



SAN RAFAEL
THE CITY WITH A MISSION

**Community Development Department – Planning
Division**

Meeting Date: January 11, 2022
Agenda Item: 3
Case Numbers: ZC21-001, UP21-007, ED21-024, TS21-002, IS21-002 & DA21-001
Project Planner: Tricia Stevens
(916) 698-4592

REPORT TO PLANNING COMMISSION

SUBJECT: Northgate Mall Redevelopment Project (5800 Northgate Drive) – Scoping meeting for the Notice of Preparation of an Environmental Impact Report (EIR) for a Rezone to the Planned Development (PD) zone, a Use Permit, an Environmental and Design Review Permit, and a Tentative Map to allow the comprehensive redevelopment of the existing Mall into a new, phased mixed-use development with retail and approximately 1,443 residences on a 44.76-acre site. APNs: 175-060-12, -40, -59, -61, -66 & -67; General Commercial (GC) District; MeloneGeier Partners, owner/applicant; File Nos: ZC21-001, UP21-007, ED21-024, TS21-002, IS21-002 & DA21-001

EXECUTIVE SUMMARY

The proposed project, also known as the Northgate Town Square, would result in the redevelopment of the existing mall through demolition, renovation, and new construction with a mix of commercial and residential land uses. The proposed project would be developed in two phases, and at full buildout is currently proposed to include a total of approximately 225,100 square feet of commercial uses and up to 1,443 residential units, of which seven percent would be restricted to low-income households. The remainder of the ten percent affordable housing requirement will be provided off-site or with other options allowed by Zoning Ordinance Section 14.16.030. Project applications include the following:

- A Zoning Map and Zoning Text Amendment to the Planned Development (PD) Overlay Zone that outlines allowable land uses, development standards, and a development plan for the proposed project;
- A Development Agreement that sets forth the terms and requirements of the City and the public benefits provided by the developer;
- A Tentative Vesting Parcel Map that will subdivide the property into 11 parcels;
- A Master Use Permit as required by the PD Overlay Zone to address standards for specific uses; and
- An Environmental and Design Review Permit to address the site plan, architecture, landscaping, building design and other site improvements.

Consistent with the California Environmental Quality Act (CEQA), the issuance of a Notice of Preparation (NOP) is required when the lead agency has determined that an EIR will be prepared. An NOP was issued on December 9, 2021, and transmitted to the State Clearinghouse, responsible and trustee agencies and interested parties, to announce the initiation of the EIR process. The purpose of the scoping meeting is to afford the Planning Commission, other agencies, and the public an opportunity to provide oral comments on the Initial Study and the scope of issues and alternatives to be addressed in the EIR. Following the close of the 30-day NOP comment period, City staff will review comments received and consider revisions to the Initial Study and/or the scope of the Draft EIR, in accordance with CEQA Guidelines.

RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Accept public comment on the Notice of Preparation and the scope of issues to be addressed in the EIR; and
2. Direct staff to prepare a Draft Environmental Impact Report (DEIR), taking into consideration verbal and written comments received during the scoping period.

BACKGROUND

The project sponsor, Merlone Geier Partners, LLC, submitted an application for the proposed project on March 10, 2021. The City of San Rafael Planning Commission (PC) and Design Review Board (DRB) held a joint study session on September 14, 2021. In addition to feedback and input from the PC and DRB, the public was given the opportunity to provide initial comments on the project at this meeting.

Site Description/Setting: The project site is located west of US Highway 101 (US 101), in the City of San Rafael, Marin County. The approximately 44.76-acre project site consists of the Northgate Mall, which is located within the San Rafael Town Center in the northern portion of the city. The project site is generally surrounded by a mix of uses, including commercial, residential, open space, and institutional. The project site is bordered by Las Gallinas Avenue to the north and east and Northgate Drive to the south and west.

The project site is designated as Community Commercial Mixed Use on the City's General Plan Land Use Map and is within the General Commercial zoning district. The mall, which originally opened in 1965, is generally oriented on a north-south axis, with the main building located in the center of the project site surrounded by surface parking and standalone buildings and structures. Current major tenants within the mall include Century Theatre, Macy's, Kohl's, Rite Aid, and HomeGoods. A total of 2,908 parking spaces are provided on the project site.

PROJECT DESCRIPTION

The proposed project would result in the redevelopment of the existing mall through demolition, renovation, and new construction with a mix of commercial and residential land uses. As shown in Table 1, the proposed project would be developed in two phases, and at full buildout is currently proposed to include a total of approximately 225,100 square feet of commercial uses and up to 1,443 residential units, of which seven percent would be restricted to a minimum of low-income households. The remainder of the ten percent affordable housing requirement will be provided off-site or with other options allowed by Zoning Ordinance Section 14.16.030.

It should be noted that proposed square footages, residential unit mix, and other elements of the project may be subject to continued refinement after publication of this NOP and prior to consideration of project approval. The analysis in the EIR will evaluate the maximum development potential for the proposed project.

Table 1: Proposed Project Buildout Summary

Phase	Existing Commercial (square feet)	Demolished Commercial (square feet)	Existing Commercial to Remain (square feet)	New Commercial (square feet)	Total Commercial (square feet)	Residential Units
Phase 1	766,507	305,446	461,061	44,100	505,161	1,013
Phase 2 ^a	505,161	339,861	165,300	59,800	225,100	1,443

Source: Merlone Geier Partners LLC (2021).

a: Phase 2 represents the proposed project at full buildout, and therefore includes development from Phase 1.

