



CITY OF NATIONAL CITY - PLANNING DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950  
(619) 336-4313 – (619) 336-4321 (FAX)

**NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
NATIONAL CITY CARMAX AND HOTEL PROJECT**

November 14, 2016

**To:** State Clearinghouse, Responsible Agencies, Trustee Agencies, Organizations, Native American Tribal Representatives, and Interested Persons

**Lead Agency:** City of National City, Planning Department  
Contact: Martin Reeder, Principal Planner  
Phone: (619) 336-4313; E-Mail: mreeder@nationalcityca.gov

**Project Title:** National City CarMax and Hotel Project

**Project Location:** The project is located in the City of National City at the southeast corner of the Interstate 805 and State Route 54 interchange, west of Plaza Bonita Road and south of Sweetwater Road. The project site is an undeveloped 15.08-acre property located just west of Plaza Bonita Mall (APN 564-471-11). Refer to Figures 1 and 2 for the regional location and aerial photograph of the project site and surrounding area.

**Project Applicant:** Centerpoint Integrated Solutions

**Notice of Preparation**

The City of National City as lead agency has determined that the project described below will require the preparation of an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA). This Notice of Preparation (NOP) of an EIR was publicly noticed and distributed on November 14, 2016 to notify public agencies and the general public. The notice was published in the *San Diego Union-Tribune*.

The City is interested in the input and/or comments of public agencies and interested parties as to the scope and content of the environmental information that will be studied in connection with the project. Public agencies may need to use the EIR prepared by the City when considering applicable permits or other approvals for the project. Native American tribal representatives are invited to request consultation pursuant to Assembly Bill 52 or provide any information pertinent to their traditional or cultural affiliations with the project geographic area. The general public is also encouraged to provide input on the scope of the EIR.

**Comments Requested**

Please provide any written comments on the Notice of Preparation to the following address or email your comments to [mreeder@nationalcityca.gov](mailto:mreeder@nationalcityca.gov).

Martin Reeder, AICP  
City of National City Planning Department  
1243 National City Blvd. National City, CA 91950

Due to the time limits mandated by state law, your response must be sent at the earliest possible date but not later than 5:00 p.m. on December 14, 2016.

**Project Description**

The project consists of the construction of a CarMax pre-owned automobile dealership, service building, and non-public carwash with associated access drives, parking lots and landscaped areas within approximately 7.13 acres. The CarMax facility buildings would total approximately 20,315 square feet and include 206 parking spaces for customers and employees. The CarMax facility would also include 445 vehicle stalls in a sales inventory lot, as well as 215 customer and employee parking spaces in the public parking lot. The CarMax facility reserves 0.9 acre for vehicle staging where cars are stored while waiting to be serviced. The project would also include grading for and potential future construction of a 140-room hotel with 150 surface parking spaces on 2.94 acres in the southwestern portion of the property. Refer to Figure 3 for a site plan showing the proposed CarMax development and proposed location for the hotel area in the southwestern portion of the site.

The site design includes two main access driveways into the property from Plaza Bonita Road. The first driveway would be the main CarMax entrance and would be centered along the southern property boundary. A pedestrian crossing and sidewalks along Plaza Bonita Road would be installed to provide pedestrian connections from the Plaza Bonita Shopping Center to the project site. The second driveway would be installed at the southern end of the project frontage along Plaza Bonita Road, closer to Sweetwater River, and would provide vehicular access to the CarMax facility. Access to the future hotel site would be determined when a specific project development is proposed.

The project would recontour and redirect approximately 2,012 linear feet of the unnamed creek located on the project site by constructing a 4.26-acre earthen channel that would traverse the northwestern boundary of the property. This earthen channel would preserve the existing drainage pattern where feasible and connect to the existing storm drain that outlets to the Sweetwater River to convey stormwater to the San Diego Bay. The project would also construct a 0.5-acre bioretention basin that would collect and treat storm water from the CarMax development and the development that occurs on the remaining 2.94-acre site. The basin would be located at the southwestern boundary of the CarMax facility. Both the CarMax facility and hotel would drain to the bioretention basin through storm water inlets to be constructed on the project site.

**Discretionary Actions**

The project would require the following five discretionary actions:

1. A Tentative Parcel Map to subdivide the property into three separate parcels. The proposed CarMax facility, the channel area, and the City's remnant parcel would be located on separate parcels.
2. A General Plan Amendment to change the existing land use designation of the project site from Major Mixed-Use to Service Commercial. The Service Commercial designation provides for intensive commercial activities, specialized service establishments, and other compatible uses.
3. A rezone to change the existing Major Mixed-Use District (MXD-2) zone on the project site to Service Commercial (CS). The CS zone provides for intensive commercial activities; specialized

- service establishments; light manufacturing, wholesaling, and distribution uses that operate in a clean and quiet manner; and supporting and complimentary uses.
4. An amendment to the Land Use Code (LUC), specifically to Table 18.22.020, Allowed Land Uses Commercial Zones to allow auto sales and hotels in the CS zone subject to approval of a Conditional Use Permit (CUP).
  5. A CUP to allow development of the CarMax facility. Additionally, future development of a hotel would require processing of a CUP pursuant to the amended LUC.

### **Environmental Impact Report**

The Draft EIR will analyze impacts pertaining to all of the environmental issues identified in Appendix G of the CEQA Guidelines, as amended with significance thresholds specific to this project. The analysis in the EIR will focus on aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, paleontological resources, public services, transportation and circulation, and utilities and services systems. Other issue areas and required sections of CEQA will be addressed including cumulative impacts and project alternatives.

### **Other Agency Approvals Required**

It is anticipated that the project would require approval from the following agencies:

- California Department of Transportation (Caltrans)
  - Longitudinal Encroachment Permit
- Federal Emergency Management Agency - Letter of Map Revision/Conditional Letters of Map Revisions
- United States Army Corps of Engineers
  - Section 404 Standard Individual Permit
  - National Environmental Policy Act Environmental Assessment/404(b)(1) Alternatives Analysis
  - Section 106 (Cultural) Consultation Assistance
  - Section 408 Permit (County of San Diego to submit application on behalf of CarMax)
- Regional Water Quality Control Board - 401 Water Quality Certification
- United States Fish and Wildlife Service
- California Department of Fish and Wildlife (CDFW) - CDFW Section 1602 et seq. Lake and Streambed Alteration Agreement




