

## Dawna Marshall

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**From:** Courtney Tanner <courtneyanntanner@gmail.com>  
**Sent:** Wednesday, January 5, 2022 3:44 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] Concerns Regarding the El Camino Real Assisted Living Development

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To whom it may concern:

I'd like to express my strong concerns **AGAINST** the **El Camino Real Assisted Living Development** project (lot located directly behind the new St. John Garabed Armenian Church at 13860 El Camino Real, San Diego, CA 92130).

### **Lot Zoning Issues:**

- The developer is proposing to develop a 105,568 SF, three-story facility that covers 70% of the parcel, which is way over the maximum for building a structure on a parcel this size. The lot is NOT ZONED for commercial development. It's for AGRICULTURE (AR-1-1)
- In order for this to be considered LOW-DENSITY RESIDENTIAL DWELLING it would need to be less than 10% of the land/parcel. They show the calculated 'allowable' square footage (10% max of Lot) for this Assisted Living Development as a COMBINED development with the Church facility, which is already built. They're using the ratio of 10% of land, in conjunction with the church, skewing the square footage for this Assisted Living facility, which is on a much smaller piece of land. Not to mention this land is NOT ZONED for MULTI DWELLING COMMERCIAL facility.

### **El Camino Real Traffic/Safety Issues:**

- This Assisted Living development is being treated as a separate entity, but they are building multiple buildings for this church development, which is all being accessed by the SAME entrance and exit.. one way in, one way out. This entrance is at the bottom of El Camino Real and lands in the middle of the blind curve. People that don't live here have no idea that this road is like a freeway. Cars are going an average speed of 60mph heading North and are dangerous for cars trying to enter/exit this Church campus on a blind curve. Car and bike collisions will happen at this entrance/exit, people will get hurt and possibly die.
- There is NOWHERE to turn into this church/assisted living development if coming from the north (Via de La Valle), the ONLY WAY to get to their entrance is making a U-TURN at Sea County Lane (Stallions Crossing) and if you are coming from the south, you will have to make a U-turn at the San Dieguito Rd/El Camino Real stop light to go southbound. Traffic will back up all the way to Del Mar Heights especially during SD Fair, Horse Racing season, and soccer games going at the polo fields, traffic is extremely heavy already. This will dramatically increase the traffic on El Camino Real.

### **Environmental Issues:**

- **MOST IMPORTANTLY**, This development is located in the sensitive San Dieguito River Valley, natural ecological and wildlife preserve. This would disrupt the sensitive wildlife and environment that we live in. Our community has been zoned for LOW-DENSITY RESIDENTIAL USE ONLY... A 3-story, 105 dwelling units with 122-beds, **does NOT fall under 'low density residential use'**

- San Dieguito River Valley is home to many wildlife animals, particularly the **California Gnatcatcher bird** which is near extinction. Building this development will continue to disrupt this birds habitat and lessen the species numbers. We must protect this rare song bird and his home.
- This is located in sensitive Native American Indian land. The developer is trying to get around this 3-story building by digging 10ft below the current land level. The Stallions Crossing residents are not allowed to dig below 6 inches into their yards per the CC&R's for our community due to known native American Native artifacts that were found when this housing development was being built.

I appreciate you taking these above concerns into consideration when reviewing approval of this development. This is not the right choice for our community!!!

Thanks,  
Courtney Tanner  
[courtneyanntanner@gmail.com](mailto:courtneyanntanner@gmail.com)  
858-531-1077

## Dawna Marshall

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**From:** John Greene <johnjgreene@gmail.com>  
**Sent:** Saturday, December 25, 2021 1:46 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] El Camino Assisted Living Facility 675732

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This proposed development will add to an already stressed traffic condition on El Camino Real.

When I purchased my lot from Pardee over 20 years ago (and built my home in a nearby neighborhood), I asked Pardee what the plans were to widen the El Camino Real bridge that connects San Dieguito Road and Via de la Valle. The developers response at the time 20 years ago was "we paid a fee to the City-the bridge will be expanded to four lanes in the near future". Nothing has happened. In addition, expanding the bridge to four lanes does not solve the two lane issue at Via de la Valle.

City Planning should be looking for ways to control and reduce traffic in this area-not add to the already stressed traffic situation. The City has allowed Surf Cup to violate the deed that controls the use of the Surf Cup land, which contributes to the traffic mess on El Camino Real.

Now the City is considering changing the zoning for El Camino Assisted Living from very low density residential to commercial.

During the last 20 years, the traffic on the El Camino Real bridge has been greatly negatively impacted by the addition of facilities that were never intended to be used on the adjacent land-first one church, now a second church; and Surf Cup. Making matters worse, the two bridge lanes are designated as "bike lanes". I understand what needs to be done for bike rider safety. However, adding another high density commercial structure on El Camino Real only makes the road less safe and more stressed.

John Greene

## Dawna Marshall

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**From:** Alexandra Kreitzer <kreitzer.alexandra@gmail.com>  
**Sent:** Tuesday, January 4, 2022 12:58 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development

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

Hello,

I am a homeowner in the Stallions Crossing neighborhood along El Camino Real in Carmel Valley. My husband, David, and I love our home and community and look forward to raising our children in this home. When we purchased this home, we loved how it was near the San Dieguito River Park and with single lane roads, horse stables, and agricultural zoning, it feels very rural in contrast to the highly developed areas along Del Mar Heights Road. I am reaching out regarding our serious concerns with the proposed El Camino Real Assisted Living Development and how that would impact our neighborhood and the greater area.

As I mentioned, this area is zoned for agriculture. The proposed development is a 105,568 SF, three-story facility that covers 70% of the parcel, which is way over the maximum for building a structure on a parcel this size. The lot size is 3.97 acres, yet only 2.29 acres is usable because the canyon on the parcel is unbuildable.

Another area of concern is the traffic. This area has single lane roads which lead into rural Rancho Santa Fe neighborhoods. It was never designed to be high density and there is already severe traffic in the area every time there are Surf Soccer games at the polo fields. It is not feasible for these roads to support hundreds of cars attending the Church and Assisted Living facility on any given Sunday. Additionally, there is nowhere to turn into this church/assisted living development if coming from the north (Via de La Valle). The only way to get to their entrance is to make a U-turn at our traffic light which is the entrance to our Stallions Crossing neighborhood. There have been an above average number of collisions on this road in recent years already, due to increased traffic and speeding on a road not designed for such high use. Cars fly down the hill and often times swerve into the bike lane to avoid all of the pot holes. As a mother of young children, this is greatly concerning for my children's safety.

There are also many concerns regarding how this would impact the environment and the fragile San Dieguito River Valley preserve. These wetlands are home to many native San Diegan plant and animal species, which would be greatly impacted by the pollution and development of this area.

We ask that you please consider the many negative impacts of this development.

Regards,  
Alexandra Kreitzer



**Dawna Marshall**

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**From:** claudia souza <claudiafsouza11@gmail.com>  
**Sent:** Tuesday, January 4, 2022 9:48 AM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development

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Hello!

I am a current resident of Stallions Crossing. I have lived at this location for almost 7 years and have been a resident of Carmel Valley for 20. I am writing to you to oppose the new Assisted Living Development planned for El Camino Real.

There are SO many issues with this horrible project but I will highlight a few that will make living in this community almost unbearable.

### Traffic:

This entrance is at the bottom of the (El Camino Real) hill and in the middle of the blind curve.. People that don't live here have no idea that this road is like a freeway. Cars are going an average speed of 60mph heading North and is dangerous for cars trying to enter/exit this Church campus on a blind curve.

There have been 13 collisions during the last five years, involving head-ons, high speeds, bicyclists, and influenced drivers, that's above average. El Camino Real along this downhill curve is used daily by bikers, who's safety risk will greatly increase with hundreds of cars trying to access this sharp entrance. Again, very dangerous for our community and safety of residents.

The other issue, there is NOWHERE to turn into this church/assisted living development if coming from the north (Via de La Valle).. the ONLY WAY to get to their entrance is making a U-TURN at our traffic light (Stallions Crossing), and if you are coming from the south, you will have to make a U-turn at the San Dieguito Rd/El Camino Real stop light to go southbound.

How is this going to be feasible on the weekends with hundreds of cars trying to get into this church and Assisted Living on any given Sunday? Everyone knows when the SD Fair, Horse Racing season, and soccer games going at the polo fields, traffic is extremely heavy already.

Thank you for your time and please take these issues into consideration when deciding next steps for this project. Please note that the residents of Stallions Crossing are TOTALLY against this new assisted living development and will do our best to continue to fight it.

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Claudia Souza  
858.776.4564

## Dawna Marshall

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**From:** darlene woodend <darlenewoodend@gmail.com>  
**Sent:** Wednesday, January 5, 2022 1:08 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development

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I just wanted to voice my complaint of this project even being considered for this area. We have enough traffic going down El Camino Real and now you want to build a 3-story, 105,568 SqFt, Multi-dwelling Commercial facility on a blind curve with cars going down at 50 mph. The sad part is the Horse Park was closed due to EPA requirements for some horses and now you want to build this facility near by. This town is being ruined by you pelicans that constantly change the rules that make it worse for people who have lived here for a long time.

Vote NO on this project.

Thank you for listening to my input.

Darlene Woodend  
3102 Lower Ridge Road  
San Diego, CA 92130

## Dawna Marshall

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**From:** Dale English <dale92130@att.net>  
**Sent:** Friday, December 24, 2021 9:59 AM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility /No. 675732

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- 1) Mitigate lighting from the facility to shine downward and only as much and at a height needed for safety at night. This borders natural habitat that is substantially unlighted.
- 2) Install habitat boxes in appropriate locations, e.g., barn owl, bat, etc..... to encourage and foster indigent species population growth.

