though Fire Station 37 is only .9 and 1.2 miles from either side of the project, a 2 to 3 minute drive. Evacuation is possible on either side with Spring Canyon the larger road to the east.

Thank you for your patient consideration of this email and the attached documents,

Daniel Roberts  
(858) 200-6129



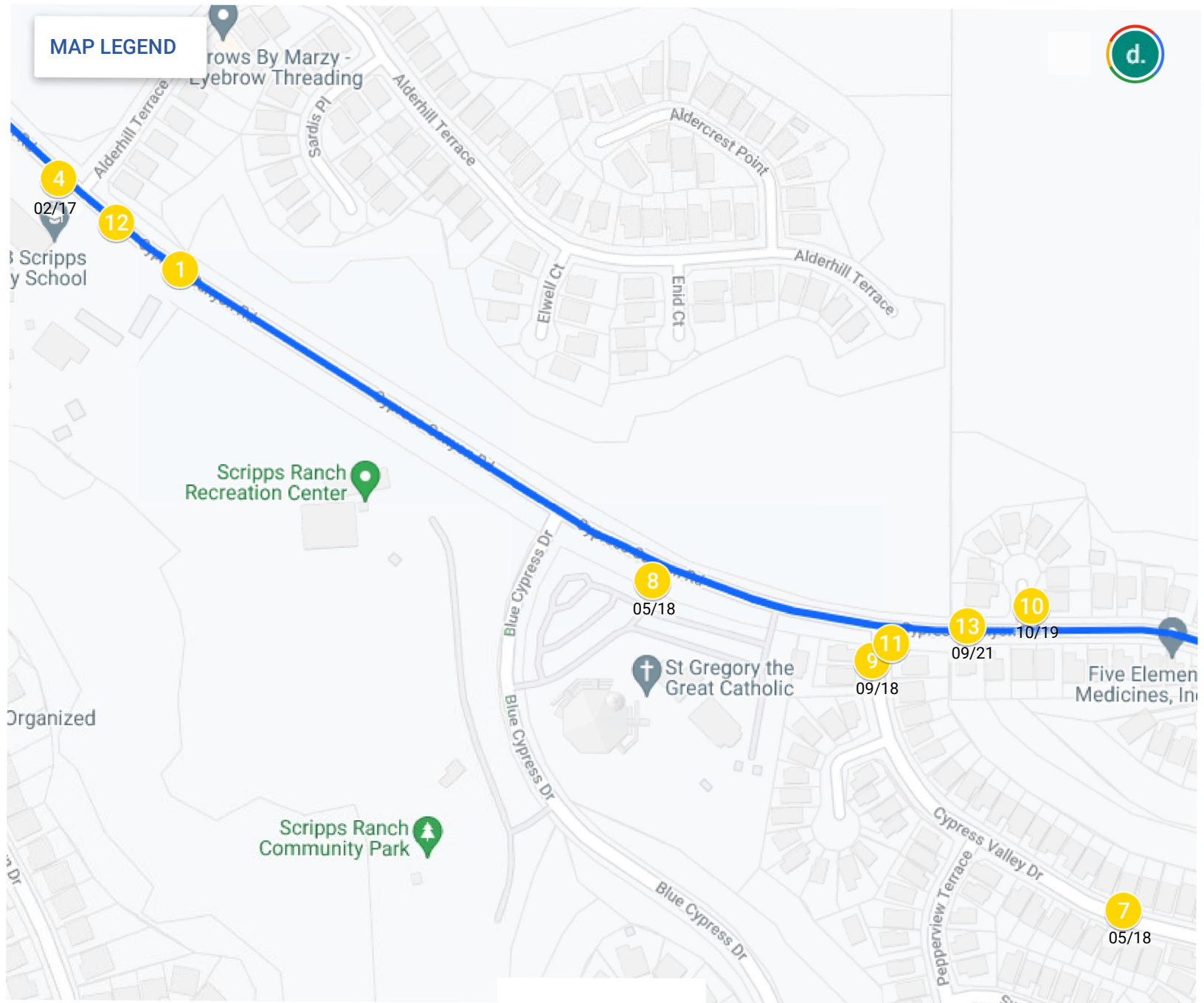


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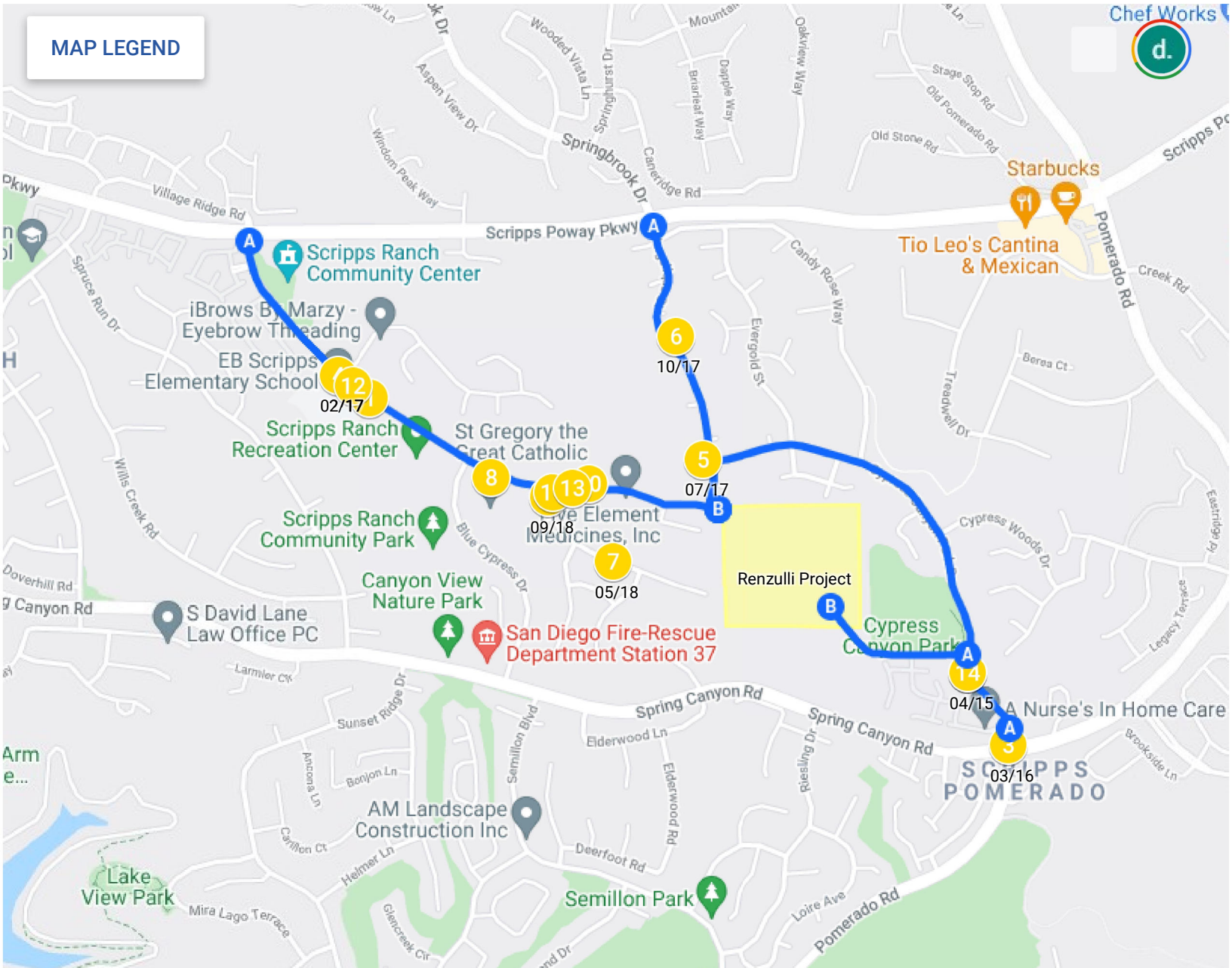




