
APPENDIX A

NOTICE OF PREPARATION



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City of
San Bernardino

Community Development & Housing Department | Planning Division

Date: July 21, 2025

To: State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations, and Interested Parties

From: City of San Bernardino

Subject: Notice of Preparation of a Draft Environmental Impact Report and Notice of a Public Scoping Meeting

Project: City of San Bernardino General Plan Update, Development Code Update, and Downtown Specific Plan

Lead Agency: City of San Bernardino

Scoping Meeting: The Scoping Meeting will be held on July 30, 2025, beginning at 6:00 p.m., at City of San Bernardino City Hall, 201 North E Street, 3rd Floor, San Bernardino, CA 92401

Contact: Travis Martin; Principal Planner

Address: Community Development & Housing Department – Planning Division
201 North E Street, 3rd Floor
San Bernardino, CA 92401

Phone: (909) 384-5313

Email: martin_tr@sbcity.org

NOTICE OF PREPARATION: Pursuant to the California Public Resources Code Section 21165 and the California Environmental Quality Act Guidelines (CEQA Guidelines) Section 15050, the City of San Bernardino (City) is the Lead Agency responsible for preparation of an Environmental Impact Report (EIR) addressing potential impacts associated with the City of San Bernardino General Plan Update, Development Code Update, and Downtown Specific Plan Project (proposed project), described below. In compliance with Section 15082 of the CEQA Guidelines, the City of San Bernardino is sending this Notice of Preparation (NOP) to responsible agencies, interested parties, and trustee agencies that may be affected by the project.

PROJECT SUMMARY: The proposed project encompasses three related planning efforts that will be analyzed under this EIR: the City's General Plan Update, Development Code Update, and a Downtown Specific Plan for Downtown San Bernardino.

- **General Plan Update:** The City's General Plan is a planning document that represents the community's vision for its future. It meets the requirements of California State law for each city to adopt a comprehensive, long-term general plan (Govt. Code Section 65300). The City will use the goals and policies of the General Plan as a basis from which to make their land use, housing, mobility, infrastructure, and open space and parks decisions. The City has selected the year 2050 as its planning horizon.
- **Downtown Specific Plan:** The Specific Plan proposes a set of focused strategies to transform Downtown San Bernardino into a vibrant and livable center of community identity and activity. The Specific Plan would include a vision statement, objectives, and planning principles; land use, mobility, and infrastructure plans; development standards; design guidelines; an implementation plan; and an economic development strategy.
- **Development Code Update:** The Development Code Update proposes changes to the City's existing Development Code (SBMC Title 19). This update consists of a review and update of administrative procedures, land use zone and district designations, development and design standards, and an updated zoning map that implements the proposed Land Use Plan under the General Plan Update.

PROJECT LOCATION: The location of the proposed project consists of both the entirety of the City of San Bernardino and its sphere of influence (SOI), which forms the geographic scope of the General Plan and Development Code Updates, and a 621-acre portion of the downtown, which encompasses the Downtown Specific Plan Area. The location of the citywide planning area and Downtown Specific Plan Area are discussed separately below:

- **Citywide Area:** The City of San Bernardino encompasses approximately 62 square miles in the center of the urbanized Valley Region of San Bernardino County, as shown on Figure 1, *Citywide Project Area*. It is approximately 60 miles east of the City of Los Angeles in the upper Santa Ana River Valley. The city is framed by several major geographical features, including the San Bernardino Mountains to the northeast and east, the Blue Mountains and the Box Springs Mountains to the south, the Cajon Wash to the west, and the San Gabriel Mountains and the Jurupa Hills to the northwest and southwest, respectively. San Bernardino borders the Cities of Rialto to the west, Colton to the southwest, Loma Linda to the south, Redlands to the southeast, Highland to the east, and the San Bernardino National Forest to the north.
- **Downtown Area:** The Downtown Specific Plan Area consists of approximately 621 acres in Downtown San Bernardino that stretches from east of I-215 until Sierra Way, and from 8th Street to the railroad tracks south of Rialto Avenue. It encompasses several city landmarks, including City Hall, the 43-acre City-owned former Carousel Mall Site, the County Government Center, Meadowbrook Park, and the City Transit Center. The boundaries of the Specific Plan Area are depicted in Figure 2, *Downtown Specific Plan Project Area*.

PROJECT DESCRIPTION: The following provides a summary of the proposed changes under the General Plan Update and Development Code Update and the major components of the Downtown Specific Plan.

GENERAL PLAN UPDATE: Updates to the City’s existing 2005 General Plan would consist of changes to comply with State housing mandates; conform with new State laws related to community health, environmental justice, climate adaptation, resiliency, and mobility; and bring long-term growth and fiscal projections into alignment with current economic conditions and State mandates.