As shown on Figure 1, Phase I consists of the following main elements:

- I. Demolition of the Sears anchor, HomeGoods pad, and approximately 140,932 square feet of the Mall structure.
- II. New construction and renovation of retail and residential uses, corresponding to letters on Figure 1. Residential density is 20.5 units per acre and commercial floor area ration (FAR) is .27.
 - A. Remodel of the current multi-screen cinema with IMAX theatre (65,000 square feet), and the addition of small shops and restaurants in the front of the cinema.
 - B. Construction of new retail on the east end, targeting a specialty grocery (Major 3), with housing units above.
 - C. Renovation of a portion of the existing Mall structure west of Macys with a Major 2 store, and retention of the existing Macy's. The landscaping and parking in the north area (north of Macy's) would largely remain as is.
 - D. Retention of the existing Kohl's and adjacent small shops and restaurants.
 - E. Addition of a 26,000 square foot plaza in the vicinity of the Kohl's building, and preservation of a portion of the Mall pavilion as a focal point and new parking and landscaping in the central portion.
 - F. Addition of new restaurant pads on the north end of the site adjacent to Las Galinas Avenue.
 - G. Retention of the existing parking garage.
 - H. Phased construction of up to 1,013 housing units in six apartment-style buildings not exceeding five stories in height, located on the southern, eastern, and western perimeters of the Project property. Parking for the residential units would be both structured and surface parking.
 - I. Construction of Affordable housing on Parcel 1 consisting of 96 units

Figure 1: 2025 Phase I Plan



As shown on Figure 2, Phase II consists of the following main elements:

- I. Demolition of the remaining Macy's and Kohl's anchors and the demolition and reconstruction of the "Shops 1" structure adjacent to the Kohl's anchor.
- II. New retail and residential uses, corresponding to letters on Figure 2. Residential density is 29.5 dwelling units per acre and floor area ration (FAR) is .13.
 - A. Addition of a 35,000 square foot town square plaza in the central portion of the project.
 - B. Construction of new retail including Major 1, with housing above, to replace the Kohl's anchor and existing shops.
 - C. Construction of up to an additional 430 housing units.
 - D. Construction of additional standalone restaurant pads along Las Gallinas Avenue.
 - E. Construction new retail shops including Major 4, with housing above, to replace the Macy's building.

Figure 2: 2040 Phase II Plan



ENVIRONMENTAL ANALYSIS AND REVIEW

Notice of Preparation

A Notice of Preparation (NOP) was published on December 9, 2021, to announce the commencement of the EIR process and to solicit comments concerning the scope of issues to be addressed in the EIR. A 30-day public review period is underway and written public comments will be accepted until Friday, January 14, 2022. *(Note: an extra week was provided to account for holiday closures)*. The purpose of the scoping meeting is to afford the Planning Commission, other agencies, and the public an opportunity to provide oral comments on the scope of issues and alternatives to be addressed in the EIR. Following the close of the NOP comment period, City staff will review comments received and consider revisions to the scope of the Draft EIR, in accordance with CEQA Guidelines.

Probable Environmental Effects

The EIR will address the proposed project's potential impacts to the following environmental topics as required by CEQA.

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Project Alternatives

The EIR will provide conclusions on the significance level of each impact. Based on this analysis, alternatives to the proposed project will be identified and analyzed to reduce identified impacts. Section 15126.6(e) of the CEQA Guidelines requires the evaluation of a No Project Alternative. Other alternatives may be considered during preparation of the EIR and will comply with the CEQA Guidelines, which call for a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.

NEXT STEPS

EIR Process

Following the close of the NOP comment period, a draft EIR will be prepared that will consider all NOP comments. In accordance with CEQA Guidelines Section 15105(a), the draft EIR will be released for public review and comment for a required minimum 45-day review period. Following the close of the 45-day public review period, the City will prepare a final EIR, which will include responses to all substantive comments received on the draft EIR. The draft EIR and final EIR will be considered by the Planning Commission and City Council in making the decision to certify the EIR and approve or deny the project.

Project Revisions

The applicant has indicated that revisions to the project will be made in response to Planning Commission, Design Review Board, city staff, and general public comments. It is anticipated that such revisions will be consistent with the scope of the EIR and would not create greater impacts than those studied in the document. If such revisions do expand the scope of the EIR, then the scope of the EIR will be reassessed.

CORRESPONDENCE

As of the date and publication of this staff report, the City has received one comment letter on the NOP from the Native American Heritage Commission. Correspondence received before the Planning Commission meeting will be forwarded to Commission members under separate cover.

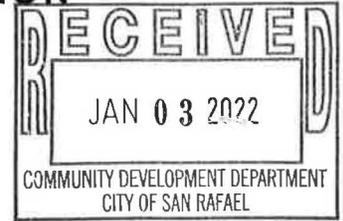
EXHIBITS

1. [NOP for the Northgate Project](#), December 2021 (online link).
2. NOP comment received from the Native American Heritage Commission

Plans/documents and provided on website: [Northgate Town Square - San Rafael \(cityofsanrafael.org\)](http://cityofsanrafael.org)



NATIVE AMERICAN HERITAGE COMMISSION



December 16, 2021

Tricia Stevens, Consulting Planner
City of San Rafael
1400 Fifth Street
San Rafael, CA 94901

Re: 2021120187, Northgate Mall Redevelopment Project, Marin County

Dear Ms. Stevens:

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.

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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, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

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

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

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

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

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (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, subs. (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:
Katy.Sanchez@nahc.ca.gov.

Sincerely,



Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse