



U. S. Fish and Wildlife Service
 Carlsbad Fish and Wildlife Office
 6010 Hidden Valley Road, Suite 101
 Carlsbad, California 92011
 (760) 431-9440
 FAX (760) 431-9618



California Department of Fish and Game
 South Coast Region
 4949 Viewridge Avenue
 San Diego, California 92123
 (858) 467-4201
 FAX (858) 467-4299

In Reply Refer To:
 FWS/CDFG-10B0091-10TA0834

Ms. Daniella Rosenberg
 County of San Diego
 Department of Planning and Land Use
 5201 Ruffin Road, Suite B
 San Diego, California 92123

JUL 16 2010

Subject: Draft Environmental Impact Report for the Otay Crossings Commerce Park Project,
 San Diego County, California (SCH # 2006041039)

Dear Ms. Rosenberg:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter referred to as the Wildlife Agencies, have reviewed the draft Environmental Impact Report (DEIR) for the above-referenced project, dated May 27, 2010. The comments provided herein are based on the information provided in the DEIR, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively, and is responsible for the conservation of the State's biological resources, pursuant to the California Endangered Species Act, and California Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program.

The proposed Otay Crossings Commerce Park project is located in the unincorporated community of East Otay Mesa within the Otay Subregional Planning Area in San Diego County. The County of San Diego's Subarea Plan (Subarea Plan) to the Multiple Species Conservation Program (MSCP) identifies the majority of the project site as a minor amendment area, and one small area as a major amendment area. The proposed project would subdivide and grade the 311.5-acre property in the East Otay Mesa area into 56 industrial lots and three open space lots. Also included in the project are offsite roadway and utility improvements to support the proposed development on the project site.

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We offer the following recommendations and comments to assist the County of San Diego in minimizing and mitigating project impacts to biological resources, and to assure that the project is consistent with the MSCP and the Subarea Plan.

A1 1. The Wildlife Agencies have been working with you and the project proponent on this project for several years. The DEIR accurately reflects the conceptual agreements that were reached regarding the minor amendment and in particular, the burrowing owl (*Athene cunicularia*); however, there are a few discrepancies in the document. With regards to the major amendment area on site, it was our understanding that this area (3.1 acres) would be avoided and placed in conservation. The document states that only 2.7 acres would be conserved in open space. Please modify the project description to state that all 3.1 acres of the major amendment area will be placed in open space.

A2 2. It is our understanding that the applicant is proposing to modify the Pre-approved Mitigation Area (PAMA) boundaries to include two parcels in Ramona that are located outside of the Subarea Plan boundary as part of the proposed project mitigation. Although the DEIR refers to section 4.7 of the Subarea Plan as the process to modify the PAMA, modifications pursuant to this section can only occur within the existing Subarea Plan boundary. Federal regulations (50 CFR 13) for permit issuance do not provide for mitigation that would occur outside of the defined plan area boundary. Therefore, to add the proposed lands in Ramona to the Subarea Plan boundary would require a major amendment to the plan.

A3 3. Included with the DEIR are both on and offsite mitigation plans for grasslands, barrel cactus (*Ferocactus viridescens*), quino checkerspot butterfly (*Euphydryas editha quino*), burrowing owls, and vernal pools and Resource Management Plans. The Wildlife Agencies have not had an opportunity to review these documents; therefore, we will comment on these documents separately as part of our review of, and final determination on the minor amendment.

A4 4. Subchapter three of the DEIR discusses the potential effects of the proposed project on the biological resources on the project site. Page 3.1-6 states that surveys for listed plant species were not conducted off site. Please clarify whether surveys were conducted for the offsite roadway and utility improvements. Also of concern are the dates that the sensitive species surveys were completed. The most recent surveys were conducted in 2006. Surveys for sensitive species are generally only valid for one year. Please clarify whether these surveys are going to be updated. Of particular concern are the fairy shrimp surveys. Although there are 31 pools mapped on the site, of which 24 would be impacted, mitigation is only proposed for the one pool onsite that was documented to support San Diego fairy shrimp (*Branchinecta sandiegonensis*). The surveys should be updated and mitigation should be provided for all of the pools supporting vernal pool species, including both San Diego and Riverside fairy shrimp (*Streptocephalus woottoni*).

A5 5. The applicant should establish a non-wasting endowment, or other funding mechanism, for an amount approved by the Wildlife Agencies and the County based on a Property Analysis Record (PAR) (Center for Natural Lands Management 1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance, and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Wildlife Agencies.

A1 Your concurrence regarding the proposed mitigation concept for the Minor Amendment and burrowing owl is acknowledged. Upon further review and in response to this comment, a small portion (0.4 acre) of the Major Amendment area was inadvertently impacted by slope grading. In response to this comment, the applicant has pulled the grading back on Lots 17 and 18 to avoid any impacts to the Major Amendment area (refer to Figures 3.1-3 and 3.1-4). The Final SEIR clarifies that no Major Amendment areas will be impacted by the proposed project. Please see Chapter 1.5 under the MSCP subheading and Chapter 3.1.1 (page 3.1-9) of the Final SEIR. Additionally, impact and mitigation numbers have been revised throughout Chapter 3.1 of Final SEIR to reflect the reduced grading.

A2 The project is proposing to modify the MSCP boundary to include one 63-acre parcel (APN 277-050-23) referred to as the Martz property into hardline preserve. The project shall be conditioned to obtain a Major Amendment for any mitigation site outside the boundaries of the approved MSCP Plan. As stated throughout the Draft SEIR and project BTR, the proposed project footprint impacts only Minor Amendment areas; therefore the project also will proceed forward with the request for a Minor Amendment for the project footprint impacts.

A3 Comment noted.

A4 The Draft SEIR relied on the most current survey information available; the surveys included the offsite roadway and utility improvements. Focused rare plant and animal surveys were conducted in 2009 by consultants for Caltrans addressing all sensitive species with the potential to occur within the State Route 11 study area which included the entire Otay Crossings project area and its off-site improvement areas. Focused surveys included wet season and dry season fairy shrimp surveys. The results of these surveys have been provided to the County and are consistent with the survey results presented and analyzed in the Draft SEIR. The 2009 surveys have been added in their entirety as Appendix E to Appendix F of the Final SEIR.