Dale R. English  
3811 Torrey Hill Lane, 92130

**Dawna Marshall**

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**From:** Stallions Crossing via Change.org <change@t.change.org>  
**Sent:** Tuesday, January 4, 2022 8:32 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] New petition to you: NO-REZONING OF OUR COMMUNITY – AGAINST THE 'EL CAMINO REAL ASSISTED LIVING'

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## City of San Diego: you've been listed as a decision maker

Stallions Crossing started a petition on Change.org and listed you as a decision maker. Learn more about Stallions Crossing's petition and how you can respond:

Stallions Crossing is petitioning City of San Diego

**NO-REZONING OF OUR COMMUNITY – AGAINST THE 'EL CAMINO REAL ASSISTED LIVING'**

We are asking for support to petition AGAINST the proposed El Camino Real Assisted Living Development, 3-story structure 105 rooms, which would greatly impact our community. Big development is trying to change the zoning for this parcel from Agriculture to...

[View the petition](#)

#### WHAT YOU CAN DO

**1. View the petition:** [Learn about the petition and its supporters](#).

You will receive updates as new supporters sign the petition so you can see who is signing and why.

**2. Respond to the petition:** [Post a response](#) to let the petition supporters know you're listening, say whether you agree with their call to action, or ask them for more information.

**3. Continue the dialogue:** Read the comments posted by petition supporters and continue the dialogue so that others can see you're an engaged leader who is willing to participate in open discussion.

#### CHANGE.ORG FOR DECISION MAKERS

On Change.org, decision makers like you connect directly with people around the world to resolve issues. [Learn more](#).

This notification was sent to DSDEAS@sandiego.gov, the address listed as the decision maker.

[Privacy policy](#)

We'd love to hear from you! [Contact us](#) through our help center.

Change.org · 548 Market St #29993, San Francisco, CA 94104-5401, USA

## Dawna Marshall

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**From:** Brian Souza <bsouza@productivitydrivers.com>  
**Sent:** Tuesday, January 4, 2022 7:33 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] Proposed Assisted Living Development El Camino Real - Carmel Valley

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To whom it may concern:

I am a resident of the Stallions Crossing community. I have lived at this location for almost 7 years and have been a resident of Carmel Valley for 20+.

I am writing to you to express my vehement opposition to the new Assisted Living Development planned for El Camino Real.

Between the unbearable traffic, extremely dangerous road conditions, and over-developed greenspace - this development will significantly degrade the safety and quality of life for everyone in our community.

Here are two major areas of concern:

### TRAFFIC

- This Assisted Living development is being treated as a separate entity for this category, conveniently, but they are building multiple buildings for this church development, which is all being accessed by the SAME entrance and exit.. one way in, one way out.
- This entrance is at the bottom of the (El Camino Real) hill and in the middle of the blind curve.. People that don't live here have no idea that this road is like a freeway. Cars are going an average speed of 60mph heading North and is dangerous for cars trying to enter/exit this Church campus on a blind curve.
- There have been 13 collisions during the last five years, involving head-ons, high speeds, bicyclists, and influenced drivers, that's above average. El Camino Real along this downhill curve is used daily by bikers, who's safety risk will greatly increase with hundreds of cars trying to access this sharp entrance. Again, very dangerous for our community and safety of residents.
- The other issue, there is NOWHERE to turn into this church/assisted living development if coming from the north (Via de La Valle).. the ONLY WAY to get to their entrance is making a U-TURN at our traffic light (Stallions Crossing), and if you are coming from the south, you will have to make a U-turn at the San Dieguito Rd/El Camino Real stop light to go southbound.
- How is this going to be feasible on the weekends with hundreds of cars trying to get into this church and Assisted Living on any given Sunday? Everyone knows when the SD Fair, Horse Racing season, and soccer games going at the polo fields, traffic is extremely heavy already.

### ENVIRONMENTAL

- This development is located in the sensitive San Dieguito River Valley, natural ecological and wildlife preserve. This would disrupt the sensitive wildlife and environment that we live in.. Our community, has been zoned for

LOW-DENSITY RESIDENTIAL USE ONLY... A 3-story, 105 dwelling units with 122-beds, does NOT fall under 'low density residential use'.

- See attached 'Purpose of Agriculture-Residential Zones'.. This parcel is an AR-1-1 ZONE
- The impacts would be devastating to our community, surrounding area, and goes against our community plan.
- San Dieguito River Valley Conservancy preserve
- This is located in sensitive land of our 100-year floodplain. They're trying to get around this 3-story building by digging 10ft below the current land level... Stallions Crossing residents are not allowed to dig below 6 inches in our yards per the CC&R's for our community due to known native American Native artifacts that were found when SC was being developed.

Please note that the residents of Stallions Crossing are completely against this new assisted living development and will do our best to continue to fight it.

Thank you for your time and please take these issues into consideration when deciding next steps for this project.

Regards,

Brian Souza

CEO/Founder, [ProductivityDrivers](#)

Author, [The Weekly Coaching Conversation](#)

Let's connect on [LinkedIn](#)



## Dawna Marshall

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**From:** Maggie Allen <maggieallen@mac.com>  
**Sent:** Friday, January 14, 2022 12:09 PM  
**To:** DSD EAS  
**Cc:** Sol; Maggie Allen  
**Subject:** [EXTERNAL] Fwd: El Camino Real Senior Care Facility

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### **Subject: El Camino Real Senior Care Facility**

To Whom It May Concern:

I am a resident living just south of the location of this proposed building since 2002. And I'm opposed to this planned facility being built here. I believe it's much too large, will severely disrupt the lives of those living nearby including myself, with traffic, noise and light pollution from the activities of staff and patients operating the facility, and that none of these problems can be mitigated by developer concessions.

First of all, the Armenian church is but the first of several more buildings planned for their property, adding more traffic to an area already isolated from El Camino Real by virtue of being surrounded by open space and a nature preserve just behind it. Erecting a 40 foot tall, 105,568 square foot commercial building would negatively and permanently alter the character of this area by virtue of its size and the activity such an operation would create.

Secondly, do we not have a 30 foot height limit on buildings, like this one, that are within the Coastal Development Zone and thus would ban the current design without a waiver from the Coastal Commission?

Last but not least is the ugly precedent that would be set were this huge building to be approved in an area that has been zoned according to my information for low intensity residential use. If you look around the area all you see are homes, and a large horse ranch. You don't see big commercial buildings such as this proposal anywhere north of Del Mar Heights Road. And that's consistent with community codes which aim to preserve open spaces and natural habitat in this area.

In sum, I agree with the more than 700 petitioners living in Stallion Crossing tract next door to this proposed development that it is absolutely wrong for this location. It will generate too much more traffic, light and noise pollution, intrude on ecological and natural habitat that surrounds it, and none of these negative impacts can be mitigated sufficiently to permit it to go forward.

I would urge the developers to find some other location to build this facility; while I'm sure there's a need for the services it could provide, the negative impacts to this region from its operation are simply too great to allow it to go forward.

Thank you in advance for your consideration of this letter of opposition.

Sincerely,

Sol R. Allen

13702 Vernazza Court

San Diego, CA. 92130

(619)602-4297

## Dawna Marshall

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**From:** Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>  
**Sent:** Thursday, January 13, 2022 2:24 PM  
**To:** Osborn, Sara  
**Cc:** Eaton, Maurice A@DOT; State.Clearinghouse@opr.ca.gov  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility NOP SCH#2013071043  
**Attachments:** SD\_5\_36.263\_El Camino Assisted Living Facility\_NOP.pdf

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Hi Sara,

Please see the attached comments for the El Camino Real Assisted Living Facility NOP SCH#2013071043.

Best Regards,

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

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 13, 2022

11-SD-5  
PM 36.263  
El Camino Real Assisted Living Facility  
NOP/SCH#2013071043

Ms. Sara Osborn  
Senior Planner  
City of San Diego  
1222 1<sup>st</sup> Avenue  
San Diego, CA 92101

Dear Ms. Osborn:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation of a Draft Environmental Impact Report (NOP) for the El Camino Real Assisted Living Facility project located near Interstate 5 (I-5). 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.

### **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

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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"

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.

## **Noise**

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

## **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) 985-1587 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

*Maurice A. Eaton*

MAURICE A. EATON  
Branch Chief  
Local Development Review

## Dawna Marshall

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**From:** Ludovissy, Jennifer@Wildlife <Jennifer.Ludovissy@Wildlife.ca.gov>  
**Sent:** Friday, January 14, 2022 11:58 AM  
**To:** Osborn, Sara; DSD EAS  
**Cc:** Mayer, David@Wildlife; Kalinowski, Alison@Wildlife; Drewe, Karen@Wildlife; Hailey, Cindy@Wildlife; state.clearinghouse@opr.ca.gov; jonathan\_d\_snyder@fws.gov  
**Subject:** [EXTERNAL] Copy of comment letter re: El Camino Real Assisted Living Facility Project  
**Attachments:** 2013071043 El Camino Real Assisted Living Facility Draft NOP.pdf

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Ms. Osborn,

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**



January 14, 2022

Sara Osborn  
City of San Diego  
1222 1<sup>st</sup> Avenue, MS 501  
San Diego, CA 92101  
[SOsborn@sandiego.gov](mailto:SOsborn@sandiego.gov)  
[DSDEAS@sandiego.gov](mailto:DSDEAS@sandiego.gov)

**Subject: El Camino Real Assisted Living Facility (Project), Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report (DSEIR), SCH #2013071043**

Dear Ms. Osborn:

The California Department of Fish and Wildlife (CDFW) received a NOP of a DSEIR from the City of San Diego (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding the 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 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 fish and wildlife resources. CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and Implementing Agreement.

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<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 15000.



Ms. Sara Osborn  
City of San Diego  
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## PROJECT DESCRIPTION SUMMARY

### Proponent: City of San Diego (City)

**Objective:** The Project proposes the development of a 105,568 square-foot facility for assisted living and memory care. The three-story facility would include 105 rooms with indoor amenities and exterior recreational uses including a memory care garden, central courtyard with seating, pool area, and pet area. Heavy landscaping is proposed along the southern and eastern Project boundaries to provide an unspecified buffer adjacent to the Villas at Stallion's Crossing residential development and the City's Multiple Habitat Preservation Area (MHPA).

A final Environmental Impact Report was approved for the St. John Garabed Church (Church) project on October 20, 2014. The Church congregation acquired an adjacent parcel directly south of the Church to develop into their assisted living and memory care facility. As a result, preparation of a DSEIR was needed per California Code of Regulations Title 14, Section 15162(a), along with several different amendments including a Conditional Use Permit Amendment and Site Development Permit Amendment.

