

**NOTICE OF PROJECT SCOPING AND
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT
REPORT BY THE CITY OF CHULA VISTA**

NOTICE IS HEREBY GIVEN THAT THE CITY OF CHULA VISTA has prepared a scoping presentation to solicit public input on the scope of an Environmental Impact Report, as summarized below:

PROJECT: Environmental Impact Report (EIR22-0001) for the Nakano Project.

NOTICE: This notice was released by the City on May 5th, 2022. State Clearinghouse noticing extends the NOP review period through July 14th, 2022.

PURPOSE: Solicit public comment on the type and extent of the environmental analyses to be performed under the California Environmental Quality Act (CEQA), such as: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology and Water Quality, Land Use, Mineral Resources, Noise, Population/Housing, Public Services and Utilities, Recreation, Transportation, Tribal Cultural Resources, and Wildfire.

DATES: May 5th to July 14th, 2022 online (see review and commenting instructions below)

The purpose of the scoping presentation is to inform the public that the lead agency, the City of Chula Vista Development Services Department (DSD), is evaluating a project under CEQA and set forth in Public Resources Code Section 21065 to solicit public comment regarding the type and extent of environmental analyses to be undertaken. At the scoping stage, DSD describes the preliminary concept of the project, and asks for public feedback regarding the scope of the EIR. To provide such information and in the interest of the public health and safety, DSD has prepared a scoping presentation.

HOW TO REVIEW THE PRESENTATION: Members of the public will be able to access a link to watch a pre-recorded presentation at chulavistaca.gov/EnvironmentalNotices. The link will remain live from May 5th through July 14th, 2022.

HOW TO SUBMIT COMMENTS: Visit the City's online eComment portal at: chulavistaca.gov/EnvironmentalNotices

All comments regarding the scope of the EIR must be submitted by July 14th, 2022 by 5:00 pm. All comments submitted online will be available to the public and City staff and the applicant using the eComment portal.

If you have difficulty or are unable to submit a comment via the website above, please contact Gabriel Innocenzi at ginnocenzi@chulavistaca.gov or 619-409-5901 for assistance.

Upon completion of the scoping process, comments received on the EIR scope will be considered in the preparation of the draft environmental document.

ACCESSIBILITY: Individuals with disabilities are invited to request modifications or accommodations in order to access and/or participate in the scoping process by contacting the City Clerk's Office at cityclerk@chulavistaca.gov or (619) 691-5041 (California Relay Service is available for the hearing impaired by dialing 711) at least forty-eight hours in advance of the opening date of the forum.

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE NAKANO PROJECT

PROJECT LOCATION

The 23.77-acre project site is located east of Interstate 805 (I-805), northwest of Dennery Road, and south of the Otay River in the City of Chula Vista, California (*Figure 1*). The site Assessor's Parcel Number (APN) is 624-071-0200. The site is located on the southern edge of the City of Chula Vista, directly adjacent to the City of San Diego. The project would also include off-site access improvements on adjacent parcels located in the City of San Diego as well as off-site remedial grading in the City of Chula Vista.

PROJECT BACKGROUND AND SETTING

The project is located in the City of Chula Vista but is adjacent to City of San Diego areas on the three sides (west, south, and east). Due to the intervening Otay River and adjacent developments, vehicular site access from the City of Chula Vista, as well as the provision of public services by Chula Vista, would be difficult. As such, Annexation of the site from the City of Chula Vista (and Otay Water District) to the City of San Diego is being considered as a part of the project. As further described below under Project Description, the proposed project includes two scenarios: 1) the Annexation Scenario with the site being annexed into the City of San Diego and 2) the No Annexation Scenario with the site remaining in the City of Chula Vista. Under CEQA Guidelines Section 15051(d), in cases where two public agencies have a substantial claim to be the lead agency, the public agencies may, by agreement, contract or other means, designate one public agency to be the lead agency and provide for cooperative efforts. Both the City of San Diego and the City of Chula Vista have a substantial claim to be the lead agency but have entered into a cooperative memorandum of understanding designating the City of Chula Vista as the lead agency with the City of San Diego as a responsible agency.

The project site is currently vacant and was historically used for agricultural purposes, such as row crop cultivation. Agricultural operations ceased on the site circa 2000. Former agricultural building foundations are located in the central area of the site. The majority of the site is flat and consists of disturbed habitat and non-native grasslands, with elevation increasing towards the southern portion of the site. There is also an unimproved drainage corridor along the eastern boundary of the project site that conveys stormwater runoff from the Kaiser Permanente Otay Mesa Medical Offices to the south through the site to the Otay River. Native vegetation is located along the southern slope and along the drainage that extends north-south along the eastern perimeter. Several dirt trails extend through the project site from the southeastern corner near Dennery Road to the north towards the Otay Valley River Park.

The project area is currently designated as Open Space by the City of Chula Vista General and is zoned as Agricultural Zone A-8 by the City of Chula Vista Zoning Code. The off-site remedial grading area within Chula Vista is also designated as Open Space but is zoned as Floodway Zone F1. The off-site primary and secondary access improvement areas within the City of San Diego are designated as Residential – Low Medium by the City of San Diego Otay Mesa Community Plan and zoned as RM-2-4 by the San Diego Zoning Code. The project area is identified as Open Space within the Otay Valley Regional Park Concept Plan and is surrounded to the south and east by land under jurisdiction of the City of San Diego Otay Mesa Community Plan.

Land uses surrounding the project site include multi-family residential development to the east and medical office uses to the south. Open space area associated with the Otay River and Otay Valley Regional Park is located to the north of the project site, and the site is bordered to the west by I-805. Several utilities and their easements exist on-site. A 30-inch reclaimed water line and a San Diego Gas and Electric (SDG&E) 69 kilovolt power line

exist along the eastern boundary. An SDG&E above-ground power line also extends along the southern boundary. A 27-inch sewer pipeline extends from the northeast corner to the former location of buildings on-site and through to the western site boundary, and along the western site boundary. A 12-inch water line is located off-site adjacent to the eastern site boundary. There is also a California Department of Transportation (Caltrans) easement in the northeastern corner of the site that contains infrastructure associated with the I-805 corridor.