A5 The Resource Management Plans for on-site and off-site conservation lands require preparation of a Property Analysis Record (PAR) or similar cost estimating tool to determine management costs for open space parcels. Mitigation Measure BM-1 has been modified in the Final SEIR (pages S-21, 3.1-23, and 8-5) clarifying this requirement.

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- A6 6. Mitigation Measures BM-10 in the DEIR should be clarified to state no grading will occur during the breeding season for the burrowing owl without concurrence by the Wildlife Agencies that owls will not be affected by construction activities. Any eviction or passive relocation methods must be specifically approved by the Wildlife Agencies and are not options during the breeding season.
- A7 7. As previously agreed to at our multiple meetings on this project, including the meeting held on October 9, 2008, this project will be conditioned to not grade or disturb burrowing owl habitat until the County's "Strategy for Mitigation Impacts to Burrowing Owls in the Unincorporated County" is completed and approved by the Wildlife Agencies. Please add this condition to the project description/approval (e.g., DEIR Section 1.3.1/1.3.2) and provide a brief summary of how the proposed mitigation would be consistent with the strategy in the final document.
- A8 8. The final EIR (e.g., page 3.1-8 of the DEIR) should appropriately identify golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*) as State Fully Protected species. Fully Protected species may not be taken or possessed at any time and no state licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock (Fish and Game Code Sections 3511, 4700, 5050, and 5515). The environmental documents should fully disclose potential direct and indirect impacts to State Fully Protected species and provide measures to ensure that no take to these species would occur under the proposed minor amendment.
- A9 9. The following requirements from the County's adopted Biological Mitigation Ordinance (BMO) (Sec. 86.507/Species-Based Mitigation), Guidelines for Determining Significance/Biological Resources and/or Table 3-5 of the MSCP should be added to Section 3.1.1 of the DEIR along with the corresponding analysis in Section 3.1.3 of the DEIR to fully disclose all the MSCP-related requirements for this project:
 - A10 a. Page 3.1-10 (Plant Avoidance): "Where impacts are allowed, in-kind preservation shall be required at a 1:1 to 3:1 ratio depending on the sensitivity of the species and population size, as determined in a biological analysis approved by the Director."
 - A11 b. Tables 3.1-5, 3.1-8 and 3.1-10 should clarify that mitigation is required at 1:1 if the site is occupied by burrowing owl or is part of the Ramona grasslands. Also, section 86.507 (species-based mitigation)(a) (2) (b) of the County's BMO specifies that no less than 1:1 is required for habitat occupied by burrowing owl.
 - A12 c. Section 3.1.2/No. 11/Page 3.1-12: The dates for golden eagle should be changed from February 15-July 15 to January 1-July 31 per the County's adopted BMO.
 - A13 d. Section 3.1/No. 13/page 3.1-12: Please add the golden eagle to the nesting raptors list and revise the dates to January 1-August 31.
 - A14 e. Section 3.1.2/No. 14/Page 3.1-12: Section 4.1 (Special Status Species) item "F" from the County's adopted Guidelines for Determining Significance/Biological Resources should be included here and the appropriate analysis provided in Section 3.1.3 of the final EIR. Section "F" states that impacts would be significant if the project would result in a loss of functional foraging habitat for raptors. Alteration of less than 5 acres of foraging habitat could only be

- A6 The language for Mitigation Measure BM-10 has been clarified in the Final SEIR Summary, Chapters 3.1 and 8.0 to state that no grading will occur during the breeding season without concurrence from the Wildlife Agencies, and that eviction or passive relocation of owls will not be allowed during the breeding season.
- A7 The project applicant has worked with the County and Wildlife Agencies in developing the mitigation plan proposed by the project as confirmed in Comment A1. The "Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County" (Burrowing Owl Strategy) has been completed and is Attachment A of the County's Report Format and Content Requirements for Biological Resources. The Burrowing Owl Strategy was developed in part based on the mitigation provided by the Otay Crossings Commerce project. As the project has also received Minor Amendment concurrence from the Wildlife Agencies, the project will be conditioned to mitigate impacts to Burrowing Owl as described in mitigation measure BM-10. Therefore, the condition requested by this comment is no longer applicable.
- A8 Page 3.1-8 of the Final SEIR has been revised to identify the golden eagle and white-tailed kite as State Fully Protected species and a footnote has been added to Table 3.1-10, and text has been added to Mitigation Measure BM-12, clarifying that no direct take of State Fully Protected species will occur. Mitigation Measure BM-13 and BM-14 already address indirect impacts to nesting locations for tree-nesting raptors, which would include the white-tailed kite. These measures require buffering of any tree-nesting raptor with a 500 foot setback. Chapter 3.1.3.4 of the SEIR addresses direct impacts to golden eagle foraging habitat. The white-tailed kite has been added to Chapter 3.1.3.4 and direct impacts to foraging habitat are addressed. Chapter 3.1.3.6 of the SEIR addresses indirect impacts to raptors, including tree-nesting raptors which would address the white-tailed kite.
- A9 See responses to comments A10 through A14 regarding these specific comments on the Draft SEIR.
- A10 The requested text has been added on page 3.1-10 in Chapter 3.1.1 of the Final SEIR..
- A11 Table 3.1-5 is an impact table and no changes are necessary. Tables 3.1-8 and 3.1-10 do state that the grassland mitigation ratio is 1:1. A footnote has been added to Table 3.1-8 noting that the 1:1 ratio is required to meet burrowing owl

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mitigation requirements. Mitigation Measure BM-10 has been modified in the Final SEIR (pages S-27, 3.1-25 and 8-8) to clarify that a 1:1 mitigation is required for occupied burrowing owl habitat.

A12 The correct dates for golden eagle have been added to Guideline 11 on page 3.1-13 in the Final SEIR.