MAP LEGEND

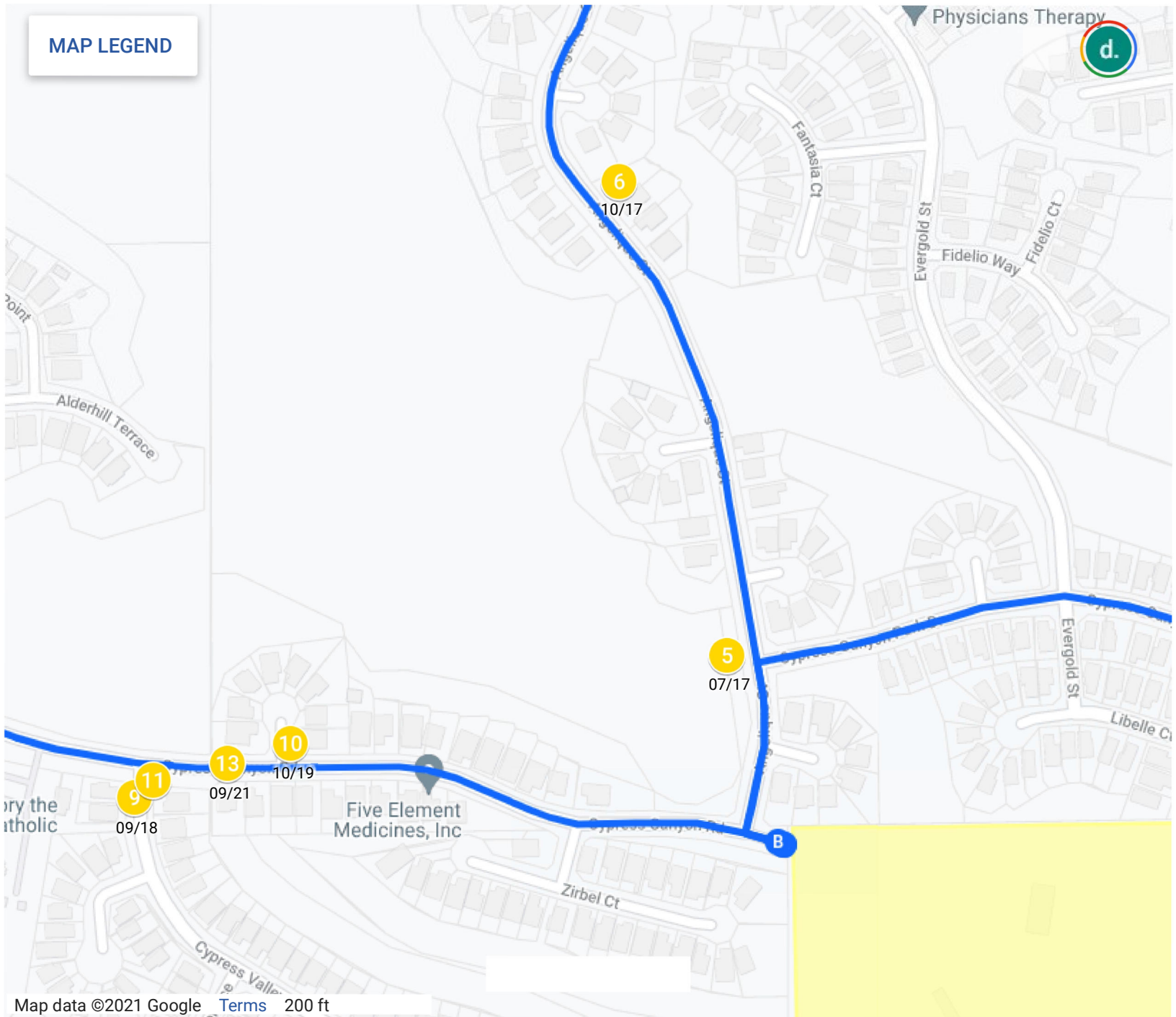


## MAP LEGEND



[Terms](#) 500 ft

MAP LEGEND





# MAP LEGEND

Renzulli Project

See Gorgeous by PS  
Delivery

Gabourel Tax Se

Cypress Woods

Swan Canyon Pl

Cypress  
Canyon Park

14

09/21

2

04/15

Caminito Festivo

Caminito Dulce

Caminito Sereno

Caminito Alegre

Caminito Sereno

A Nurse's In Home Care

Spring Canyon Rd

Chardonnay Pl

Riesling Dr

Spring Canyon Rd

Spring Canyon Rd

Spring Canyon Rd

3

03/16

Pome

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**From:** Ray Teran <rteran@viejas-nsn.gov>  
**Sent:** Thursday, April 14, 2022 11:04 AM  
**To:** DSD EAS  
**Cc:** Ernest Pingleton  
**Subject:** [EXTERNAL] Renzulli Estates