PROJECT DESCRIPTION

The proposed project includes two scenarios; 1) the Annexation Scenario with the site being annexed into the City of San Diego and 2) the No Annexation Scenario with the site remaining in the City of Chula Vista. Both scenarios include the same project footprint and physical project design.

The project proposes a residential development with supporting amenities (*Figure 2*). The proposed residential uses would consist of 215 multi-family residential dwelling units, including 61 detached condominiums, 84 duplexes, and 70 multi-family dwelling units. The project provides for 22 affordable units. However, to represent a conservative analysis of potential unit mix, the EIR will assume a maximum of 221 residential 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 River Edge Terrace residential development. Internal roadways would be private, which would require a deviation for the No Annexation Scenario. Off-site remedial grading would be required to the north of the site within the City of Chula Vista.

While the physical improvements proposed would be the same under either project scenario, the discretionary actions would differ. The No Annexation Scenario 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.

The Annexation Scenario would include the actions listed above in addition to annexation of the site from the City of Chula Vista and Otay Water District to the City of San Diego, an annexation agreement, City of San Diego and City of Chula Vista Sphere of Influence Revision, City of San Diego and City of Chula Vista General Plan Amendment, Otay Mesa Community Plan Amendment, prezone in San Diego, San Diego Resolution of Initiation and Chula Vista Resolution Support, a tentative map, certification of the EIR, and Adoption of CEQA Findings and Statement of Overriding Considerations, and adoption of MMRP. Under this scenario, the site would ultimately be designated as Residential – Low Medium in the City of San Diego General Plan and zoned as RT-1-4 (Residential-Townhouse) in the City of San Diego. The Local Agency Formation Commission would provide oversight of the annexation process. The Otay Water District would be a responsible agency considering the need to annex out of the Otay Water District and into the City of San Diego water services area.

Both 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 Caltrans easement, and no encroachment permit is included as a part of the project.

EIR CONTENTS

Potential Environmental Effects of the Project

The City of Chula Vista has determined that the project may cause significant adverse environmental effects and potentially significant indirect, direct, and cumulative environmental effects. An EIR is, therefore, required to comply with CEQA Guidelines Sections 15060 and 15081. Specifically, it has been determined that an EIR will be prepared.

In accordance with the CEQA Guidelines and the City's Environmental Procedures, the environmental impact analysis will describe the environmental setting of the project, identify potential environmental impacts, address the significance of potential impacts, identify mitigation measures to address potentially significant environmental impacts, and determine the significance of impacts after mitigation.

The scope of the EIR for the project will be based in part on comments received in response to this NOP and public input received during the public scoping period. The EIR will address each of the environmental issues summarized herein. While the City of Chula Vista is the Lead Agency, both the City of Chula Vista and City of San Diego regulations will be utilized to inform impact thresholds and analyzed for consistency where appropriate. A MMRP will be prepared to document implementation of the required mitigation measures. For each mitigation measure, the timing of implementation will be identified and tied to a specific project action. Responsible parties will be identified to implement and monitor the satisfaction of each mitigation measure. The following environmental issues will be analyzed in the EIR.

Aesthetics

This section will describe all regulations, policies and guidelines governing views and aesthetic considerations. This section will evaluate grading associated with the project and the potential change in the visual environment based on the proposed development, including substantial effects on scenic vistas and potential impact to scenic resources, if any are present in the vicinity of the site. Further, this section will evaluate any potential conflicts with applicable zoning and other regulations governing scenic quality.

Agricultural and Forestry Resources

This section will address the project's potential to impact farmland. This will include an evaluation of the existing zoning and if any Farmland Mapping and Monitoring Program of the California Resources Agency are present. If the Farmland Mapping and Monitoring Program identifies potential agricultural resources, the analysis will consider the potential for the site to be utilized for agricultural purposes based on the present conditions of the site such as soil quality, water availability, climate, topography, and surrounding uses. As no off-site farmland exists adjacent to the site, no off-site impacts are anticipated. No forestry resources exist on or adjacent to the site, and no impacts to forestry resources are expected.

Air Quality

The air quality section of the EIR will describe the existing air quality in the San Diego Air Basin (SDAB) in the vicinity of the project site, list relevant policies that relate to air quality in the SDAB and identify potential air quality impacts. Project consistency with the Regional Air Quality Strategy will be evaluated. In addition, air emissions from the project during construction and operations will be quantified and evaluated per applicable federal and state ambient air quality standards. Potential exposure of sensitive receptors to substantial pollutant concentrations and odors will also be assessed. Due to the project location within 500 feet of the freeway, a Health

Risk Assessment will also be completed in accordance with City of Chula Vista policy. While the impacts from the freeway to the project would be from the environment on the project, the result will be disclosed for informational purposes in the EIR.

Biological Resources

This section of the EIR will address the potential direct and indirect impacts of the project on sensitive biological resources. The evaluation will be based on project-specific biological resources investigations as well as regional documentation of biological resources. Recent biological resource surveys have been conducted for the site, including species-specific surveys, rare plant survey, and a jurisdictional delineation. In addition, project vicinity and regional biological resources information (i.e., Multiple Species Conservation Plan [MSCP]) will be reviewed for the study area. The analysis will also include an analysis of the project's compliance with the City of Chula Vista's MSCP and Resource Management Plan as well as the City of San Diego's MSCP. Indirect impacts will also be evaluated, including indirect impacts to the nearby Otay River and the Otay Valley River Park. A Biological Resources Technical Report shall be prepared for all areas of potential effect of the project and will be included as an appendix to the EIR.