**Location:** The 3.97-acre Project site is located 200 feet east of El Camino Real between Sea Country Lane and San Dieguito Road. The site is within the North City Future Urbanizing Area Subarea II Community Plan Area, San Dieguito River Park Concept Plan, and the Coastal Zone. Additionally, the site contains MHPA and Environmentally Sensitive Lands. The Project site is bordered by MHPA open space to the east, an existing church (Harvest Evangelical) to the west, Villas at Stallion's Crossing residential development to the south, and St. John Garabed Church under construction to the north. The Project proposes to conserve the eastern portion of the site as MHPA open space via a Covenant of Easement.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DSEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources. [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

### Specific Comments

- 1) 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 including any Covered Species under the City's approved MSCP, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as 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 DSEIR 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

Ms. Sara Osborn  
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[CEQA Guidelines, § 15125(c)]. The DSEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity.

<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;

- b. A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities;
  - c. A complete, recent, assessment of the biological resources associated with each habitat type onsite 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 [http://www.dfg.ca.gov/biogeodata/cnddb/submitting\\_data\\_to\\_cnddb.asp](http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp);
  - d. A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species onsite 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 United States Fish and Wildlife Service (USFWS); and
  - 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 two years as long as there was not a prevailing drought during the time of the botanical survey. 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.
- 2) Environmentally Sensitive Lands. The Project Description states the presence of Environmentally Sensitive Lands (ESL; steep slopes or sensitive biological habitat) within the 3.97-acre site, but there is no map or mention where this area is located. Based on Google aerial imagery, there is a steep slope located on the eastern side of the Project site. We recommend the DSEIR provide a detailed map or discussion of where ESL is located onsite. The location of the pet area is not shown on the Site Plan map within the NOP. Due to the proximity of ESL, we recommend the pet area be sited away from the ESL. Two overlay zones applicable to the Project are the High Fire Severity Zone and Fire Brush Zone. Depending upon configuration of the brush

Ms. Sara Osborn  
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management zones, please provide a discussion in the DSEIR about these zones in relation to the ESL and development footprint.

- 3) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity to open areas, it is essential to understand how open space and the biological diversity within it 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 DSEIR:
- 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 NCCP (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 DSEIR;
  - 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 DSEIR; and,
  - e. A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 4) Sensitive Bird Species. A review of the CNDDDB indicates nearby occurrences of special status bird species such as coastal California gnatcatcher (*Poliophtila californica californica*; Endangered Species Act (ESA) listed threatened; California Species of Special Concern), least Bell's vireo (*Vireo bellii pusillus*; California Endangered Species Act and ESA-listed endangered), and California horned lark (*Eremophila alpestris actia*; CDFW Watch List). Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees and shrubs directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

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- a. CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
  - b. Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. 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.
- 5) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DSEIR stipulate that no invasive plant material shall be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

## General Comments

- 1) 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 DSEIR:
  - 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; and,
  - 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.
- 2) Compensatory Mitigation. The DSEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats consistent with the City's MSCP requirements.

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## 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 CNDDDB. The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## 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 in order 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, at [Alison.Kalinowski@wildlife.ca.gov](mailto:Alison.Kalinowski@wildlife.ca.gov).

Sincerely,

DocuSigned by:

  
D700B4520375406...

David Mayer  
Environmental Program Manager  
South Coast Region

cc: 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)  
Alison Kalinowski, San Diego – [Alison.Kalinowski@wildlife.ca.gov](mailto:Alison.Kalinowski@wildlife.ca.gov)  
Jennifer Ludovissy, San Diego – [Jennifer.Ludovissy@wildlife.ca.gov](mailto:Jennifer.Ludovissy@wildlife.ca.gov)  
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)

## Dawna Marshall

---

**From:** Jeff DiToro <jeff.ditoro@gmail.com>  
**Sent:** Friday, January 14, 2022 6:05 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development

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To whom it may concern,

I am writing to you in regards to the El Camino Real Assisted Living Development which is currently proceeding into its EIR Scoping phase. I am an original resident of eighteen years at the Stallions Crossing community located adjacent to the subject property. Being intimately familiar with the region, community, and subject parcel, I have legitimate concerns about the ongoing approval proceedings thus far for this project which has allowed it to even progress this far within the City Planning stage.

I will express these concerns and opposition herein.

**The first being zoning.** The North San Diego City Plan has always zoned this parcel and the surrounding parcels as Low Density Residential or Agricultural which is a stark contrast from the proposed MULTI DWELLING COMMERCIAL zoned facility. The natural and equestrian flavor has always been the appeal of this segment of the city.

The submitted plans to build a 3-story, 105 dwelling units with 122-beds does NOT fall under 'low density residential use' according to an AR-1-1 ZONE and would clearly become a MULTIPLE DWELLING COMMERCIAL structure with retail that is not consistent with the community plan.

Additionally, this development is located within the sensitive San Dieguito River Valley, natural ecological and wildlife preserve. Currently an \$87 million dollar phase 2 enhancement is being executed in the natural ecological and wildlife preserve area directly across the street from the subject property. If approved, such a COMMERCIAL facility would certainly disrupt the sensitive wildlife and its environment. This region has been zoned for LOW-DENSITY RESIDENTIAL USE ONLY... A 3-story, 105 dwelling units with 122-beds, does NOT fall under 'low density residential use'.

This development parcel is located within a sensitive 100-year floodplain land with a known and documented history for native American Native artifacts findings on this very land. The submitted development plan calls for excavating 10 feet below the current land level surface in order to camouflage the 3-story building structure. Surely, this is an infringement of Archeological concern. The impact goes against the City's established community plan!

For these reasons, any rezoning of the parcel would not make prudent sense.

**The second concern is traffic safety!** This is the most prominent reason to halt this development project and should be the biggest liability concern for the City of San Diego. Over the past eighteen years El Camino has become a speedway and completely neglected by the City of San Diego. Although the speed limit over this stretch of El Camino is 50 MPH, the average speed ranges from 70 MPH plus. There have been 13 major collisions during the last five years, involving head-ons, high speeds, bicyclists, and influenced drivers, which is above average. Yesterday alone, there were two separate auto collisions involving the dispatch of police, fire, and paramedics. The subject development project is proposed and planned to share a single driveway entrance point off of El Camino Real with the adjacent church. This driveway is located on a blind, high speed, downhill curve in which traffic is moving at least 50 MPH. This is the creation

of a collision death trap to say the least.

Although this Assisted Living Development is being treated as a separate entity for this category, it is a landlocked parcel. The proposed Development plan is to share the SAME single entrance and exit access driveway as the adjacent church. This makes no prudent sense at all and increases the safety risks. In order to create this entrance and exit access driveway for the adjacent Church, the traffic lanes were reduced to a minimal width and a skinny third lane was added along with a compressed bike lane.

El Camino Real with this downhill curve section is used daily by bicyclists, who's safety risk will greatly increase with hundreds of cars trying to access this sharp and sudden entrance. Honestly, I am not even sure how the City approved this entrance for the church site to begin with, but now the plan is for the Assisted Living Development to share the same single entrance driveway.

Lastly, there is NOWHERE to turn into this Assisted Living Development if coming from the north (by way of Via de La Valle). The ONLY WAY to get to the parcel entrance is making a U-TURN at the Sea Country Lane traffic light (@ Stallions Crossing), and if you leaving the site to go south, you will have to make a U-turn at the San Dieguito Rd/El Camino Real stop light to go southbound.

I am not sure how a LEGITIMATE Traffic Study was approved by the City Planning department for these developments. Clearly, if approved, this plan will create a very dangerous and congested traffic situation with safety and liability risks.

In closing, I encourage you to visit the area during the busy commuter traffic times of the day to see the situation for yourself. In doing so, I am confident you will come to the same conclusion. I hope your investigative attention to this matter will be of influence in guiding the City of San Diego to make prudent decisions regarding this development for the benefit of the community safety and the environment habitat of the region.

Thank you for your consideration.

Jeff DiToro

(858) 480-1771

[jeff.ditoro@gmail.com](mailto:jeff.ditoro@gmail.com)

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## Dawna Marshall

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**From:** Han Liang <hanliang.lim@gmail.com>  
**Sent:** Friday, January 14, 2022 9:32 PM  
**To:** DSD EAS; Flahive, Richard; white@wwarch.com  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development Issues  
**Attachments:** El Camino Real Assisted Living Development Issues.pdf

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Hi,

I'm writing as a resident of Stallion's crossing, which is right next to the planned El Camino Real Assisted Living Development. I'm concerned about the potential danger and harm that this development can bring about to the neighborhood, and I have attached a signed document outlining my concerns. I hope you can give it some time and serious consideration.

Best,  
Han



To Whom It May Concern:

I am writing to address the proposed of El Camino Real Assisted Living Development. As of the time of writing, the lot is zoned for agriculture, which is at most zoned for low-density residential dwelling. The development conveniently takes advantage of the plot of land currently occupied by the church, and then concentrates the residential area into 10% of the remaining land. In accordance with the spirit of the writing, land allocated for agriculture allows for the people who tend to the agricultural area to live on the land itself. As this land is not even used for agriculture, trying to take advantage of the writing of agricultural rules of low-density residential dwelling is not appropriate. Furthermore, the density within the 10% of the land that is planned for residential is going to be highly concentrated. This is going to create problems beyond that of zoning, as this area is going to be served only by one entrance into the area. This entrance, situated at the bottom of the hill is already prone to accidents, with 13 collisions during the last five years. Increasing the residential density here will inevitably lead to a higher rate of accidents, and worse yet, involving the elderly who are more at risk.

All in all, I write this today to shine a light on the possible implications of this construction and strongly discourage it from advancing.

Thanks

A handwritten signature in black ink, appearing to read 'Han Liang Lim', with a stylized, flowing script.