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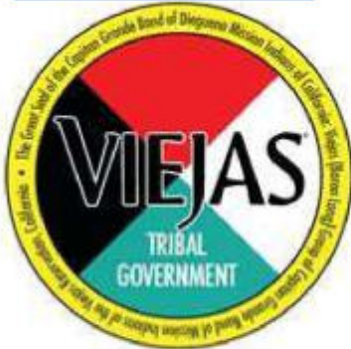
The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site has cultural significance or ties to Viejas. Cultural resources have been located within or adjacent to the APE-DE of the proposed project.

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

If you wish to utilize Viejas cultural monitors (Viejas rate is \$54.15/hr. plus GSA mileage), please call Ernest Pingleton at 619-655-0410 or email, [epingleton@viejas-nsn.gov](mailto:epingleton@viejas-nsn.gov), for contracting and scheduling. Thank you.

*Ray Teran*

**Viejas Tribal Government**  
**Resource Management Director**  
**619-659-2312**  
[rteran@viejas-nsn.gov](mailto:rteran@viejas-nsn.gov)



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**From:** buncelaw@aol.com  
**Sent:** Friday, April 22, 2022 12:44 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] Comments on Renzulli Estates/674401

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April 22, 2022

Morgan Dresser  
Development Services Department  
1222 First Avenue, MS-501  
County of San Diego  
San Diego, CA 92101

Re: Comments of Barona Band of Mission Indians on Renzulli Estates/674401 Project

Dear Mr. or Ms. Dresser,

The Barona Band of Mission Indians is a federally-recognized Indian tribe with a federal Indian reservation in rural eastern San Diego County. Its aboriginal Kumeyaay territory is centered on the area of the current Barona and Capitan Grande Indian Reservations, although it does stretch somewhat to the west, and on its edge includes the site of this project. I serve as Tribal Attorney and respond for the Tribe to most matters that arise concerning local cultural resources.

Your Notice of Preparation states that the proposed project could result in significant effects on tribal cultural resources, but does not specify what resources or what effects. Therefore, the Barona Band's comments are simple: what tribal cultural resources, where, what effects? Has any survey or other study been performed? If so, can I see a copy?

Please direct any response to me at buncelaw@aol.com. Thank you for your assistance.

Sincerely,

Art Bunce  
Tribal Attorney

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**From:** Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>  
**Sent:** Thursday, May 5, 2022 2:19 PM  
**To:** Dresser, Morgan  
**Cc:** State.Clearinghouse@opr.ca.gov; Eaton, Maurice A@DOT  
**Subject:** [EXTERNAL] Renzulli Estates NOP SCH # 2022040125  
**Attachments:** SD\_15\_15.97\_Renzulli Estates NOP 05-05-2022.pdf

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Please see the attached comment letter for the Renzulli Estates NOP SCH # 2022040125.

Thank you,

Kimberly D. Dodson, GISP, M. Eng.  
Associate Transportation Planner  
Caltrans District 11 LDR Branch  
4050 Taylor St., MS-240  
San Diego, CA 92110  
[Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov)  
Telework phone: 619-985-1587

## 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)



May 5, 2022

11-SD-15  
PM 15.97  
Renzulli Estates  
NOP/SCH#2022040125

Ms. Morgan Dresser  
Planner  
City of San Diego  
1222 1<sup>st</sup> Ave.  
San Diego, CA 92101

Dear Ms. Dresser:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Renzulli Estates project located near Interstate 15 (I-15). 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 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.

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.

### **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

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

"Provide a safe and reliable transportation network that serves all people and respects the environment"

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. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

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

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the 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) 9851587 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

---

**From:** Lisa Madsen <Lisa.Madsen@sandag.org>  
**Sent:** Thursday, May 5, 2022 4:38 PM  
**To:** Dresser, Morgan  
**Cc:** Phil Trom; Allison Wood  
**Subject:** [EXTERNAL] NOP - Renzulli Estates

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Dear Morgan,

Thank you for providing the San Diego Association of Governments (SANDAG) the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Renzulli Estates project. SANDAG recently adopted the 2021 Regional Plan in December 2021, the long-range planning document for the region that looks out to 2050. As the DEIR is prepared, we encourage the City to coordinate with SANDAG on analyzing consistency with the 2021 Regional Plan and its Sustainable Communities Strategy (SCS). The SCS includes a land use pattern that focuses growth and development in Mobility Hub areas and Transit Priority Areas to foster mixed use communities and improve access to mobility options. The land use pattern combined with planned transit and mobility services are critical strategies to achieving the region's SB 375 greenhouse gas reduction target.

When available, please send any additional information related to this project to me at [lisa.madsen@sandag.org](mailto:lisa.madsen@sandag.org). If you have any questions or concerns regarding this email, please don't hesitate to contact me.

Best,  
Lisa

**Lisa Madsen** (she/her/hers)  
Regional Planner

**619.595.1432** office  
401 B Street, Suite 800, San Diego, CA 92101

**SANDAG** | *Pursuing a brighter future for all*



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SANDAG [office hours](#) are Tuesday – Friday and every other Monday from 8 a.m. – 5 p.m.



Learn about our [commitment to equity](#)

SANDAG [office hours](#) are Tuesday – Friday and every other Monday from 8 a.m. – 5 p.m.

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**From:** Ludovissy, Jennifer@Wildlife <Jennifer.Ludovissy@Wildlife.ca.gov>  
**Sent:** Friday, May 6, 2022 10:42 AM  
**To:** Dresser, Morgan  
**Subject:** [EXTERNAL] Copy of letter re: Renzulli Estates Project  
**Attachments:** 2022040125 Renzulli Estates NOP.pdf

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

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Hello Ms. Dresser,

Please see attached copy for your records. If you have any questions, please contact Alison Kalinowski at [Alison.Kalinowski@wildlife.ca.gov](mailto:Alison.Kalinowski@wildlife.ca.gov).

Thank you,  
Jenny

**JENNY LUDOVISSY** | Staff Services Analyst  
She/Her/Hers



**South Coast Region 5**  
3883 Ruffin Rd, San Diego, CA 92123  
Office (858) 467-2702 | Cell (858) 716-7147





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



May 6, 2022

Morgan Dresser  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101  
[MRDresser@sandiego.gov](mailto:MRDresser@sandiego.gov)  
[DSDEAS@sandiego.gov](mailto:DSDEAS@sandiego.gov)

**Subject: Renzulli Estates (Project), Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), SCH #2022040125**

Dear Ms. Dresser:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of San Diego (City) for the Project (No. 674401) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

**CDFW's Role**

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

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). CDFW also administers the Natural Community Conservation Planning (NCCP) program (Fish and Game Code 2800 *et seq.*). The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and Implementing Agreement (IA). The DEIR for the proposed Project must ensure that all requirements and conditions of the SAP and IA are met. The DEIR should also address any biological issues that are not addressed in the SAP and IA,

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 1500.

Morgan Dresser  
City of San Diego  
May 6, 2022  
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such as specific impacts to and mitigation requirements for sensitive species that are not covered by the SAP and IA.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** City of San Diego

**Project Location:** The 40.6-acre Project site is located at 11495 Cypress Canyon Road in the northeast section of the City within the Scripps Miramar Ranch Community Area. The Project site is partially developed, with a large existing single-family residence and associated development in the center of the site and areas of native habitat surrounding. The center of the Project site is on a hill with steep graded slopes extending north and south, terminating at vegetated open space. Surrounding land uses include Cypress Canyon Park to the east and a matrix of native habitat patches and residential homes in all directions.

**Project Description/Objectives:** The Project proposes to demolish the existing structures on-site and develop 100 single-family residential units and 12 for-rent multi-family residential units. Project-related activities would include grading, landscaping, utilities, and construction of internal roadways to connect with existing off-site roadways. Per the City's April 6, 2022, Development Services Department (DSD) Public Scoping Meeting Presentation, the Project would retain open space areas in the northern and southern portions of the site. A public recreational trail and associated span bridge is proposed in the southern open space area. Compensatory mitigation would be off-site within the City and include preservation and seed collection, weed control, sensitive plant translocation, and native species allocation.

The Project site is largely within the City's Multi-Habitat Planning Area (MHPA) and as proposed would exceed the amount of development impacts authorized under the City's MSCP; therefore, the City is proposing a MHPA Boundary Line Adjustment (BLA). The City is also proposing a MHPA Boundary Line Correction to reflect incorrect baseline mapping of the MHPA at the time of the City's MSCP establishment. The Project would also require Rezoning and a Community Plan Amendment to change the existing residential designation from 1.1 dwelling unit per acre to 2.8 dwelling units per acre. Additionally, per the NOP, the site is within a very high Fire Hazard Sensitivity Zone.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Comments are based off information provided in the NOP and the City's DSD Scoping Meeting Presentation on the Project (April 6, 2022).

### Specific Comments

- 1) MHPA BLA. CDFW recommends that the City consult with the Wildlife Agencies (CDFW and United States Fish and Wildlife Service (USFWS)) early in the CEQA process to resolve the Project's proposed BLA prior to the circulation of the DEIR.
- 2) Trails. The Project proposes the construction of a pedestrian trail in designated open space areas on-site. CDFW recommends that the following information be included in the DEIR: an aerial photograph with an overlay of the proposed alignment of the trail in relation to the

Morgan Dresser  
City of San Diego  
May 6, 2022  
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designated or proposed open space, specifications of trail design, measures to avoid/minimize impacts related to users straying off-trail or trail use by unauthorized vehicles such as electric bicycles, responsible entity and activities related to the maintenance, and a discussion of how the proposed location and use of the trail would be consistent with the City's SAP.

- 3) Fire Buffers. Per the NOP, the proposed Project is within a very high Fire Hazard zone. CDFW requires that all fuel modification zones be included in the development footprint and be considered and mitigated as a permanent impact. The DEIR should also include analysis of impacts to adjacent open space areas from any irrigation or water diversion structures proposed within the fuel modification zones.

### General Comments

- 4) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, and specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:
  - a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)].
  - b. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (<https://wildlife.ca.gov/Conservation/Plants/Info>); CDFW recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted for the Project using the Vegetation Classification Manual for Western San Diego County (Sproul et al. 2011). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
  - c. A complete, recent, assessment of the biological resources associated with each habitat type on-site and within adjacent areas that could also be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
  - d. Per review of CNDDDB records, Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*; ESA-listed Endangered and MSCP-covered species), is known to occur within the vicinity of the Project. The DEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive



Morgan Dresser  
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species on-site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS.

- e. A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- b. Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of the Project site to open space and existing conservation easements, it is essential to understand how these open spaces and the biological diversity within them may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The following should be addressed in the DEIR:
  - a. A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
  - b. A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures.
  - c. A discussion on Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. Mitigation measures proposed to alleviate such Project impacts should be included.
  - d. An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

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- e. A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, and past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 5) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas.
  - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. Potential impacts to wildlife movement areas should also be evaluated, avoided, or mitigated consistent with applicable requirements of the City's SAP.
- 6) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats consistent with the City's MSCP requirements. With respect to the land exchange provided for in the BLA, the analysis should include a discussion of the habitat types and species that would be lost/gained as part of the BLA process, along with analysis of why the BLA maintains or improves the biological functions and values anticipated when the MHPA lines were originally adopted.
- 7) Nesting Birds. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive species (that are otherwise not addressed by the MSCP), and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat

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capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

- 9) Moving out of Harm's Way. The proposed Project is anticipated to result in clearing of habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity should obtain all appropriate state and federal permits.
- 10) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR require that no invasive plant material shall be used. A list of invasive/exotic plants that should be avoided and suggestions for suitable landscape plants can be found online at [Cal-IPC Invasive Plant Inventory](#).
- 11) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 12) Jurisdictional Waters. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*

CDFW's issuance of a Lake and Streambed Alteration Agreement (LSAA) for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the Environmental Impact Report of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA. Please visit CDFW's [Lake and Streambed Alteration Program webpage](#) to for information about LSA notification and online submittal through the [Environmental Permit Information Management System \(EPIMS\) Permitting Portal](#).

In the event the Project area may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and

Morgan Dresser  
City of San Diego  
May 6, 2022  
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riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

- a) In Project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages.
- b) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
- c) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.

## **Environmental Data**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The [CNDDB Field Survey Forms](#) can be mailed electronically to CNDDB at the following email address: [CNDDB@wildlife.ca.gov](mailto:CNDDB@wildlife.ca.gov). The types of information reported to CNDDB can be found at the following link: [CNDDB Plants and Animals Information](#).

## **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, by email at [Alison.Kalinowski@wildlife.ca.gov](mailto:Alison.Kalinowski@wildlife.ca.gov).

Morgan Dresser  
City of San Diego  
May 6, 2022  
Page 8 of 9

Sincerely,

DocuSigned by:  
  
D700B4520375406...

David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW

David Mayer, San Diego – [David.Mayer@wildlife.ca.gov](mailto:David.Mayer@wildlife.ca.gov)  
Karen Drewe, San Diego – [Karen.Drewe@wildlife.ca.gov](mailto:Karen.Drewe@wildlife.ca.gov)  
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Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)  
USFWS  
Jonathan Snyder – [Jonathan\\_D\\_Snyder@fws.gov](mailto:Jonathan_D_Snyder@fws.gov)

## References

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**From:** Nick Y <nickyang92131@gmail.com>  
**Sent:** Friday, May 6, 2022 10:55 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] Comments Re: Renzulli Estates / 674401

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Dear Development Services Department,

We live in Scripps Ranch for more than 15 years. Here are our comments regarding the Rezulli project.

1) Traffic concerns: there are three important community facilities/services on Cypress Canyon Road - St. Gregory Church, EBS Elementary School, and Scripps Ranch Community Park. Over the years, there have been significant increases in surrounding vehicle traffic and walking traffic. Cypress Canyon Road has become the de facto expanded parking space to accommodate the community services and public events. The two-lane road will become a serious source of hazard. Please note that a few traffic accidents happened in recent years, including the one in late 2019. There had been a car crashing into a Cypress Canyon Road residence causing life-threatening injuries that made the San Diego news. Many of the neighbors on this street already feel unsafe when backing out of their driveway as the traffic stands today. Many parents of the EBS students are very concerned about the the added traffic. Any efforts to reduce the traffic on Cyrpress Canyon Rd will be greatly appreciated.

2) Illegal car racing activities on Cypress Canyon Rd (North): we have been experiencing illegal car racing on Cypress Canyon Rd for years. The connection of the Cypress Canyon Rd will definitely make it worse. Stop signs and other necessary traffic restrictions shall be considered at the Renzulli entrance and at the intersection of Cypress Canyon Rd and Angelique St.

3) Air Pollution and street noise: we sense gasoline smell from the air in the evening most of days. The street noise is arelday bery bad. There is no doubt that the new project will make the situation worse.

We believe the city will always put the health and safety of the residents first when implementing the new project. Thank you for you consideration.

Sincerely,

Nick and Becky  
Scripps Ranch Residents



## San Diego County Archaeological Society, Inc.

Environmental Review Committee

18 April 2022

To: Ms. Morgan Dresser  
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  
Renzulli Estates  
Project No. 674401


Dear Ms. Dresser:

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

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

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

cc: SDCAS President  
File





## NATIVE AMERICAN HERITAGE COMMISSION

April 15, 2022

Morgan Dresser  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101

**Re: 2022040125, Renzulli Estates Project, Los Angeles County**

Dear Ms. Dresser:

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.**

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

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

**NAHC HEADQUARTERS**  
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[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

## 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, 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](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:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