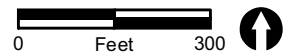
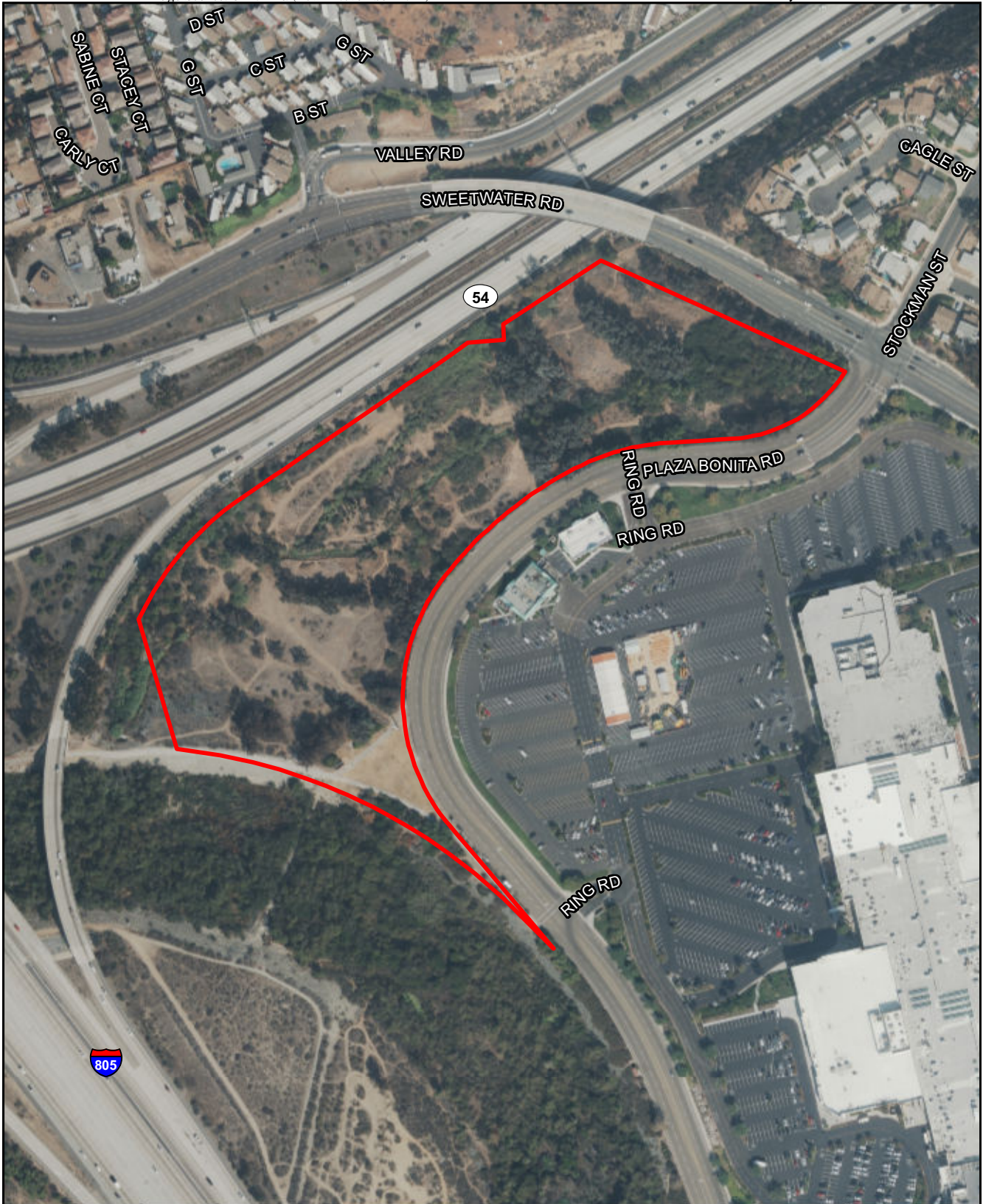
 Project Location

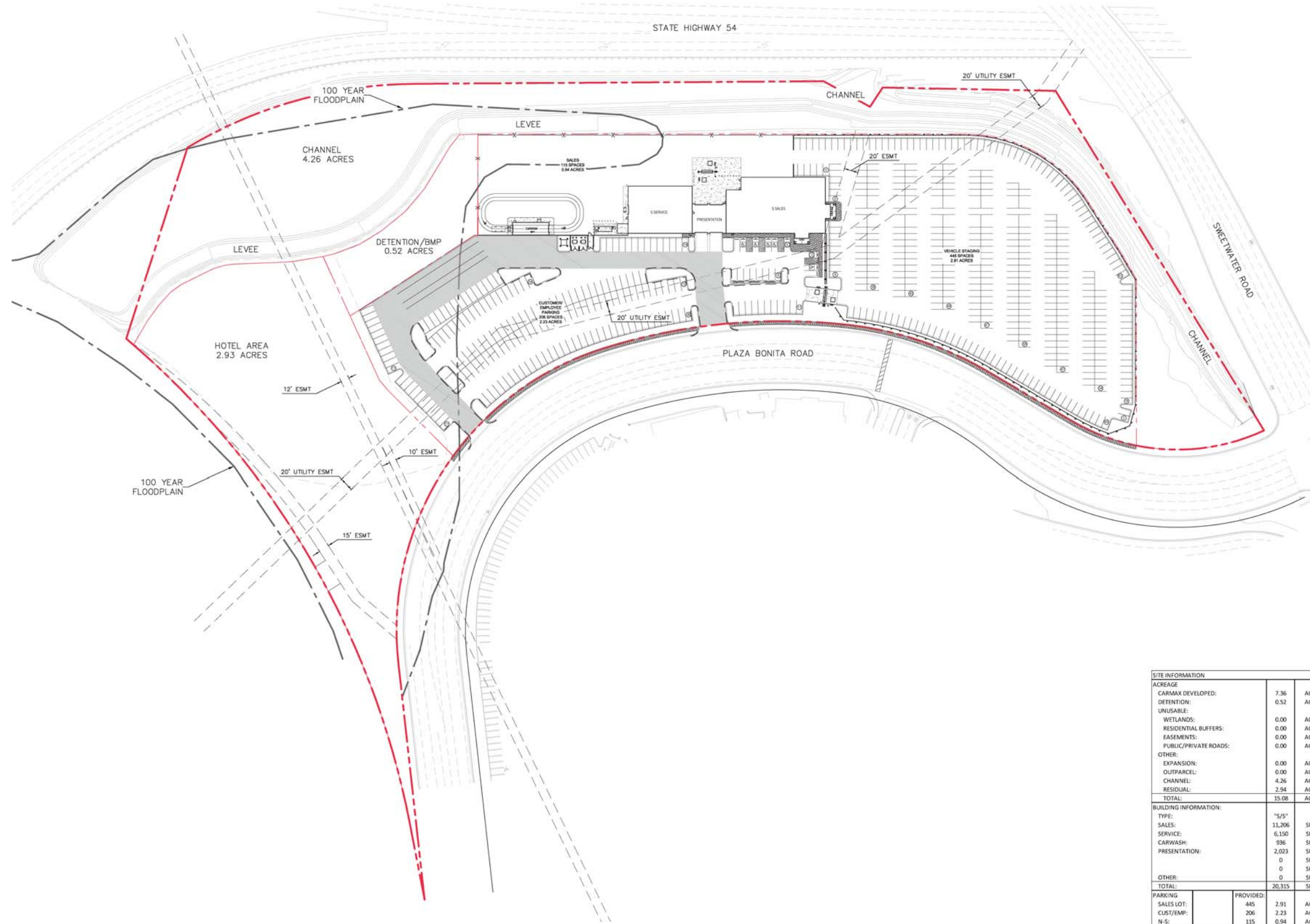
FIGURE 1  
Regional Location



Project Boundary

FIGURE 2

Project Location on Aerial Photograph



SITE INFORMATION		
ACREAGE		
CARMAX DEVELOPED:	7.36	AC
DETENTION:	0.52	AC
UNUSABLE:		
WETLANDS:	0.00	AC
RESIDENTIAL BUFFERS:	0.00	AC
EASEMENTS:	0.00	AC
PUBLIC/PRIVATE ROADS:	0.00	AC
OTHER:		
EXPANSION:	0.00	AC
OUTPARCEL:	0.00	AC
CHANNEL:	4.26	AC
RESIDUAL:	2.94	AC
<b>TOTAL:</b>	<b>15.08</b>	<b>AC</b>
BUILDING INFORMATION:		
TYPE:	"S/S"	
SALES:	11,206	SF
SERVICE:	6,150	SF
CARWASH:	936	SF
PRESENTATION:	2,023	SF
	0	SF
	0	SF
<b>TOTAL:</b>	<b>20,315</b>	<b>SF</b>
PARKING		
SALES LOT:	445	2.91 AC
CUST/EMP:	206	2.23 AC
N-S:	115	0.94 AC



FIGURE 3  
Overall Site Plan

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11, DIVISION OF PLANNING

4050 TAYLOR ST, M.S. 240

SAN DIEGO, CA 92110

PHONE (619) 688-6960

FAX (619) 688-4299

TTY 711

www.dot.ca.gov



*Serious Drought.  
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December 14, 2016

11-SD-54

2.20 PM

CarMax and Hotel Project, National City

NOP/SCH#2016111035

Mr. Martin Reeder, Principal Planner  
City of National City  
1243 National City Blvd.  
National City, CA 91950

Dear Mr. Reeder:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has reviewed the Notice of Preparation (NOP) for the draft Environmental Impact Report (EIR) on the proposed CarMax and Hotel Project which is adjacent to State Route 54 (SR-54) and Plaza Bonita Road in National City. Caltrans has the following comments:

***Traffic Study***

Caltrans received a preliminary draft of the June 2016 Traffic Impact Analysis (TIA), for the CarMax and Hotel Project and provided the following comments:

1. Page 1, 1.0 Introduction: Please clarify if the project is a combined Car Dealership project and a hotel project.
2. Page 5, 2.1, Scenario Criteria: For this TIA to be complete the "Existing Year 2016+Project+Cumulative Projects" must be added. Please indicate what nearby approved projects are planned in this area for the cumulative conditions.

Caltrans met with CarMax and their consultants in a series of meetings in the past year and provided a list of concerns with the project as proposed, including the following items:

1. Caltrans maintains that a Floodway should not be created within State Right-of-Way;
2. Caltrans maintains that a mitigation site for a private development should not be developed within State Right-of-Way;

3. Caltrans maintains that if the development's mitigation site is placed contiguous to State Right-of-Way and that jurisdictional wetland boundary expands to State Right-of-Way, Caltrans will not be responsible for permits and/or mitigation for future capital or maintenance improvements or operations;
4. Caltrans is interested in concepts that have been developed for the proposed development that do not include impacts to State Right-of-Way or decertification of the State Right-of-Way;
5. Caltrans maintains that effects to the State Right-of-Way cannot be determined until the following:
  - The Hydrology/Hydraulic Study has been conceptually approved by County of San Diego;
  - Have a conceptually approved levee piercing component;
  - Determined the floodplain zoning type through the property;

For the CarMax and Hotel Project to move forward with an encroachment into Caltrans Right-of-Way, CarMax needs to submit a Benefit Analysis to Caltrans. The analysis needs to discuss the preferred alternative and the revised site design. The analysis will need to show the following:

- Reducing the sloped area in the State Right-of-Way;
- Removing the flood plain/water from the State Right-of-Way;
- Providing easier maintenance to the State with a softer slope;
- Widening the parkway adjacent to the freeway making the expansion of the SR-54 Freeway in the future easier;
- Addressing the Hydraulics of widening the freeway at this time instead of in the future;
- Addressing the Habitat in the State Right-of-Way now instead of with the future widening of SR-54.

If you have any questions, please contact Mark McCumsey at (619) 688-6802 or by email at [mark.mccumsey@dot.ca.gov](mailto:mark.mccumsey@dot.ca.gov)

Sincerely,



JACOB M. ARMSTRONG, Branch Chief  
Development Review Branch



**From:** Mccumsey, Mark@DOT  
**Sent:** Wednesday, December 14, 2016 1:46 PM  
**To:** Martin Reeder <[mreeder@nationalcityca.gov](mailto:mreeder@nationalcityca.gov)>  
**Cc:** [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov); Armstrong, Jacob M@DOT  
<[jacob.armstrong@dot.ca.gov](mailto:jacob.armstrong@dot.ca.gov)>; Raab Rydeen <[raab@terramareng.com](mailto:raab@terramareng.com)>  
**Subject:** Caltrans Comment Letter - Notice of Preparation - National City CarMax and Hotel Project - SCH# 2016111035

Dear Mr. Reeder,

Please find the attached Caltrans comment letter regarding the Notice of Preparation of the CarMax and Hotel Project. An original hard copy of this letter has been mailed out to your attention.

Let me know if you have any questions,

Thanks,

**Mark McCumsey**  
**Associate Transportation Planner**  
**CA Dept. of Transportation, District 11 Planning**  
**4050 Taylor Street MS-240**  
**San Diego, CA 92110**  
**Phone # (619) 688-6802**  
**Cell # (805) 264-7574**

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11, DIVISION OF PLANNING

4050 TAYLOR ST, M.S. 240

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CarMax and Hotel Project, National City

NOP/SCH#2016111035

Mr. Martin Reeder, Principal Planner  
City of National City  
1243 National City Blvd.  
National City, CA 91950

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Sincerely,



JACOB M. ARMSTRONG, Branch Chief  
Development Review Branch



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



December 13, 2016

Martin Reeder  
 AICP  
 City of National City Planning Department  
 1243 National City Blvd  
 National City, CA 91950  
[mreeder@nationalcityca.gov](mailto:mreeder@nationalcityca.gov)

Dear Mr. Reeder:

**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the National City CarMax and Hotel Project SCH# 2016111035**

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the CarMax and Hotel Project Draft Environmental Impact Report (DEIR).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, 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**

The Department 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).) The Department, 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, the Department 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.

The Department is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to the Department's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Martin Reeder  
AICP  
City of National City Planning Department  
December 13, 2016  
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The Department also administers the Natural Community Conservation Planning (NCCP) program.

**Project Location:** The Project is located in the City of National City at the southeast corner of the Interstate 805 and State Route 54 interchange, west of Plaza Bonita Road and south of Sweetwater Road. The project site is an undeveloped 15.08-acre property, APN number 564-471-11.

**Project Description/Objective:** The objective of the Project is to construct a CarMax pre-owned automobile dealership, service building, and non-public carwash with associated access drives, parking lots, and landscaped areas on approximately 7.13 acres. The CarMax facility includes 20,315 square feet and includes 206 parking spots for customers and employees. The facility would also include 445 vehicle stalls in a sales inventory lot, in addition to 215 customer and employee parking spaces in the public parking lot and reserves 0.9 acre for vehicle staging where cars are stored while waiting to be serviced. In addition to the proposed CarMax facility, the project also includes grading for the potential future construction of a 140-room hotel with 150 surface parking spaces on approximately 2.94 acres in the southwestern portion of the property.