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A14 cont.

considered less than significant if a biologically based determination can be made that the project would not have a substantially adverse effect on the regional long-term survival of any raptor species. The following conditions of coverage from Table 3-5 of the MSCP should be added to fully disclose all of the MSCP-related raptor requirements for this project. These include a 900 feet avoidance area for northern harriers; 300 feet avoidance area for Cooper's hawks and burrowing owls (during the breeding season February 1 to August 31).

A15

10. The DEIR (section 3.1-13) conclusion that the project will not impact local movement (including linking foraging habitat for avian species) is not supported given the species found on-site, including the densities of avian species (e.g., burrowing owl, red-tailed hawk, loggerhead shrike, northern harriers, white-tailed kite, golden eagle), known habitat and range requirements, and the location of the project in relation to these resources. The site also qualifies as a Biological Core Resource Area (BCRA) per the MSCP and BMO, as correctly identified on page 3.1-10 of the DEIR. Please include additional analysis on avian foraging patterns, especially where impacts to more than 5 acres of grassland is proposed (See also comment 9e above).

A16

11. To adequately address narrow endemics (DEIR page 3.1-13), please include a description of the buffer (size, distance, etc.) that will be provided for the onsite avoided MSCP narrow endemic plant species (e.g., Otay tarplant, variegated dudleya, etc.).

A17

12. Page 3.1-14 of the DEIR discusses the BMO exception to the 20% impacts to narrow endemic plants and concludes that an exception is justified due to the County roads required for this project. Please include additional analysis in the final EIR clearly demonstrating that there is no other feasible location for the roads, considering geology, slope, etc. Where impacts to more than 20% (barrel cacti and marsh elder) can be justified, please add the requirement for transplanting, monitoring, and reporting under a management plan for the portion beyond the 20% and include this in the final EIR and management plan (i.e., BM-7/Page 3.1-23 for marsh elder).

A18

13. According to the DEIR, sewer option B-1/B-2 would impact five State-listed San Diego button celery; an additional pair of burrowing owl; fairy shrimp; and potential quino checkerspot butterfly habitat. The Wildlife Agencies recommend that an alternative sewer alignment be assessed and implemented in order to avoid these additional impacts.

A19

14. Section 3.1.3.4 of the DEIR indicates that 4 of the 8 pairs of burrowing owls within the project footprint would be impacted by the project. Four would be preserved on site, with a 300-foot avoidance area, and the other 4 would be impacted and mitigated off site. Measure BM-10 provides a summary of the proposed mitigation for the 4 impacted owl pairs. Please include the requirement for Wildlife Agency review/approval of any relocation or eviction proposals.

A20

15. With regards to the analysis for Golden Eagles (Page 3.1-15 of the DEIR), please explain how it was determined that less than 20% is not an impact to foraging habitat, especially when a variety of other raptors species have been documented to use the site as well (e.g., red-tailed hawk, loggerhead shrike, northern harrier, golden eagle, ferruginous hawk, burrowing owls, white-tailed kite). See also comments numbered 9d and 10 above.

A21

16. Mitigation Measure BM4 of the DEIR (Page 3.1-22) should be reworded to delete the word "creation" and replace it with "restoration." Also, this measure should include specifics for the San

A13 The correct dates for golden eagle have been added to Guideline 13 on page 3.1-13 in the Final SEIR.

A14 The Draft SEIR determined that impacts to raptor foraging habitat would be significant based on Significance Criteria 13 and 14 (BI-12). Significance Criteria 13 on page 3.1-13 has been modified in the Final SEIR to provide the 900-foot avoidance area for the northern harrier which is included in Ground-dwelling raptors. The 300-foot requirement for Cooper's hawk is already included within the 500-foot requirement for tree-nesting raptors. No other revisions to the SEIR are warranted as a result of this comment.

A15 The Draft SEIR concludes that the project site does not function as a local or regional corridor, and the project site was identified on page 3.1-10 as a BRCA. The discussion in Chapter 3.1.3.5 has been expanded to further support the SEIR conclusion that no local or regional corridors exist on site. However, loss of raptor foraging habitat was identified as a significant impact in the Draft SEIR and appropriate mitigation was proposed and has been required of the project. Mitigation for the loss of raptor foraging habitat will also benefit non-raptor avian species.

A16 There is a minimum setback of 100 feet from Otay tarplant and a minimum setback of 300 feet for variegated dudleya. A description of the setbacks has been added to the first paragraph of Chapter 3.1.3.3 of the Final SEIR.

A17 A more detailed analysis of the engineering constraints to relocating the planned alignment of Lonestar Road to avoid impacts to rare plants is provided by Stevens Cresto Engineering as an attachment to Appendix F of the Final SEIR. Appendix F of the SEIR (Biological Resources Reports) included an On-site Grassland and Barrel Cactus Mitigation Plan and an On-site Revegetation Plan that provide detailed information on proposed restoration for both barrel cacti and marsh elder. Mitigation Measure BM-6 has been modified in the Final SEIR (pages S-23, 3.1-23, and 8-7) to state that an On-site Grassland and Barrel Cactus Mitigation Plan be prepared by the applicant and approved by the County prior to initiating impacts, and that the translocation effort be completed by the applicant prior to initiating impacts. Mitigation Measure BM-7 has been revised to state that direct impacts to 138 San Diego marsh-elder individuals shall be mitigated at a 2:1 ratio through acquisition of habitat supporting at least 276 individuals in Marron Valley Mitigation Bank or through restoration of a minimum of 276 individuals within the off-site mitigation location for Corps and CDFG WUS/streambed as determined through the permitting process. County staff determined

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that the proposed 2:1 offsite mitigation requirement was more appropriate than transplantation, considering that Marsh Elder is not a good candidate species for transplantation due to low success rates.

A18 Sewer Option A was studied in the Draft SEIR and is an alternative to Alignments B-1/B-2 that would avoid the additional impacts cited in this comment. The applicant has indicated they will proceed with Sewer Option A; thus, the impacts mentioned in this comment will be avoided by the proposed project.

A19 The language in Mitigation Measure BM-10 (pages S-27, 3.1-27, and 8-8) has been modified to include review and approval by the Wildlife Agencies of any relocation or eviction proposals for the burrowing owl..

A20 Loss of raptor foraging habitat was identified as significant as noted in the paragraph immediately following the paragraph referenced by the commenter. The specific reference to Significance Guideline 10 and the loss of 20 percent pertains to impacts to federally or state endangered or threatened species and was incorrectly applied to the golden eagle in the Draft SEIR. The golden eagle is not listed as endangered or threatened and, therefore, Significance Guideline 10 does not apply to that species. This is also true for red-tailed hawk, loggerhead shrike, northern harrier, ferruginous hawk, burrowing owls, and white-tailed kite. Changes to the Final SEIR have been made on page 3.1-16 to clarify this point.

A21 The language in Mitigation Measure BM-4 (pages S-22, 3.1-25, and 8-6) has been revised as requested in the Final SEIR..

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Diego button-celery mitigation and specify that the final vernal pool restoration plan must be approved by the Wildlife Agencies.

17. Section 3.1.3 (Analysis of Project Effects and Determination as to Significance) of the DEIR should address whether any trails are proposed or would be required for this project by the County. If any trails are required, they should be located outside of any onsite or offsite lands preserved as mitigation for this project.

18. Section 3.1.3 (Analysis of Project Effects and Determination as to Significance) of the DEIR should specify all areas required for brush management/clearing for this project. Any such areas should be located outside of any onsite or offsite lands preserved as mitigation for this project. In addition, due to the number and range of avian species on or near the site, the final EIR and project should be conditioned to require avoidance of avian species/nests during brush clearing/maintenance activities.

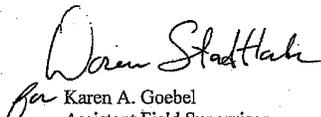
19. BM-10 (Page 3.1-23 of the DEIR) should be modified to include the breeding dates of February 1 to August 30 for burrowing owls. Prior to any grading, cameras should be used to ensure that burrows are unoccupied by burrowing owls. In addition, a requirement to keep construction equipment and materials (e.g pipes, rubble piles, etc.) closed off to prevent burrowing owls from reoccupying the site should be added to the final EIR/County permit.

20. Cumulative Impacts section of the DEIR (Page 3.1-20) should describe the County's "Strategy for Mitigation Impacts to Burrowing Owls in the Unincorporated County" and describe how the project is consistent with the strategy.

The Wildlife Agencies appreciate the opportunity to comment on the subject DEIR. If you have any questions, please contact Susan Wynn of the Service at (760) 431-9440 or David Mayer of the Department at (858) 467-4234.

Sincerely,

Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game


Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

cc: State Clearinghouse

A22 No trails are proposed by the project applicant or are required by or planned by the County in this area. No changes to the Final SEIR are warranted as a result of this comment.

A23 All brush management/clearing will occur within the proposed project development limits analyzed in the Draft SEIR. Please see page 1-7, 1st full paragraph of the Draft SEIR and Figure 3.1-3 which shows the project impact area with a dotted pattern. Mitigation Measures BM-12 and BM-13 require avoidance of avian species/nests during the breeding season for clearing and grading activities. No changes to the Final SEIR are warranted as a result of this comment.

A24 The language in Mitigation Measure BM-10 has been modified in the Final SEIR (pages S-27, 3.1-25, and 8-8) to include these text changes, along with prior changes contained in comments A6 and A19..

A25 The Burrowing Owl Strategy is not a "project" needing to be included in the Cumulative Impacts section of the Final SEIR; rather, it is a mitigation program that was reviewed by the Wildlife Agencies and is now Attachment A of the County's Report Format and Content Requirements for Biological Resources. The Burrowing Owl Strategy was developed in part based on the mitigation provided by the Otay Crossings Commerce project, which was developed as a collaborative effort between the applicant, County and Wildlife Agencies. Therefore, the project is consistent with the Strategy. No changes to the Final SEIR are warranted as a result of this comment..

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DEPARTMENT OF TRANSPORTATION

DISTRICT 11
1050 Taylor Street, MS 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY (619) 688-6670



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July 14, 2010

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The Otay Crossings Commerce Park
DSEIR

Ms. Daniella Rosenberg
County of San Diego
Dept. of Planning & Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Ms. Rosenberg:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) for the Otay Crossings Commerce Park project to be located near future State Route 11 (SR-11). Caltrans is currently conducting environmental studies for the Tier II SR-11 and Otay Mesa East Port of Entry (POE) Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in East Otay Mesa, within the County of San Diego. The future POE and SR-11 projects traverse through the Otay Crossings Commerce Park project site. We have the following comments:

- B1 [• The Western Alternative alignment was identified as the preferred alternative with the approval of the Program Final EIR/Phase 1 Final EIS, which was approved in August 2008. The Federal Highway Administration issued a Record of Decision on October 6, 2008. This document was prepared in cooperation with local and regional agencies to facilitate land use and circulation planning in the East Otay Mesa Specific Plan area by conceptually identifying the future right of way needs for the POE and SR 11.
- B2 [• SR-11 should be included in the approved list of regional projects that would qualify to receive Traffic Impact Fee (TIF) dollars for cumulative impacts in the area. There is no mention of this future transportation facility in the mitigation measures document. Caltrans supports the 'fair share' concept towards public facilities by property owners as a means of reducing direct and cumulative impacts to the State highway system.
- B3 [• Project mitigation requirements should be coordinated with all projects on East Otay Mesa to reduce the possibility for future impacts.
- B4 [• There are currently several alternatives being studied as part of the Tier II project-level EIR/EIS including the layout and operational functions of the POE and interchange locations. Page 1-3 paragraph 2 indicates that the footprint for the POE and SR-11 project shown in the DSEIR are based on the latest engineering input from Caltrans. However, these are not the most current preliminary engineering designs. Please contact Nicola Bernard, Senior

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- B1 The alignment for the SR-11 that was assessed within the Draft SEIR is based on files provided by Caltrans of the proposed Western Alignment. No revisions to the SEIR are warranted as a result of this comment.
- B2 The County is in the process of updating the County's Traffic Impact Fee (TIF) to include changes needed for the County's General Plan update. The County may evaluate the potential inclusion of additional state facilities (such as SR-11) as part of the TIF program update. It should be noted that the Otay Crossings Commerce Park project is not relying on the completion of the SR-11, and thus no impacts have been identified that would require the SR-11 as a mitigation measure. No revisions to the EIR were made as a result of this comment.
- B3 It is the policy of the County that all projects need to mitigate for each of the identified project impacts. Furthermore, the County does coordinate with projects within the East Otay Mesa Specific Plan area to ensure that the mitigation measures from one project do not conflict with mitigation requirements of other projects. No revisions to the EIR were made as a result of this comment.

