Summary Form for Electronic Document Submittal

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2022060260

Project Title: Nakano Project

Lead Agency: City of Chula Vista

Contact Name: Desmond Corley

Email: dcorley@chulavistaca.gov Phone Number: (619) 691-5110

Project Location: Chula Vista (*City*) San Diego (*County*)

Project Description (Proposed actions, location, and/or consequences).

The project proposes a residential development with supporting amenities. The proposed residential uses would consist of up to 221 multi-family residential dwelling units. The project provides for 22 affordable units. Recreational amenities would include two “mini” parks, an overlook park associated with the Otay Valley Regional Park, and a trail connection to the Otay Valley Regional Park. Primary site access would be provided via an off-site connection to Dennery Road, and secondary emergency access would be provided via a connection to Golden Sky Way in the RiverEdge Terrace residential development. Internal roadways would be private. Off-site remedial grading would be required to the north of the site within the City of Chula Vista.

The proposed project includes three possible development scenarios: an Annexation Scenario with the site being annexed into the City of San Diego and a No Annexation Scenario with the site remaining in the City of Chula Vista. A third scenario (Annexation Scenario 2b) would include the site’s annexation to the City of San Diego after all permitting and grading has been completed. All scenarios would be set in the same project footprint and include the same physical project design. While the physical improvements proposed would be the same under all project scenarios, the discretionary actions would differ. Specifically related to the City of Chula Vista, the No Annexation Scenario and Annexation Scenario 2b would include adoption of a General Plan Amendment and a new Specific Plan, out of service agreements for services and utilities, certification of the EIR, adoption of CEQA Findings and Statement of Overriding Considerations, and adoption of a Mitigation Monitoring and Reporting Program (MMRP). More specifically, the General Plan Amendment would change the land use designation to Residential Medium and the Specific Plan would implement a new residential zone.

All scenarios are anticipated to need approvals from the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife due to the proposed changes to the on-site drainage. The project as proposed would not encroach into the on-site California Department of Transportation easement, and no encroachment permit is included as a part of the project.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See attachment.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Areas of controversy include the following:

- Land Use
- Greenhouse Gas
- Vehicle Miles Traveled

Provide a list of the responsible or trustee agencies for the project.

City of San Diego

San Diego Regional Water Quality Control Board

United States Fish and Wildlife Service

United States Army Corps of Engineers

San Diego Local Agency Formation Commission

ATTACHMENT

The following significant or potentially significant impacts and associated mitigation would be applicable to the project under the two scenarios wherein the project would remain within the City of Chula Vista.

Biological Resources

Issues 1 and 2: Sensitive Species and Habitats

Sensitive Vegetation Communities and Land Cover Types

The No Annexation Scenario and Annexation Scenario 2b would result in direct impacts to 17.25 acres of sensitive upland vegetation communities within the project site and off-site road improvement areas. Impacts include 3.60 acres of Tier II vegetation communities (Diegan coastal sage scrubs) and 13.65 acres of Tier III vegetation communities (non-native grasslands). Direct impacts would be significant.

Indirect impacts to sensitive vegetation communities adjacent to the development areas due to dust, erosion, and runoff generated by construction activities would be significant.

Significant impacts to 17.25 acres of sensitive upland vegetation communities would be mitigated through implementation of **BIO-CV-1** and as detailed in Table 4.3-3 of the EIR.

Significant indirect impacts to sensitive habitat would be mitigated through implementation of **BIO-CV-2**, Biological Monitor and **BIO-CV-3**, Best Management Practices.

Mitigation Measure BIO-CV-1: Sensitive Upland Vegetation in Chula Vista. Prior to the issuance of any land development permits or development activities by the City of Chula Vista, including clearing, grubbing, grading, and/or construction permits, the owner/permittee shall secure mitigation for direct impacts to Diegan coastal sage scrub and Diegan coastal sage scrub: Baccharis-dominated at a 1:1 mitigation ratio and non-native grassland at a 0.5:1 mitigation ratio if mitigated within the MSCP Preserve , or mitigate direct impacts to Diegan coastal sage scrub and Diegan coastal sage scrub: Baccharis dominated at a 1.5:1 mitigation ratio and non-native grassland at a 1:1 mitigation ratio if mitigated outside the MSCP Preserve. Mitigation for direct impacts would be pursuant to the City of Chula Vista's Subarea Plan consistent with the ratios listed in Table 5-3 of the Subarea Plan. The applicant may meet this mitigation requirement through purchase of upland mitigation credits (e.g., Tier II credits at San Miguel Conservation Bank or Willow Road Mitigation Bank). The applicant is required to provide proof of mitigation credit purchase to the City of Chula Vista prior to issuance of any land development permits.

Mitigation Measure BIO-CV-2: Biological Monitor. Prior to issuance of land development permits, including clearing, grubbing, grading, and/or construction permits, for any areas adjacent to the Preserve and the off-site facilities located within the Preserve, the project Applicant shall provide written confirmation that a City of Chula Vista-approved biological monitor has been retained and shall be on-site during clearing, grubbing, and/or grading activities. The biological monitor shall attend all preconstruction meetings and be present during the removal of any vegetation to ensure that the approved limits of disturbance are not exceeded and provide periodic monitoring of the impact area including, but not limited to, trenches, stockpiles, storage areas, and protective fencing. The biological monitor shall be authorized to halt all associated project activities that may be in violation of the Chula Vista MSCP Subarea Plan and/or permits issued by any other agencies having jurisdictional authority over the project.

Before construction activities occur in areas containing sensitive biological resources within the off-site facilities area, all workers shall be educated by a City of Chula Vista approved biologist to recognize and avoid those areas that have been marked as sensitive biological resources.

Mitigation Measure BIO-CV-3: Best Management Practices. Prior to issuance of grading permits by the City of Chula Vista the owner/permittee shall ensure the following requirements are noted on the grading plans and construction documents:

Best management practices will be implemented during all grading activities to reduce potential indirect effects on special-status species and habitat. Best management practices will include the following:

- Prior to ground disturbance, all permanent and temporary disturbance areas shall be clearly delineated by orange construction fencing and the identification of environmentally sensitive areas with flagging and/or fencing.
- All trash will be properly stored and removed from the site daily to prevent attracting wildlife to the construction area.
- Vehicles and equipment will be stored only on pre-designated staging areas in disturbed or developed areas. Fueling should be conducted in a manner that prevents spillage of fuel into riparian or wetland habitats.
- All maintenance of vehicles and equipment will be conducted in a manner so that oils and other hazardous materials will not discharge into riparian or wetland habitats.
- Dust control measures will be implemented to minimize the settling of dust on vegetation.

- Appropriate firefighting equipment (e.g., extinguishers, shovels, water tankers) will be available on the site during all phases of project construction, and appropriate fire prevention measures will be taken to help minimize the chance of human-caused wildfires.
- All construction will be performed between dawn and dusk to the degree feasible to minimize potential indirect effects (e.g., increased depredation) on the species beyond the limits of disturbance.

Special Status Plants

Direct impacts to San Diego marsh-elder, South Coast saltscale, San Diego bur-sage, ashy spike moss, and San Diego County viguiera would occur outside of conservation areas and/or the Multi-Habitat Planning Area and would not reduce the species' populations to below self-sustaining levels; therefore, impacts would be less than significant.

Direct impacts to Otay tarplant, a narrow endemic under the City of San Diego MSCP Subarea Plan, would occur outside of conservation areas and/or the Multi-Habitat Planning Area. Impacts to the 14 individuals or 0.001 acre of Otay tarplant habitat within the off-site impact area within the City of San Diego would be significant.

Indirect impacts to sensitive plants mapped adjacent to the project impact area including California adolphia, San Diego bur-sage, San Diego barrel cactus, San Diego County viguiera, small-flowered microseris, and ashy spike-moss due to dust, erosion, and runoff generated by construction activities would be considered significant.

Impacts to 14 Otay tarplant individuals within off-site improvement areas in the City of San Diego would be mitigated at a 4:1 mitigation ratio as detailed in **BIO-SD-3**, Otay Tarplant Mitigation.

Indirect impacts to special-status plant species including California adolphia, San Diego bur-sage, San Diego barrel cactus, San Diego County viguiera, small-flowered microseris, and ashy spike-moss would be mitigated through implementation of mitigation measures **BIO-CV-2** and **BIO-CV-3**.

Mitigation Measure BIO-SD-3: Otay Tarplant Mitigation. Prior to the issuance of land development permits for the off-site improvement areas by the City of San Diego, including clearing or grubbing and grading permits, for areas with salvageable sensitive biological resources, including Otay tarplant soils and seed bank, the project applicant shall prepare an Otay Tarplant Mitigation Plan demonstrating mitigation of impacted Otay Tarplant individuals at a 4:1 ratio for a total of 56 plants (see Biology Report; Attachment 17). The Otay Tarplant Mitigation Plan shall be written by a City of San Diego-approved biologist to the satisfaction of the Development Services Director (or their designee).

The Otay Tarplant Mitigation Plan shall, at a minimum, evaluate options for plant salvage and relocation, including selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within a suitable receptor site. Relocation efforts may include seed collection and/or transplantation to a suitable receptor site and will be based on the most reliable methods of successful relocation. The Otay Tarplant Mitigation Plan shall include, at a minimum, an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. The Otay Tarplant Mitigation Plan shall be subject to the oversight of the City of San Diego Development Services Department (DSD) director (or their designee).

In lieu of the above Otay Tarplant Mitigation Plan, the applicant may also purchase equivalent mitigation credits at a City of San Diego-approved mitigation bank. The mitigation bank must contain an Otay tarplant population or have the species reintroduced for the purposes of mitigation. The applicant is required to provide proof of mitigation credit purchase to the City of San Diego prior to issuance of any land development permits.

Special Status Wildlife Species

Impacts to Coopers hawk, western bluebird, orange-throated whiptail, San Diego tiger whiptail, pallid bat, Mexican long-tongued bat, and western mastiff bat would be considered less than significant. Direct and indirect impacts to least Bell's vireo, coastal California gnatcatcher, burrowing owl, yellow-breasted chat, and yellow warbler would be significant.

Due to their moderate potential to forage within the project impact areas direct impacts to foraging Crotch's bumble bee during construction would be significant; however, impacts would be avoided through implementation of PDF-BIO-2 (see Section 3.6.3.c of the EIR). If the CDFW finds that the candidacy is not warranted and the species is removed from the list of candidate species, then no avoidance measures shall be required.

Direct impacts to Crotch's bumble bee foraging habitat would be significant.

The project's direct impacts to biological resources combined with those associated with cumulative projects could result in a cumulatively significant impact to these biological resources. Therefore, cumulative biological impacts would be significant.

Least Bell's Vireo

To mitigate for direct and indirect impacts to least Bell's vireo for on-site components mitigation measure **BIO-CV-5** shall be implemented by the City of Chula Vista.

Coastal California Gnatcatcher

Direct impacts to coastal California gnatcatcher would be mitigated through implementation of mitigation measures **BIO-CV-1** and **BIO-CV-4**.

Burrowing Owl

Direct impacts to burrowing owls would be addressed through habitat-based mitigation identified in **BIO-CV-1**. Indirect impacts to burrowing owls would be mitigated through implementation of **BIO-CV-6**, detailed below.

Yellow-Breasted Chat and Yellow Warbler

Impacts to yellow warbler and yellow-breasted chat nesting habitat would be mitigated through implementation of habitat-based mitigation detailed in **BIO-CV-1**. Additionally, impacts to yellow-breasted chat and yellow warbler associated with construction activities occurring during the breeding and nesting season for this species for the on-site components would be mitigated through implementation of preconstruction nesting bird surveys as detailed in **BIO-CV-4**.

Crotch's Bumble Bee

Habitat based impacts to Crotch's bumble bee would be addressed by habitat-based mitigation identified in **CV-BIO-1**.

Implementation of the mitigation measures detailed in section 4.3.3.1.e would ensure that all direct, indirect, cumulatively significant impacts related to sensitive species and habitats under the No Annexation Scenario and Annexation Scenario 2b would be reduced to less than significant levels.

Mitigation Measure BIO-CV-4: Preconstruction Nesting Bird Survey. To avoid any direct impacts to raptors and/or any migratory birds protected under the MBTA, including nesting least Bell's vireo, burrowing owl, yellow warbler, and yellow-breasted chat, removal of habitat that supports active nests on the proposed area of disturbance should occur outside of the breeding season for these species. The breeding season is defined as February 15–August 15 for coastal California gnatcatcher and other non-raptor birds and January 15–August 31 for raptor species. If removal of habitat on the proposed area of disturbance must occur during the breeding season, the project Applicant shall retain a City of Chula Vista-approved biologist to conduct a preconstruction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The preconstruction survey must be conducted within 10 calendar days prior to the start of construction, and the results must be submitted to the City of Chula Vista for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan, as deemed appropriate by the City of Chula Vista, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to the City of Chula Vista for review and approval and implemented to the satisfaction of the City of Chula Vista. The City of Chula Vista's mitigation monitor shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

Mitigation Measure BIO-CV-5: Least Bell's Vireo Avoidance. For any work proposed between March 15 and September 15, a preconstruction survey for the least Bell's vireo shall be performed to reaffirm the presence and extent of occupied habitat. The preconstruction survey area for the species shall encompass all potentially suitable habitat within the project work zone, as well as a 300-foot survey buffer. The preconstruction survey shall be performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the City of Chula Vista MSCP Subarea Plan. The results of the preconstruction survey must be submitted in a report to the Development Services Director (or their designee) for review and approval prior to the issuance of any land development permits and prior to initiating any construction activities. If least Bell's vireo is detected, a minimum 300-foot buffer delineated by orange biological fencing shall be established around the detected species to ensure that no work shall occur within occupied habitat from March 15 through September 15. On site noise reduction techniques shall be implemented to ensure that construction noise levels do not exceed 60 dB(A) L_{eq} at the location of any occupied sensitive habitat areas. The Development Services Director (or their designee) shall have the discretion to modify the buffer width depending on site-specific conditions. If the results of the preconstruction survey determine that the survey area is unoccupied, the work may commence at the discretion of the Development Services Director (or their designee) following the review and approval of the preconstruction report.

Mitigation Measure BIO-CV-6: Preconstruction Burrowing Owl Survey. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits, the project Applicant shall retain a City of Chula Vista-approved biologist to conduct focused preconstruction surveys for burrowing owls. The surveys shall be performed no earlier than 30 days prior to the commencement of any clearing, grubbing, or grading activities. If occupied burrows are detected, the City of Chula Vista-approved biologist shall prepare a passive relocation mitigation plan subject to review and approval by the wildlife agencies and the City of Chula Vista, including any subsequent burrowing owl relocation plans to avoid impacts from construction-related activities.

Mitigation Measures BIO-CV-7: Direct Impact Avoidance for Crotch's Bumble Bee. The following shall be implemented to avoid potential impacts to Crotch's bumble bee, should this species be a state candidate for listing or state listed as threatened or endangered at the time of project construction. If CDFW finds that the candidacy is not warranted and the species is removed from the list of candidate species, then no avoidance measures shall be required.

Prior to the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the following Crotch's Bumble Bee Avoidance Requirements shall be implemented:

A. To avoid impacts to Crotch's bumble bee, removal of habitat in the proposed area of disturbance must occur outside of the Colony Active Period between April 1 through August 31. If removal of habitat in the proposed area of disturbance must occur during the Colony Active Period, a Qualified Biologist shall conduct a preconstruction survey to determine the presence or absence of Crotch's bumble bee within the proposed area of disturbance.

B. A Qualified Biologist must demonstrate the following qualifications, or those of an adopted CDFW protocol for Crotch's bumble bee: at least 40 hours of experience surveying for bee or other co-occurring aerial invertebrate species (such as Quino checkerspot butterfly) and who have completed a Crotch's bumble bee detection/identification training by an expert Crotch's bumble bee entomologist; or the biologist must have at least 20 hours of experience directly observing Crotch's bumble bee.

C. The preconstruction survey shall be conducted during the colony active period between April 1 through August 31 by the Qualified Biologist prior to the issuance of Grading Permit, Demolition Plans/Permits and Building Plans/Permits and within one year prior to the initiation of project activities (including removal of vegetation). The preconstruction survey shall consist of photographic surveys following California Department of Fish and Wildlife (CDFW) guidance (i.e., Survey Considerations for California Endangered Species Act [CESA] Candidate Bumble Bee Species, dated June 6, 2023). The surveys shall consist of passive methods unless a Memorandum of Understanding is obtained, as described below. The surveys shall consist of three separate visits spaced two to four weeks apart. Survey results will be considered valid until the start of the next colony active period.

D. If additional activities (e.g., capture or handling) are deemed necessary to identify bumble bees of an unknown species that may be Crotch's bumble bee,, then the qualified biologist shall be required authorization via a Memorandum of Understanding or Scientific Collecting Permit pursuant to CDFW Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). Survey methods that involve lethal take of species are not acceptable. The Qualified Biologist/owner permittee shall submit the results (including positive or negative survey results) of the preconstruction survey to City DSD (Mitigation Monitoring and Coordination), City Planning Department (MSCP) staff and CDFW for review and written approval prior to the issuance of Grading Permit, Demolition Plans/Permits and Building Plans/Permits.

E. If preconstruction surveys identify Crotch's bumble bee individuals onsite, the Qualified Biologist shall notify and consult with CDFW to determine whether project activities would result in impacts to Crotch's bumble bee, in which case an Incidental Take Permit ITP) may be required. If an ITP is required, it shall be obtained prior to issuance of Grading Permit, Demolition Plans/Permits and Building Plans/Permits and all necessary permit conditions shall be fulfilled prior to initiation of project activities. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (California Fish and Game Code §§ 86, 2062, 2067, 2068, 2080, 2085; California Code of Regulations, Title 14, § 786.9) under the CESA.

F. Survey data shall be submitted by the Qualified Biologist to the CNDDB in accordance with the Memorandum of Understanding with CDFW, or Scientific Collecting Permit requirements, as applicable.

Issue 3: Wetlands

Direct impacts to jurisdictional resources including direct impacts to a total of 0.40 acre of potential Regional Water Quality Control Board (RWQCB) wetland waters, California Department of Fish and Wildlife riparian, and City of Chula Vista wetlands as detailed in Table 4.3-6 of the EIR. Direct impacts to wetlands would be significant.

Indirect impacts to jurisdictional resources during project operation would be avoided through incorporation of a wetland buffer to protect the function and values of the wetland as detailed in Chapter 3.0, Project Description, Section 3.6.2 of the EIR. However, during construction there is a potential for indirect impacts to wetland resources to occur which would be a significant impact.

The project and all cumulative projects would be required to comply with applicable agency permit requirements related to wetland impacts, which would ensure no net loss of wetlands regionally. Cumulative impacts would be less than significant.

Mitigation requirements for direct impacts to jurisdictional resources are detailed in Table 4.3-7 of the EIR. Implementation of **BIO-CV-7**, Wetland Restoration, Credits and Permits would be required.

Indirect impacts to wetlands would be mitigated through compliance with mitigation measures **BIO-CV-2** and **BIO-CV-3** which requires a biological monitor to be on-site during construction and implementation of best management practices (BMPs) during construction to ensure wetlands are protected from trash, pollutants, and disturbance.

With implementation of **BIO-CV-8** and **BIO-CV-9**, direct impacts to wetlands would be reduced to less than significant.

With implementation of **BIO-CV-2** and **BIO-CV-3**, indirect impacts to wetlands during construction would be reduced to less than significant.

Mitigation Measure BIO-CV-8: Wetland Restoration/Creation and Permits. Prior to issuance of land development permits by the City of Chula Vista, including clearing, grubbing, grading, and/or construction permits that impact jurisdictional waters, the project applicant shall provide compensatory wetland mitigation resulting in no overall net loss of wetlands. A total of 0.40 acre of impacts to RWQCB wetland waters, CDFW riparian, and City of Chula Vista wetlands. A total of 0.80 acre of mitigation for permanent impacts shall be provided, at minimum. To ensure no net loss, the mitigation shall include a 1:1 creation component.

Prior to issuance of land development permits, including clearing, grubbing, grading, and/ or construction permits by the City of Chula Vista that impact jurisdictional waters, the project applicant shall obtain all necessary permits from RWQCB, and CDFW, and shall mitigate direct impacts pursuant to the City of Chula Vista MSCP Subarea Plan and in accordance with the terms and conditions of all required permits. Areas under the jurisdictional authority of RWQCB, and CDFW shall be delineated on all grading plans.

The applicant shall submit a Final Wetlands Mitigation and Monitoring Plan to the satisfaction of the City of Chula Vista, RWQCB, and CDFW. The plan shall include, at a minimum, an implementation strategy; appropriate seed mixtures and planting method; irrigation; quantitative and qualitative success criteria; a five-year maintenance, monitoring, and reporting program; an estimated completion time; contingency measures; and shall identify a long-term funding source. A Conceptual Wetland Mitigation Plan has been prepared and is included in Attachment 14 of the Biological Resources Report, which identifies planned wetlands restoration located within the City of San Diego. If restoration occurs in San Diego, the project applicant shall also be required to implement the Wetlands Mitigation and Monitoring Plan subject to the oversight and approval of the City of San Diego Development Services Department director (or their designee), City of San Diego Parks and Recreation Open Space Division, RWQCB, and CDFW and any additional requirements of **BIO-SD-7** detailed in Table 10-3 of the EIR shall apply. If the restoration is completed in Chula Vista, the applicant shall be required to enter into a Secured Agreement with the City of Chula Vista consisting of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Wetland Mitigation Plan. The applicant shall provide the endowment for the long-term funding source.

Should the purchase of additional mitigation credits be necessary to satisfy permit conditions from RWQCB, and CDFW, applicant shall secure mitigation credits within a City of Chula Vista-approved conservation bank in accordance with the terms and conditions of all required permits. The applicant is required to present proof of mitigation credit purchase to the City of Chula Vista and the Wetland Agencies prior to issuance of any land development permits.

Mitigation Measure BIO-CV-9: HLIT Permit. Prior to issuance of any land development permits (including clearing, grubbing, and/or grading permits), the project will be required to obtain a HLIT Permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to MSCP Tier II and III habitats and wetland resources.

Geologic and Paleontological Resources

Issue 4: Paleontological or Unique Geologic Features

Impacts related to unique geology would be less than significant as no unique geology is present. Construction activity could uncover and potentially damage paleontological resources within the Pleistocene Alluvial Floodplain Deposits and the San Diego and/or Mission Valley Formation. Direct impacts would be significant.

Individual projects would be required to mitigate for potential project level impacts to paleontological impacts. Cumulative development within the City of Chula Vista would be analyzed for consistency with City of Chula Vista General Plan policies that ensure protection and/or mitigation of paleontological resources. Therefore, cumulative impacts to paleontology would be less than significant.

To mitigate for direct impacts to paleontological resources, the project would be required to implement mitigation measure **GEO-CV-1 Paleontological Resources** which would require paleontological monitoring during construction.

Implementation of mitigation measure **GEO-CV-1** would ensure that a qualified paleontologist is onsite during grading and excavation to monitor construction activity and inspect cuts for fossils and paleontological resources that may be uncovered. The mitigation measure requires steps to be taken should resources be discovered to collect, curate and/or preserve found resources. Through implementation of mitigation measure **GEO-CV-1**, significant direct impacts to paleontological resources would be reduced to less than significant levels.

Mitigation Measure GEO-CV-1: Paleontological Resources: Prior to the issuance of grading permits, the applicant shall provide written confirmation to the City of Chula Vista that a qualified paleontologist has prepared a Paleontological Resources Impact Mitigation Program (PRIMP) and has been retained to carry out the PRIMP. A qualified paleontologist is defined as an individual with an MS or PhD in paleontology or geology who is familiar with paleontological procedures and techniques and has expertise in local geology, stratigraphy, and biostratigraphy. The PRIMP shall be consistent with the Society of Vertebrate Paleontology (2010) guidelines and contain the following components:

- Introduction to the project, including project location, description grading activities with the potential to impact paleontological resources, and underlying geologic units.
- Description of the relevant laws, ordinances, regulations, and standards pertinent to the project and potential paleontological resources.
- Requirements for the qualified paleontologist to attend the preconstruction meeting and provide worker environmental awareness training at the preconstruction meeting as well as at the jobsite the day grading is to be initiated. In addition, the qualified paleontologist shall inform the grading contractor and City Resident Engineer of the paleontological monitoring program methodologies.
- Identification of where paleontological monitoring of excavations impacting the San Diego Formation, Old Alluvial Floodplain Deposits, and deep excavations (greater than five feet below the ground surface) in areas underlain by Young Alluvial Floodplain Deposits is required within the project site based on construction plans and/or geotechnical reports.
- Procedures for adequate paleontological monitoring (including necessary monitoring equipment), methods for treating fossil discoveries, fossil recovery procedures, and sediment sampling for microvertebrate fossils, including the following requirements:
    - A paleontological monitor shall be on-site at all times during the original cutting of previously undisturbed sediments of moderately to highly sensitive geologic units (e.g., San Diego Formation, Old Alluvial Floodplain Deposits, and excavations below a depth of five feet below the ground surface in areas underlain by Young Alluvial Floodplain Deposits) to inspect cuts for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist. Monitoring is not required during shallow excavations within Young Alluvial Floodplain Deposits.
    - Paleontological monitoring is not required in areas underlain by Artificial Fill unless grading activities are anticipated to extend beneath the veneer of fill and impact underlying geological units with moderate to high paleontological sensitivity (e.g., San Diego Formation, Old Alluvial Floodplain Deposits, or deeper excavations into Young Alluvial Floodplain Deposits).
    - If fossils are discovered, the qualified paleontologist and/or paleontological monitor shall recover them. The paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading within 50 feet of the resource to allow recovery of fossil remains. Because of the potential for the recovery of small fossil remains, it may be necessary in certain instances, and at the discretion of the qualified paleontologist, to set up a screen washing operation on the project site. Alternatively, sediment samples can be collected and processed off-site.
- Paleontological reporting, and collections management:
    - Prepared fossils along with copies of all pertinent field notes, photos, maps, and the final paleontological monitoring report discussed below shall be deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum within 90 days of completion of monitoring unless the City of Chula Vista and the qualified paleontologist determine the extent of fossils recovered will require more preparation, stabilization, and/or curatorial time. Any curation costs shall be paid for by the applicant.
    - A final paleontological monitoring report shall be completed. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils, and shall be submitted to the designated scientific institution within 90 days of the completion of monitoring unless the City of Chula Vista and the qualified paleontologist determine the extent of fossils recovered will require more preparation, stabilization, and/or curatorial time.

Greenhouse Gas Emissions

Issue 2: Conflicts with the CAP or other Plans or Policies

The project would be consistent with the measures and policy goals of the City of Chula Vista General Plan, San Diego Forward, and the 2008 and 2017 Scoping Plans. However, the project would be inconsistent with several of the key Prioritization Strategies of the 2022 Scoping Plan Update for Achieving Carbon Neutrality. The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, therefore GHG impacts under the No Annexation Scenario and Annexation Scenario 2b would be significant.

The project's significant impact combined with impacts resulting from projects similarly unable to meet Scoping Plan strategies would add to a cumulative GHG impact. The project would incrementally contribute to the existing significant cumulative GHG impact despite implementation of all feasible mitigation measures. Therefore, cumulative impacts related to GHG emissions would be significant.

The project would implement mitigation measures **GHG-CV-1** through **GHG-CV-6**.

Implementation of the project design features and mitigation measures would reduce the project's cumulative GHG emission impact. However, because the project would be inconsistent with several of the key Prioritization Strategies of the 2022 Scoping Plan Update for Achieving Carbon Neutrality detailed in Table 4.5-10 of the EIR, it would not be consistent with the statewide GHG reduction goals required by Assembly Bill 1279, resulting in a significant and unavoidable cumulative GHG emission impact after mitigation.

Mitigation Measure GHG-CV-1: Transit Passes. Prior to first occupancy, the Permittee shall implement a transit subsidy program. The subsidy value will be limited to the equivalent value of 25 percent of the cost of an MTS "Regional Adult Monthly/30 Day Pass" (currently $72, which equates to a subsidy value of $18 per month). Subsidies will be available on a per unit basis to residential tenants for a period of five years (five years after issuance of the first occupancy permit). Permittee shall provide an annual report to the City Engineer in each of the first five years demonstrating how the offer was publicized to residents and documenting the results of the program each year, including number of participants and driveway traffic counts.

Mitigation Measure GHG-CV-2: Commute Trip Reduction Program. Prior to first occupancy, the Permittee shall develop and implement a commute trip reduction program that requires each homeowner and tenant to be provided with a one-page flyer every year that provides information regarding available transit, designated bicycle routes, local bicycle groups and programs, local walking routes and programs, and rideshare programs.

Mitigation Measure GHG-CV-3: Bicycle Micro-mobility Fleet. Prior to first occupancy, the Permittee shall provide one bicycle (up to a $400 value) per unit to the first buyer of each unit.

Mitigation Measure GHG-CV-4: Energy Star Appliances. Prior to the issuance of residential building permits, the Permittee shall submit building plans illustrating that residential structures shall have Energy Star rated appliances (clothes washers, dishwashers, refrigerators, and ceiling fans).

Mitigation Measure GHG-CV-5: Alternative Water Heating. Prior to the issuance of building permits, the Permittee shall submit building plans illustrating that residential structures shall have non-gas water heaters (e.g., electric or solar water heating).

Mitigation Measure GHG-CV-6: Water Efficient Landscaping. Prior to the issuance of building permits, the Permittee shall submit landscaping plans illustrating that the project would provide low-water use/drought tolerant plant species with low water use irrigation (e.g., spray head or drip), where required.

Health and Safety/Hazardous Materials

Issue 1, 2 3, and 4: Hazardous Materials Transport, Use and Disposal; Accidental Release; Emissions Near a School; Hazardous Materials Site

Accidental Release

Construction Activities

Accidental release associated with standard construction activities would be less than significant based on the typical particulate matter emissions associated with construction activities, the distance of construction activities to sensitive receptors and the short during of project construction. Grading within contaminated soils including on-site areas with pesticides and total petroleum hydrocarbon (TPH) occurring on-site and within the off-site remedial grading area could result in an accidental release of hazardous materials. However, as assessed by the County of San Diego Department of Environmental Health and Quality the levels of these contaminants are below regulatory thresholds for residential land uses which would be a less than significant impact.

Although no burn ash was identified within the Nakano site or within areas of the Davies property proposed for remedial grading, the potential for burn ash to be released during grading would be a direct significant impact.

To mitigate impacts related to the potential for burn ash to be encountered during site grading, **HAZ-CV-1 Community Health and Safety Plan** shall be implemented by the City of Chula Vista for grading within the City of Chula Vista.

For any grading within the off-site improvement areas within the City of San Diego, implementation of **HAZ-SD-1** by the City of San Diego would be required.

Mitigation Measure HAZ-CV-1: Community Health and Safety Plan. Prior to any ground disturbance, the Permittee/Owner shall prepare a Community Health and Safety Plan (CHSP) to be reviewed and approved by the San Diego County Department of Environmental Health and Quality, Local Enforcement Agency. The CHSP shall include a site description, the scope of work to be conducted, responsibilities and key personal and contact information, analysis of hazards present, and procedures and protocols based

on current regulatory standards and guidance to be utilized in the event any hazardous condition is encountered. The CHSP shall include information informing all personnel of the potential presence of burn ash and procedures to follow if any is encountered during construction activities.

The County LEA shall be invited to any preconstruction meetings and the approved CHSP shall be distributed to all contractors and implemented by the Permittee/Owner, the Contractor, and subcontractors prior to and during all soil excavation activities. The Contractor shall serve as the Site Safety Manager and oversee the implementation of the CHSP.

The Permittee/Owner shall provide the City of Chula Vista evidence of completion and approval of the CHSP prior to issuance of grading permits and to the City of San Diego prior to issuance of grading permits for the off-site improvement areas.

Mitigation Measure HAZ-SD-1: Community Health and Safety Plan. Prior to issuance of any construction permits, including but not limited to: the first Grading Permit, Demolition Permits and Building Permits or a Notice to Proceed for Subdivisions, the Owner/Permittee shall prepare a Community Health and Safety Plan (CHSP) to address the project site and potential burn ash contamination to be reviewed and approved by the City of San Diego Local Enforcement Agency (LEA). The CHSP shall include a site description, the scope of work to be conducted, responsibilities and key personal and contact information, analysis of hazards present, and procedures and protocols based on current regulatory standards and guidance to be utilized in the event hazardous conditions related to burn ash is encountered. Such conditions can include visual observations that indicate evidence of burn ash such as heat frosted glass shards, stained or discolored soil. The CHSP shall include information informing all personnel of the potential presence of burn ash and procedures to follow if any is encountered during construction activities.

The City of San Diego LEA shall be invited to any preconstruction meetings and the approved CHSP shall be distributed to all contractors and implemented by the Owner/Permittee, the Contractor, and subcontractors prior to and during all soil excavation activities. The Contractor shall serve as the Site Safety Manager and oversee the implementation of the CHSP.

The Owner/Permittee shall provide the City of San Diego evidence of completion and approval of the CHSP prior to issuance of grading permits.

Hazardous Materials Site

Impacts related to potential burn ash being encountered during project construction activities would be mitigated through implementation of **HAZ-CV-1**.

Implementation of mitigation measure **HAZ-CV-1** requiring preparation of a Community Health and Safety Plan under the oversight of the County Local Enforcement Agency would ensure adverse impacts related to potential accidental release of burn ash during grading for the areas currently within the City of Chula Vista would be reduced to less than significant.

Implementation of mitigation measure **HAZ-SD-1** requiring preparation of a Community Health and Safety Plan under the oversight of the City Local Enforcement Agency would ensure adverse impacts related potential accidental release of burn ash during grading of the off-site areas within the City of San Diego would be reduced to less than significant.

Implementation of these mitigation measures would reduce direct impacts related to hazardous materials sites to less than significant.

Historical Resources

Issue 1: Prehistoric/Historic Resources

Based on the results of the record search and surveys of the project site, implementation of the project would not result in impacts to built environment historical resources, as the on-site foundations did not meet the criteria for eligibility for the National Register of Historic Places or the California Register of Historic Resources.

Direct impacts to potentially buried archaeological resources associated with grading within the project site and off-site improvement areas within the City of San Diego including the primary access road and trenching within Dennery Road could occur. A potentially significant impact to unknown prehistoric/archaeological resources could result during ground disturbance. Therefore, direct impacts to historical resources would be significant.

The project's incremental contribution to cumulative impacts to historic resources would be less than significant. The project's incremental contribution to cumulative archaeological resources impacts would be less than significant.

The project would implement mitigation measure **HIST-CV-1 Archaeological Monitoring**.

The incorporation of archaeological and Native American monitoring during grading would ensure adverse impacts to unknown potentially significant buried prehistoric resources would be reduced to less than significant. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure significant resources are treated properly to reduce significant direct impacts to less than significant.

Mitigation Measure HIST-CV-1: Archaeological Monitoring. To mitigate impacts to historical resources to a level that is less than significant, procedures for proper treatment of unanticipated archaeological finds must comply with the State CEQA Guidelines. Adherence to the following requirements during initial earth-disturbing activities will assure the proper treatment of unanticipated archaeological or Native American cultural material:

1. An archaeological monitor and a Kumeyaay Native American monitor shall be present full-time during all initial ground disturbing activities. If proposed project excavation later presents evidence suggesting a decrease in cultural sensitivity, the monitoring schedule can be reduced pending archaeological, Native American, and City of Chula Vista consultation.
2. In the event that previously unidentified potentially significant historical resources are discovered, the archaeological monitor, Native American monitor, construction or other personnel shall have the authority to divert or temporarily halt ground disturbance operations in the area of the find. The archaeological monitor shall evaluate and minimally document isolates and clearly non-significant deposits in the field. More significant deposits shall be evaluated by the cultural Primary Investigator in consultation with the Native American monitor and City of Chula Vista staff. For significant historical resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the qualified archaeologist and approved by the City of Chula Vista, then carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) "unique" historical resources or Sacred Sites pursuant to CEQA Section 21083.2(g) as the preferred option; (2) the capping of identified Sacred Sites or unique historical resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique historical resources. Construction activities will be allowed to resume in the affected area only after proper evaluation.

Grading within the off-site improvement areas within the City of San Diego would require implementation of **HIST-SD-1**. Refer to Table 10-3 of the EIR for details of the measure.

Issue 2: Human Remains

Although it is not expected that human remains would be located on the project site, there is a potential for buried human remains to be disturbed by grading and construction activities. Therefore, direct impacts associated with human remains would be potentially significant.

The project, in addition to all cumulative projects, would be required to implement mitigation measures to ensure cumulative impacts related to human remains would be less than significant.

The project would implement mitigation measure **HIST-CV-2** Discovery of Human Remains.

The project would implement mitigation measure **HIST-CV-2** which would ensure all applicable provisions of Public Resources Code Section 5097.98, CEQA Section 15064.5, and Health and Safety Code Section 7050.5 are implemented during earth-disturbing activities. Implementation of the mitigation measure as outlined above would reduce potential direct impacts related to human remains to less than significant.

Mitigation Measure HIST-CV-2: Discovery of Human Remains. To mitigate impacts to human remains to a level that is less than significant, procedures for proper treatment of unanticipated finds must comply with the State CEQA Guidelines. In the event of discovery of unanticipated human remains, personnel shall comply with Public Resources Code Section 5097.98, CEQA Section 15064.5, and Health and Safety Code Section 7050.5 during earth-disturbing activities:

1. If any human remains are discovered, the construction personnel or the appropriate representative shall contact the County Coroner and City of Chula Vista. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the property owner or their representative to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the Most Likely Descendant regarding their recommendations as required by California Public Resources Code Section 5097.98 has been conducted. California Public Resources Code Section 5097.98, CEQA Section 15064.5 and Health & Safety Code Section 7050.5 shall be followed.

Transportation

Issue 2: Vehicle Miles Traveled

Even with the application of project design features for transportation and GHG emissions, in addition to GHG mitigation measures, project vehicle miles traveled (VMT) impacts would not be reduced below the 85th percentile mean VMT per capita. Direct impacts would be significant.

At the project level, the project would be unable to reduce VMT impacts to a less than significant level. Therefore, the project's contribution to traffic/VMT in the surrounding area, combined with that of the projects in the cumulative study area, would be cumulatively significant.

Mitigation measures for GHG emissions detailed in Chapter 4.5 (Sections 4.5.3.2.d and 4.5.4.1.d of the EIR) would support VMT reductions (see **GHG-CV-1/GHG-SD-1**), implementing a commute trip reduction program (**GHG-CV-2/GHG-SD-2**), and providing bicycles to residents (**GHG-CV-3/GHG-SD-3**).

Other feasible mitigation measures were explored including application of the City of San Diego's Mobility Choices Ordinance (see Section 4.9.2.4.e). Considering the project trips would be distributed to City of San Diego roadways, payment of the City of San Diego Active Transportation In Lieu Fee would be a feasible method of further reducing impacts. The project would implement **TRA-CV-1**.

Even with implementation of project design features, GHG mitigation measures and **TRA-CV-1**, direct and cumulative impacts related to VMT would be significant. Implementation of **TRA-CV-1** would be used to fund VMT reducing infrastructure projects throughout the City of San Diego. Although impacts would remain significant after implementation of mitigation, this conclusion would be consistent with the Findings and Statement of Overriding Considerations that were adopted with the Complete Communities: Housing Solutions and Mobility Choices Program EIR, which evaluated implementation of the City of San Diego's fee program for VMT impacts. Although the project site is not currently located within the City of San Diego, participation in the City of San Diego fee program would ensure all feasible mitigation is applied supporting implementation of appropriate City of San Diego improvements that are intended to facilitate VMT reductions.

Mitigation Measure TRA-CV-1: Prior to issuance of the first building permit, the Owner/Permittee shall pay the City of San Diego Active Transportation In Lieu Fee consistent with SDMC Section 143.1101 as mitigation to the greatest extent feasible. The Owner/Permittee shall provide evidence to the City of Chula Vista that the fee has been paid.

Mitigation Measure GHG-SD-1: Transit Passes. Prior to the issuance of the first occupancy permit, the Owner/Permittee shall implement a transit subsidy program. The subsidy value will be limited to the equivalent value of 25 percent of the cost at the time of occupancy permit issuance of an MTS "Regional Adult Monthly/30-Day Pass" (currently $72, which equates to a subsidy value of $18 per month). Subsidies will be available on a per unit basis to residential tenants for a period of five years (five years after issuance of the first occupancy permit). Owner/Permittee shall provide an annual report to the City Engineer in each of the first five years demonstrating how the offer was publicized to residents and documenting the results of the program each year, including number of participants and driveway traffic counts.

Mitigation Measure GHG-SD-2: Commute Trip Reduction Program. Prior to the issuance of the first occupancy permit, the Owner/Permittee shall develop and implement a commute trip reduction program that requires each homeowner and tenant to be provided with a one-page flyer every year that provides information regarding available transit, designated bicycle routes, local bicycle groups and programs, local walking routes and programs, and rideshare programs.

Mitigation Measure GHG-SD-3: Bicycle Micro-mobility Fleet. Prior to the issuance of the first of occupancy permit, the Owner/Permittee shall provide one bicycle (up to a $400 value) per unit to the first buyer of each unit.

Tribal Cultural Resources

The area is considered sensitive for potential tribal cultural resources (buried cultural resources and/or subsurface deposits). Therefore, there is the potential for inadvertent discovery of a resource that could be impacted by project implementation. Impacts would be considered significant.

Cumulative projects would be reviewed for potential tribal cultural resources through tribal consultation as required in per AB 52 and SB 18, and project-level review. Where applicable, Native American monitoring would be required during grading to mitigate potentially significant direct impacts to tribal cultural resources. Therefore, the project's incremental contribution to cumulative impacts to tribal cultural resources would be less than significant.

Implementation of mitigation measure **HIST-CV-1** within the project site and remedial grading area within the City of Chula Vista, requires Native American monitoring during ground disturbance activities consistent with the results of tribal consultation.

The project would implement mitigation measure **HIST-CV-1**, which would require Native American monitoring during ground disturbance. Implementation of the mitigation measure **HIST-CV-1** would ensure appropriate treatment in the event of discovery of tribal cultural resources, reducing potential direct impacts related to tribal cultural resources to less than significant.

Hydrology and Water Quality

<u>Temporary Construction Activities</u>

The project would implement project-specific site design, source control, treatment control BMPs consistent with federal, regional, and local water quality standards including the National Pollutant Discharge Elimination System (NPDES) permit and, Construction General Permit, and City of San Diego General Plan policies, plans and standards; however, due to the potential for burn ash to be encountered during site grading, pollutants could be released during construction and runoff into surface water, resulting in a significant direct impact to water quality.

To mitigate impacts associated with water quality impacts associated with the accidental release of burn ash under the No Annexation Scenario and Annexation Scenario 2b, implementation of mitigation measure **HAZ-CV-1**, as detailed in Section 4.6.3.1.d of the EIR, would be required by the City of Chula Vista for those portions of the project site within Chula Vista.

To mitigate impacts associated with water quality impacts associated with grading within the off-site improvement areas within the City of San Diego, implementation of **HAZ-SD-1** by the City of San Diego would be required.

Additionally, implementation of mitigation measure **HAZ-CV-1** requiring preparation and approval of a Community Safety Plan prior to ground disturbing activities within the City of Chula Vista would ensure potential release relating to burn ash would be less than significant.

Implementation of **HAZ-SD-1** requiring preparation and approval of a Community Safety Plan prior to ground disturbing activities within the off-site improvement areas within the City of San Diego would ensure potential release relating to burn ash would be less than significant.