Han Liang Lim  
Resident,  
13711 Rosecroft way  
San Diego CA92130

## Dawna Marshall

---

**From:** OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>  
**Sent:** Friday, January 14, 2022 3:18 PM  
**To:** Ludovissy, Jennifer@Wildlife; Osborn, Sara; DSD EAS  
**Cc:** Mayer, David@Wildlife; Kalinowski, Alison@Wildlife; Drewe, Karen@Wildlife; Hailey, Cindy@Wildlife; OPR State Clearinghouse; jonathan\_d\_snyder@fws.gov  
**Subject:** [EXTERNAL] RE: Copy of comment letter re: El Camino Real Assisted Living Facility Project

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Thank you for your submittal – the State Clearinghouse has received your comment.

Best regards,

**Olivia Naves** |she/her|  
Assistant Planner – State Clearinghouse Unit  
Governor's Office of Planning and Research  
(916) 445-0613



---

**From:** Ludovissy, Jennifer@Wildlife <Jennifer.Ludovissy@Wildlife.ca.gov>  
**Sent:** Friday, January 14, 2022 11:58 AM  
**To:** SOsborn@sandiego.gov; DSDEAS@sandiego.gov  
**Cc:** Mayer, David@Wildlife <David.Mayer@wildlife.ca.gov>; Kalinowski, Alison@Wildlife <Alison.Kalinowski@Wildlife.ca.gov>; Drewe, Karen@Wildlife <Karen.Drewe@wildlife.ca.gov>; Hailey, Cindy@Wildlife <Cindy.Hailey@wildlife.ca.gov>; OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>; jonathan\_d\_snyder@fws.gov  
**Subject:** Copy of comment letter re: El Camino Real Assisted Living Facility Project

Ms. Osborn,

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 LUDOVISY** | 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



Please consider the environment before printing this e-mail.

## Dawna Marshall

---

**From:** Emily Kochert <emkochert@gmail.com>  
**Sent:** Friday, January 14, 2022 4:19 PM  
**To:** DSD EAS  
**Cc:** Jim Smith  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility /No. 675732 San Dieguito River Valley Conservancy NOP Response Letter  
**Attachments:** SDRVC\_El Camino Assisted Living.pdf; 675732AsstLivingNOPresponseLtr01132022 FINAL.pdf

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Good afternoon Sara,

Attached please find the San Dieguito River Valley Conservancy's letter in support of the San Dieguito River Park's response letter (also attached) to the El Camino Real Assisted Living Facility /No. 675732 project.

Please do not hesitate to contact me if you have any questions or concerns.

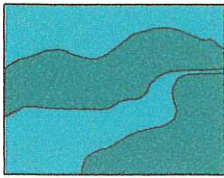
### ***Emily Kochert***

Interim Executive Director  
San Dieguito River Valley Conservancy  
3030 Bunker Hill Street, Suite 309-1  
San Diego, CA 92109

[emily@sdrvc.org](mailto:emily@sdrvc.org)

619-339-6072

[sdrvc.org](http://sdrvc.org)



San Dieguito River Park  
Joint Powers Authority  
18372 Sycamore Creek Road  
Escondido, CA 92025  
(858) 674-2270 Fax (858) 674-2280  
[www.sdrp.org](http://www.sdrp.org)

January 13, 2022

Sara Osborn  
City of San Diego  
Development Services Dept.  
1222 First Avenue, MS 501  
San Diego, CA 92101

**Subject: El Camino Real Assisted Living Facility at the St. Garabed Church/  
No #675732**

Dear Ms. Osborn:

Thank you for notifying the San Dieguito River Park's Joint Powers Authority (JPA) staff regarding the preparation of a Draft EIR for this project. The JPA staff has followed the progression of this proposed project over the last year as well as the adjacent church development previously. The project has the potential to impact many resources with respect to the San Dieguito River Park and the area's natural resources that we strive to conserve. With the new uses that are proposed, we agree that a preparation of an EIR is appropriate, with this being the most detailed type of CEQA document.

As stated in the San Dieguito River Park's Concept Plan, the goals and objectives include *the preservation of open space, conservation of sensitive resources, protection of water resources, preservation of the natural floodplain, retention of agricultural uses, creation of recreational and educational opportunities*. The project site is located within the San Dieguito River Park's Focused Planning Area and near several of the park's trails including the Coast to Crest Trail and the Dust Devil Nature Trail. We are concerned that the proposed project may not be consistent with the San Dieguito River Park Concept Plan, which was formally acknowledged and accepted by the City of San Diego per City Resolution 301582 (attached).

We believe it is appropriate that the Draft EIR address the following issues:

*Issue:*

According to the City Project Cycle reviews and Notice of Preparation and scoping meeting information, the proposed project would consist of a 3-story, 105,568 sq. ft. mission revival architecture assisted living facility. There is a 30-foot maximum height limit in the AR-1-1 zone. This height limit is also recommended in the Concept Plan design guidelines. It appears the bulky architecture and scale of the proposed project may not be consistent with zoning and land use plans, particularly combined with the large-scale neighboring church and approved buildings. We are concerned with the height of the facility and how the project would be compatible in respect to the adjacent natural resources, neighborhood characteristics, and the viewshed of the river valley including the lagoon view.

*Analysis:*

Please analyze these issues and explain the consistency of the proposed project with the zone and land use plans for the area, including height limits and applicable plans. These issues should be analyzed in the Aesthetics and Land Use Planning sections of the Draft EIR.

*Issue:*

Please address the population increase of hundreds of new residents, visitors, and staff and its impact on traffic flow, pedestrian, bicycle, equestrian and vehicular safety, and access. The EIR should also address how the use would affect access to the nearby trails.

*Analysis:*

These concerns should be analyzed in the Greenhouse Gas Emissions, Public Services, Recreation, Transportation, Population and Housing sections of the Draft EIR.

*Issue:*

The mouth of Gonzales Canyon, where the proposed project is located, and which feeds into the San Dieguito Lagoon is a documented wildlife corridor. Thus, the JPA has an interest in seeing that this project does not adversely impact the sensitive resources of the corridor and San Dieguito River Valley. The San Dieguito River Park Concept Plan development guidelines (Appendix D Part II) should be followed to be more consistent with the Park's Concept Plan. The Concept Plan was formally acknowledged and accepted by the City of San Diego per City Resolution 301582.

*Analysis:*

Please analyze how the project would affect the wildlife corridor. In addition, the biological analysis for this Draft EIR should include sufficient detail to assess the function of the existing wildlife corridor. The Draft EIR should provide a thorough analysis of the project's potential impacts to this corridor, particularly from edge effects including human activity, lighting, and noise, and how introducing a high-intensity use would affect the corridor's function. It also must document if the project is in a MSCP-identified corridor and provide adequate data to justify encroachment into the MHPA of this magnitude if so, including evaluating whether the project is consistent with the MSCP Adjacency Guidelines.

*Issue:*

The project site location is in a sensitive and unique part of San Diego, in a designated agriculture land use zone which is intended for open space and low-density dwelling units, per the North City Future Urbanizing Area (NUFUA) framework plan, MHPA, and within the San Dieguito River Park's Focused Planning Area. The proposed project does not appear to be consistent with these established zones, land use policies, and areas. The Concept Plan was meant to complement the area's existing zones with the aim of preserving the river valley character and environment.

*Analysis:*

Please analyze land use changes, loss of agriculture land in the Aesthetics, Agricultural Resources, Land Use Planning, and Biological Resources.

*Issue:*

The cumulative effects of the proposed project could permanently alter this distinct area's neighborhood character. The proposed project in combination with the adjacent uses would be a cumulatively substantial change to the area.

*Analysis:*

Please analyze how the proposed assisted living facility use combined with the surrounding uses (two recently constructed large buildings and approved church facility complex) would cumulatively impact aesthetic resources. Also please address piece-mealing, considering that this project and the adjacent church are both on church properties.

In addition, the Draft EIR should explain and evaluate the project's consistency with Prop A.

The JPA voiced its concern several years ago that the proposed neighboring church would set a precedent to further development in this area of the San Dieguito River Valley. Many government agencies, local citizens, and non-profit organizations have worked hard over the years to conserve and restore this unique part of San Diego. These efforts include preservation of the adjacent San Dieguito Lagoon, restoration of over 150 acres of adjacent tidal wetland habitat in 2012, the new phase II 80-acre wetland restoration project that Caltrans just kicked off this month, and other projects that contribute to the conservation and restoration of the San Dieguito River Valley. We hope that city staff will take the vision and legacy that has shaped this area into consideration when evaluating this project's potential impacts.

Thank you for keeping the JPA informed on this project, and we look forward to receiving the Draft EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Ayden Zielke". The signature is fluid and cursive, with the first name "Ayden" and last name "Zielke" clearly distinguishable.

Ayden Zielke, MURP  
Environmental Planner

Reference:

San Dieguito Concept Plan (adopted 1994, revised 2002). Available at:  
<http://www.sdrp.org/wordpress/wp-content/uploads/SDRP-Concept-Plan.pdf>. Accessed  
January 2022.



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sdrvc@sdrvc.org

www.sdrvc.org

January 14, 2022

Sara Osborn  
City of San Diego  
Development Services Dept.  
1222 First Avenue, MS 501  
San Diego, CA 92101

Subject: El Camino Real Assisted Living Facility at the St. Garabed Church/  
No #675732

Dear Ms. Osborn:

Thank you for the opportunity to review the proposed project. The San Dieguito River Valley Conservancy (SDRVC) Board has voted to support the recommendations of the San Dieguito River Park JPA staff and concur with its comments (see attached).

SDRVC is a 501(c)(3) non-profit that has been working to preserve and protect the valuable resources of the San Dieguito River watershed since 1986. We own five parcels that surround the lagoon that would be affected by the proposed project.

We strongly urge you to consider the San Dieguito River Park staff's recommendations and comments. If you have any questions, please contact me at (312) 805-2103 or jimcsmith@gmail.com.

Sincerely,

Jim Smith  
President





## Dawna Marshall

---

**From:** Ayden Zielke <ayden@sdrp.org>  
**Sent:** Thursday, January 13, 2022 9:46 PM  
**To:** DSD EAS  
**Cc:** Shawna Anderson; Christal Ames  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility /No. 675732 SDRP NOP Response Letter  
**Attachments:** image002.jpg; 675732AsstLivingNOPresponseLtr01132022 FINAL.pdf

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Good evening Sara Osborn,

Attached please find the San Dieguito River Parks response letter to the El Camino Real Assisted Living Facility /No. 675732 project.