The Project includes two main access driveways from Plaza Bonita Road. The first driveway would be the main access point for the CarMax facility and would be centered along the southern property boundary. A pedestrian crossing and sidewalks along Plaza Bonita Road would be installed to provide pedestrian connections from the Plaza Bonita shopping center to the project site. The second driveway would be installed at the southern end of the Project frontage along Plaza Bonita Road, nearer the Sweetwater River, and would provide vehicular access to the CarMax facility. Access to the future hotel site would be determined when a specific project development is proposed.

The Project proposes to recontour and redirect approximately 2,012 linear feet of the unnamed creek located on the project site by constructing a 4.26-acre earthen channel that would traverse the northwestern boundary of the property. Where feasible, the earthen channel would preserve the existing drainage pattern and connect the existing storm drain that outlets to the Sweetwater River. The Project would also construct a 0.5-acre bioretention basin that would collect and treat storm water from the CarMax development and the development that occurs on the remaining 2.94-acre development site. The basin would be located at the southwestern boundary of the CarMax facility.

## COMMENTS AND RECOMMENDATIONS

We offer the following comments and recommendations to assist the City of National City (City) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Specific Comments

1. The Department is concerned that the NOP identifies grading of 2.94-acres of land to accommodate a "...potential future construction..." (City of National City, 2016) associated with the 140-room hotel when the certainty of constructing the hotel is not clear. We do not

believe that project entitlements (to include grading permits) should be issued for areas without assurances that the site will be developed within a reasonable timeframe of project approval. Graded land, without natural or manmade best management practice measures are subject to increased erosion, downstream sedimentation, and invasive weed introduction—all factors of particular concern given the Project's location immediately adjacent to and discharging within the Sweetwater River. The Department recommends that the DEIR identify the potential 140-room hotel as a reasonably foreseeable and connected action in the DEIR, but reserve project approvals, specifically grading permits, for the 2.94-acre hotel site until that portion of the Project will be imminently built. This approach should minimize unnecessary soil disturbance, temporal loss of habitat, and downstream turbidity and sedimentation of the Sweetwater River.

### General Comments

2. The Department has responsibility for wetland and riparian habitats. It is the Department's policy to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. The DEIR should evaluate the potential to avoid and minimize alterations to the unnamed tributary (to the Sweetwater River) and associated habitats. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the DEIR and must compensate for the loss of function and value of a wildlife corridor. The Department is available to discuss alternative designs to accomplish the minimum necessary disturbances necessary.
  - a) The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.<sup>1</sup> Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
  - b) The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a

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<sup>1</sup> Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, we determine whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department, as a Responsible Agency under CEQA may consider the City's Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.<sup>2</sup>

3. A cursory review of our records indicates that least Bell's vireo (*Vireo bellii pusillus*) and light-footed Ridgway's rail (*Rallus obsoletus levipes*) are known within the immediate vicinity of the proposed Project. As such, protocol surveys for these species should be provided within the DEIR.
4. The least Bell's vireo is listed as endangered under CESA. The Department considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, we recommend that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and G. Code §§ 2080.1, 2081, subs. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

The light-footed Ridgway's rail is also listed under CESA. However, this species is designated as a State Fully Protected species pursuant to section 3511 of the Fish and Game Code. This designation prohibits take or possession of this species at any time (i.e.,

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<sup>2</sup> A notification package for a LSA may be obtained by accessing the Department's web site at [www.wildlife.ca.gov/habcon/1600](http://www.wildlife.ca.gov/habcon/1600).

Martin Reeder  
 AICP  
 City of National City Planning Department  
 December 13, 2016  
 Page 5 of 9

no take authorizations from the State are available). This also applies to any parts of the animal (e.g., in the case of birds, their eggs).

5. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR.
  - a) The document should contain a complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
  - b) A range of feasible alternatives should be included to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources, particularly impacts to Sweetwater River and its tributary. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

#### Biological Resources within the Project's Area of Potential Effect

6. The document should provide a complete assessment of the flora and fauna 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 complete floral and faunal species compendium of the entire project site, undertaken at the appropriate time of year. The DEIR should include the following information.
  - a) CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
  - b) A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>). We recommend that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008<sup>3</sup>). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
  - c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at [www.wildlife.ca.gov/biogeodata/](http://www.wildlife.ca.gov/biogeodata/) to

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<sup>3</sup> Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.



Martin Reeder  
AICP  
City of National City Planning Department  
December 13, 2016  
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obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

- d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. 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 the Department and the U.S. Fish and Wildlife Service.

#### Analyses of the Potential Project-Related Impacts on the Biological Resources

7. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.
  - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on 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. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
  - b) Discussions 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). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
  - c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
  - d) A cumulative effects analysis should be developed 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.

### Mitigation for the Project-related Biological Impacts

8. The DEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
9. The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
10. For proposed preservation and/or restoration, the DEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
11. The Department recommends that measures be taken 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 (Title 50, § 10.13, Code of Federal Regulations. Sections 3503.5 and 3513 of the California Fish and Game Code prohibit take of all raptors and other migratory nongame birds and section 3503 prohibits take of the nests and eggs of all birds. 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 1- September 1 (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, we recommend 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 on site, 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.
12. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
13. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic

vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

14. The Polyphagous and Kuroshio Shot Hole Borers (SHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause *Fusarium* Dieback disease, which interrupts the transport of water and nutrients in at least 43 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences throughout Southern California, the spread of SHBs could have significant impacts in local ecosystems. Therefore, with regard to SHBs, we recommend the DEIR include the following:
- a. a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of SHBs as a result of proposed activities in the DEIR;
  - b. an analysis of the likelihood of the spread of SHBs as a result of the invasive species' proximity to above referenced activities;
  - c. figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of SHB within the project area (if any), and SHB's proximity to above referenced activities; and
  - d. a mitigation measure or measure(s) within the DEIR that describe Best Management Practices (BMPs) which bring impacts of the project on the spread of SHB below a level of significance. Examples of such BMPs include:
    - i. education of on-site workers regarding SHB and its spread;
    - ii. reporting sign of SHB infestation, including sugary exudate ("weeping") on trunks or branches and SHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR's Eskalen Lab;
    - iii. equipment disinfection;
    - iv. pruning in infested areas where project activities may occur;
    - v. avoidance and minimization of transport of potential host tree materials;
    - vi. chipping potential host materials to less than one inch (<1"), prior to delivering to a landfill;
    - vii. chipping potential host materials to less than one inch (<1"), prior to composting on-site;
    - viii. solarization of cut logs; and/or
    - ix. burning of potential host tree materials; and
    - x. reporting suspected infestations to the Eskalen Lab at UC Riverside ([eskalenlab.ucr.edu](http://eskalenlab.ucr.edu)).

Please refer to UCR's Eskalen lab website for more information regarding SHBs:  
<http://eskalenlab.ucr.edu/pshb.html>.