Cultural Resources

This section of the EIR will address the project's potential impacts to cultural resources. Proposed site grading and other construction activities have the potential to impact unknown resources as well as known cultural sites. This will be discussed in detail in the EIR. A Cultural Resources Technical Report shall be prepared for all areas of potential effect of the proposed project and will be included as an appendix to the EIR.

Energy

This section of the EIR will calculate the energy usage (fuel, natural gas, and electricity) associated with the project and analyze whether or not the project would potentially result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Geology and Soils

A geology and soils technical report will be prepared and incorporated into the EIR. The project includes soil remediation to ensure soils are in suitable condition for the proposed development. This section will evaluate geology and soils issues pursuant to significance criteria based on Appendix G of the CEQA guidelines, including issues related to soils suitability, and the potential for adverse geotechnical conditions such as slope stability and seismic risks.

Greenhouse Gas Emissions

The greenhouse gas (GHG) emissions analysis will include calculations of the greenhouse gas emissions associated with the project and will identify any GHG reduction measures to reduce potential project GHG emission impacts. The GHG section would also analyze the project's consistency with the applicable city's Climate Action Plan and other applicable relevant GHG plans, policies, or regulations. The GHG calculations will be included within an appendix to the EIR.

Hazards and Hazardous Materials

This section of the EIR will address risk of upset, hazardous emissions, proximity to airports and the potential interference with emergency response plans. The radius study consists of a database search of regulatory agency records to determine whether there are currently, or were previously, any reports of hazardous materials contamination or usage at the site or contamination at other sites within the search radius. A Phase I environmental site assessment will be provided to identify known and/or potential hazardous materials within the project site and adjacent area. The project will be required to comply with local, state and federal hazardous material regulations. The analysis will address if the proposed project would result in any increased risk to the environment related to hazards and hazardous materials. The environmental site assessment will be included as an appendix to the EIR.

Hydrology and Water Quality

A water quality and hydrology/drainage technical report will be prepared and incorporated into the EIR. This section will evaluate effects of the project related to increases in impervious surfaces and effects on groundwater recharge, water quality issues related to urban runoff, and storm drain capacity issues resulting from changes in runoff patterns. The project will be required to comply with hydromodification regulations, as well local, state, and federal regulations pertaining to hydrology and water quality. The project includes on-site detention to control project site runoff, as well as the treatment of project stormwater to control water quality prior to discharge to the north. The analysis will include addressing potential impacts to downstream waters such as the Otay River, including downstream beneficial uses and biological resources. This analysis will be supported by drainage and stormwater technical studies that will be included as appendixes to the EIR.

Land Use and Planning

The project proposes General Plan Amendments as well as rezoning or prezoning, depending on the project scenario. This section will identify all of the relevant goals, objectives and recommendations within applicable plans/ordinances that pertain to the project related to minimizing environmental effects. This section will analyze whether project implementation will be consistent with these plans and policies. This will include addressing the City of San Diego and City of Chula Vista General Plans as well as the City of San Diego Otay Mesa Community Plan. If any inconsistency is identified, the analysis will address if the inconsistent would lead to a significant physical environmental impact.

Mineral Resources

The EIR shall identify if the site contains significant mineral resources based on available mineral resource mapping information. The conditions of the site and surrounding area will be assessed to determine the significance of any mineral resources present. Impacts shall be evaluated based on if the resource provides a significant benefit to the local, regional, or state residents.

Noise

A Noise Report will be prepared for the proposed project and the results of the technical report will be incorporated into the EIR. This section of the EIR will evaluate the project's potential to increase noise levels above the baseline ambient noise condition and will address compliance with the noise policies and standards identified in the City of Chula Vista's General Plan and Municipal Code, as well as the City of San Diego General Plan and ordinances. Both short-term, construction-related noise, and long-term operational noise issues will be

evaluated. While an impact of the environment onto the project, the adjacent freeway noise levels will be discussed for informational purposes.

Paleontological Resources

This section of the EIR will address the project's potential impacts to paleontological resources. Proposed on- and off-site grading and other construction activities have the potential to impact unknown paleontological resources. A Paleontological Resources Study will be prepared and included as an appendix to the EIR.

Population and Housing

The project purposes housing on a site designated as open space and zoned for agricultural uses. This section will analyze the project's effects on population and housing, both within Chula Vista, San Diego, and the region. The region is noted to currently have a shortage of housing, including affordable housing. As no existing houses exist on the site and the site is not currently planned for housing, the project is not expected to displace existing housing or people. Population projections will be based on housing unit type and anticipated occupancy. The discussion of housing and population issues will be on population growth, which is primarily a "growth inducing impact." The focus of the analysis shall be if the project would result in physical environmental impacts. A housing technical report will be prepared and included as an appendix to the EIR to assess housing conditions and impacts.

Public Services

This section of the EIR will evaluate potential environmental impacts related to public services. The existing services and infrastructure will be identified and the potential for impacts to fire protection (including emergency medical services), police services, schools, parks, and other services. The analysis in this section will focus on the potential increased demand on services based on the applicable City-approved standards and measures, and the associated physical improvements necessary to meet those service levels. As needed, coordination will be completed with the service providers to obtain information regarding existing service levels and the potential project impact to services. The No Annexation Scenario is noted to require out of service agreements with the City of San Diego in order to obtain adequate public services. The physical environmental impacts to provide public services to the proposed project will be evaluated. A public facilities plan will be prepared to address public services and included as an appendix to the EIR.

Recreation

This section of the EIR will evaluate the project's potential to increase use of existing parks and recreational facilities as well as the environmental impact of any recreational facilities included in the project. In addition, the project's effects to the adjacent Otay Valley River Park will be evaluated.