- **Land Use:** designates the general distribution and intensity of land uses in the city and provides general development guidelines and policy direction for the use and development of land within the city. The Land Use Element will also incorporate design guidelines and other urban design measures previously housed in the city’s Community Design Element.
- **Economic Development:** addresses the economic outlook of San Bernardino, provides opportunities to strengthen the economy, promotes education and workforce development, and presents strategies to enhance the city’s financial health.
- **Circulation and Mobility:** identifies the location and extent of existing and proposed major transportation facilities, including roads, rail, transit systems, and airports. Also addresses opportunities to expand bicycling and pedestrian routes as part of complete streets.
- **Public Facilities and Services:** addresses police and fire protection, libraries and educational facilities, health and medical facilities, and other public services that serve the city.
- **Parks, Recreation, and Trails:** sets the framework for identifying, preserving, and enhancing open space resources, parks, and recreational assets.
- **Utilities and Infrastructure:** provides guidance for the provision of clean water, sanitation services, energy, waste collection, and communication services in the city.
- **Public Safety:** addresses geologic and seismic hazards, hazardous materials, emergency preparedness and response, wind hazards, wildfire hazards, flooding hazards, and climate change-related hazards in the city.
- **Cultural Resources:** addresses the enhancement and preservation of the city’s historic, paleontological, archaeological, and creative art resources.
- **Open Space and Conservation:** provides guidance for the preservation, use, and enhancement of the city’s natural resources, biological resources, water resources, mineral resources, and air quality.
- **Noise:** identifies and appraises stationary and mobile noise sources in the community, identifies and assesses noise-impacted areas, and includes policies to protect the city from excessive noise.

- **Health and Environmental Justice:** addresses environmental justice issues related to adequate housing, public facilities and services, workforce opportunities, pollution burden, public safety, food, active living, and other issues affecting public health.
- **Housing:** The 2021-2029 San Bernardino Housing Element was certified by the Department of Housing and Community Development and adopted by the City on February 21, 2024, and will not be amended as part of the proposed project.

The City's Land Use Plan is a key component of the General Plan Update that will drive growth in San Bernardino over the next 25 years. The proposed Land Use Plan intends to focus growth and development inward through infill and intensification of vacant and underutilized properties within San Bernardino's existing urbanized areas, while preserving the uses and densities of its established residential neighborhoods and open spaces. Changes to the City's existing Land Use Plan include new designations, including several new mixed-use categories, in addition to changes to the densities/intensities allowed under existing designations.

Figure 3, *Existing General Plan Land Use Map*, and Figure 4, *Proposed General Plan Land Use Map*, illustrate the City's existing Land Use Plan and the proposed General Plan Land Use Plan, respectively.

Table 1, *General Plan Buildout Statistical Summary*, provides a statistical summary of the buildout potential associated with the General Plan Update compared to existing conditions. Primary growth under the General Plan Update is anticipated to occur in the downtown area, where the Specific Plan (discussed below) concentrates new retail, office, government, and housing use in a pedestrian-oriented environment.

TABLE 1 GENERAL PLAN BUILDOUT STATISTICAL SUMMARY

Scenario	Housing Units	Population	Nonresidential Square Feet	Employment
Existing Conditions (2025)	77,051	267,267	101,575,944	111,690
Proposed General Plan (2050)	112,991	330,982	142,744,306	172,190
Potential Growth	35,940	63,624	41,168,362	60,500

DOWNTOWN SAN BERARDINO SPECIFIC PLAN. The Specific Plan defines the City's vision for the downtown, defines and describes nine downtown Land Use Districts, establishes a land use plan for future development of the nine districts, provides development standards for each district, and discusses circulation and infrastructure plans for the Specific Plan Area. The nine proposed Land Use Districts would become the new land use designations and zoning districts for all development within the Downtown Specific Plan Area. These districts consist of the Downtown Neighborhoods, North Gateway, Freeway Commercial, Transit Neighborhood, Downtown Core, County Center,

Parkview Campus, Railside, and Transit Center, as shown in Figure 5, Proposed Downtown Specific Plan Land Use Districts.

Table 2, *Total Development in the Specific Plan Area*, shows the extent of existing development and the proposed new development resulting from full development of the Specific Plan. The Downtown Specific Plan would result in the net addition of up to 14,152 new residential units and 11,732,858 square feet of nonresidential space.