Martin Reeder  
AICP  
City of National City Planning Department  
December 13, 2016  
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## 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 Eric Weiss, Senior Environmental Scientist at (858) 467-4289 or [Eric.Weiss@wildlife.ca.gov](mailto:Eric.Weiss@wildlife.ca.gov).

Sincerely,



Gail K. Sevens  
Environmental Program Manager

ec: State Clearinghouse, Sacramento  
Patrick Gower, U.S. Fish and Wildlife Service, Carlsbad

## REFERENCES

City of National City, 2016. Notice of Preparation of a Draft Environmental Impact Report for the National City CarMax and Hotel Project. November 14, 2016.

John Reader  
AICP  
City of National City Planning Department  
December 13, 2018  
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CONCLUSION

CONV 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 Eric Weisk, Senior Environmental Scientist at (858) 467-4289 or Eric.Weisk@wildlife.ca.gov

Sincerely,  
  
Gail K. Sevans  
Environmental Program Manager

State Clearinghouse, Sacramento  
Patrick Gower, U.S. Fish and Wildlife Service, Carlsbad

REFERENCES

City of National City, 2018. Notice of Preparation of a Draft Environmental Impact Report for the National City-Cathex and Hotel Project. November 14, 2018.

## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
 West Sacramento, CA 95691  
 Phone (916) 373-3710  
 Fax (916) 373-5471  
 Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
 Website: <http://www.nahc.ca.gov>  
 Twitter: @CA\_NAHC



November 17, 2016

Martin Reeder  
 City of National City  
 1243 National City Blvd.  
 National City, CA 91950

sent via e-mail:  
[mreeder@nationalcityca.gov](mailto:mreeder@nationalcityca.gov)

RE: SCH# 2016111035; National City CarMax and Hotel Project, Notice of Preparation for Draft Environmental Impact Report, San Diego County, California

Dear Mr. Reeder:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an 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 Section 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, § 15064 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 with the area of project 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). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. 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 or a notice of negative declaration or 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 **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

#### AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).

- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
    - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
  3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
    - a. Alternatives to the project.
    - b. Recommended mitigation measures.
    - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
  4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
    - a. Type of environmental review necessary.
    - b. Significance of the tribal cultural resources.
    - c. Significance of the project's impacts on tribal cultural resources.
    - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
  5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 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 section 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 section 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 section 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 section 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 nonfederally 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 sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 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 section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

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\\_CalEPA.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPA.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 section 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 sections 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 been 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, section 15064.5(f) (CEQA Guidelines section 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 section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 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.

Please contact me if you need any additional information at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov).

Sincerely,



Gayle Totton, M.A., PhD.  
Associate Governmental Program Analyst

cc: State Clearinghouse



## Department of Toxic Substances Control



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

Barbara A. Lee, Director  
5796 Corporate Avenue  
Cypress, California 90630

**Edmund G. Brown Jr.**  
Governor

December 5, 2016

Mr. Martin Reeder, AICP  
Principal Planner  
City of National City Planning Department  
1243 National City Boulevard  
National City, California 91950

### NOTICE OF PREPARATION (NOP) FOR THE NATIONAL CITY CARMAX AND HOTEL PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2016111035)

Dear Mr. Reeder:

The Department of Toxic Substances Control (DTSC) has reviewed the subject NOP. The following project description is stated in the NOP: "The project consists of the construction of a CarMax pre-owned automobile dealership, service building, and non-public carwash with associated access drives, parking lots and landscaped areas within approximately 7.13 acres. The CarMax facility buildings would total approximately 20,315 sf. The project would also include grading for and potential future construction of a 140-room hotel on 2.94 acres in the southwestern portion of the property. The project would also recontour and redirect approximately 2,012 linear feet of the unnamed creek located on the project site by constructing a 4.26 acre earthen channel that would traverse the northwestern boundary of the property."

Based on the review of the NOP, DTSC has the following comments:

1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. Historic uses of the site are not provided in the NOP. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions.
2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.

Mr. Martin Reeder, AICP  
December 5, 2016  
Page 2

3. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
4. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

If you have any questions regarding this letter, please contact me at (714) 484-5476 or email at [Johnson.Abraham@dtsc.ca.gov](mailto:Johnson.Abraham@dtsc.ca.gov).

Sincerely,



Johnson P. Abraham  
Project Manager  
Brownfields Restoration and School Evaluation Branch  
Brownfields and Environmental Restoration Program – Cypress

kl/sh/ja

cc: See next page.

Mr. Martin Reeder, AICP  
December 5, 2016  
Page 3

cc: Governor's Office of Planning and Research (via e-mail)  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)

Mr. Guenther W. Moskat, Chief (via e-mail)  
Planning and Environmental Analysis Section  
CEQA Tracking Center  
Department of Toxic Substances Control  
[Guenther.Moskat@dtsc.ca.gov](mailto:Guenther.Moskat@dtsc.ca.gov)

Mr. Dave Kereazis (via e-mail)  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Mr. Shahir Haddad (via e-mail)  
Supervising Engineer  
Brownfields Restoration and School Evaluation Branch  
Brownfields and Environmental Restoration Program – Cypress  
[Shahir.Haddad@dtsc.ca.gov](mailto:Shahir.Haddad@dtsc.ca.gov)

CEQA# 2016111035

December 16, 2016

City of National City - Planning Department  
Attn: Mr. Martin Reeder, Principal Planner  
1243 National City Boulevard  
National City, CA 91950

Sent Via Email: [mreeder@nationalcityca.gov](mailto:mreeder@nationalcityca.gov)

Reference/Subject: **City of San Diego Comments on the National City CarMax and Hotel Project Notice of Preparation of a Draft Environmental Impact Report**

Dear Mr. Reeder:

The City of San Diego Planning Department has received the Notice of Preparation of a Draft Environmental Impact Report (DEIR) prepared by the City of National City and distributed it to applicable City of San Diego departments for review. The City of San Diego, as a Responsible Agency under CEQA, has reviewed the Notice of Preparation of a Draft Environmental Impact Report, including the list of potential environmental issue areas to be analyzed for which we concur, and appreciates this opportunity to provide comments to the City of National City. In response to this request, the City of San Diego has identified potential environmental issues that may result in a significant impact to the environment. Continued coordination between the City of San Diego, the City of National City, and other local, regional, state, and federal agencies will be essential. Following are comments on the Notice of Preparation (NOP) for your consideration.

**Development Services Department – Mehdi Rastakhiz, Associate Engineer – Civil –  
[mrastakhiz@sandiego.gov](mailto:mrastakhiz@sandiego.gov), 619-446-5420**

The Water and Sewer Development Review Section of the Development Services Department (DSD) has reviewed NOP for National City CarMax and Hotel Project and has determined that the project may have a direct impact to an existing City of San Diego 24" PVC trunk sewer that runs through the subject property. As you are likely aware, an additional 24" (material unknown) trunk sewer runs through the subject property which belongs to the City of National City. Once more detailed information is available, the Water and Sewer Development Review Section of DSD is available to provide additional input to avoid impacts to the City of San Diego trunk sewer.

**Development Services Department – Jim Lundquist, Associate Engineer – Traffic  
[jlundquist@sandiego.gov](mailto:jlundquist@sandiego.gov), 619-446-5396**

The proposed project is located in proximity to City of San Diego roadways and multi-modal facilities. To facilitate review of the transportation impact analysis and the DEIR, the project applicant may utilize the guidance provided in the *City of San Diego Traffic Impact Study Manual, July 1998*, including various scenarios recommended for analysis of circulation facilities that are within the City of San Diego to ensure they are evaluated. Additionally, it is

Page 2  
Mr. Martin Reeder  
December 16, 2016

recommended that the transportation impact analysis and the DEIR consider the *City of San Diego CEQA Significance Determination Thresholds, July 2016* for all transportation facilities evaluated that are within the City of San Diego. The City of San Diego requests the DEIR include alternatives that would avoid or lessen expected transportation impacts, including at least one alternative that would lessen or avoid significant impacts to transportation facilities that are within the City of San Diego.

**Transportation & Storm Water Department – Mark Stephens, Associate Planner, Storm Water Division, [mgstephens@sandiego.gov](mailto:mgstephens@sandiego.gov), (858) 541-4361**

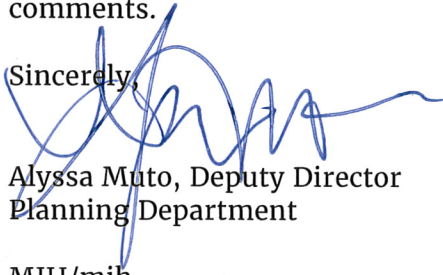
The project site is located in the San Diego Bay Watershed Management Area (WMA) and subject to applicable San Diego Bay WMA Water Quality Improvement Plan (WQIP) provisions, among other water quality plans and requirements. The San Diego Bay WQIP is available for review at the following website:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/wqip.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/wqip.shtml)

The NOP includes Hydrology and Water Quality among potential environmental issues to be addressed in this EIR. The project site is in direct proximity and drains to the Sweetwater River, which flows to San Diego Bay; the site is located at least partially in a 100-year flood plain; and the proposed project would recontour the site and construct an earthen channel to redirect drainage from an unnamed creek, and add a bioretention basin to collect and treat site drainage. Given this setting, it is recommended that best management practices (BMPs) be crafted to fully address drainage and water quality which is especially critical in this area, as well as effective implementation and operation and maintenance.

Thank you for the opportunity to provide comments on the City of National City's NOP. Please contact me directly if there are any questions regarding the contents of this letter or if the City of National City would like to meet with City of San Diego staff to discuss our comments.

Sincerely,



Alyssa Muto, Deputy Director  
Planning Department

MJH/mjh

cc: Reviewing Departments (via email)  
Review and Comment online file



**SWEETWATER AUTHORITY**

505 GARRETT AVENUE  
POST OFFICE BOX 2328  
CHULA VISTA, CALIFORNIA 91912-2328  
(619) 420-1413  
FAX (619) 425-7469  
<http://www.sweetwater.org>

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December 12, 2016

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JENNIFER H. SABINE  
ASSISTANT GENERAL MANAGER

Mr. Martin Reeder, AICP  
Principal Planner  
City of National City, Planning Department  
1243 National City Boulevard  
National City, CA 91950

Subject: RESPONSE TO NOTICE OF PREPARATION OF A DRAFT  
ENVIRONMENTAL IMPACT REPORT  
NATIONAL CITY CAR-MAX AND HOTEL PROJECT  
SWA FILE: (DEV) CAR-MAX

Dear Mr. Reeder:

Sweetwater Authority (Authority) has received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the above-referenced project, within the City of National City. It is understood that the project is on a 15.08 acre site near the southeast corner of the Interstate 805 and State Route 54 interchange, and will involve the construction of an automobile dealership, grading to accommodate a potential future hotel, and re-contouring of the unnamed tributary over the subject parcel. It is further understood that the project will require General Plan, Zoning, and Land Use Code amendments to allow for the proposed uses. It is to be noted that the Authority owns and operates an 18-inch welded steel water transmission main located within a 30-foot wide easement over the subject parcel, as shown on the enclosed Exhibit A.

**Public Utilities & Service Systems**

- As a condition to development, the Authority will require its existing water transmission main be relocated to Plaza Bonita Road. Based on the Authority's current understanding of the project scope, the proposed grading has the potential to impact the operation of transmission main during construction, and the finished grade would likely result in an unacceptable depth of cover over the transmission main.
- The project shall consider the protection of the Authority's existing 18-inch water transmission main during all phases of construction, which will need to remain in continuous service prior to its relocation.
- The project will require the installation of new water facilities to provide water service for domestic use and fire protection. As the project develops, the Authority will require submittal of all pertinent project plans.

*A Public Water Agency  
Serving National City, Chula Vista and Surrounding Areas*

Mr. Martin Reeder

Re: Response to Notice of Preparation of a Draft Environmental Impact Report –  
National City Car-Max and Hotel Project

December 12, 2016

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### **Hazards & Hazardous Materials**

- As stated in the NOP's Project Description, the project would include an automobile service building. The Authority has concerns regarding impacts to surface water and groundwater that may result from auto repairs, a high risk possible contaminating activity (PCA) as identified in the Authority's Drinking Water Source Assessment and Protection (DWSAP) Program. Constituents of special concern with respect to groundwater as a drinking water source include automotive by-products that can render the groundwater unusable even after the reverse osmosis process. Similarly, the Authority is concerned with any other project features that may be considered high or very high risk PCAs and have not been listed in the NOP's Project Description (e.g. sewer collection systems or underground storage tanks). The DEIR document shall include a complete analysis of high and very high risk PCAs and their potential impacts to groundwater quality, based on a Water Quality/Water Resources Analysis, a Source Water Protection Assessment, and a Drainage Study. The DEIR shall describe whether mitigation measures for any high risk or very high risk PCAs could fully prevent contamination of the drinking water source. The enclosed Exhibit B shows the location of Authority groundwater wells and the associated groundwater protection zones, all in the vicinity of the proposed project.
- If the project includes underground storage tanks (USTs) for petroleum products, the Authority will request the installation of a monitoring well on the west side of the proposed CarMax parking area (see proposed location on Exhibit C).
- The project would likely require the preparation of a Hazardous Materials Management Plan for the construction of the project. As part of the spill response plan, the Authority requires notification of any hazardous spills via its 24-hour emergency telephone number, (619) 409-6800. If the project is implemented, the Hazardous Materials Business Plan and/or the Emergency Response Plan for the facilities shall include the Authority's 24-hour emergency telephone number.
- The Authority will require a third party review of improvement plans for the proposed auto service facility and any other high risk structure or activity (i.e. PCA) that would result from implementation of this project.

### **Hydrology & Water Quality**

- The DEIR shall discuss whether the site would be subject to flooding, since a portion of the site is located in the 100-year floodway of the Sweetwater River and the entire site is located within the Sweetwater Dam inundation area. The DEIR shall also discuss how flooding of either the auto dealership or hotel facilities could impact the drinking water source and groundwater wells in the



Mr. Martin Reeder

Re: Response to Notice of Preparation of a Draft Environmental Impact Report –  
National City Car-Max and Hotel Project

December 12, 2016

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vicinity. Due to the potential risk of flooding, special consideration shall be given to containment of pollutants resulting from high or very high risk PCAs.

- Discharge of certain pollutants into storm drains, natural drainages, or the Sweetwater River can have a significant impact on the groundwater aquifer. As stated in the NOP, the project would include a 0.5-acre bioretention basin that would collect and treat stormwater runoff from the auto dealership and the hotel. The DEIR shall specify, in clear detail, how the bioretention basin would treat all runoff to acceptable levels before it percolates and becomes part of the drinking water source. Additionally, the DEIR shall clarify if a monitoring and management plan will be developed to ensure that the engineered bioretention basin is well maintained and meets the goal of removing all contaminants that can have adverse effects on the drinking water source.
- The existing vacant area serves as an infiltration/recharge area for the groundwater aquifer. The DEIR shall address potential losses to groundwater recharge and discuss how the loss of permeable area would be mitigated if needed.
- Stormwater Best Management Practices (BMPs) shall be required for operations of the auto dealership to prevent hydrocarbons from entering the groundwater aquifer and the stormwater conveyance. BMPs for the runoff from parking lots and all other impervious surfaces shall be a part of the project.
- The Authority will require a third party review of structural containment facilities and any systems or technologies that may be used to contain spills or treat stormwater runoff from the project area, to ensure full protection of the drinking water source. A copy of the required Stormwater Management Plan shall be provided to the Authority.

### **Project Alternatives**

- Stormwater runoff from the project site may be subject to treatment at the Authority's Desalination Facility, due to the project's proximity to the facility's source groundwater wells. The Authority has identified and delineated groundwater protection zones, presented in Exhibit B, in relation to its groundwater wells. The Authority encourages the development of alternatives that would not include high or very high risk PCAs within the groundwater protection zones.
- The project may result in significant hydrological modifications to the area by simultaneously decreasing infiltration and increasing urban runoff. The DEIR shall consider the use of alternative construction materials and/or Low Impact Development (LID) systems and practices, such as permeable pavement or

Mr. Martin Reeder  
Re: Response to Notice of Preparation of a Draft Environmental Impact Report –  
National City Car-Max and Hotel Project  
December 12, 2016  
Page 4 of 4

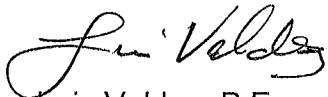
vegetated swales. This alternative may require further analysis regarding potential impacts on groundwater quality.

- It is highly recommended that the DEIR consider additional project alternatives with design features that prevent, minimize, or completely mitigate impacts to water resources.

Thank you for your consideration of the Authority's comments. We look forward to reviewing the National City CarMax and Hotel Project Draft EIR, and would appreciate your inclusion of the Authority on the distribution list. If you have any questions, please contact Mr. Jason Mettler at (619) 409-6755, or [jmettler@sweetwater.org](mailto:jmettler@sweetwater.org).

Sincerely,

SWEETWATER AUTHORITY



Luis Valdez, P.E.  
Engineering Manager

LV:JDM:vn

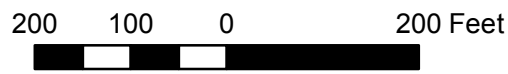
enclosures: Exhibits A, B, and C

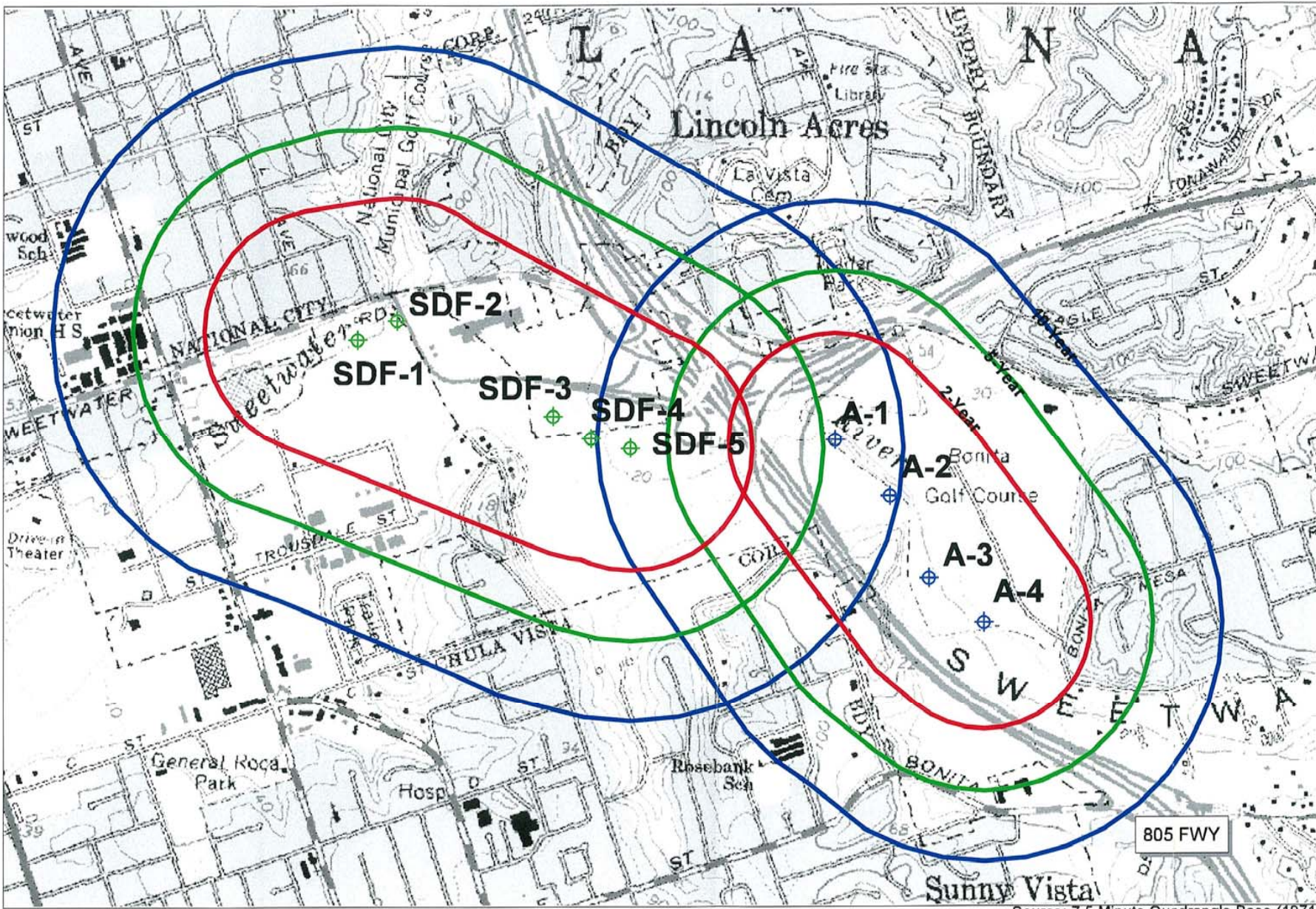
cc: Mr. Pete Famolaro, Sweetwater Authority  
Mr. Cynthia Pino, Sweetwater Authority