Please do not hesitate to contact me if you have any questions or concerns.

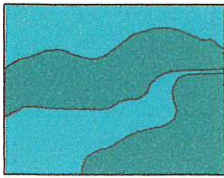
Kind regards,  
*Ayden Zielke, MURP*  
Environmental Planner  
San Dieguito River Park JPA  
18372 Sycamore Creek Road, Escondido, CA 92025



Stay Connected:



Office: 858-674-2270, ext. 15 (Mondays + Tuesdays)  
Mobile: 808-260-7332 (Wednesdays + Thursdays)



San Dieguito River Park  
Joint Powers Authority  
18372 Sycamore Creek Road  
Escondido, CA 92025  
(858) 674-2270 Fax (858) 674-2280  
[www.sdrp.org](http://www.sdrp.org)

January 13, 2022

Sara Osborn  
City of San Diego  
Development Services Dept.  
1222 First Avenue, MS 501  
San Diego, CA 92101

**Subject: El Camino Real Assisted Living Facility at the St. Garabed Church/  
No #675732**

Dear Ms. Osborn:

Thank you for notifying the San Dieguito River Park's Joint Powers Authority (JPA) staff regarding the preparation of a Draft EIR for this project. The JPA staff has followed the progression of this proposed project over the last year as well as the adjacent church development previously. The project has the potential to impact many resources with respect to the San Dieguito River Park and the area's natural resources that we strive to conserve. With the new uses that are proposed, we agree that a preparation of an EIR is appropriate, with this being the most detailed type of CEQA document.

As stated in the San Dieguito River Park's Concept Plan, the goals and objectives include *the preservation of open space, conservation of sensitive resources, protection of water resources, preservation of the natural floodplain, retention of agricultural uses, creation of recreational and educational opportunities*. The project site is located within the San Dieguito River Park's Focused Planning Area and near several of the park's trails including the Coast to Crest Trail and the Dust Devil Nature Trail. We are concerned that the proposed project may not be consistent with the San Dieguito River Park Concept Plan, which was formally acknowledged and accepted by the City of San Diego per City Resolution 301582 (attached).

We believe it is appropriate that the Draft EIR address the following issues:

*Issue:*

According to the City Project Cycle reviews and Notice of Preparation and scoping meeting information, the proposed project would consist of a 3-story, 105,568 sq. ft. mission revival architecture assisted living facility. There is a 30-foot maximum height limit in the AR-1-1 zone. This height limit is also recommended in the Concept Plan design guidelines. It appears the bulky architecture and scale of the proposed project may not be consistent with zoning and land use plans, particularly combined with the large-scale neighboring church and approved buildings. We are concerned with the height of the facility and how the project would be compatible in respect to the adjacent natural resources, neighborhood characteristics, and the viewshed of the river valley including the lagoon view.

*Analysis:*

Please analyze these issues and explain the consistency of the proposed project with the zone and land use plans for the area, including height limits and applicable plans. These issues should be analyzed in the Aesthetics and Land Use Planning sections of the Draft EIR.

*Issue:*

Please address the population increase of hundreds of new residents, visitors, and staff and its impact on traffic flow, pedestrian, bicycle, equestrian and vehicular safety, and access. The EIR should also address how the use would affect access to the nearby trails.

*Analysis:*

These concerns should be analyzed in the Greenhouse Gas Emissions, Public Services, Recreation, Transportation, Population and Housing sections of the Draft EIR.

*Issue:*

The mouth of Gonzales Canyon, where the proposed project is located, and which feeds into the San Dieguito Lagoon is a documented wildlife corridor. Thus, the JPA has an interest in seeing that this project does not adversely impact the sensitive resources of the corridor and San Dieguito River Valley. The San Dieguito River Park Concept Plan development guidelines (Appendix D Part II) should be followed to be more consistent with the Park's Concept Plan. The Concept Plan was formally acknowledged and accepted by the City of San Diego per City Resolution 301582.

*Analysis:*

Please analyze how the project would affect the wildlife corridor. In addition, the biological analysis for this Draft EIR should include sufficient detail to assess the function of the existing wildlife corridor. The Draft EIR should provide a thorough analysis of the project's potential impacts to this corridor, particularly from edge effects including human activity, lighting, and noise, and how introducing a high-intensity use would affect the corridor's function. It also must document if the project is in a MSCP-identified corridor and provide adequate data to justify encroachment into the MHPA of this magnitude if so, including evaluating whether the project is consistent with the MSCP Adjacency Guidelines.

*Issue:*

The project site location is in a sensitive and unique part of San Diego, in a designated agriculture land use zone which is intended for open space and low-density dwelling units, per the North City Future Urbanizing Area (NUFUA) framework plan, MHPA, and within the San Dieguito River Park's Focused Planning Area. The proposed project does not appear to be consistent with these established zones, land use policies, and areas. The Concept Plan was meant to complement the area's existing zones with the aim of preserving the river valley character and environment.

*Analysis:*

Please analyze land use changes, loss of agriculture land in the Aesthetics, Agricultural Resources, Land Use Planning, and Biological Resources.

*Issue:*

The cumulative effects of the proposed project could permanently alter this distinct area's neighborhood character. The proposed project in combination with the adjacent uses would be a cumulatively substantial change to the area.

*Analysis:*

Please analyze how the proposed assisted living facility use combined with the surrounding uses (two recently constructed large buildings and approved church facility complex) would cumulatively impact aesthetic resources. Also please address piece-mealing, considering that this project and the adjacent church are both on church properties.

In addition, the Draft EIR should explain and evaluate the project's consistency with Prop A.

The JPA voiced its concern several years ago that the proposed neighboring church would set a precedent to further development in this area of the San Dieguito River Valley. Many government agencies, local citizens, and non-profit organizations have worked hard over the years to conserve and restore this unique part of San Diego. These efforts include preservation of the adjacent San Dieguito Lagoon, restoration of over 150 acres of adjacent tidal wetland habitat in 2012, the new phase II 80-acre wetland restoration project that Caltrans just kicked off this month, and other projects that contribute to the conservation and restoration of the San Dieguito River Valley. We hope that city staff will take the vision and legacy that has shaped this area into consideration when evaluating this project's potential impacts.

Thank you for keeping the JPA informed on this project, and we look forward to receiving the Draft EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Ayden Zielke". The signature is fluid and cursive, with the first name "Ayden" and last name "Zielke" clearly distinguishable.

Ayden Zielke, MURP  
Environmental Planner

Reference:

San Dieguito Concept Plan (adopted 1994, revised 2002). Available at:  
<http://www.sdrp.org/wordpress/wp-content/uploads/SDRP-Concept-Plan.pdf>. Accessed  
January 2022.

**From:** [Kary Jacobsen](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] Comment regarding proposed El Camino Real Assisted Living  
**Date:** Monday, January 10, 2022 2:42:56 PM

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Hello,

In today's Union Tribune, I was reading about the proposed Camino Real Assisted Living facility. I think the location is very nice, but I strongly feel an assisted living facility should not be located in an area with such high property values as the higher property costs will be passed on to the residents of the assisted living facility. In addition, there is little to NO affordable housing for the employees of the assisted living facility located within a reasonable distance of Del Mar/Carmel Valley. It is difficult enough for the existing assisted living facilities to maintain an adequate ratio of trained staff to residents but locating a facility within a community that will result in lengthy travel time for many employees may result in understaffing/high turnover...surely, not a good result for the senior residents.

I have aging parents and the current costs to put my parents into a well kept and an appropriately staffed assisted living facility are quite high in San Diego county even in the less expensive communities. I don't understand why anyone would build an assisted living facility in such an expensive location and clearly not located within a reasonable commute for many of its employees.

Regards,  
Kary Jacobsen

**From:** [Yen-Ting Lin](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] Concern about El Camino Assisted Living Facility 675732  
**Date:** Saturday, January 8, 2022 11:10:11 PM  
**Attachments:** [image.png](#)

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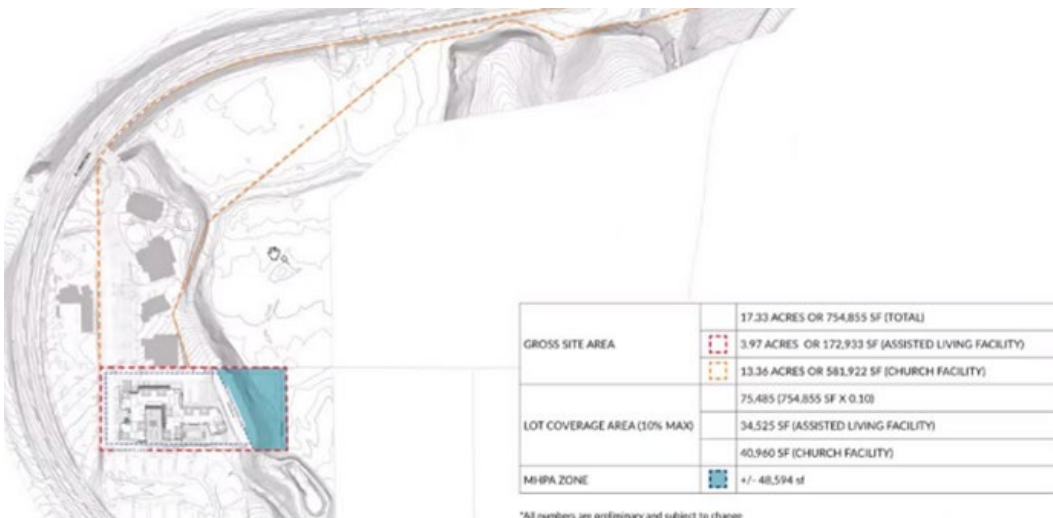
SD Development Services Department,

As a resident close to the project, I am writing to express our concern about the El Camino Assisted Living Facility project.

This development is located in the sensitive San Dieguito River Valley, natural ecological and wildlife preserve. The wildlife that we used to see there is already gone due to the construction. This is a low-density residential area. There is no three-story construction in the neighborhood and we do not believe this is an acceptable exception.