TABLE 2 TOTAL DEVELOPMENT IN THE SPECIFIC PLAN AREA

District Area	Existing Residential Units	New Residential Units	TOTAL	Existing Non-Residential (square feet)	New Non-Residential (square feet)	TOTAL (square feet)
Downtown Neighborhood	776	971	1,747	1,146,787	63,630	1,210,417
North Gateway	173	1,505	1,678	392,335	409,812	802,147
Freeway Commercial	24	0	24	89,279	191,649	280,928
Transit Neighborhood	342	5,872	6,214	310,781	3,288,686	3,599,467
Downtown Core	0	3,768	3,768	1,219,479	4,689,452	5,908,931
County Center	0	0	0	551,547	1,057,332	1,608,879
Parkview Campus	0	1,184	1,184	25,983	662,978	688,961
Railside	0	262	262	71,595	854,961	926,556
Transit Center	0	590	590	32,663	514,357	547,020
TOTAL	1,315	14,152	15,467	3,840,449	11,732,857	15,573,306

DEVELOPMENT CODE UPDATE. Title 19 (Land Use/ Subdivision Regulations) of the San Bernardino Municipal Code is the primary tool for implementing the goals, objectives, and policies of the Land Use Element, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code Section 65000 et seq.), CEQA (Public Resources Code Section 21000 et seq.), and other applicable State and local requirements. The zoning regulations, including development standards, permits and procedures, zones, and zone descriptions, that are contained in Title 19 would be revised to be consistent with the exhibits and text of the General Plan Update.

POTENTIAL ENVIRONMENTAL EFFECTS: The CEQA Guidelines Section 15128 allows environmental issues, for which there is no likelihood of significant impact, to be “scoped out” and not analyzed further in the EIR. Given the diversity of environmental settings across the city, all environmental topics will be analyzed in this Draft EIR, as shown below.

- Aesthetics
- Agriculture and Forestry
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Parks and Recreation

- Geology and Soils
- Greenhouse Gas Emissions
- Hazardous Materials
- Hydrology/Water Quality
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire

PUBLIC REVIEW PERIOD: Pursuant to CEQA Guidelines Section 15082, responsible and trustee agencies and other interested parties, including members of the public, must submit any comments in response to this notice no later than 30 days after receipt. The NOP is available for a 30-day public review period beginning July 21, 2025, and ending August 19, 2025.

RESPONSES AND COMMENTS: The City will accept written comments only during the public review period. Please indicate a contact person for your agency or organization and send your written comments to:

Attn: Travis Martin, Principal Planner
 City of San Bernardino
 Community Development & Housing Department – Planning Division
 201 North E Street, 3rd Floor
 San Bernardino, CA 92401
 Email: martin_tr@sbcity.org

SCOPING MEETING: As a part of the NOP process, the City will conduct a public Scoping Meeting to present the proposed project and environmental process and to receive public comments and suggestions regarding the proposed project. The Scoping Meeting will be held on July 30, 2025, beginning at 6:00 p.m. at City of San Bernardino City Hall, 201 North E Street, 3rd Floor, San Bernardino, CA 92401.

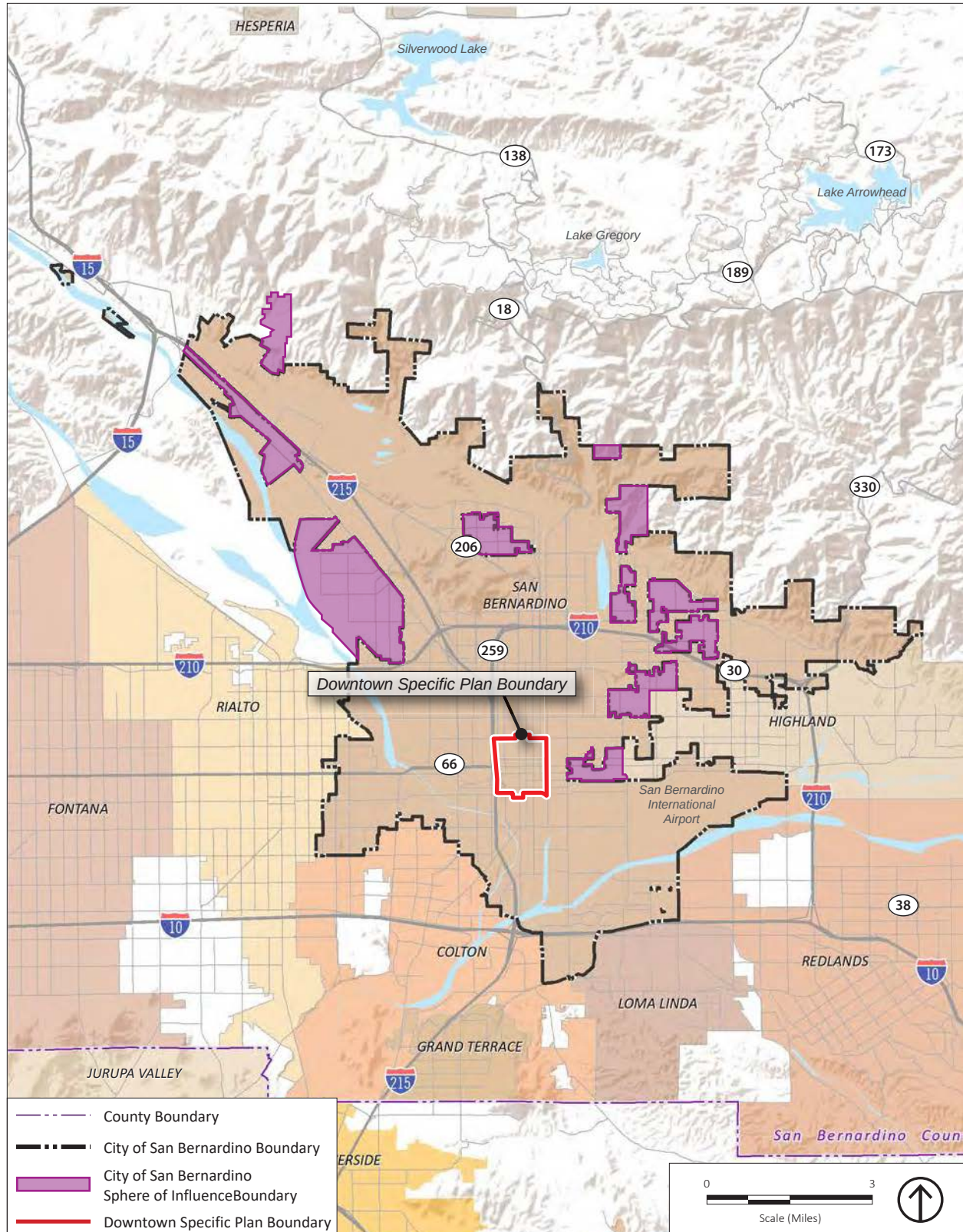
The Scoping Meeting will include a presentation describing the proposed project, followed by an opportunity for members of the public to comment on environmental topics that should be analyzed in the EIR.

Additional information about the proposed project is available at the following City webpage: <https://futuresb2050.com>

Note to Reviewers: An NOP for the Downtown Specific Plan was previously circulated on July 19, 2022. Following publication of this NOP, the proposed project was revised to include additional components, the City's General Plan and Development Code Updates, that would be adopted simultaneously with the Downtown Specific Plan. This NOP supersedes the previous NOP issued for the Downtown Specific Plan and the City requests that individuals and agencies provide comment letters and/or input on the proposed project as described in this NOP.

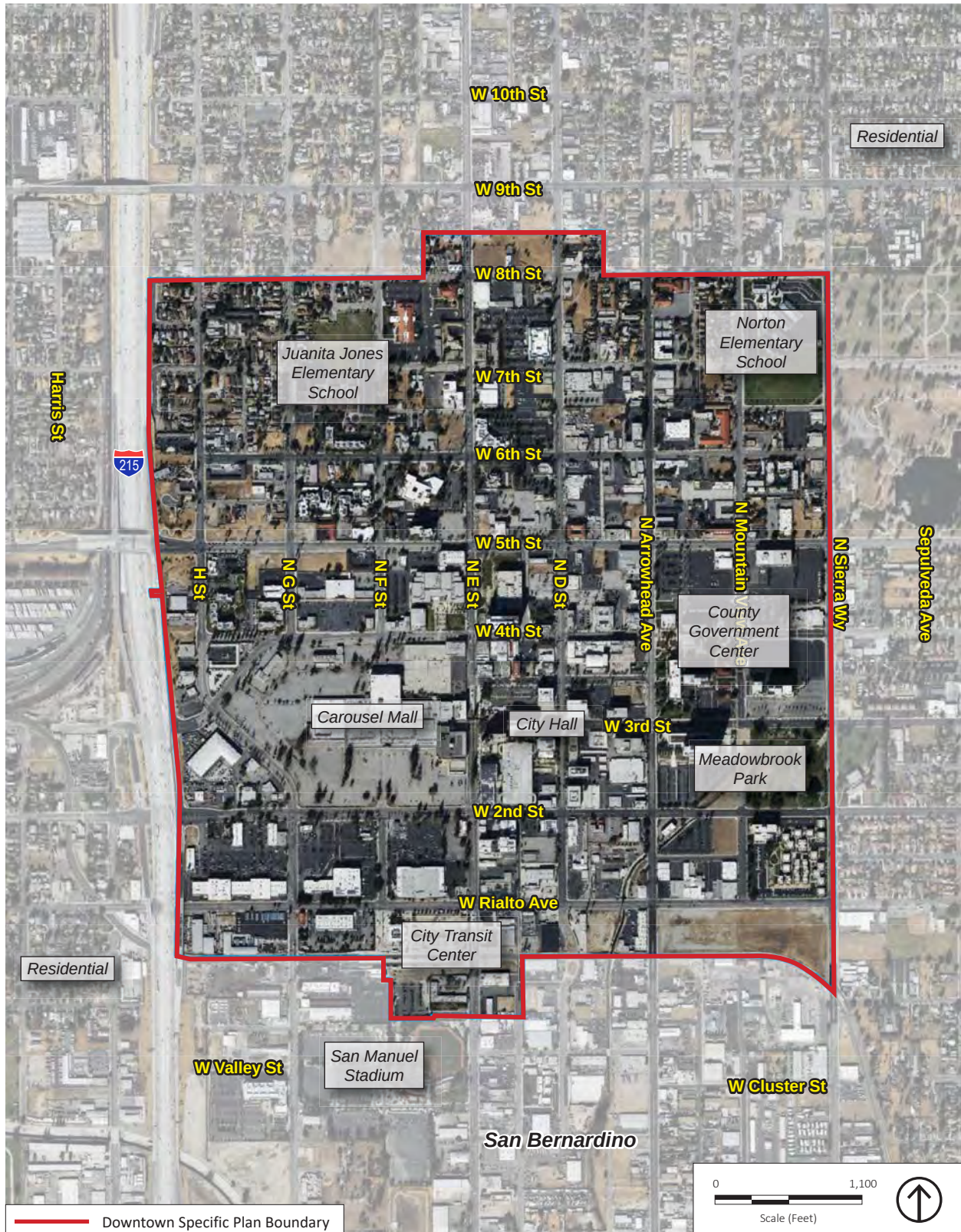
Attachments:

- Figure 1: Citywide Project Area
- Figure 2: Downtown Specific Plan Project Area
- Figure 3: Existing General Plan Land Use Map
- Figure 4: Proposed General Plan Land Use Map
- Figure 5: Proposed Downtown Specific Plan Land Use Districts



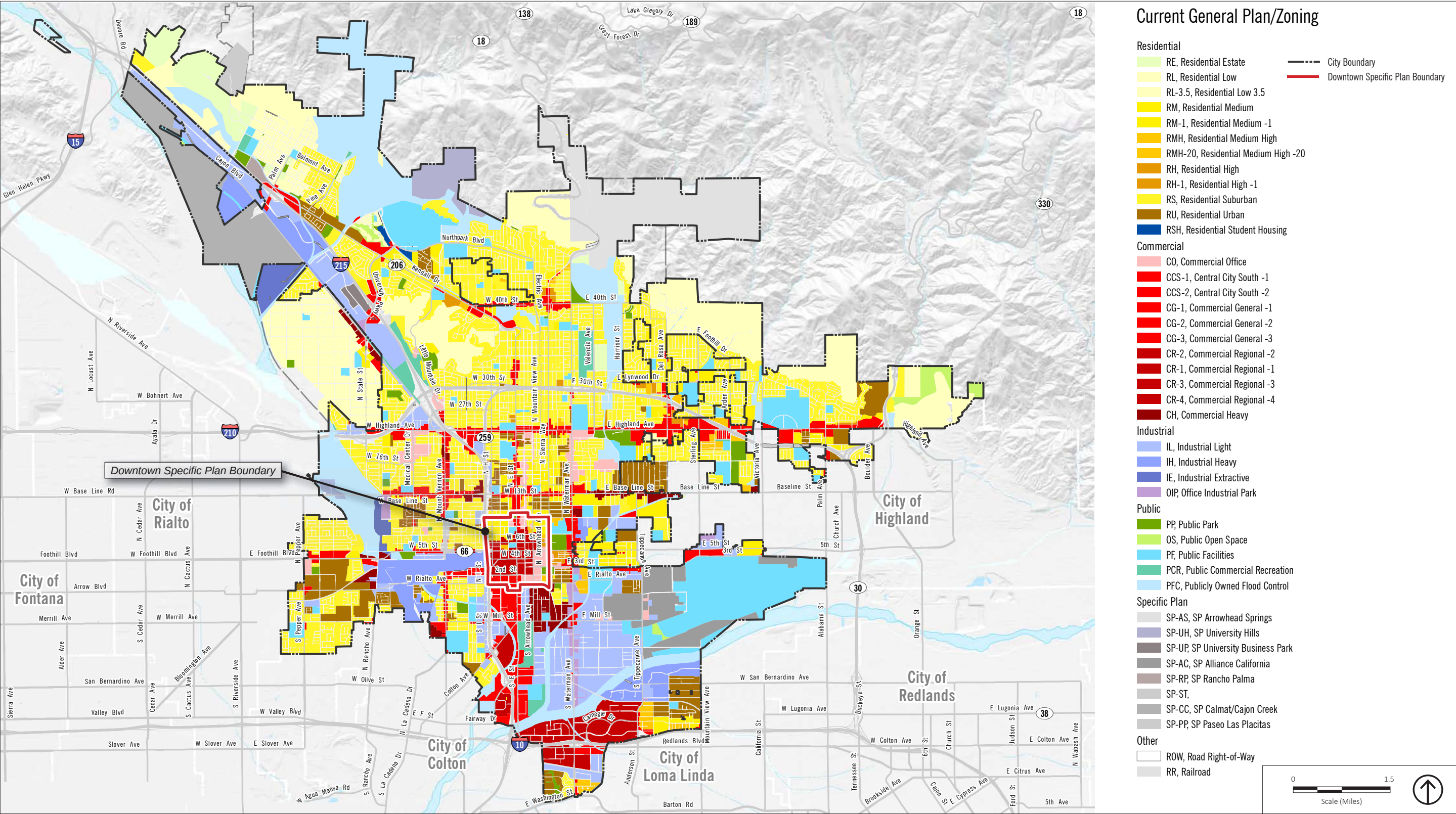
Source: Generated using ArcMap 2022.