Transportation

This section of the EIR will be based on the transportation impact study and will address potential conflicts with a program, plan, ordinance, or policy addressing the circulation system or CEQA Guidelines Section 15064.3, subdivision (b). This section will address project Vehicle Miles Traveled. Further, this section will analyze whether or not the project would substantially increase hazards due to a geometric design feature or result in inadequate emergency access. The analysis will address multi-modal transportation impacts, including pedestrian and bicycle modes of transportation. Thresholds will be utilized based on the location of the impact and the applicable City's regulations and standards.

Tribal Cultural Resources

This section of the EIR will address the project's potential impacts to tribal cultural resources. This project will involve Assembly Bill 52 and Senate Bill 18 consultations with California Native American Tribes to identify and protect tribal cultural resources. A Cultural Resources Technical Report shall be prepared for all areas of potential effect of the project and will be included as an appendix to the EIR. The proposed site grading and other construction activities will be evaluated to assess potential to impacts to tribal cultural resources. This will be discussed in detail in the EIR.

Utilities and Service Systems

This section of the EIR will evaluate potential impacts on utilities and service systems. The existing services and infrastructure will be identified and the potential for impacts to water, sewer, drainage, electrical, solid waste disposal, and telecommunication services. The analysis in this section will focus on the potential increased demand on services based on City-approved standards and measures. This analysis will be supported by water and sewer demand technical studies, which will be included as appendixes to the EIR.

Wildfire

This section will analyze the project's potential wildfire hazard impacts. The site is located within a Very High Fire Hazard Severity Zone. The analysis will address if the project would substantially impair an adopted emergency response plan or emergency evacuation plan, exacerbate wildfire risks through winds or installation or maintenance of associated infrastructure, or expose people or structures to significant risks, including downslope or downstream flooding or landslides. The site's emergency access and evacuation will be assessed for compliance with State and local regulations. A Fire Protection Plan will be prepared and included as an appendix to the EIR.

Alternatives

This section will consider a reasonable range of potentially feasible project alternatives which avoid or substantially reduce the project's significant impacts while meeting the basic project objectives. Alternatives may include a reduced density/intensity alternative, land use alternatives, and other alternatives developed in coordination with the City of Chula Vista once additional details regarding the significant impacts of the project are determined. The Alternatives section will include a comparative environmental analysis of the various potentially feasible project alternatives in relation to the proposed project.

Other Mandatory Sections

Other mandatory sections that will be addressed in the EIR include Cumulative Impacts, Growth Inducement, Effects Found Not to Be Significant, and Significant Irreversible Environmental Changes. Topics discussed above determined to be less than significant may be discussed in the Effects Found Not to Be Significant section of the EIR.

Map Source: DUDEK

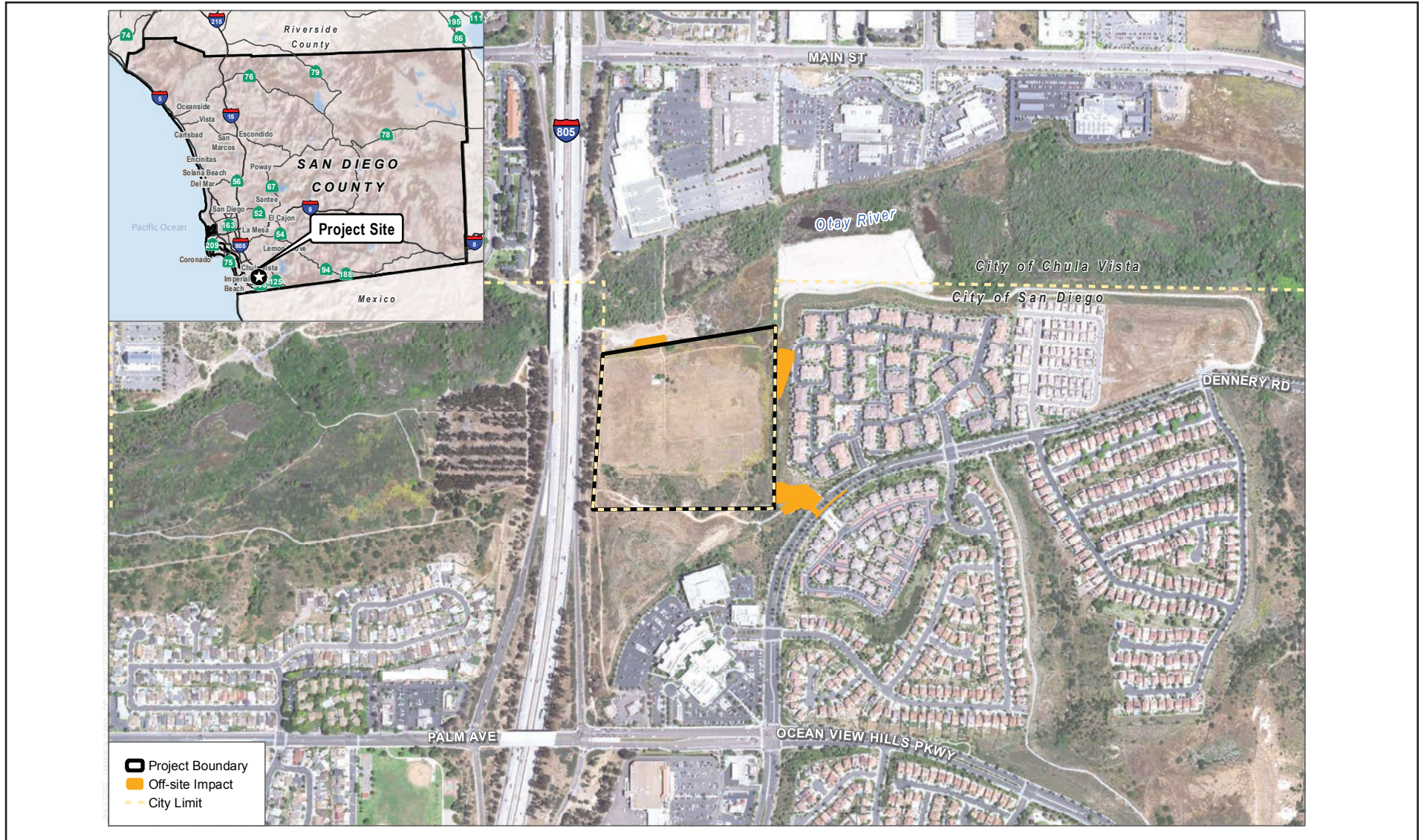
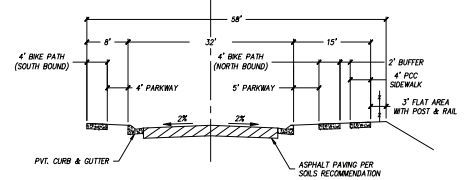
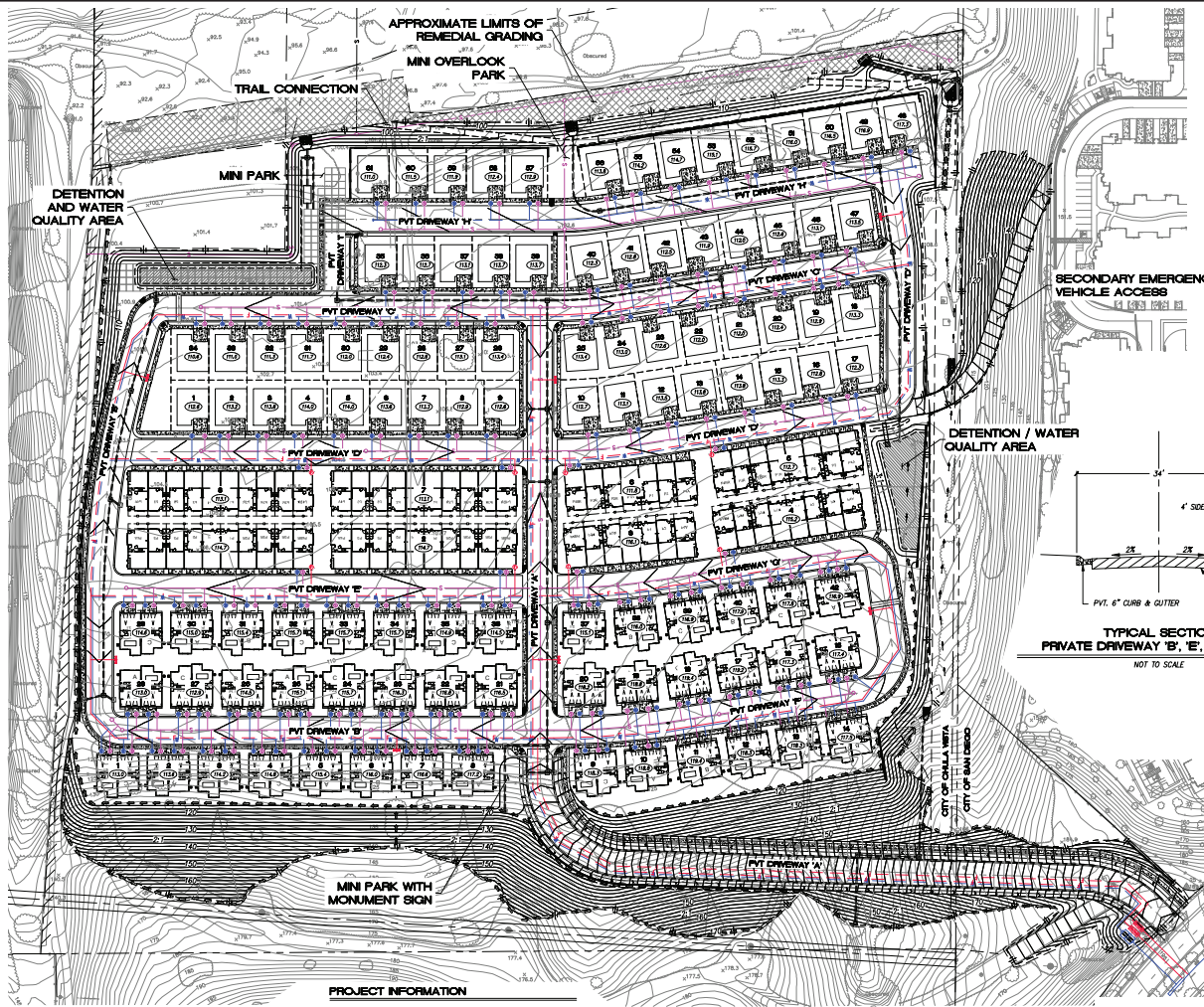


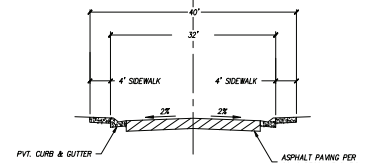
FIGURE 1
Project Location

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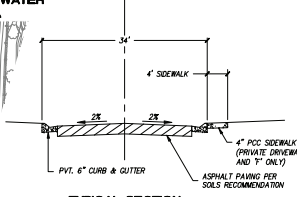
Map Source: Civil Sense



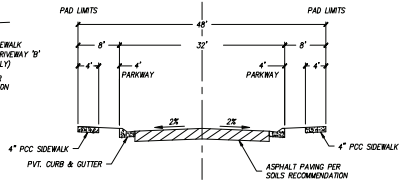
TYPICAL SECTION PRIVATE DRIVEWAY 'A'
(SOUTH OF PRIVATE DRIVEWAY 'B')
NOT TO SCALE



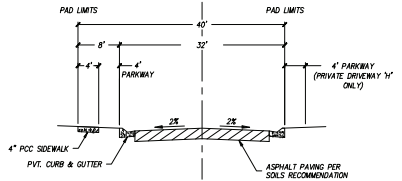
TYPICAL SECTION PRIVATE DRIVEWAY 'A'
(NORTH OF PRIVATE DRIVEWAY 'B')
NOT TO SCALE



TYPICAL SECTION PRIVATE DRIVEWAY 'B', 'E', 'F', AND 'G'
NOT TO SCALE



TYPICAL SECTION PRIVATE DRIVEWAY 'C'
NOT TO SCALE



TYPICAL SECTION PRIVATE DRIVEWAY 'D' AND 'H'
NOT TO SCALE

PROJECT INFORMATION

	COUNT	UNITS	TOTAL
PARKVIEW	01	1	01
ZULIAND	42	2	84
MEYER (MULTIFAMILY)			
10 FLEX	4	10	40
8 FLEX	2	8	16
7 FLEX	2	7	14
TOTAL UNITS			215
AFFORDABLE UNITS			22

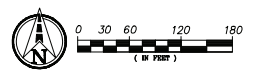


FIGURE 2
Site Plan

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June 3, 2022

Gabriel Innocenzi, Senior Planning Technician
City of Chula Vista
Development Services Department
276 Fourth Avenue, Building B
Chula Vista, CA 91910

Subject: City of San Diego Comments on the Notice of Project Scoping and Notice of Preparation of an Environmental Impact Report for the Nakano Project (EIR22-0001)

Dear Mr. Innocenzi:

The City of San Diego (City) has received the Notice of Project Scoping and Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Nakano Project (EIR22-0001) prepared by the City of Chula Vista and has distributed to applicable City departments for review. The City, as a Responsible Agency under the California Environmental Quality Act (CEQA), has reviewed the NOP and appreciates this opportunity to provide comments to the City of Chula Vista. Continued coordination between the City, City of Chula Vista, and other local, regional, state, and federal agencies will be essential, especially if future ministerial or discretionary actions on behalf of the City are required. In response to this request for public comments, the City has the following comments on the NOP for your consideration.

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City of San Diego Planning Department

Tait Galloway, Interim Deputy Director (TGalloway@sandiego.gov / 619-533-4550)

1. The Land Use and Planning section of the Draft EIR should discuss the Otay Mesa Public Facilities Financing Plan, Otay Mesa Infrastructure Financing District, and the Northwest Otay Mesa Maintenance Assessment District.

Rebecca Malone, Program Manager (RMalone@sandiego.gov / 619-446-5371)

1. The City will act as a “Responsible Agency” as defined in CEQA Guidelines Section 15381: “a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration”. The City will determine whether all potential environmental impacts, mitigation measures, monitoring program(s), and findings have been properly addressed and adopted by

the Lead Agency (City of Chula Vista) prior to any discretionary actions taken by the City.

2. The goal of the City's comments and clarifications on the NOP is to aid the City of Chula Vista in further understanding the City's requirements to ensure that the Draft EIR incorporates the analysis needed by the City for future actions to allow for project implementation.
3. Please refer to the Development Services Department (DSD) website at <http://www.sandiego.gov/development-services/> for guidance on permit submittal requirements. Staff from the DSD will be able to assist the City of Chula Vista with any future ministerial permitting and/or discretionary actions (when applicable) associated with the proposed project.

Marlon Pangilinan, Senior Planner (MPangilinan@sandiego.gov / 619-235-5293)

1. The project site is located adjacent to areas where the Community Plan Implementation Overlay Zone (CPIOZ) in the Otay Mesa Community Plan would require consistency with applicable Urban Design Element policies and archaeological, paleontological, biological, and traffic studies would need to be conducted.

Elena Pascual, Senior Planner (EPascual@sandiego.gov / 619-533-5928)

1. The Draft Environmental Impact Report (EIR) should describe any possible real estate or other discretionary actions that the City may be required to take as a Responsible Agency under CEQA for the project. This should be included in a separate section within the chapter containing the Project Description and will ensure reliance on the analysis in the Final EIR for any subsequent discretionary and/or ministerial actions by the City.
2. Any work within the City's Public Right-of-Way (PROW) will require ministerial review and approval in accordance with all the applicable chapters of the San Diego Municipal Code including the supplemental development regulations contained in the Land Development Code, such as, but not limited to compliance with the City's Storm Water Runoff and Drainage Regulations, Grading Regulations, Mobility Choices Regulations, and Historical Resources Regulations (Archaeology), and should be included in the Project Description as well as the applicable issue area chapters of the Draft EIR.
3. The Project as proposed is located in an area where cultural resources (archaeological and tribal) have the potential to be encountered during ground disturbing activities associated with project implementation. A thorough evaluation of potential impacts should be conducted and prepared in accordance with CEQA and the City of San Diego's Land Development Code Historical Resources Regulations and Land Development Manual Historical Resources Guidelines. This evaluation will determine the presence or absence of resources in the project area, significance of the resources, and identify all applicable mitigation for direct or indirect impacts, including a requirement for monitoring by representatives of the local Kumeyaay Community, especially when working within the City's PROW.
4. Early consultation with local Kumeyaay tribal representatives in accordance with Assembly Bill 52 should be conducted prior to release of the Draft EIR and include all relevant information to ensure a meaningful dialogue regarding whether the project

will impact tribal cultural resources as defined in CEQA and identify measures to reduce and/or mitigate impacts.

5. The Public Utilities chapter of the Draft EIR should address how existing and proposed utilities within the project footprint will be protected, relocated, or upgraded as a result of the proposed improvements associated with the project.
6. The Project's transportation analysis should be consistent with the City's Transportation Study Manual adopted in November 2020. This includes preparation of a Local Mobility Analysis (LMA) that would study the Project's effects on the local transportation network in the Project's influence area. The transportation analysis should address the project's effects on vehicle miles travelled (VMT).
7. The Project should clearly define where proposed improvements would become City of San Diego assets, including but not limited to, streets, sidewalks, bikeways, streetlights, traffic signals, and stormwater infrastructure.

City of San Diego Parks and Recreation Department

Andy Field, Director (AField@saniego.gov / 619-235-1110)

1. The annexation of Nakano into the City of San Diego impacts the existing Ocean View Hills Maintenance Assessment District (OVH MAD). Based on what is known of the project at this time, the new development should ultimately become part of the OVH MAD as it certainly derives benefit from the improvements and activities provided by the existing district. The annexation of the project area into the OVH MAD should be required as a condition of development. Further analysis would be necessary, including a close examination of development plans, in order to determine whether the project seeks to add additional improvements or activities. In this case, either an HOA or the creation of a new zone of benefit could be considered. The annexation process will likely mirror a new-formation process and require a vote of the affected properties. Please contact the City's Parks and Recreation Department if the City of Chula Vista has any questions and whether the City can meet with the developer to ensure this process to form a MAD is considered as part of the effort to bring Nakano into the City of San Diego. The City can provide more details and context on this as the City of Chula Vista feels is appropriate.

Laura Ball, Project Officer II (LBall@saniego.gov / 619-685-1301)

1. The project is within the Otay Valley Regional Park (OVRP) Concept Plan boundary. The OVRP is jointly administered by the County of San Diego and the cities of Chula Vista and San Diego. The Draft EIR should address potential impacts to the OVRP and including biological resources, cultural resources, hydrology and recreation (trail connections within and to the OVRP).

Mark Berninger, Senior Planner (MBerninger@saniego.gov / 619-685-1314)

1. If the site is annexed into the City of San Diego, the City's Parks and Recreation Department would like to have final sign-off before it is conveyed.

City of San Diego Environmental Services Department

Jane-Marie Fajardo, Senior Planner (JFajardo@sandiego.gov / 858-492-5025)

1. Page 2, Introduction, under Project Location: APN 624-071-0200 is approximately 250-300 feet from the closed Shinohara II Burn Ash Site. Current interpretation of regulations generally apply many regulatory requirements to any activity within 1000' of a former disposal site. Due to potential liabilities associated with former disposal sites, careful consideration should be exercised if the City of San Diego would like to explore the possibility of parcel annexation.
2. Page 8, EIR Contents, under Utilities and Service Systems: General comment, SB 1383 is in effect and should be included in this section.

City of San Diego Stormwater Department

Mark Stephens, Associate Planner (MGStephens@sandiego.gov / 858-541-4361)

1. Page 6, Hazards and Hazardous Materials: If potential flood hazards are not addressed in this section, please refer the reader to where they will be discussed in the Hydrology and Water Quality section.
2. Page 6, Hydrology and Water Quality: Thank you for including consideration of hydrology and water quality and the commitment to conduct supporting drainage and stormwater technical studies and prepare a water quality and hydrology/drainage technical report. Given the proposed site annexation to the City of San Diego, please note and assure compliance with the most current version of the City of San Diego Stormwater Standards Manual, City Stormwater Design Manual, City Municipal Waterways Maintenance Plan, San Diego Bay Watershed Management Area Water Quality Improvement Plan, and other key source documents. (Please contact the City of San Diego Stormwater Department for any assistance needed in this area.)
3. Page 8, Utilities and Service Systems: Existing services and infrastructure are to be identified and potential impacts evaluated for water, sewer, drainage, electrical, solid waste disposal, and telecommunications services, and water and sewer demand technical studies to support this analysis are referenced. Drainage and stormwater technical studies described under the Hydrology and Water Quality heading on page 6 of the NOP should also be considered. Key findings of these technical studies dealing with drainage infrastructure should also be reflected and at least a cross-reference made to the Hydrology and Water Quality section of the Draft EIR.



Thank you for the opportunity to provide comments on the NOP. Please feel free to contact Rebecca Malone, Environmental Policy Program Manager, directly via email at RMalone@sandiego.gov, or by phone at (619)446-5371 if there are any questions regarding the contents of this letter or if the City of Chula Vista would like to meet with City staff to discuss these comments.

Sincerely,



Rebecca Malone
Program Manager, Planning Department

cc: Heidi Vonblum, Director, Planning Department
Tait Galloway, Interim Deputy Director, Planning Department
Kelley Stanco, Interim Deputy Director, Planning Department
Marlon Pangilinan, Senior Planner, Planning Department
Elena Pascual, Senior Planner, Planning Department
Sureena Basra, Associate Planner, Planning Department
Andy Field, Director, Parks and Recreation Department
Laura Ball, Project Officer II, Parks and Recreation Department
Mark Berninger, Senior Planner, Parks and Recreation Department
Jane-Marie Fajardo, Senior Planner, Environmental Services Department
Mark Stephens, Associate Planner, Stormwater Department
Christopher Ackerman-Avila, Policy Advisor, Office of Mayor Todd Gloria

From: Kaur, Kiran <Kiran.Kaur@sdcounty.ca.gov>

Sent: Friday, June 3, 2022 5:38 PM

To: Gabriel Innocenzi <ginnocenzi@chulavistaca.gov>

Cc: Mosley, Deborah <deborah.mosley@sdcounty.ca.gov>; Ornelas, Nicole <Nicole.Ornelas@sdcounty.ca.gov>

Subject: Nakano Project Notice of Preparation - County of San Diego Comments

Hello –

The County of San Diego, Department of Parks and Recreation submits the following comments on the Notice of Preparation of an Environmental Impact Report (EIR) by the City of Chula Vista for the Nakano Project.