# Exhibit A

## National City Car-Max and Hotel Project Existing Easement and Water Facilities



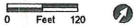
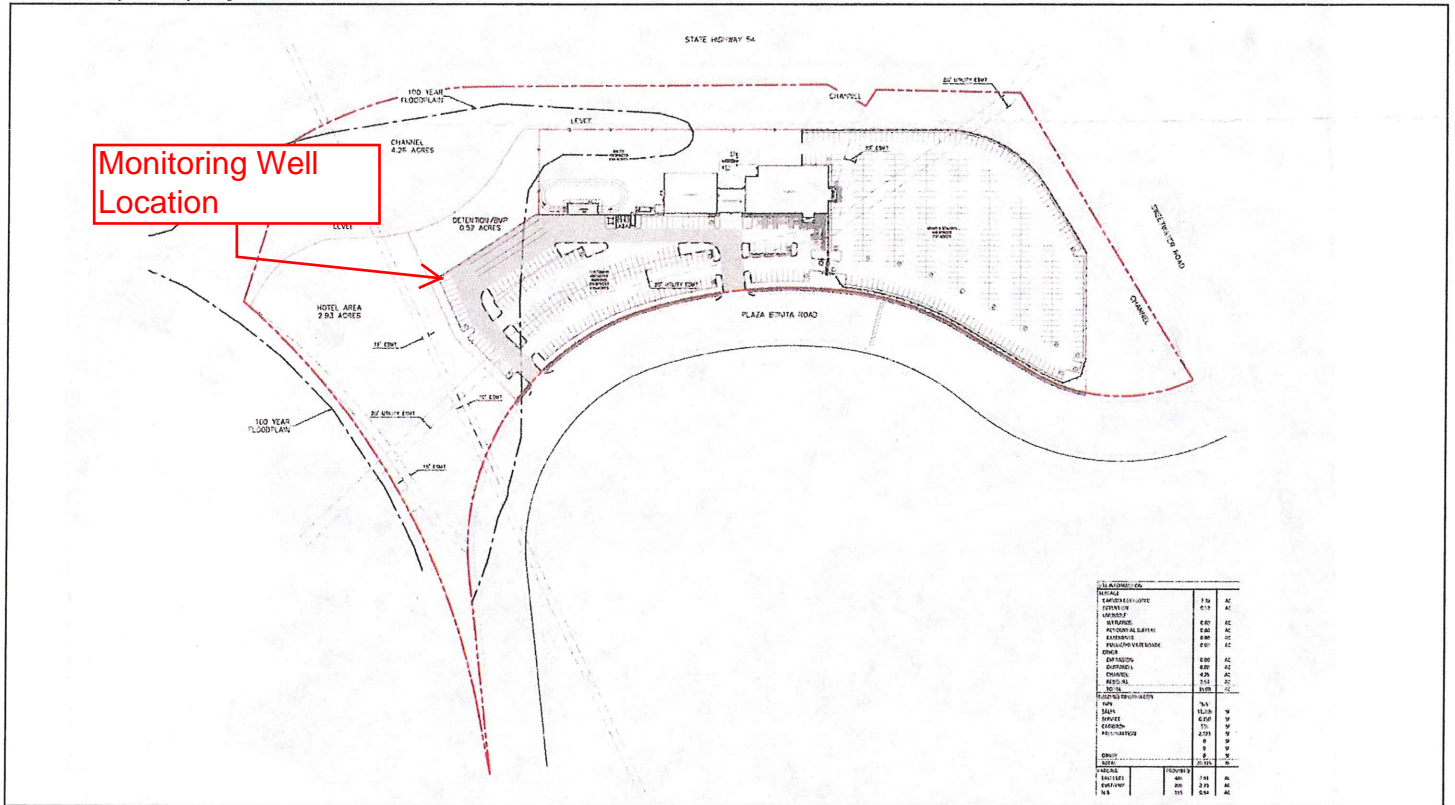


- EXPLANATION**
- Zone A, 2-year Groundwater Protection Zone
  - Zone B5, 5-year Groundwater Protection Zone
  - Zone B10, 10-year Groundwater Protection Zone
  - ◆ SDF Wellfield Well
  - ◆ Alluvial Aquifer Wellfield Well

Source: 7.5 Minute Quadrangle Base (1971)

**Exhibit B**  
 Assessment Map Showing 2,5, and 10-Year Groundwater Protection Zones for the San Diego Formation and Alluvial Aquifer Wellfields

Map Source: Centerpoint Integrated Solutions



RECON

H:\0265-77551\m\top\physical\KCP\fig3.ai 11/08/16 ccn

**Exhibit C**  
Proposed Monitoring Well

**From:** "Murphy, Lisa" <[LMurphy2@semprautilities.com](mailto:LMurphy2@semprautilities.com)>  
**Date:** December 22, 2016 at 12:53:43 PM PST  
**To:** "City of National City Martin Reeder ([mreeder@nationalcityca.gov](mailto:mreeder@nationalcityca.gov))"  
<[mreeder@nationalcityca.gov](mailto:mreeder@nationalcityca.gov)>  
**Subject:** National City Car Max

Hi Martin,

I apologize for my delay in responding to the notice of Preparation of a Draft EIR for the above reference project. I just wanted to let you know that SDG&E has a 12' transmission easement running through that property. I was contacted late last week by Raab Raydeen about this project. We are going to get together in January sometime to go out and look at the site. SDG&E may or may not be able to accept the after condition that they are proposing. I just wanted to keep you in the loop and let you know that SDG&E does have an easement there (as you are probably already aware).

Happy holidays to you!

Lisa Murphy, SR/WA  
SDG&E, Land Management Rep  
P.O. Box 129831  
San Diego, CA 92112-9831  
Mail Stop SD1170  
858-637-7971 desk  
619-843-5733 mobile

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**From:** Noe Castro [[mailto:noe\\_castro@hotmail.com](mailto:noe_castro@hotmail.com)]  
**Sent:** Tuesday, December 13, 2016 6:40 PM  
**To:** Martin Reeder  
**Cc:** Amor; Amor Castro  
**Subject:** NATIONAL CITY CARMAX & HOTEL PROJECT  
**Importance:** High

Mr. Martin Reeder,

I am writing on behalf of my parents Jose & Irma Castro. They live on 3003 Stockman Street (across the street from Plaza Bonita, corner of Sweetwater Road and Stockman). We are concerned that with the added proposed businesses, there would be an increase in traffic, the standard of living would go down further. We already deal high levels of noise throughout the day and into the night from traffic coming and going to Plaza Bonita. If the noise is not bad enough we also have to deal with trash. The trash ends up on the side of the house and man times into the driveway. I myself pick up the trash twice a week. I pick up enough trash to fill up a grocery bag. It is common sense with the added flow of traffic there will be more noise and trash.

With this being said, we ask what the City of National City proposes to do to alleviate our concerns if the proposal to construct these new businesses should move forward.

Thank you for your time, we look forward in hearing from you shortly.

Noé Castro

(on behalf of Jose and Irma Castro)