Figure 1
Citywide Project Area



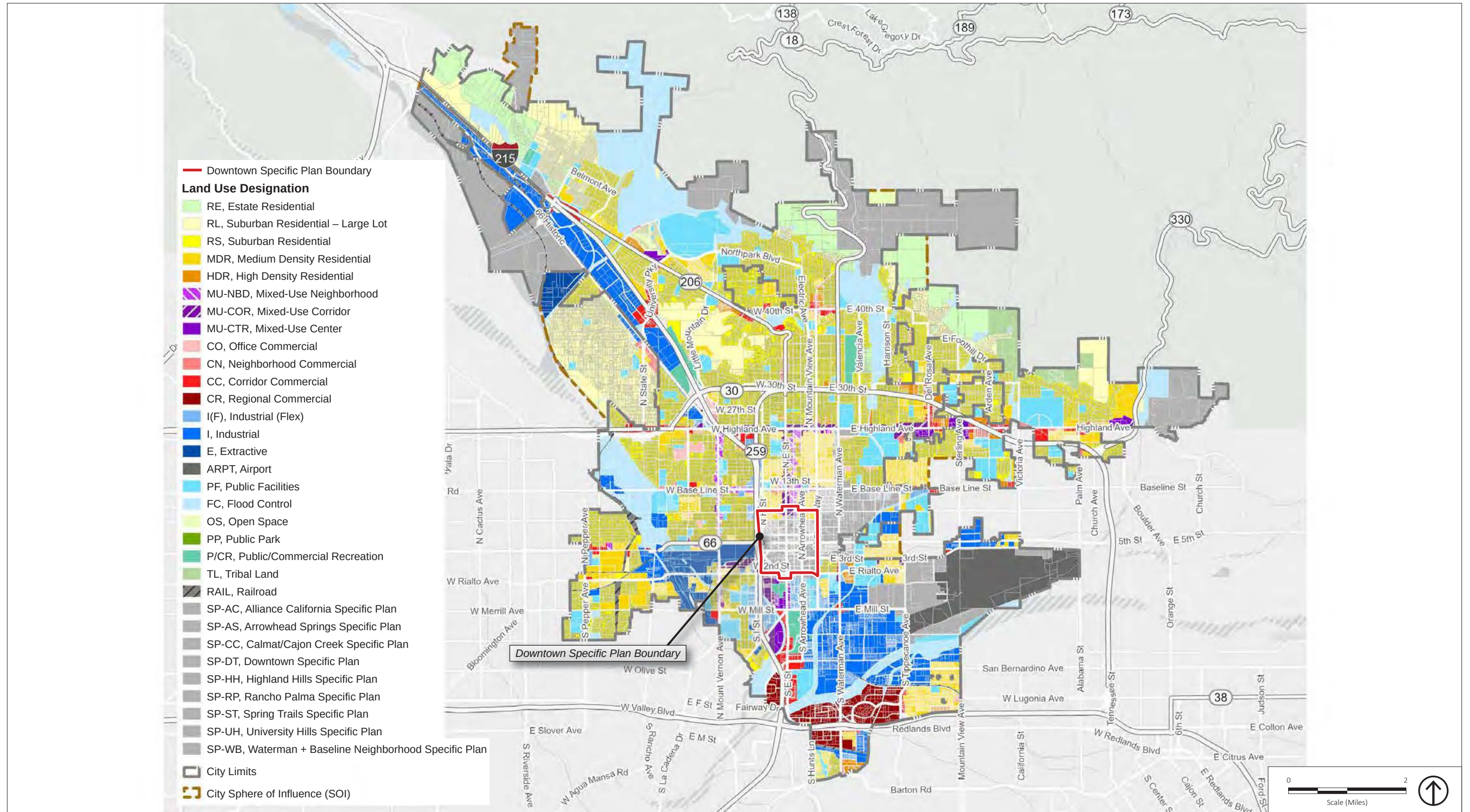
Source: Generated using ArcMap 2025.

