

# Appendix A

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## NOP Comment Letters

## **NOTICE OF PROJECT SCOPING MEETING BY THE CITY OF CHULA VISTA**

NOTICE IS HEREBY GIVEN THAT THE CITY OF CHULA VISTA has called and will convene a public project scoping meeting as summarized below:

**PROJECT:** Environmental Impact Report (EIR20-0002) for the Sunbow Sectional Planning Area (SPA) Plan Amendment for the Sunbow II, Phase 3 Project.

**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: Land Use, Aesthetics, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards, Hydrology and Water Quality, Noise, Public Services and Utilities, Transportation/Circulation, and Cultural Resources.

**DATES:** November 9<sup>th</sup> to December 9, 2020 online (see review and commenting instructions below)

The purpose of a public scoping meeting 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.

Under normal circumstances, public scoping meetings are held in a public location in the community near the location of the proposed project. Pursuant to the Governor of the State of California's executive order N-29-20, and in the interest of the public health and safety, the public may participate virtually in this project scoping meeting.

**HOW TO REVIEW THE PRESENTATION:** Members of the public will be able to access a link to watch a pre-recorded presentation via livestream at <https://www.chulavistaca.gov/departments/development-services/planning/public-notices/virtual-meetings>. The link will remain live from November 9<sup>th</sup> to December 9, 2020.

**HOW TO SUBMIT COMMENTS:** Visit the City's webpage for a link to the online eComment portal at: <https://www.chulavistaca.gov/departments/development-services/planning/public-notices/virtual-meetings>.

The interactive scoping meeting will be available for viewing between November 9, 2020 at 8:30 AM through December 9, 2020 at 5:30 PM. All comments regarding the scope of the EIR must be submitted by December 9, 2020. All comments submitted online will be available to the public and City staff and the applicant using the eComment portal.

eComments received after December 9, 2020 will not be considered by the City in determining the scope of the environmental review. If you have difficulty or are unable to submit a comment, please contact Oscar Romero at [oromero@chulavistaca.gov](mailto:oromero@chulavistaca.gov) for assistance.

Upon completion of the scoping process, all public comments will be organized and 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](mailto: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  
SUNBOW SECTIONAL PLANNING AREA PLAN  
AMENDMENT FOR THE SUNBOW II, PHASE 3 PROJECT**

**PROJECT LOCATION**

The proposed project is located within the Sunbow neighborhood in the City of Chula Vista, California (*Figure 1*). Specifically, the project site is located south of Olympic Parkway and east of Brandywine Avenue. The Otay Landfill is located to the south and southeast of the site and undeveloped land is located to the east.

**PROJECT BACKGROUND**

The General Development Plan (GDP) for the Sunbow Planned Community, which originally included 604.8 acres in eastern Chula Vista, was prepared in July 1989, and included guidelines for land use mix and density, primary circulation pattern, open space and recreation concept, and infrastructure requirements. The Sunbow GDP identified development of approximately 2,000 residential units, 10 acres of commercial space, and 46 acres of industrial use. The Environmental Impact Report (EIR) for the Sunbow Planned Community was adopted on July 24, 1989. The Sunbow SPA Plan, which serves as the implementation tool for the GDP, was approved by the Planning Commission of the City of Chula Vista on January 24, 1990. Its goal was to define, in more detailed terms, the development parameters for the Sunbow Planned Community.

**PROJECT DESCRIPTION**

The project encompasses approximately 135.7 acres (project site) that includes a 67.5-acre development area comprised of 44.2 acres of residential uses, a 0.9-acre Community Purpose Facility (CPF) site, 5.9 acres of public streets and 16.5 manufactured slopes/basins. Approximately 4.3 acres of conserved Poggi Creek Easement area, 0.3 acre of conserved wetland resource area, and 63.6 acres of adjacent MSCP Preserve area are also within the project site.

The proposed project's residential land use includes four unique multi-family attached residential product types with 15 unique floor plans, ranging in square footage from approximately 1,100 to 2,050 square feet and from two- and three-stories. Each home includes a two-car garage and two to four bedrooms.

Approximately 5.9 acres of the project site would be utilized for roadway and circulation. This includes development of two proposed streets, Street A and Street B, which would both extend east from Olympic Parkway.

The proposed land uses are shown in *Figure 2*. *Table 1* provides a summary of land uses for the project.

**Table 1****Sunbow II, Phase 3 Land Use Summary**

<b>Sunbow II, Phase 3</b>	<b>Land Use District</b>	<b>Acres<sup>1</sup></b>	<b>Units</b>	<b>Density</b>
<i>Multi-Family Residential</i>				
R-1	RM	8.5	131	15.4
R-2	RM	4.6	73	15.8
R-3	RM	8.1	108	13.3
R-4	RM	8.2	118	14.4
R-5	RM	7.1	104	14.7
R-6	RC	7.6	184	24.1
<b>Subtotal Residential</b>		<b>44.2</b>	<b>718</b>	<b>16.3</b>
<b>Other</b>				
Community Purpose Facility	CPF	0.9		
MSCP Preserve Conserved Open Space (OS-1 to 3 and OS-9b)	OSP	63.6		
Poggi Creek Easement (OS-4, 5, 6a and 6b)	OS	4.3		
Manufactured Slopes/Basins (OS-7, 8, 9a, 10 to 13)	OS	16.5		
Conserved Wetland Resource Area (OS-14)	OS	0.3		
Public Streets	Circulation	5.9		
<b>Subtotal Other</b>		<b>91.5</b>		
<b>TOTAL</b>		<b>135.7</b>	<b>718</b>	<b>16.3</b>

**Notes:** RM = Residential Multi-Family CPF = Community Purpose Facility; OSP = Open Space Preserve; OS = Open Space

The proposed project includes a Chula Vista General Plan Amendment, Sunbow GDP Amendment, Sunbow II SPA Plan Amendment, a rezone, and a Tentative Map. The proposed project also includes a Chula Vista MSCP Boundary Adjustment to implement minor adjustments to the development limits and the adjacent MSCP Preserve areas that would result in a 0.09-acre increase to MSCP Preserve Area and an MSCP Minor Amendment to address off-site grading adjacent to the southwestern boundary of the development area.

Construction of the proposed project is anticipated to begin in 2021 and is anticipated to be completed in 2028.

## **EIR CONTENTS**

### **Potential Environmental Effects of the Project**

The City 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 meeting. The EIR will address each of the environmental issues summarized herein. A Mitigation, Monitoring, and Reporting Program (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.

#### *Air Quality*

An Air Quality and Greenhouse Gas Emissions (GHG) Analysis will be prepared for the proposed project and incorporated into the EIR. 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.

#### *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. In addition, project vicinity and regional biological resources information (i.e., MSCP) will be reviewed for the study area. The analysis will also include an analysis of the project's compliance with the City's MSCP and

Resource Management Plan (RMP). A Biological 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.

#### *Cultural and Tribal Cultural Resources*

This section of the EIR will address the project's potential impacts to cultural resources and Tribal Cultural Resources. Proposed site grading and other construction activities have the potential to impact unknown resources. Consultation under Assembly Bill 52 will also be described. 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. 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. This section of the EIR will also address the project's potential impacts to paleontological resources. Proposed site grading and other construction activities have the potential to impact unknown resources. A Paleontological Resources Study will be prepared and will be appended to the EIR.

#### *Greenhouse Gas Emissions*

This section of the EIR will summarize the results of the Air Quality and GHG Analysis for the proposed project. The GHG analysis calculate the greenhouse gas emissions associated with the project, as well as any greenhouse gas reduction measures to identify any project impacts. The GHG section would also analyze the project's consistency with the City's Climate Action Plan and any other applicable GHG plans, policies, or regulations.

#### *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. An environmental site assessment will be prepared that identifies known and/or potential hazardous materials within the project site. The radius study consists of a computerized 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. The environmental site

assessment shall be included as an appendix to the EIR. This section will also be supported by a project specific Fire Protection Plan.

### *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. This analysis will be supported by drainage and stormwater technical studies.

### *Land Use and Planning*

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.

### *Noise*

An Acoustical Assessment 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's General Plan. Both short-term, construction-related noise, and long-term operational noise issues will be evaluated.

### *Population and Housing*

This section will analyze the project's effects on population and housing, both within Chula Vista and the region. Population projections will be based on housing unit type and anticipated occupancy. The discussion of housing and population issues will focus on (1) population growth, which is primarily a "growth inducing impact", (2) displacement of existing housing and (3) displacement of people.