This is located in sensitive land of our 100-year floodplain. To build the 3-story building, they project needs to dig 10ft below the current land level. The nearby Stallions Crossing residents are not allowed to dig below 6 inches per CC&R due to known native American Native artifacts that were found when the community was developed. This is another environmental concern.

Furthermore, the project is an apparent violation of the "low-density residential" area according to North City Future Urbanizing Area Framework Plan that no more 10% of the land can be used for construction. You can see both visually from the map below in the developer's proposal that the three-story facility (105,568 SF) is certainly more than 10%, which is 17,293 SF of the site (red dashed area). If 105,569 SF is 3 floors combined, each floor will be more than 17,293 SF. This is an apparent violation of the definition of "low-density".



We are also severely concerned about the traffic implications. First, the facility and their church all use the same entry to El Camino Real . The entrance is at the bottom of the (EL Camino Real) hill and in the middle of the blind curve. People drive very fast and with 13 collisions in the last 5 years, the additional traffic will cause more risks. Second, there is no way to turn into this facility coming from the north. The only way is to make a u-turn at Stallions Crossing community.

Due to these concerns, we hope that the city makes a deliberate decision NOT to approve the project. Thank you.

Best,

Daniel Lin

**From:** [Glen Freiberg](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] El Camino Assisted Living Facility 675732  
**Date:** Monday, January 10, 2022 8:59:50 AM

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Per the request for input on the proposed senior living facility, I offer the following for your consideration:

1. The residents will need rapid access to emergency services. The location is often blocked from such access due to racing season, fair season, activities at the Surf Park/Polo fields just north of the facility and when there is an accident on I-5 traffic diverts to El Camino Real.
2. Part of El Camino Real is to be moved and reconstructed in the next few years from San Dieguito to Via de la Valle. Please ensure that the EIR considers the traffic issues before and after this construction. In particular, the ever increasing traffic on I-5, irrespective of the widening, causes more traffic diversion to El Camino Real. If El Camino Real is widened and straightened, there will likely be even more traffic on the street. Once again, please consider the frequent emergency service challenges.
3. A senior facility similar to the one under consideration was previously proposed for the corner of El Camino Real and Via de la Valle. I believe the project was stopped due to EIR issues such as those in 1 and 2 above. Please review that historical EIR for consistency or lack of consistency to the EIR for the new proposal and resolve any issues that are not consistent prior to finalization of the report. Since that earlier proposal was abandoned, traffic and the need for emergency services is a bigger challenge.

The examples provided above do not fully portray the reality of traffic jams on El Camino Real between Del Mar Heights and Via de la Valle based on my commuter experience. Access to the section of El Camino Real in question occurs quite frequently during the afternoon rush hour and, in my view, will inhibit emergency access in the area. While there is another exiting "retirement community" nearby on Old El Camino Real, traffic has increased in the past several years and needs very close evaluation to protect those who may live in the proposed community and allow for emergency services.

Glen Freiberg  
Resident of Del Rayo Downs, Rancho Santa Fe unincorporated county  
858-353-4334



**From:** [David Kreitzer](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development Concerns  
**Date:** Wednesday, January 12, 2022 6:39:50 AM

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To whom it may concern,

I am a property owner and resident in the stallions crossing community of Carmel Valley adjacent to the proposed El Camino Real Assisted Living Development. I am writing to express my extreme concern with a number of issues with the proposed development.

First and foremost, the lot that the development is slated for is zoned agricultural residential (AR-1-1) and is meant for low density single family housing and agricultural use. The proposed development is high density retirement / assisted living, that is not even a permitted use under the current zoning (see snip below). While I understand that zoning needs to be flexible to some degree, the proposed development is so far outside the allowed / zoned use its egregious.

Additionally, the density of the proposed project is significantly out of line with the surrounding area and character of the community, let alone what the site is zoned for. The areas surrounding the development are entirely single family homes, open space and houses of worship, all of which are low density. The proposed 105,000 SF three story facility is completely out of line with anything in the immediate area or even within several miles of the development site.

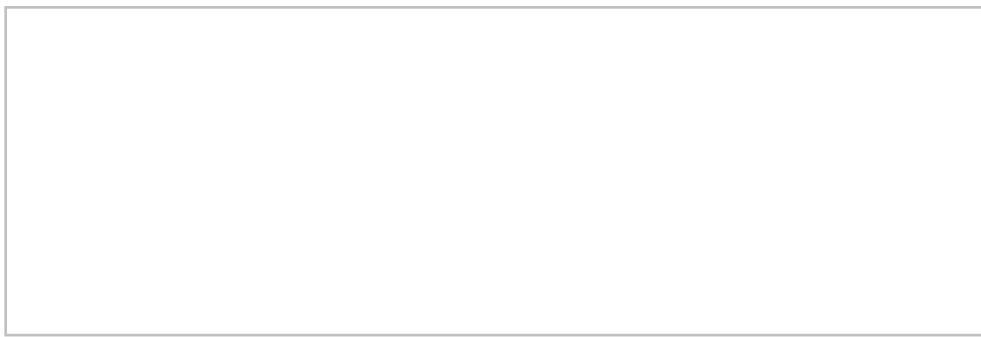
In line with the project being significantly too dense, the setbacks from abutting properties are not nearly big enough. The proposed 15 foot setback from the residential parcels is completely offensive from a planning perspective. Having a 30 ft high wall just 15 feet from multiple existing single family residential homes is not only unacceptable to the residents that already live there, its poor design and planning. Additionally this is not in line with minimum setbacks outlined in the zoning.

Outside of the sheer disregard for zoning and competent planning this project as proposed will exacerbate traffic issues that already exist on El Camino Real. There is no proposed way to enter the facility when traveling from the north, meaning that employees, residents and visitors would have to complete a U-turn at the Sea Country Lane intersection. The intersection is only designed to allow for a small number of residents to turn into a small residential community. The impact of additional traffic will lead to cars making a u-turn backing up into the main lanes of El Camino Real, causing potential for accidents and unsafe conditions. This will especially be the case on weekends / Sundays when the churches abutting the site already cause increased traffic and visitor traffic to the proposed development would be at its peak.

I have further concerns around the environmental impact of the development on the area. This area is highly sensitive wetland and riparian habitat that is becoming more and more limited in the San Diego region. High density, high use development in such an area will have a negative impact on the San Dieguito Lagoon and surrounding open space. Give the adjacency of the site to the Lagoon, there is significant potential for misplaced or accidental waste and trash produced by employees, visitors and residents to end up in our precious waterways, further endangering this important natural resource

In summary, The proposed El Camino Real Assisted Living Development is not allowed by current zoning and, the proposed development is far too dense for the site and completely out of line with the surrounding area, creates traffic issues and significant traffic hazards that could lead to accidents and injury. The project also threatens the fragile natural habitat that surrounds the project. This is not a project that should be allowed to be built in its current form

- David Kreitzer



**From:** [Cathie Summerford](#)  
**To:** [Flahive, Richard](#); [DSD EAS](#); [white@wwarch.com](#)  
**Cc:** [David Spiegel](#); [summerford@aol.com](#); [cristinahierro@europe.com](#); [Dayue Zhang](#); [Susan John](#); [Shanshan Ma](#); [Charlie](#); [Matthew Cunningham](#); [13781](#); [Courtney Tanner](#); [Daniel](#); [Johnny John](#); [Julia](#); [LoriAnn Safar](#); [Marian And Bob](#); [vicki nguyen](#); [jeff.ditoro@gmail.com](#); [ditoro.renee@gmail.com](#); [bsouza@productivitydrivers.com](#); [brentfouch@gmail.com](#); [schinnod@pacbell.net](#); [laby11@gmail.com](#); [hnicolet1@gmail.com](#); [wilson.john.m@gmail.com](#); [chenxiwang66@gmail.com](#); [pam.farmer@gcccd.edu](#); [cgabhart@gmail.com](#); [ginnywai@gmail.com](#); [huallee1957@gmail.com](#); [millsbt@hotmail.com](#); [ajpiracha@hotmail.com](#); [claudia souza](#); [cory@scpg07.com](#); [Maggie Brown](#); [davidkreitzer5@gmail.com](#); [stuartcamblin@sbcglobal.net](#); [varnold444@gmail.com](#); [Shana Shaterian](#); [jmodir@icloud.com](#)  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development  
**Date:** Tuesday, January 11, 2022 2:32:26 AM

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To Whom it May Concern:

As alarmed and concerned local residents, we are deeply troubled by the quest to build the El Camino Real Assisted Living Development Project.

The environmental aspects are a big concern being part of this ecological wildlife preserve, disturbing the natural habitats around us..

In addition, this development is inappropriate to our community plan, and is downright hazardous. A commercial facility does not belong in a neighborhood thriving with families, children and pets.. The proposed parcel of land has been zoned for Agriculture, not for a Multi-Dwelling commercial structure..

Another huge concern is the traffic and how extremely dangerous this will be for our community. Just yesterday there was a bad accident on the blind curve directly in front of the proposed entrance/exit. Super dangerous! Also, the countless cyclists who ride along El Camino Real would basically be in a fight for their lives! North County San Diego, including our community, embraces our active, outdoor lifestyle in a safe and careful venue. Our precious community insists on a comprehensive traffic study for the safety of all.

This email is just a fraction of the numerous concerns.

The future planning of El Camino Real Assisted Living Development has to STOP immediately!

Thank you,

Cathie Summerford-Spiegel  
David Spiegel  
13732 Rosecroft Way  
San Diego, CA 92130  
619-952-6831

**From:** [Susan John](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Development  
**Date:** Friday, January 7, 2022 7:42:50 PM

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Hello,

Happy New Year!

I am one of the concerned neighbors that lives at the Stallion's Crossing homes off El Camino Real in the North City West area of Carmel Valley. I am writing to you to bring to your attention my grievance regarding the proposed Assisted Living Home development which will be next to and in the same lot as the new Armenian church. I live on the northside of our community and as a result this proposed new development will literally be in my backyard.