Figure 2
Downtown Specific Plan Project Area



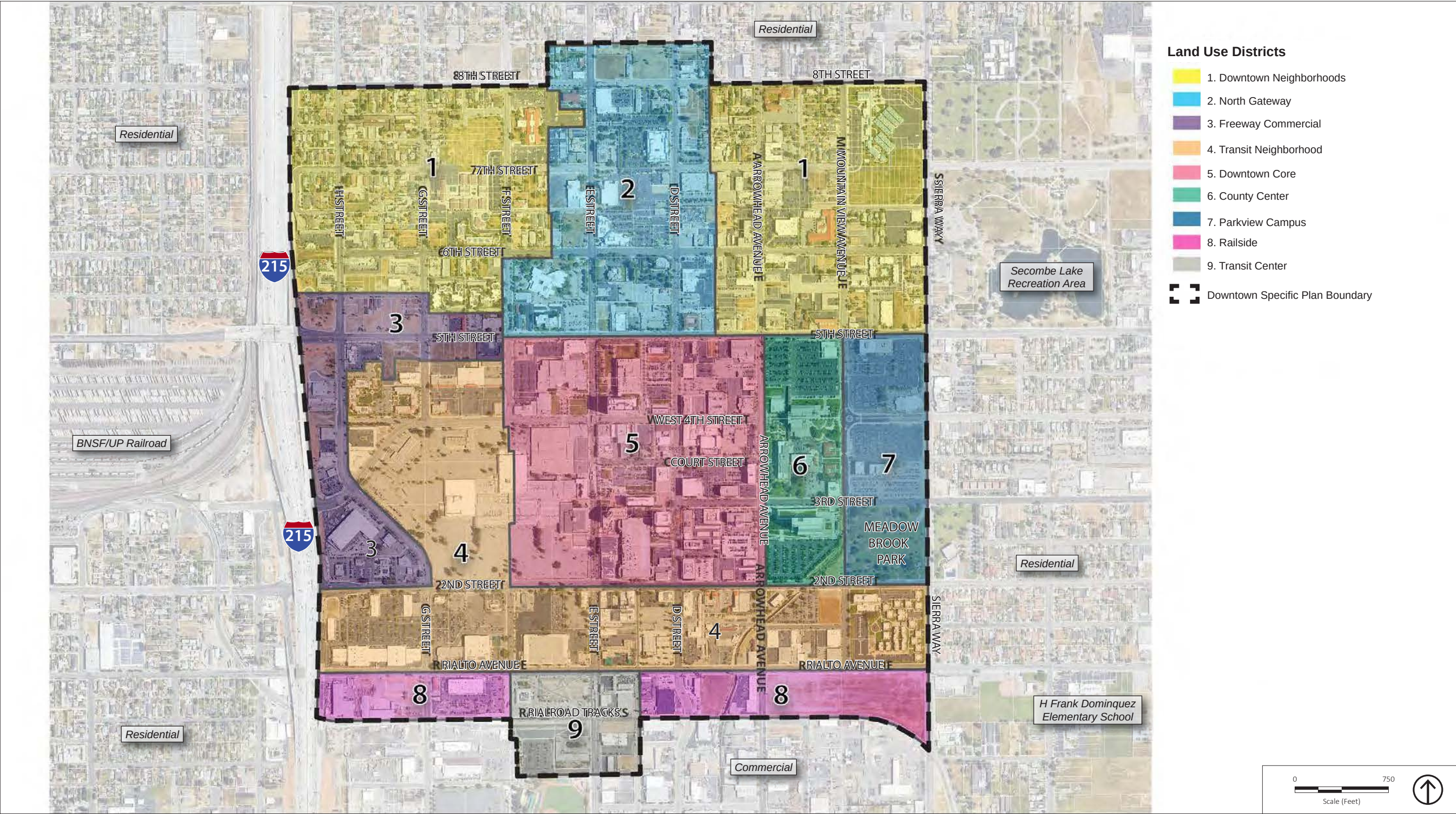
Source: PlaceWorks 2021.

Figure 3
Existing General Plan Land Use Map



Source: PlaceWorks 2025.

Figure 4
Proposed General Plan Land Use Map



Source: PlaceWorks 2023.

Figure 5
 Proposed Downtown Specific Plan Land Use Districts

**NATIVE AMERICAN HERITAGE COMMISSION**

July 22, 2025

Travis Martin

City of San Bernardino Community and Housing Planning Division

201 North E Street

3rd Floor

San Bernardino CA 92401

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Michelle Carr**NAHC HEADQUARTERS**1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov**Re 2025070856 City of San Bernardino General Plan Update Development Code Update and Downtown Specific Plan Project San Bernardino County**

Dear Mr. Martin:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 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** (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a.** If part or all of the APE has been previously surveyed for cultural resources.
 - b.** If any known cultural resources have already been recorded on or adjacent to the APE.
 - c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d.** If a survey is required to determine whether previously unrecorded cultural resources are present.
- 2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.**
 - a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

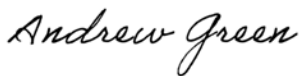
b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@NAHC.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

From: [Dan Silver](#)
To: [Travis Martin](#)
Subject: NOP for Downtown Specific Plan
Date: Wednesday, July 23, 2025 12:18:45 PM

Caution - This email originated from outside the City - Verify that the Email display name and Email address are consistent. - Use caution when opening attachments.

Dear Mr Martin:

Endangered Habitats League is in receipt of this notice. Please retain us on mailing and distribution lists at our new address below. However, electronic transmission only is sufficient if more convenient for you.

We urge transit-oriented, walkable design, with housing for multiple income levels, particularly attached unit.

Thank you

Dan Silver

NOTE NEW MAILING ADDRESS

Dan Silver, Executive Director
Endangered Habitats League
505 S Flower St #71001
PO Box 71001
Los Angeles CA 90071

213-804-2750

dsilverla@me.com

<https://cas5-0-urlprotect.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fehleague.org&umid=62f3ceb8-1a0e-4202-bbd6-932c562d9aa7&rct=1753298324&auth=0a9a7efa124ef37ddfcf70bf11ba2e00795cc5a1-90d9b8c7ebc912976b9263dc9b2dc021e08a270d>



8/19/2025

VIA EMAIL ONLY

Travis Martin; Principal Planner
Community Development & Housing Department–Planning Division
201 North E Street, 3rd Floor
San Bernardino, CA 92401
Email: martin_tr@sbcity.org

RE: NOP Comments for City of San Bernardino General Plan Update, Development Code Update, and Downtown Specific Plan Project

Dear Mr. Martin,

Thank you for providing Californians Allied for a Responsible Economy ("CARE CA") with the opportunity to comment on the Notice of Preparation ("NOP") for the environmental review of the City of San Bernardino General Plan Update, Development Code Update, and Downtown Specific Plan ("Project"). The Project includes three related planning efforts that will be analyzed under the EIR: the City's General Plan Update, Development Code Update, and a Downtown Specific Plan for Downtown San Bernardino.

The goal of an EIR is to provide decisionmakers and the public with detailed information about the effects of a proposed project on the environment, how significant impacts will be minimized and alternatives to the project (Pub. Res. Code § 21002.2). Ideally, the discussion should include sufficient detail to allow those who do not participate in the DEIR's preparation to understand and meaningfully deliberate the issues raised by the Project. We, therefore, respectfully request a complete analysis of all identified impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives.

Since the informational sufficiency of an EIR should be at the heart of its preparation, we ask the City to consider the following requests:

- i) Project Description: We encourage the City to ensure that the Project's objectives are not so narrow as to prevent informed decision making and public participation.
- ii) Air Quality & Public Health: CARE CA has a particular interest in air quality and public health. Estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental

stress on public health. We must not ignore the unjust consequences of toxic pollution on communities. Therefore, the DEIR should include a Health Risk Assessment to evaluate health impacts on residents.

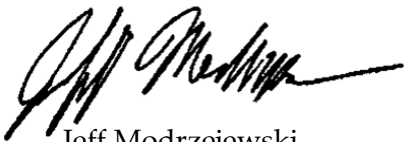
iii) Greenhouse Gas Emissions: In the DEIR analysis, the City has the discretion to quantify GHG emissions resulting from a project and/or rely on a qualitative analysis or performance-based standards "based to the extent possible on scientific and factual data." To determine the significance of the Project's GHG, we urge the City to adopt thresholds that embody climate change's existential threat to humankind and provide detailed discussion on the plan to offset the Project's GHG emissions. For instance, a plan that uses parking as an opportunity to address potential air quality, GHG and traffic impacts should be considered.

iv) Mitigation measures: The measures must be effective and enforceable. Every effort must be made to incorporate modern technology in the mitigation measures and MMRP. For example, a requirement that all off-road equipment and trucks during construction be zero emission would reduce air pollution impacts and CO2 emissions.

v) Full Disclosure: Provide all sources and referenced materials when the DEIR is made available.

Thank you for the opportunity to submit NOP comments. CARE CA respectfully urges the City to take this opportunity to protect the environment and the community to the maximum extent feasible.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Modrzejewski", with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director