The proposed project, the Nakano Project, is located adjacent to the Otay Valley Regional Park (OVRP) which is a multi-jurisdictional planning effort by the County of San Diego, City of San Diego, and City of Chula Vista. This effort initiated in 1990 when the jurisdictions entered into a Joint Exercise of Powers Agreement (JEPA). The original JEPA has been updated to include coordinated acquisition, planning, design, construction, and management of the OVRP. As part of this coordinated effort, the three jurisdictions developed the OVRP Concept Plan which was adopted by the OVRP Policy Committee in 1997 and most recently updated in 2006. The OVRP Concept Plan, which includes a trail location just north of the proposed Nakano Project, was also adopted by the governing body of the City of Chula Vista, City of San Diego, and County of San Diego. The trail envisioned for this area is ultimately envisioned to connect to the larger OVRP trail network and extend west to connect to the San Diego Bay National Wildlife Refuge and east to connect to the Otay Lakes and associated trails in that area. The trail connection on the north end of the Nakano project is vital to the success of the larger network and vision for the OVRP. Specific comments are provided below.

- Please continue coordinating with the County of San Diego, Department of Parks and Recreation (DPR) on any project features within or adjacent to Otay Valley Regional Park.
- Please share any data collected from environmental resource surveys conducted throughout the project, especially surveys related to biological or cultural resources with the County of San Diego, Department of Parks and Recreation.
- The northern boundary of the project site is adjacent to trails included in the OVRP concept plan. The County of San Diego is in the process of designing these trails. Please coordinate with all OVRP partners, including the County of San Diego, and include a trail adjacent to this property to build out the proposed trail system for all visitors to enjoy. Please ensure the trail is consistent with the OVRP Design Standards and Guidelines.
- As mentioned above, the OVRP Concept Plan includes a trail adjacent to this project. In the Environmental Impact Report for the proposed project, please analyze any impacts from the project, including stormwater and hydrology changes from existing conditions, and ensure the project does not result in negative impacts to the planned trail system, adjacent vegetation, or nearby sensitive resources.

Please let us know if you have any questions. Thank you!

Kiran Kaur ([She-Her-Hers](#))

Land Use/Environmental Planner

Resource Management Division

County of San Diego, Parks and Recreation

5500 Overland Ave., Ste. 410

San Diego, CA. 92123

Work Cell: (619) 209-9922

www.sdparks.org

From: donotreply@escribemeetings.com <donotreply@escribemeetings.com>

Sent: Friday, June 3, 2022 5:38 PM

To: Cristina Hernandez <chernandez@chulavistaca.gov>

Subject: Public Comment Received

**Warning:
External
Email**

User County of San Diego, Department of Parks and Recreation has enter the following comment(s):

The Nakano Project, is located adjacent to the Otay Valley Regional Park (OVRP), which is bound by a Joint Exercise of Powers Agreement between the County and Cities of San Diego and Chula Vista. The Concept Plan for this area includes a trail. -Please continue coordinating with the County of San Diego, Department of Parks and Recreation (DPR) on any project features within or adjacent to Otay Valley Regional Park. -Please share any data collected from environmental resource surveys conducted throughout the project, especially surveys related to biological or cultural resources with the County of San Diego, Department of Parks and Recreation. -The northern boundary of the project site is adjacent to trails included in the OVRP concept plan. The County of San Diego is in the process of designing these trails. Please coordinate with all OVRP partners, including the County of San Diego, and include a trail adjacent to this property to build out the proposed trail system for all visitors to enjoy. Please ensure the trail is consistent with the OVRP Design Standards and Guidelines. -As mentioned above, the OVRP Concept Plan includes a trail adjacent to this project. In the Environmental Impact Report for the proposed project, please analyze any impacts from the project, including stormwater and hydrology changes from existing conditions, and ensure the project does not result in negative impacts to the planned trail system, adjacent vegetation, or nearby sensitive resources.

for Nakano - Environmental Impact Report (EIR) Scoping in Scoping Meeting 6/4/2022 8:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

NATIVE AMERICAN HERITAGE COMMISSION

Governor's Office of Planning & Research

June 16, 2022

Jun 17 2022

Stan Donn
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

STATE CLEARINGHOUSE

Re: 2022060260, Nakano (EIR22-001) Project, San Diego County

Dear Mr. Donn:

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

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
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Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Raymond C.
Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

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 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

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

User Susie Murphy has enter the following comment(s):

I represent the OVRP CAC as Vice Chair. The Otay Valley Regional Park (OVRP) Citizen's Advisory Committee (CAC) supports the Nakano - Environmental Impact Report (EIR) Scoping plan. Of particular note of the plan includes the pathway connections from the development to the existing and future trails in OVRP including the connections eastward outlined in the Otay Regional Trails Alignment Study. The CAC encourages any and all plans and amenities that would allow residents access to the OVRP open space and trails by foot or by bicycle. The CAC supports all the listed EIR areas of study listed in the presentation. Thank you for the opportunity to comment.

for Nakano - Environmental Impact Report (EIR) Scoping in Scoping Meeting 6/4/2022 8:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

From: THERESA ACERRO <thacerro@yahoo.com>
Sent: Thursday, May 5, 2022 10:51 AM
To: Stan Donn
Subject: Nakano Scoping

Website won't show me the orange box to leave comments. Gabriel said it is your project to send comments to you.

It is not clear. Is it the city's intention that San Diego annex this land and it will become their problem?

Building housing in the river bottom is insane. Whenever we have an el nino year there are days when rain causes that dam to over flow. It is unlikely that it will fail again and really flood everything downstream, but I know for a fact there frequently is enough water after a heavy rain period to flood the bridge on Broadway over the river and obviously there is much more water east of 805. Those homes would all be flooded by several feet of water. This is a crazy plan. Developers do not care about people's lives. The river bottom can not be raised without flooding properties along Main Street in heavy rains and that shopping center.

Our side is low. San Diego doesn't care because their side is higher-much higher at 805.

Theresa Acerro

Obviously it is not Broadway that river flows over but Hollister-every significant rain period. Water is deep enough cars can't safely pass over street. Also this must be a federal flood zone-isn't it. Portions along other sections of the river further from the center are.

Website won't show me the orange box to leave comments. Gabriel said it is your project to send comments to you.

It is not clear. Is it the city's intention that San Diego annex this land and it will become their problem?

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Theresa Acerro