I have 2 major concerns:

### **Safety**

I am really worried about safety and increased traffic on El Camino real as a result of this. As you probably already know, El Camino Real is a very busy street and the speeds on that road average about 60 miles per hour. The new Armenian church and this assisted facility will share one entrance and exit from El Camino Real at a blind curve, which will automatically mean a lot of traffic! A lot of bikers use this road as well. There have been at least 12 collisions in the last 5 years involving head-ons, DUIs, bikers and vehicles traveling at high speeds. There is a new merging and exit lane that many drivers are not aware of. There will be increased traffic of emergency vehicles. All of this seems to me to be a prime recipe for increased accidents and congestion making it very DANGEROUS for our community residents.

I am especially concerned for new teenage drivers in our community. In my family I have had 2 new drivers in the last 2 years and it is very scary trying to enter and exit from our neighborhood onto El Camino Real. We had a real close encounter with a distracted driver and my oldest daughter who was driving her car and trying to make a left turn onto El Camino Real from Sea Country lane. Here are the details in her own words:

*"I was driving with my dad and we were pulling out of our neighborhood. The light was green and I was going at a normal speed. Suddenly I look to my left and I see a big silver F150 hurtling down the road going at least 70 mph coming straight for my car. I froze for a few seconds then quickly slammed on the acceleration as the truck skidded out of the way barely missing my car. If I had frozen for any longer, the truck would have hit us. There was a pause where my dad and I looked at each other in shock and then watched as the truck raced away".*

I would like to request a comprehensive traffic study to be done in this neighborhood to assess the risks and safety for all residents involved.

### **Environmental concerns**

This new development is in complete violation of the landscape and feel of our community which is located in the San Dieguito River Valley- a natural, ecological and wildlife preserve. The view from our backyard, the sensitive wildlife and the peaceful environment, all of which we currently enjoy will be completely destroyed. Not to mention the 100-year floodplain that we live in with numerous native american artifacts that prevent us from digging deeper than 6 inches.

Right across the street from our homes is the San Dieguito River Park which is a bird preserve with beautiful trails and walking paths. On 1/3/2022, the San Dieguito Lagoon Wetland Restoration project phase 2 began. This restoration will convert approximately 84 acres of former agricultural fields and other degraded lands into tidal wetlands and will enhance and preserve sensitive coastal habitat and improve coastal access. Isn't it ironic that on the one hand this is happening but across the street from there is the plan to build a massive high-density 3-story high (with 105 dwelling units and 122 beds) commercial structure? This does not match the true spirit of the North coast corridor which is a better environment for the future!

I would like to request that you look into this matter earnestly.

Thank you for your time. If you have any questions, please email me at [nsmjohn@gmail.com](mailto:nsmjohn@gmail.com).

-Nina John.

**From:** [Matthew Cunningham](#)  
**To:** [DSD EAS; Del Valle, Xavier](#)  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility / Project No. 675732 / Notice of Preparation for a Subsequent EIR Date 12-15-2021 - Resident Concerns  
**Date:** Friday, January 7, 2022 8:45:02 PM  
**Attachments:** [Stallions Crossing Dept. of Real Estate of the State of California.pdf](#)

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City of San Diego,

Please see my safety and environmental concerns for this proposed assisted living facility below. I am extremely concerned for the public safety regarding the entrance/exit located on a blind curve with the El Camino Real speeding traffic, all while crossing a bike lane... This one entrance/exit is designed for the church, the future school/educational facility, conference hall building, and now adding the proposed assisted living facility to the same entrance/exit... If the planning board and the City were to approve this, it would be reckless and negligent on their part if you bypass performing a comprehensive traffic study (which will expose the real danger here). The developer is trying to avoid this based on a technicality by separating these developments even though they will share the same entrance/exit. It's no secret that the most popular time to visit someone in an assisted living facility is Sunday, which is when the peak traffic for the church will occur... The developer is going to try and sell the story that there won't be many cars in and out of this facility. This is not true, and everyone knows it.

This development does NOT fit within our community plan. Where are the other 3-story high density structures in our community? Answer, none. One Paseo is the closest, and that's over a mile away and does fit into that area, not here...

I am a bicycle enthusiast and love riding down El Camino Real frequently and am already seeing higher safety risks with the construction on this curve, and can't imagine how busy and dangerous this road will be on any given Sunday... We have had several vehicular accidents on the El Camino Real curve located near the entrance to this proposed development and it hasn't opened yet.

Do you think this development is good for our sensitive environment on this land? The San Dieguito River Valley is beautiful and full of wildlife and we should be doing everything we can to preserve it!

I would like confirmation that Native American Indian artifacts are not on this land. We have known Native American Indian artifacts in this area just feet away from this proposed development. Please see page 8 of the Real Estate of the State of California attached for reference.

This development does not fit within our community plan, period. This is a low-density residential area surrounded by sensitive and agricultural lands that is zoned AR 1-1. This 3-story 105,000 Sqft commercial building does not fit or preserve the intended open space and further threatens our natural habitat...

This land was not intended to be developed by such a dense structure, this is a residential area surrounded by open land and it must stay that way.

If you allow this development to proceed, it will become less safe, and change the overall look and feel of our community. When you see this massive structure on the this landlocked parcel, with only one way in and out it just does not make sense or fit here. No matter which direction you are traveling from, you will have to make a U-turn at a stoplight which makes it more difficult for emergency vehicles to get in and out.

I would appreciate a response back letting me know you received this email, and my concerns will be considered and addressed accordingly...

Regards,  
Matthew

**From:** [Chenxi Wang](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] Huge concerns regarding the El Camino Real Assisted Living Development  
**Date:** Tuesday, January 11, 2022 1:15:17 PM

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Hi City officials,

After I reviewed the EIR Scoping for El Camino Real Assisted Living Development, I have so many concerns, and a lot of questions to be answered.

1) How could we approve a commercial high density building in an AGRICULTURE Zone ( AR-1--1) ? Who has the legal responsibility to approve this proposal? What is the legal process to make the zone code change from agriculture to commercial development?

2) How could this high density three story facility with 195, 568 SF be allowed in the low density area? Do we have the rule to determine it is high density dwelling? The proposal from El Camino Real Assisted Living Development is not accurate, and does not make sense to include the nearby Church. We are referring to and talking about the El Camino Real Assisted Living Development, not the combined development with Church. Therefore, the proposal is tricky and misleading, totally wrong.

3) The most concern I have is the impact on the environment. This development is located in the sensitive San Dieguito River Valley, a natural ecological and wildlife preserve. This would disrupt the sensitive wildlife and environment that we live in. This is located in sensitive land of our 100-year floodplain. They're trying to get around this 3-story building by digging 10ft below the current land level. High traffic will also generate more pollution to this area, plus human pollution on top of it. The impacts would be devastating to the community and surrounding area.

Please consider and evaluate our concerns seriously.

Regards,

Chenxi Wang

San Diego, CA 92130



**From:** [Karalee Davis](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] Opposition regarding El Camino Real Assisted Living facility  
**Date:** Monday, January 10, 2022 5:52:16 PM

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Dear Planning Committee,

I am writing this to express my strong opposition to the El Camino Real Assisted Living facility.

This small parcel of land was never intended to be used for commercial development as the surrounding areas are natural ecological and wildlife preserves. The impact would be devastating for our community and would go against the local codes. The plan along our stretch of El Camino Real and Via de la Valle has always called for very low-density residential use. This development would cause traffic issues and that the structure would encroach on neighboring residences privacy as well as sensitive San Dieguito River Valley.

Sincerely,  
Karalee A Davis

Sent from my iPad

**From:** [Pam Farmer](#)  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] OPPOSITION to El Camino Real Assisted Living Facility  
**Date:** Tuesday, January 11, 2022 12:42:39 PM

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Dear Planning Committee member,

I am writing to express my strong opposition to the El Camino Real Assisted Living Facility planned for the area of El Camino Real and the Stalion's Crossing community.

Here is a list of reasons that I believe this facility is inappropriate for the proposed area.

1. This proposed structure 3-story, 105,568 SqFt, Multi-dwelling Commercial facility would negatively IMPACT our wildlife ecological preserve and our residential community on a daily basis.

2. This small area is NOT ZONED for a high-density commercial development. It does not fit the area land zoned for low-density residential use.

3. To drive/commute/bike down El Camino Real near San Dieguito River Valley, this facility will cause traffic issues and safety risks, as this proposed development is too large for the area and the entrance/exit is located on a blind curve. DANGEROUS to our community.

4. The traffic issue has not been thoughtfully addressed in the proposal. There is no traffic study for the **two**, the church and the assisted living facility, facilities that will use the same entrance/exit. In addition any traffic analysis has not taken reduced COVID traffic, i.e. Fair and Racetrack congestion, into consideration.

In conclusion, this facility is detrimental to the area in which it is planned.

Sincerely,  
Pam Farmer

**From:** [V Phillips](#)  
**To:** [DSD EAS](#); [Flahive, Richard](#); [white@wwarch.com](mailto:white@wwarch.com)  
**Subject:** [EXTERNAL] Please stop the proposed three-story facility development next to our residents at Stallion's Crossing  
**Date:** Saturday, January 8, 2022 3:22:53 PM

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Hello,

I am a resident at Stallion's Crossing right next door to the development that is set to be built next door. The proposed three-story Assisted Living Development facility within 15 feet of our homes violates the rules which state that a building structure cannot be placed on a parcel this size. It would cover 70% of the parcel, which is way over the maximum for building a structure on parcel this size. Also, the lot is **NOT ZONED for commercial developing**, but is zoned for agriculture. This proposed three-story Assisted Living Development is **not a LOW-DENSITY RESIDENTIAL DWELLING**. Also this is **not zoned for being a MULTI DWELLING COMMERCIAL facility**.

Also, this development is located in the sensitive San Dieguito River Valley, natural ecological and wildlife preserve—especially the egret population. This would disrupt the sensitive wildlife and environment that we live in.. Our community, has been zoned for LOW-DENSITY RESIDENTIAL USE ONLY... A 3-story, 105 dwelling units with 122-beds, does NOT fall under 'low density residential use.' This parcel is an AR-1-1 ZONE.

This is located in sensitive land of our 100-year floodplain. They're trying to get around this 3-story building by digging 10ft below the current land level. **They are violating the law.** We, at Stallions Crossing, residents are not allowed to dig below 6 inches in our yards per the CC&R's for our community due to known native American Native artifacts that were found when SC was being developed.

**They're erroneously trying to say they are considering our privacy by having a 15ft setback from our fence!** This dense development does not belong in our single-residential community.. It's a MULTIPLE DWELLING COMMERCIAL structure with retail that is not consistent with our community plan. See in their proposal how close they are proposing to build this massive structure to our homes! **Can you imagine having a three story facility built next door to you and blocks your view and privacy?** We all choose to live here because of the low-density residential area with open space.

Our views of the hills and coast will be completely obstructed with this proposed 3-story facility. Again, the proximity being so close and towering over our 2nd story of homes will completely take away our views. They're also proposing to add large trees right in front of our property line, that would completely obstruct our views.

The impacts would be devastating to our community, surrounding area, the environment, the rules of the city, the flood plan.

Please do not allow them to build this facility here. We would be willing to compromise to have a one-story facility which is at least 50 feet away from our homes. Please do not allow

them to violate the laws and rules.

Thank you for hearing my concerns. I'm enclosing my contact information, should you want to contact me.

Sincerely,

Vessa Rinehart-Phillips  
1374 Rosecroft Way  
San Diego CA 92130  
858-254-2929

**From:** [kwdesigns06@gmail.com](mailto:kwdesigns06@gmail.com)  
**To:** [DSD EAS; Del Valle, Xavier](#)  
**Subject:** [EXTERNAL] Proposed El Camino Real Assisted Living Development  
**Date:** Friday, January 7, 2022 7:05:47 PM  
**Importance:** High

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Dear City of San Diego,

As a concerned resident near this proposed development, it is dangerous and would negatively impact our community with this high-density commercial structure.. There are many things that make this not the right location for such a development:

1. This would be a HUGE SAFETY issue as this would share the church entrance and exit on a BLIND CURVE with only one way to get directly into this property.. Cars fly down around this curve and getting in and out of this with elderly people, bikers, and high-speed vehicles is a disaster waiting to happen.. putting local citizens at serious risk. [Where is the comprehensive traffic study for this??](#) This parcel of land is landlocked with no easy way in and out, which would be very problematic for any emergency vehicle.. and what about during rush hours? The bikers that ride along this road will also have their lives at risk with this blind entrance/exit. Is this city willing to take on this high-risk and high-probability of deadly accidents waiting to happen because of this development?
2. And how is there enough parking for 100+ seniors and all the workers/nurses that would be commuting every day?? The current plan does not support the number of parking spaces needed, along with a proposed school, and conference hall.. how is this all going to fit and manage this much traffic and parking??
3. Environmentally this is WRONG. Threatening our natural ecological preserve and sensitive grounds. How in the world is it okay to dig 10ft or more below in an area that is protected by wildlife and other sensitive land?? This is also in a floodplain, which would be a bigger issue to go below an already low laying area. Speaking of digging, how is it that the neighboring residents are not allowed to dig >6 inches below ground due to known native American Indian artifacts in this area just a few feet away from this proposed development...?
4. Another negative fact about this proposed development.. it does NOT FIT IN OUR COMMUNITY PLAN! This is a low-density residential area surrounded by sensitive and agricultural lands.. I specifically moved from a high-density area from downtown to be in an urban less dense residential area, knowing that the surrounding lands here are natural habitats and very-low density. This 105,568 SF COMMERCIAL FACILITY does not preserve open space and threatens our natural habitat, not to mention this invades resident's privacy!
5. This land was NEVER intended to be developed, especially something to this size, completely offensive and zero regard for the quiet residential community. This land was for Agriculture or something that everyone could use in low-density community, like a playground/park or

recreational activities. There are other appropriate areas/land for something like this proposed commercial structure.. shopping centers/malls that are now closing cause of shift in our economy.. these shopping centers could be repurposed, the open space and infrastructure is already in place and would not interfere with locals or threaten sensitive areas. This seems more logical, instead of disturbing a sensitive and quiet area.

I hope the city is smart enough to not risk public safety, residents' lives and natural wildlife habitats. This would RUIN our community!

Kristi-

**From:** [SDGov Webmaster](#)  
**To:** [DSD EAS](#)  
**Subject:** Public Comment from Margaret ANN Gardner  
**Date:** Tuesday, January 11, 2022 9:45:47 AM

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Submitted on Tuesday, January 11, 2022 - 09:45

**NOP/SCOPING MEETING:**

(North City Future Urbanizing Area (NCFUA) Subarea II Community Planning Area) El Camino Real Assisted Living Facility / Project No. 675732 / Notice of Preparation

**MEETING DATE:**

12/15/2021

**NAME:**

Margaret ANN Gardner

**EMAIL ADDRESS:**

granannie12@gmail.com

**COMMENT:**

El Camino Real Assisted Living Facility/675732

Suggestions focus on impacts to the San Dieguito River Park and its Concept Plan at [www.sdrp.org](http://www.sdrp.org):

- The natural character and visual quality of the adjacent MHPA to the East and the adjacent San Dieguito River Valley Park to the West.
- The scenic trail systems with views of the adjacent lagoon and ocean, in the immediate area.
- The Community's vision/dream for the San Dieguito River Park's 55-mile long open space park that protects the unique resources of the River Valley intended to "capture the imagination of the general public" to protect the environment.
- Current land use designation of VERY LOW density and trust in Community Plan zoning.
- Ecological and scenic value of the upland slopes in immediate environment.
- Open space character of the Lagoon area.
- Intensive activity associated with large assisted living facility with kitchen, dining room, staff rooms, offices, mail room and housekeeping, i.e. traffic, noise and 24 hour lighting.



**From:** [Del Valle, Xavier](#)  
**To:** [Matthew Cunningham](#); [DSD EAS](#)  
**Cc:** [Osborn, Sara](#); [Del Valle, Xavier](#)  
**Subject:** RE: El Camino Real Assisted Living Facility / Project No. 675732 / Notice of Preparation for a Subsequent EIR  
Date 12-15-2021 - Resident Concerns  
**Date:** Monday, January 10, 2022 9:12:25 AM  
**Attachments:** [675732 - Notice Of Preparation for a EIR - El Camino Real Assisted Living Facility.pdf](#)

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Good morning Matthew, and thank you for the email. I will forward this message to our review staff, and have added your name to the interested party list for the project. Please note that a Notice of Preparation – NOP (see attachment) was released for the project where the general public has the opportunity to provide input regarding the scope and analysis for the Subsequent Environmental Impact Report that will be prepared for the project. The deadline to submit NOP comments is January 14. Thank you again for your email.

**Xavier Del Valle**

Development Project Manager  
City of San Diego  
Development Services Department  
T (619) 557-7941  
[xdelvalle@sandiego.gov](mailto:xdelvalle@sandiego.gov)

**Want a second opinion on my interpretation, or need to contact my supervisor for further assistance?**

Supervisor name and title: Oscar Galvez III, DPM III  
Phone: (619) 446-5237  
Email: [GalvezO@sandiego.gov](mailto:GalvezO@sandiego.gov)

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**From:** Matthew Cunningham <matc@live.com>

**Sent:** Friday, January 7, 2022 8:45 PM

**To:** DSD EAS <DSDEAS@sandiego.gov>; Del Valle, Xavier <XDelValle@sandiego.gov>

**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility / Project No. 675732 / Notice of Preparation for a Subsequent EIR Date 12-15-2021 - Resident Concerns

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City of San Diego,

Please see my safety and environmental concerns for this proposed assisted living facility below. I am extremely concerned for the public safety regarding the entrance/exit located on a blind curve with the El Camino Real speeding traffic, all while crossing a bike lane... This one entrance/exit is designed for the church, the future school/educational facility, conference hall building, and now adding the proposed assisted living facility to the same entrance/exit... If the planning board and the City were to approve this, it would be reckless and negligent on their part if you bypass performing a comprehensive traffic study (which will expose the real danger here). The developer is trying to avoid this based on a technicality by separating these developments even though they will share the same entrance/exit. It's no secret that the most popular time to visit someone in an assisted living facility is Sunday, which is when the peak traffic for the church will occur... The developer is going to try and sell the story that there won't be many cars in and out of this facility. This is not true, and everyone knows it.

This development does NOT fit within our community plan. Where are the other 3-story high density structures in our community? Answer, none. One Paseo is the closest, and that's over a mile away and does fit into that area, not here...

I am a bicycle enthusiast and love riding down El Camino Real frequently and am already seeing higher safety risks with the construction on this curve, and can't imagine how busy and dangerous this road will be on any given Sunday... We have had several vehicular accidents on the El Camino Real curve located near the entrance to this proposed development and it hasn't opened yet.

Do you think this development is good for our sensitive environment on this land? The San Dieguito River Valley is beautiful and full of wildlife and we should be doing everything we can to preserve it!

I would like confirmation that Native American Indian artifacts are not on this land. We have known Native American Indian artifacts in this area just feet away from this proposed development. Please see page 8 of the Real Estate of the State of California attached for reference.

This development does not fit within our community plan, period. This is a low-density residential area surrounded by sensitive and agricultural lands that is zoned AR 1-1. This 3-story 105,000 Sqft commercial building does not fit or preserve the intended open space and further threatens our natural habitat...

This land was not intended to be developed by such a dense structure, this is a residential area

surrounded by open land and it must stay that way.

If you allow this development to proceed, it will become less safe, and change the overall look and feel of our community. When you see this massive structure on the this landlocked parcel, with only one way in and out it just does not make sense or fit here. No matter which direction you are traveling from, you will have to make a U-turn at a stoplight which makes it more difficult for emergency vehicles to get in and out.

I would appreciate a response back letting me know you received this email, and my concerns will be considered and addressed accordingly...

Regards,  
Matthew



## NATIVE AMERICAN HERITAGE COMMISSION

December 16, 2021

Sara Osborn  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101

**Re: 2013071043, El Camino Real Assisted Living Facility / 675732 Project, San Diego County**

Dear Ms. Osborn:

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

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

COMMISSIONER  
**Isaac Bojorquez**  
Ojibwe-Castanoan

COMMISSIONER  
**Sara Dulschke**  
Miwok

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

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

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

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

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

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

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

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

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

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

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

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

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

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

### NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse