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B4
cont.

Transportation Engineer at (619) 688-6708 or via email nicola.bernard@dot.ca.gov for this information.

B5

- Page 2.1-9 of Chapter two states that the State Route 905 (SR-905) Phase 2 is not currently funded. This Phase 2 of the SR-905, including the connection to Interstate 805 was funded through a Transportation Investment Generating Economic Recovery grant award.

B6

- Caltrans supports the concept of a local circulation system which is pedestrian, bicycle, and transit-friendly in order to enable residents to choose alternative modes of transportation. As a result, accommodations for proposed future Bus Rapid Transit service should be included in the site design and analysis.

B7

Our agency would like to request a meeting with the County to discuss the Otay Crossings Commerce Park project. Coordination of the Otay Crossings Commerce Park DSEIR with Caltrans Tier II EIR/EIS would be beneficial to all parties. Please contact Anthony Aguirre of the Caltrans Planning Development Review Branch at (619) 688-3161 to schedule a meeting, as well as answer any questions on the comments Caltrans has provided. Our agency looks forward to working with all interested stakeholders to ensure that land use approvals and regional transportation projects are consistent with both local and regional plans.

Sincerely,

JACOB M. ARMSTRONG, Branch Chief
Development Review Branch

B4 The Otay Crossings Commerce Park Project was originally designed based on information made available by Caltrans as part of the State Route 11 (SR-11) and the Otay Mesa East Port of Entry (POE) Final Program Environmental Impact Report/Phase I Environmental Impact Statement (Tier I EIR/EIS), which was certified in August 2008. Since that time, and subsequent to the public review period for the SEIR for the proposed Project, Caltrans published a Draft Tier II Environmental Impact Report/Environmental Impact Statement (Tier II Draft EIR/EIS), which was circulated for public review in December 2010. The Tier II Draft EIR/EIS identifies a more precise footprint for the POE facility and the right-of-way of the SR-11 facility than was provided in the Tier I EIR/EIS. In the circulated document, three alternatives were evaluated, two of which would cross through the project site. The SR-11 alternative that includes a half interchange at Siempre Viva Road would result in approximately 15.6 acres of additional ROW take within the project site, which would include take of portions of several lots within Units 1, 3 and 4. The SR-11 alternative that includes a full interchange at Siempre Viva Road would result in approximately 29.4 acres of additional ROW take within the project site, including take of portions of several lots within Units 1, 2, 3 and 4. Unit 5 of the proposed project has always been considered ROW take for the POE. In March of 2011 Caltrans announced that their preferred alternative for the design of the interchanges is the two interchange alternative with a full interchange at Enrico Fermi Drive and half interchange at Siempre Viva Road. Thus, an additional 15.6 acres of ROW take may occur within the project site as compared to the ROW footprint currently shown on the Otay Crossings tentative map.

The SEIR for the Otay Crossings Commerce Park Project evaluates the proposed project as a stand-alone project capable of moving forward on its own. Because, it is not known which SR-11 interchange alternative might ultimately be selected or when the Tier II EIR/EIS will be certified, no revisions to the proposed project are proposed or warranted at this time. The County acknowledges that if the POE and currently identified preferred alternative for SR-11 alignment are approved and implemented, appropriate revisions to the project's Tentative Map would be required to accommodate the POE and/or SR-11 facility, and such revisions would be subject to additional analysis under CEQA.

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B5 The traffic study and page 2.1-9 of the Final SEIR have been revised to indicate that Phase 2 of the State Route (SR-905) project is now funded as stated in the comment. The County recommends that Caltrans update their Fact Sheet for the SR-905 project, as the February 2010 Fact Sheet mentions only the Funding for Phases 1A and 1B of the freeway project, which was the basis for the information in the traffic study and Draft SEIR.

B6 The East Otay Mesa Specific Plan (EOMSP) provides for public transportation (see Chapter 2.2.7). As identified in the EOMSP, “the development for public transportation facilities, while highly desirable for East Otay Mesa, will take place over a period of time. The County will continue to work with SANDAG to extend public transit facilities into East Otay Mesa.” In addition, SANDAG is currently refining the transit network for the South Bay and plans to include a bus rapid transit (BRT) line to serve Otay Mesa.

The EOMSP places parking restrictions along the following internal roadways within the Otay Crossings Commerce Park site which will allow for the accommodation of future bus stops, if needed, once the transit plan for East Otay Mesa has been established: Otay Mesa Road, Airway Road, Siempre Viva Road, Alta Road, and Lone Star Road. Additionally, all other non-circulation element internal roadways with the Otay Crossings Commerce Park site have adequate street width and right-of-way to accommodate future bus stops, if needed, once the transit plan for East Otay Mesa has been established.

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B7 The County had an initial meeting with Caltrans on July 29, 2010 and is making arrangements to schedule another meeting to further discuss coordination of the Otay Crossings Commerce Park DSEIR and the SR-11 Tier II EIR/EIS after the Caltrans document is published for public review.



