

# Rincon Band of Luiseño Indians

## CULTURAL RESOURCES DEPARTMENT

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September 29, 2020

**Sent via email: Jessica.Madamba@sdcounty.ca.gov**

County of San Diego

Attn.: Jessica Madamba

Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

**Re: Smilax Townhome Project; PDS2019-TM-5634, PDS2019-GPA-19-003, PDS2019-REZ-19-19-002, PDS2019-STP-19-014**

Dear Ms. Madamba,

This letter is written on behalf of the Rincon Band of Luiseño Indians ("Rincon Band" or "Band"), a federally recognized Indian Tribe and sovereign government. Thank you for providing us with the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the above referenced project. The identified location is within the Territory of the Luiseño people, and is also within Rincon's specific area of Historic interest.

We have reviewed the provided documents and we are in agreement with the measures which include archaeological and Luiseño tribal monitoring, a monitoring report, and protocols for discovery of cultural material and human remains.

We do request that the Rincon Band be notified of any changes in project plans. In addition, we request a copy of the final monitoring report, when available. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635. Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal  
Tribal Historic Preservation Officer  
Cultural Resources Manager

**From:** [Dan Silver](#)  
**To:** [Madamba, Jessica](#)  
**Cc:** [Smith, Ashley](#)  
**Subject:** SMILAX TOWNHOME PROJECT  
**Date:** Friday, October 16, 2020 2:13:24 PM

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October 16, 2020

**RE: SMILAX TOWNHOME PROJECT**

Dear Ms Madamba:

Endangered Habitats League (EHL) appreciates the opportunity to comment on this project, a general plan amendment that would increase density within already-designated village. As a matter of general policy, EHL endorses infill-development on under-utilized parcels. In this case, though, a re-zone is being proposed on an isolated basis and not as part of larger community plan update, which would have been preferable. The developer's analysis makes a case for community compatibility nevertheless, noting the presence of a nearby school, a mixture of housing types in the vicinity, and proposed architectural features. Experience shows that a mixture of residential densities *can* result in high community quality. Also, attached housing will better address the housing types that are in actual deficit in San Diego. Overall, we do not object to the rezone as long as infrastructure and services are adequate.

No significant biological resources will be impacted.

We note that the project fits into the County's "no-significant-impact" tier of relative for VMT per capita, perhaps reflecting some proximity the Sprinter, which is positive. However, EHL strongly disagrees with how these tiers were derived, that is, using a baseline of the unincorporated area rather than the region as a whole. We also note that the GHG analysis addresses at some length the various court decisions on GHG impacts and mitigation and uses a "site specific" per capita efficiency threshold. However, we have not retained the technical expertise necessary to assess the validity of this method and threshold. We remain deeply troubled that the County has set up a system whereby a 62-unit project does no GHG or VMT mitigation other than on-site measures. The result will be large cumulative impacts that are unaddressed. Pending adoption of a revised CAP, effective mitigation for VMTs should be performed or an in-lieu fee imposed.

With best regards,  
Dan

Dan Silver, Executive Director  
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