### *Public Services*

This section of the EIR will evaluate potential impacts on 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 City-approved standards and measures.

### *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.

### *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 Travelled. 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.

### *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.

### *Wildfire*

This section will analyze the project's potential wildfire hazard impacts. Analysis would include discussion regarding whether or not the project would be located in or near state responsibility areas or lands classified as very high fire hazard severity zone and, if so, 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.

### *Alternatives*

This section will consider a reasonable range of alternatives which avoid or mitigate the project's significant impacts. Alternatives may include a reduced density/intensity alternative, alternative land use alternatives, and other alternatives developed in coordination with the City. The Alternatives section will include a comparative analysis of the various project alternatives in relation to the proposed project. The analysis will include a quantitative analysis of effects, where appropriate.

### *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.

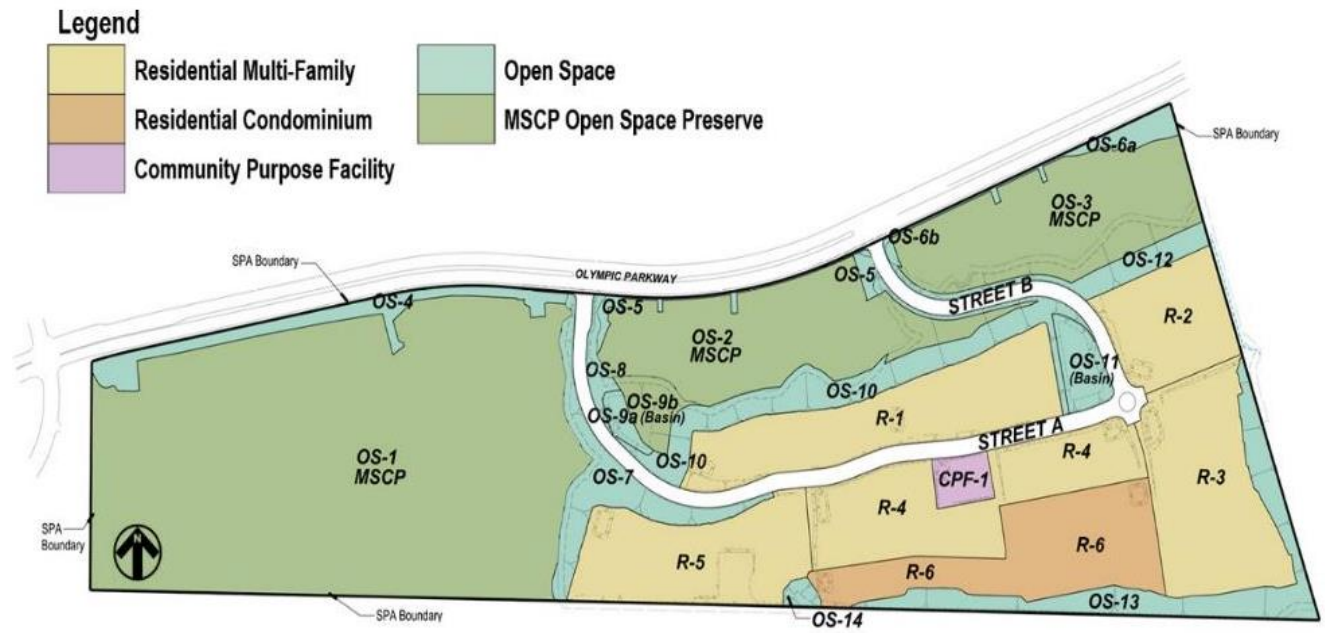


Figure 1      Project Location



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Figure 2 Proposed Land Uses



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## NATIVE AMERICAN HERITAGE COMMISSION

November 10, 2020

Governor's Office of Planning &amp; Research

Oscar Romero  
City of Chula Vista  
276 4<sup>th</sup> Avenue  
Chula Vista, CA 91910

November 13, 2020

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**Re: 2020110148, Sunbow Sectional Planning Area Plan Amendment for the Sunbow II, Phase 3 Project, San Diego County**

Dear Mr. Romero:

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

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

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

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



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (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](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

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

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

## NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.



- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, 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](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11

4050 TAYLOR STREET, MS-240

SAN DIEGO, CA 92110

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**DEC 08 2020****STATE CLEARINGHOUSE**

December 8, 2020

11-SD-805

The Sunbow II, Phase 3 Project  
NOP (SCH# 2020110148)

Mr. Oscar Romero,  
City of Chula Vista  
Planning Department  
276 Fourth Avenue  
Chula Vista, CA 91910

Dear Mr. Romero:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the Sunbow II, Phase 3 project development located near interstate 805 (I-805). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

**Vehicle Miles Traveled (VMT) Traffic Analysis**

- In accordance with Senate Bill (SB) 743 as of July 1, 2020, public agencies are required to use VMT as the metric to evaluate transportation impacts associated with future developments. Please provide a VMT-based traffic impact study using the Caltrans Vehicles Miles Traveled-Focused Transportation Impact Study Guide for the Sunbow II project. Please see the links provided below.

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-ally.pdf>

Mr. Oscar Romero  
December 8, 2020  
Page 2

<https://opr.ca.gov/ceqa/updates/sb-743/>

- Please include the intersection at I-805 and Olympic Parkway as part of the VMT traffic analysis.

### **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promote a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans, the City of Chula Vista and other partner agencies, is encouraged.

### **Right-of-Way**

Any work performed within Caltrans' Right-of-Way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

As part of the encroachment permit process, the applicant must provide an approved final environmental document including any California Environmental Quality Act (CEQA) determinations addressing environmental impacts within Caltrans' R/W, and any corresponding technical studies.

If you have any questions, please contact Roger Sanchez, of the Caltrans' District 11 Development Review Branch, at (619) 987-1043 or by e-mail sent to [roger.sanchez-rangel@dot.ca.gov](mailto:roger.sanchez-rangel@dot.ca.gov).

Sincerely,

**electronically signed by**

MAURICE EATON, Branch Chief  
Local Development and Intergovernmental Review Branch

Theresa Acerro submitted a new eComment.

Meeting: Scoping Meeting/NOP: EIR20-0002 Sunbow II, Phase 3 Environmental Impact Report

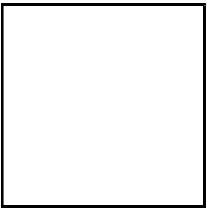
Item: PUBLIC COMMENT

eComment: need to analyze burning of methane gas to south of property, need to get input from residents living across street on Orange and living next to landfill about any health challenges, smells, etc, .need to analyze added cost to residents of retiring landfill, loss of green waste recycling, other recycling? if landfill were to close, value of living landfill in community, health effects of living close to a landfill and options for expanding its life, Health Effects of Landfill Exposure: <https://intpolicydigest.org/2018/12/08/studies-show-the-horrid-health-effects-of-landfill-exposure/>, <https://www.sciencedaily.com/releases/2016/05/160524211817.htm>, , effect on computers of over 700 more daily cars and another signal on Olympic Parkway

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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



December 9, 2020

Oscar Romero  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, CA 91910  
[oromero@chulavistaca.gov](mailto:oromero@chulavistaca.gov)

**Subject: Comments on the Notice of Preparation of the Sunbow Sectional Planning Area Plan Amendment for the Sunbow II, Phase 3 Project, SCH# 2020110148**

Dear Mr. Romero:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) for the Sunbow Sectional Planning Area Plan Amendment for the Sunbow II, Phase 3 Project (Project).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

#### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & G. Code, § 2050) of any species protected under the California Endangered



Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Chula Vista (City) participates in the NCCP program by implementing its approved Chula Vista Multiple Species Conservation Plan Subarea Plan (MSCP).

**Project Location:** The 135.7-acre Project site is located in the Sunbow Planned Community within the City of Chula Vista. It is bordered to the north by Olympic Parkway, Open Space and the preexisting Sunbow residential development. To the South is the Otay Landfill and residential development, to the east is the undeveloped Otay Ranch Village 2 and to the west is Brandywine Avenue (residential). The Project is within Chula Vista MSCP Plan Area.

**Project Description/Objectives:** The project encompasses approximately 135.7 acres that includes a 67.5-acre development area comprised of 44.2 acres of residential uses, a 0.9-acre Community Purpose Facility site, 5.9 acres of public streets and 16.5 manufactured slopes/basins. Approximately 4.3 acres is within a Conservation Easement known as the Poggi Creek Easement area, 0.3 acre of conserved wetland resource area, and 63.6 acres of adjacent MSCP Preserve area are also within the project site. The proposed project includes a Chula Vista General Plan Amendment, Sunbow General Development plan (GDP) Amendment, Sunbow II SPA Plan Amendment, a rezone, and a Tentative Map. The proposed project also includes a Chula Vista MSCP Boundary Adjustment to implement minor adjustments to the development limits and the adjacent MSCP Preserve areas that would result in a 0.09-acre increase to MSCP Preserve Area and an MSCP Minor Amendment to address off-site grading adjacent to the southwestern boundary of the development area.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Specific Comments

- 1) **Nesting Birds.** Figure 1 and aerial photography indicate the presence of trees and other vegetation on the Project site and within the vicinity. This vegetation may provide potential nesting habitat where Project activities may impact nesting birds. A review of California Natural Diversity Database (CNDDB) indicates occurrences of special status bird species, including California gnatcatcher (*Polioptila californica*) and coastal cactus wren (*Campylorhynchus brunneicapillus*) within the Project vicinity. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest



abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

- a) CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
  - b) Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 2) Bat Species. Bat species may occur within the Project vicinity, the pallid and the western mastiff are both California species of special concern. Despite the high diversity and sensitivity of bats in southern California, numerous bat species are known to roost in trees and structures throughout San Diego County. Project activities may have the potential to adversely impact bat populations within the vicinity.

Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code § 4150, California Code of Regulations § 251.1). The CEQA document should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The CEQA document shall describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines §15126.4[a][1]).

- 3) Landscaping. Figure 2, Proposed Land Uses indicate the potential for landscaping, as the future development will be residential and park space. Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and



create monocultures. CDFW recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (*Schinus* sp.) and fountain grasses (*Pennisetum* sp.), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

- 4) Tree Removal: Aerial photography of the Project site indicates that there may be trees onsite. Habitat loss is one of the leading causes of native biodiversity loss. To compensate for any loss of trees, CDFW recommends replacing native trees at least a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings.
  - a) Due to tree removal, Project activities have the potential to result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks, sycamore, and other trees in California which support a high biological diversity including special status species. To reduce impacts to less than significant the final environmental document should describe an infectious tree disease management plan and how it will be implemented in order to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), see <http://www.thousandcankers.com/>; Polyphagous Shot Hole Borer (*Euwallacea* spp.), see <http://eskalenlab.ucr.edu/avocado.html>; and goldspotted oak borer (*Agilus auroguttatus*), see <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.
- 5) Fuel Modification. The City adopted the 1997 Urban-Wildland Interface Code as Section 15.38 of the Chula Vista Municipal Code, and it became effective on July 1, 1999. The purpose of the code is to lessen the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to prevent structure fires from spreading to wildland fuels. Two key elements of the Urban-Wildland Interface Code as it relates to the Chula Vista MSCP Subarea Plan are the special building construction regulations and the fuel modification provisions. The Project activities may include fuel modification within around the Project boundary. The CEQA document should include information as to how the Project or adjacent land may be affected by fuel modification requirements. Fuel modification should not adversely impact resources in areas adjacent or mitigation lands. A discussion of any fuel modification requirements for this Project should be included in the CEQA document to allow CDFW to assess potential impacts to biological resources. CDFW recommends all fuel modification requirements be met on the Project, and not in mitigation lands or habitat adjacent to



the Project. Habitat being subjected to fuel modification (e.g., thinning, trimming, removal of mulch layer) should be considered an impact to these vegetation communities and mitigated accordingly. CDFW also recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

6) **Biological Baseline Assessment.** Figure 1 of the Project site indicates that the majority of the Project site is undeveloped. Undisturbed land may provide suitable habitat for special status or regionally and locally unique species. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The CEQA document should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The CEQA document should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>);
- c) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and



submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at [http://www.dfg.ca.gov/biogeodata/cnddb/submitting\\_data\\_to\\_cnddb.asp](http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp);

- d) CNDDDB indicates the occurrence of several special status species within the Project vicinity, these include Otay tarplant (*Deinandra conjugens*), orange-throated whiptail (*Aspidoscelis hyperythrus*), and variegated dudleya (*Dudleya variegata*). The CEQA document should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
  - e) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 7) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of the Project site to undeveloped land and open space just north of the Project site, it is essential to understand how these open spaces and the biological diversity within them may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The following should be addressed in the CEQA document:
- a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the CEQA document.



- b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures.
- c) A discussion on Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included.
- d) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the CEQA document.
- e) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

### **General Comments**

- 1) Lake and Streambed Alteration Agreements. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*
  - a) CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the Environmental Impact Report of the local jurisdiction (Lead Agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020). The webpage can be accessed at: <https://wildlife.ca.gov/Conservation/LSA>.



- b) In the event the project area may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the CEQA document. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (FWS) wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
  - c) In project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
  - d) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the CEQA document.
  - f) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the CEQA document evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 2) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the CEQA document:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
  - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 3) Compensatory Mitigation. The CEQA document should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation



in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

- 4) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the CEQA document should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 5) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support the use of, translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 6) Moving out of Harm's Way. The proposed Project is anticipated to result in clearing of habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be onsite prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity should obtain all appropriate state and federal permits.

#### **Additional Comments**

CDFW appreciates the opportunity for consultation in the pre-project planning phase. Per those previous conversations at the August 25, 2020 Chula Vista Wildlife Coordination Meeting, we recommend that any proposed land set aside for mitigation purposes be independent of lands set aside for previous projects.



CDFW understands that some locations adjacent to the Project includes areas that were accepted by the CDFW as mitigation for previous projects. These previous projects included a requirement to place a Restrictive Covenant (e.g. Conservation Easement) for impacts from previous projects. The areas that were set aside for previous projects shall not be included as land set aside for this proposed Project.

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Chula Vista in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Melanie Burlaza, Environmental Scientist, by email at [MelanieAnne.Buraza@wildlife.ca.gov](mailto:MelanieAnne.Buraza@wildlife.ca.gov).

Sincerely,



David Mayer  
Environmental Program Manager

ec: CDFW: Karen Drewe, [karen.drewe@wildlife.ca.gov](mailto:karen.drewe@wildlife.ca.gov)  
Kelly Fisher, [kelly.fisher@wildlife.ca.gov](mailto:kelly.fisher@wildlife.ca.gov)  
Jennifer Ludovissy, [jennifer.ludovissy@wildlife.ca.gov](mailto:jennifer.ludovissy@wildlife.ca.gov)

USFWS: [Jonathan\\_Snyder@fws.gov](mailto:Jonathan_Snyder@fws.gov)

State Clearinghouse, [state.clearinghouse.opr.ca.gov](http://state.clearinghouse.opr.ca.gov)

## References

- California Department of Fish and Wildlife. 2020. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>.
- California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>
- City of Chula Vista Multiple Species Conservation Plan Subarea Plan. 2003.
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- Sawyer, J.O., Keeler-Wolf, T., and Evens J.M. 2008. A Manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.
- United States Fish and Wildlife Service. 1997. Coastal California Gnatcatcher (*Poliioptila californica californica*) Presence/Absence Survey Guidelines. Available from: [https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher\\_survey-guidelines.pdf](https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher_survey-guidelines.pdf)

Theresa Acerro submitted a new eComment.

Meeting: Scoping Meeting/NOP: EIR20-0002 Sunbow II, Phase 3 Environmental Impact Report

Item: PUBLIC COMMENT

eComment: need to analyze burning of methane gas to south of property, need to get input from residents living across street on Orange and living next to landfill about any health challenges, smells, etc, .need to analyze added cost to residents of retiring landfill, loss of green waste recycling, other recycling? if landfill were to close, value of living landfill in community, health effects of living close to a landfill and options for expanding its life, Health Effects of Landfill Exposure: <https://intpolicydigest.org/2018/12/08/studies-show-the-horrid-health-effects-of-landfill-exposure/>, <https://www.sciencedaily.com/releases/2016/05/160524211817.htm>, , effect on computers of over 700 more daily cars and another signal on Olympic Parkway

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