Linda S. Adams
Secretary for
Environmental Protection



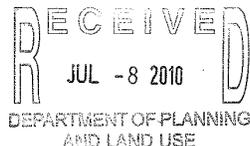
Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

July 7, 2010



Ms. Daniella Rosenberg
County of San Diego, DPLU
5201 Ruffin Road, Suite B
San Diego, California 92123

NOTICE OF COMPLETION AND ENVIRONMENTAL IMPACT REPORT (EIR) FOR
OTAY CROSSINGS COMMERCE PARK (SCH# 2006041039)

Dear Ms. Rosenberg:

C1

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The proposed project involves a Tentative Map application for a 311.5 acre property in the East Otay Mesa area, as well off site roadway and utility improvements to support the project site development. The proposed project would subdivide the 311.5 acre property into 56 industrial lots and three open space lots ranging in size from 0.9 net acres to 59.1 net acres. The 59 lots would be divided and recorded in five separate units. Access to the site would be from Otay Meza Road, Alta Road, Airway Road and Siempre Viva Road. Several public roads would provide internal circulation. Utility improvements would include sewer, water, and drainage improvements".

Based on the review of the submitted document DTSC has the following comments:

C2

- 1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).

♻️ Printed on Recycled Paper

C1 Comment noted; the information stated in this comment is based on information contained in the Summary of the Draft SEIR.

COMMENTS

RESPONSES

Ms. Daniella Rosenberg
 July 7, 2010
 Page 2

- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken

C2 A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by Marc Boogay, Consulting Engineer. As part of the ESA, the project site and adjacent properties were reconnoitered on March 29, 2007 to document existing conditions and potential hazards/hazardous materials concerns. In addition to the visit, the consulting engineer reviewed historical aerial photographs and reviewed questionnaires to assess previous on-site uses.

Pertinent federal, state and local hazardous material databases were searched, including NPL, Cal-Sites (i.e., Envirostor), RCRIS, CERCLIS, SWIS, San Diego County HE17 Permits, and others. Database searches were based on search radii varying between 0.125 and 1.0 mile, depending on individual list criteria. The project site was not listed within the prescribed search distance on any of the searched databases.

The assessment revealed no evidence of recognized environmental conditions and concluded that Phase II efforts were not warranted. A discussion of the results of the ESA has been added to Chapter 4.2.2 of the Final SEIR.

C3 The Phase I ESA completed for the proposed project concluded that there was no evidence of recognized environmental conditions and that Phase II studies would not be necessary. As a result of these conclusions, Hazards and Hazardous Materials are discussed in Chapter 4.2, Effects Found Not to be Significant During Review of Previously Approved Environmental Document, of the Draft SEIR. As discussed in Chapter 4.2, the East Otay Mesa Specific Plan Final EIR requires that industrial development adjacent to residential uses submit a Hazardous Materials and Management Plan (HMMP) to the County Department of Environmental Health (DEH) for approval and any transportation of hazardous substances must be conducted in accordance with the California Code of Regulations (CCR) and the Code of Federal Regulations (CFR). These measures would mitigate impacts associated with development under the East Otay Mesa Specific Plan Final EIR, but are not applicable to the project since no residential uses exist adjacent to the project site. No additional investigation or remediation is required. No revisions to the SEIR were made as a result of this comment.

COMMENTS

RESPONSES

Ms. Daniella Rosenberg
 July 7, 2010
 Page 2

- C4 cont. during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- C5 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- C6 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- C7 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- C8 8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

- C4 As discussed in Chapter 1.0, Project Description, of the Draft SEIR, the project site is currently undeveloped; all roads on site are unpaved and dirt. No structures, asphalt or concrete paved surface areas exist that would be demolished. Thus, there is no potential for Asbestos Containing Materials (ACMs) or Lead-based Paint (LBP) on site. No revisions to the SEIR were made as a result of this comment
- C5 Comment noted. All proper procedures will be followed during project grading operations to ensure soil is free of contamination. There is no evidence that any onsite soils contain contaminants. No revisions to the SEIR were made as a result of this comment.
- C6 Potential air toxics impacts to existing sensitive receptors were evaluated in the Draft SEIR and presented in Chapter 2.2.3.5 of the report. A health risk assessment was prepared which focused on potential health effects of diesel particulate exhaust emissions from heavy-duty construction vehicles. From that analysis, it was determined that the maximum incremental residential cancer risk would be below the County's threshold and less than significant impacts would occur. Thus, no revisions to the SEIR were made as a result of this comment.
- C7 Comment noted. Should future industrial operations produce hazardous wastes, they would be managed in accordance with all applicable regulations enforced by the County Department of Environmental Health, the local CUPA. Conditions of future site plan approvals will require all appropriate measures for compliance with applicable hazardous waste regulations. No revisions to the EIR were made as a result of this comment
- C8 Comment noted. As there is no evidence of existing contamination on site, there is no anticipated need to conduct clean-up operations during project construction. No revisions to the EIR were made as a result of this comment.

Ms. Daniella Rosenberg
July 7, 2010
Page 2

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 2950.



THE CITY OF SAN DIEGO

July 9, 2010

Daniella Rosenberg
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Subject: Otay Crossings Commerce Park Draft Supplemental Environmental Impact Report

Dear Ms. Rosenberg:

The City of San Diego Development Services Department has reviewed the *Otay Crossings Commerce Park Draft Supplemental Environmental Impact Report* ("DEIR"), and we have the following comments:

General:

- 1. The Existing Plus Project scenarios provided in the study do not determine direct impacts for facilities located within the City of San Diego. Per the *SANTEC /ITE Guidelines for Traffic Impact Studies (TIS) In the San Diego Region* and the *City of San Diego Traffic Impact Study Manual*, direct project impacts are determined by comparing an Existing Plus Cumulative Projects Scenario to Existing Plus Cumulative Projects Plus Project Scenario. Since these scenarios were not analyzed in the DEIR's traffic impact study, the direct impacts of the project to City facilities are unknown; analysis of these scenarios should be provided.
- 2. Two proposed mitigation measures (Mitigation Measure T1-3, involving Airway Road between SR-905 and Sanyo Avenue, and Mitigation Measure T1-15, involving Airway Road/Paseo de las Americas) call for restriping City roadway facilities. All proposed lane widths, turning pockets, and transitions in City roadway facilities should comply with the current City of San Diego Street Design Manual. The DEIR's traffic impact analysis should demonstrate that these proposed mitigation measures, and any others involving restriping on City streets, may be accomplished without roadway widening. If roadway widening is necessary, then the DEIR's traffic impact analysis should evaluate the feasibility of roadway widening.
- 3. Ramp metering analysis should be provided for any metered on-ramp are expected to receive 20 or more peak hour directional project trips. This includes the SR-905 on-

D1

D2

D3



D1 Although the City's guidelines technically require an analysis of an existing plus cumulative plus project scenario, per discussions with County staff it was determined that since Phases 1A and 1B of SR-905 are currently under construction and are anticipated to be completed prior to the opening of most of the cumulative projects, including the proposed project, (Phase 1A is scheduled to be completed by late 2010 and Phase 1B is scheduled to be completed by summer 2012), it was reasonable to consider that Phases 1A and 1B of SR-905 are completed in the cumulative (2020) study scenario. The County contacted the commenter, who indicated that the City is agreeable to this approach as long as a mechanism is in place to ensure that traffic impacts do not occur prior to the opening of Phases 1A and 1B of SR-905 to traffic. Therefore, the applicant would need to be conditioned to delay issuance of building permits for the project until Phases 1A and 1B of SR-905 are open to traffic. The County is working on the final conditioning language for the project such that the applicant will not be able to obtain building permits until Phases 1A and 1B of SR-905 are open to traffic.

Per the County's discussions with the City, the City indicated that they would like to see a comparison of the Cumulative with and without project conditions to help assess direct impacts. Therefore, the traffic study contained in Appendix B has been updated to provide a comparison between the Cumulative with SR-905 (Phases 1A and 1B) with Project Scenario to the Cumulative with SR-905 (Phases 1A and 1B) without Project Scenario. This scenario identifies, discloses and proposes mitigation to impacts within the City. No changes to the previous conclusions reached in the Draft SEIR resulted from this additional analysis (see the revised traffic study contained in Appendix B of the Final SEIR).

An expanded discussion on the differences between the County and City's methodology for determining direct impacts was added to Section IV (Page 39) of the Traffic Study. In addition, County and City staff met on September 14, 2010 to discuss the different methodologies for determining direct impacts. At that time, County staff noted the direct impacts would not occur for most projects on the cumulative list because the East Otay Mesa Specific Plan requires all development to include a Site Plan prior to building permits.

D2 With regard to Mitigation Measure TI-3 (Airway Road between SR-905 and Sanyo Avenue) the project traffic engineer prepared an exhibit in response to this comment which illustrates that the restriping for the segment of Airway

COMMENTS

RESPONSES

D3 cont. ramps for La Media Road and Britannia Boulevard. Mitigation should be provided for queuing onto City streets.

D4 4. In compliance with the *SANTEC /ITE Guidelines for Traffic Impact Studies (TIS) In the San Diego Region* the DEIR should evaluate freeway mainlines where the proposed project will add 50 or more directional peak hour trips in either direction to the freeways. Therefore, freeway analysis should be provided for SR-905 and SR-125 to determine if the project has any direct and/or cumulative impacts to freeways.

Specific:

D5 If a significantly impacted roadway segment is built to its community plan classification, an HCM arterial analysis for the same segment shows it to operate acceptably, and its signalized endpoints operate acceptably the City of San Diego do not require mitigation for the roadway segment; however, the impact is still considered significant. Therefore, please revise the DEIR's traffic impact study as follows:

D6 1. **Page 58, Table 20; Page 68, Table 24; Page 69, Table 24; Page 80, Table 28:** revise the clause from footnote (d) "...the roadway segment does not have a significant impact" to "...the roadway segment impact does not require mitigation." Revise other similar tables as necessary.

D7 2. **Page 59, second paragraph; Page 70, second paragraph:** Revise the clause "...and the project is not considered to have a significant direct impact" to "and the project does not need to mitigate its impact."



Victoria Huffman, P.E.
Associate Traffic Engineer

Road between SR-905 and Sanyo Avenue can be completed within the existing roadway width. This exhibit is now included in Appendix P of the Traffic Study.

With regard to Mitigation Measure TI-15 (Airway Road/Paseo De Las Americas), the mitigation for the Airway Road/Paseo De Las Americas intersection requires the installation of a traffic signal, rather than restriping as suggested in this comment. No changes to the existing lane configurations are required or proposed. The traffic signal will be designed in accordance with the City's Street Design Manual and County of San Diego requirements.

No roadway widening is required to implement the above mitigation measures and as shown in this response the improvements are feasible.

D3 At this time, Caltrans has not identified nor are they installing meters at the ramps on SR-905 at its interchanges with La Media Road and Britannia Boulevard. Therefore, ramp meter analysis is not required. No revisions to the SEIR were made as a result of this comment.

D4 The Draft SEIR already analyzed the segments of SR-905 and SR-125 where the project would add more than 50 peak hour trips. See Tables 2.1-1, 2.1-5a, 2.1-5b, 2.1-11, and 2.1-14. No additional analysis is needed. No revisions to the SEIR were made as a result of this comment.

D5 Since Otay Mesa Road functions as an arterial roadway with closely spaced signalized intersections, it was determined that the peak hour HCM arterial analysis would be a better determination for determining project significance than daily capacity. Therefore, it was concluded that if the HCM arterial analysis found that the roadway segment operated acceptably during the AM and PM peak hours, and the intersection analysis found that the signalized intersections at both ends of the segment operated at LOS D or better, the project would not have a significant impact on this roadway segment. The County met with City Staff regarding this issue on September 14, 2010, and the City indicated that they were agreeable to this approach. No revisions to the EIR were made as a result of this comment.

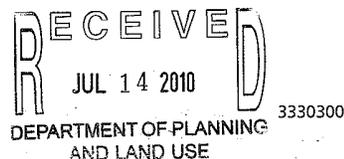
D6 No changes to the footnotes are required; see response to comment D-5..

D7 No changes to the text regarding the discussion of significant impacts to the roadway segments are required; see response to comment D-5..



401 B Street, Suite 800
 San Diego, CA 92101-4231
 (619) 699-1900
 Fax (619) 699-1905
 www.sandag.org

July 8, 2010



Ms. Daniella Rosenberg
 Department of Planning and Land Use
 County of San Diego
 5201 Ruffin Road, Suite B
 San Diego, CA 92123

Dear Daniella:

SUBJECT: Otay Crossings Commerce Park Industrial Subdivision

Thank you for the opportunity to comment on the Otay Crossings Commerce Park Industrial Subdivision. SANDAG's comments are made from a regional perspective, emphasize the need for land use and transportation coordination, and are based on policies contained in the Regional Comprehensive Plan (RCP) and the 2030 Regional Transportation Plan (RTP).

Specific Comments

1. State Route (SR) 11 should be included among the regional roads that would qualify to receive Traffic Impact Fee (TIF) funds from developer contributions through the County of San Diego TIF program.
2. Page 2.1-9 of Chapter Two states that the SR 905 Phase 2 is not currently funded. This Phase of SR 905, including the connection to I-805, was funded through a TIGER grant award.
3. On-site mitigation should be coordinated among all projects within East Otay Mesa in order to avoid mitigation replication between projects (e.g., there potentially could be replication with the SR 11 project).
4. The parcels within the future SR 11 corridor should be approved as a transportation corridor rather than as industrial lots.
5. SR 11 should be included as a project to possibly receive fair share contributions for cumulative impacts. There is no mention of this future transportation facility in the mitigation measures document.

Other Considerations

It is suggested that consideration be given to Assembly Bill 32, Senate Bill 375, Senate Bill 97, and Executive Order S-13-08, which call for analysis of greenhouse gas emissions. Additionally, it is suggested that consideration be given to the policies included in the SANDAG Regional Energy Strategy that promote the reduction of energy demand and water consumption.

E1 []
 E2 []
 E3 []
 E4 []
 E5 []
 E6 []

MEMBER AGENCIES

- Cities of
- Carlsbad
- Chula Vista
- Coronado
- Del Mar
- El Cajon
- Encinitas
- Escondido
- Imperial Beach
- La Mesa
- Lemon Grove
- National City
- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista
- and
- County of San Diego

ADVISORY MEMBERS

- Imperial County
- California Department of Transportation
- Metropolitan Transit System
- North County Transit District
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

- E1 See response to comment B-2.
- E2 See response to comment B-5.
- E3 See response to comment B-3. Each of the projects the County is processing must be able to proceed independently. Therefore, each project must mitigate for its own impacts, separately from the others. No changes were made to the SEIR as a result of this comment.
- E4 The portions of the property within the future SR-11 corridor are designated as Mixed Industrial within the East Otay Mesa Specific Plan. As discussed with Caltrans, the County will condition the proposed project and any subsequent site plan(s) to only allow interim uses and will not allow the construction of any permanent buildings within the future right-of-way for SR-11. Please also see the response to comment B-4.
- E5 The Otay Crossings Commerce Park project is not relying on the completion of the SR-11, and thus no impacts have been identified that would require the SR-11 as a mitigation measure. Also see response to comment B-2
- E6 A greenhouse gas emissions analysis was conducted on the proposed project. The analysis is presented in Chapter 2.2 of the Draft SEIR and detailed in Appendix E (Global Climate Change Evaluation). The analysis evaluates energy and water conservation measures that the project applicant is proposing for the Tentative Map. More detailed review of energy and water conservation measures will be conducted when site plans are submitted to the County for development of the industrial lots. No revisions to the EIR were made as a result of this comment.

COMMENTS

RESPONSES

E7

We appreciate the opportunity to comment on this project. We encourage the County to evaluate the project based on SANDAG's two design guideline publications: (1) *Designing for Smart Growth, Creating Great Places in the San Diego Region*, and (2) *Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region*. Both publications can be found on our Web site.

If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943 or sba@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

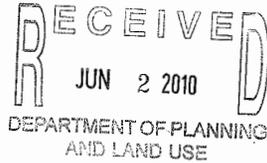
SBA/RSA/cda

E7 Comment noted.



San Diego County Archaeological Society, Inc.
Environmental Review Committee

1 June 2010



To: Ms. Daniella Rosenberg
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Draft Environmental Impact Report
Otay Crossings Commerce Park Industrial Subdivision
TM 5405RPL, Log No. 93-19-006Q

Dear Ms. Rosenberg:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its cultural resources appendix, we concur with the impact analysis and mitigation measures for those resources as specified in the DEIR.

SDCAS appreciates this opportunity to participate in the public review of this project's environmental documents.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Affinis
SDCAS President
File

F1 Comment noted.

From: Dan Silver [dsilverla@me.com]
Sent: Thursday, June 03, 2010 9:59 AM
To: Rosenberg, Daniella
Subject: DEIR for Otay Crossings Commerce Park, TM 5405
June 3, 2010

Daniella Rosenberg
DPLU
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: Otay Crossings Commerce Park, TM 5405

Dear Ms Rosenberg:

G1

The Endangered Habitats League (EHL) appreciates the opportunity to comment on this project. Our primary concern is consistency with the MSCP for this Minor Amendment Area. We understand that the applicant and the County have been working with the state and federal wildlife agencies on the amendment process, which is supported by EHL. We note, however, that the project would impact at least 4 pair of burrowing owls. Mitigation for impacts to the annual grassland habitat of this species is proposed at only a 1:1 ratio. As you know, a 1:1 ration results in a net loss of 50% of the habitat. Given the dire situation of burrowing owl populations, annual grassland used by owls should be mitigated at a 2:1 ratio. In addition, mitigation should occur on Otay Mesa rather than in Ramona, a markedly different ecological community.

Sincerely,

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

G1 The project has received MSCP Minor Amendment concurrence from the Wildlife Agencies (March 31, 2011) including a 1:1 mitigation ratio for the occupied burrowing owl habitat, and additional measures to avoid harming owls both during and outside of the breeding season. The project has been found to be consistent with the BMO and overall goals of the County’s MSCP Subarea Plan. Additional mitigation is not warranted. Additionally, the off-site component of mitigation in Ramona is considered appropriate given the high quality grassland within the Ramona Grasslands. No revisions to the EIR were made as a result of this comment.