# Final Supplemental Environmental Impact Report

## Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment
## SCH No. 2016031028

## PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007, PDS2015-TM-5607
## LOG No. PDS2015-ER-15-98-190-13G

**Lead Agency:**

**County of San Diego**
**Planning and Development Services**
**5510 Overland Avenue, Suite 310**
**San Diego, California 92123**

**March 2018**

# FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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**March 2018**

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# List of Acronyms and Abbreviations

| | |
|---|---|
| AB | Assembly Bill |
| ac | acre |
| ACM | asbestos containing materials |
| ADA | American's with Disabilities Act |
| ADT | Average Daily Traffic |
| AFY | acre feet per year |
| AIA | Airport Influence Area |
| ALUCs | Airport Land Use Commissions |
| ALUC Plan/ALCUP | Airport Land Use Compatibility Plan |
| AM/a.m. | morning |
| AMSL | above mean sea level |
| ANSI | American National Standards Institute |
| APCD | Air Pollution Control District |
| APN | Assessor's Parcel Number |
| AQIA | Air Quality Impact Assessments |
| ARB | Air Resources Board |
| ASFs | age sensitivity factors |
| AT | averaging time |
| | |
| BMO | Biological Mitigation Ordinance |
| BRCAs | Biological Resource Core Areas |
| | |
| CA | California |
| CAA | California Clean Air Act |
| CAA | Federal Clean Air Act |
| CAAQS | California Ambient Air Quality Standards |
| CalARP | California Accidental Release Prevention |
| CalEEMod | California Emissions Estimator Model |
| CalEMA | California Emergency Management Agency |
| CalEPA | California EPA |
| CALFIRE | California Department of Forestry and Protection |
| Caltrans | California Department of Transportation |
| CAPCOA | California Air Pollution Control Officers Association |
| CCAR | California Climate Action Registry |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CDM | Community Development Model |
| CDOG | California Division of Oil and Gas |
| CEFS | California Emission Forecasting System |
| CEIDARS | California Emission Inventory Development and Reporting System |
| CEQA | California Environmental Quality Act |
| CESA | California Emergency Services Association |
| CESA | California Endangered Species Act |
| CFD | Community Facilities District |
| CFR | Code of Federal Regulations |

| | |
|---|---|
| $CH_4$ | methane |
| CHHSLs | California Human Health Screening Levels |
| CHP | California Highway Patrol |
| CNDDB | California Natural Diversity Database |
| CNEL | community noise equivalent level |
| CNPS | California Native Plan Society |
| CNRA | California Natural Resources Agency |
| CO | carbon monoxide |
| $CO_2$ | carbon dioxide |
| $CO_2e$ | $CO_2$ equivalent |
| COCs | concentrations of constituents of concerns |
| COS | Conservation and Open Space |
| CPTED | Crime Prevention Through Environmental Design |
| CRHR | California Register of Historical Resources |
| CRPR | California Rare Plant Ranks |
| CSA | County Service Area |
| CSS | coastal sage scrub |
| CRM | Cultural Resources Management |
| CUPA | Certified Unified Program Agency |
| CWA | Clean Water Act |
| CWC | Cologne Water Quality Control Act |
| | |
| dB | decibel |
| dB(A) | A-weighted decibel |
| DDD | dichlorodiphenyldichloroethane |
| DDE | dichlorodiphenyldichloroethylene |
| DDT | dichlorodiphenyltrichloroethane |
| DEH | County Department of Environmental Health |
| DPW | County Department of Public Works |
| DTSC | Department of Toxic Substance Control |
| | |
| ED | exposure duration |
| EDR | Environmental Data Resources |
| EIR | Environmental Impact Report |
| EMFAC | Emissions Factors |
| EOMSP | East Otay Mesa [Business Park] Specific Plan |
| EPA | Environmental Protection Agency |
| ESA | Federal Endangered Species Act |
| et seq. | and the following |
| | |
| FAA | Federal Aviation Administration |
| FHWA | Federal Highway Administration |
| FMZ | fuel modification zone |
| FPP | Fire Protection Plan |
| ft. | feet |

| | |
|---|---|
| GCC | global climate change |
| GHG | greenhouse gas |
| GPA | General Plan Amendment |
| Gpd | gallons per day |
| GWP | global warming potential |
| | |
| H&SC | Health & Safety Code |
| HAPS | Hazardous Air Pollutants |
| HCD | Habitat Conservation Plan |
| HCM | Highway Capacity Manual |
| HFC | hydrofluorocarbon |
| HFHSZ | High Fire Hazard Severity Zone |
| HFE | hydrofluorinated ethers |
| HIRT | Hazardous Incident Response Team |
| HMBP | Hazardous Materials Business Plan |
| HMD | Hazardous Materials Division |
| HMP | Habitat Management Plan |
| Hz | hertz |
| $H_2S$ | Hydrogen Sulfide |
| | |
| Inc. | incorporated |
| IPCC | United Nations Intergovernmental Panel on Climate Change |
| ITS | Intelligent Transportation System |
| | |
| LAFCO | Local Agency Formation Commission |
| LBP | lead based paint |
| lbs | pounds |
| LBZ | Limited Building Zone |
| leq | equivalent sound level |
| LOS | level of service |
| LRT | light rail transit |
| | |
| MACTS | Maximum Achievable Control Technologies |
| MBTA | Migratory Bird Treaty Act |
| MLD | Most Likely Descended |
| MMRP | Mitigation Monitoring and Reporting Program |
| MMT | million metric tons |
| mph | miles per hour |
| MRZ | mineral resource zone |
| MSCP | Multiple Species Conservation Program |
| MS-4 | municipal separate storm sewer systems |
| MT | metric tons |
| MTS | San Diego Metropolitan Transit Service |
| MWD | Metropolitan Water District |

| | |
|---|---|
| NAAQS | National Ambient Air Quality Standards |
| NAHC | Native American Heritage Commission |
| NCCP | National Community Conservation Planning |
| NESHAPS | National Emissions Strategy for Hazardous Air Pollutants |
| $NF_3$ | nitrogen trifluoride |
| NHTSA | National Highway Traffic Safety Administration |
| NPDES | National Pollutant Discharge Elimination System |
| NOC | Notice of Completion |
| NO | nitrogen oxide |
| NOP | Notice of Preparation |
| NOx | oxides of nitrogen |
| $NO_2$ | nitrogen dioxide |
| NSLU | noise sensitive land use |
| $N_2O$ | nitrous oxide |
| | |
| $O_3$ | ozone |
| OES | Office of Emergency Services |
| OEHHA | Office of Environmental Health Hazard Assessment |
| OHP | Office of Historic Preservation |
| OHV | off-highway vehicle |
| OHWM | ordinary high water mark |
| OPR | The Governor's Office of Planning and Research |
| OWD | Otay Water District |
| | |
| PA | planning area |
| Pb | lead |
| PCBs | Polychlorinated Biphenyls |
| PDS | Department of Planning and Development Services |
| PeMS | Performance Measurement System |
| PFC | perfluorocarbon |
| PLDO | Park Lands Dedication Ordinance |
| PM/p.m. | afternoon |
| $PM_{2.5}$ | particulate matter less than 2.5 microns in diameter |
| $PM_{10}$ | particulate matter of 10 microns in diameter or smaller |
| POE | Port of Entry |
| ppm | parts per million |
| PRC | Public Resources Code |
| PRGs | Preliminary Remediation Goals |
| PVC | polyvinyl chloride |
| | |
| QCB | Quino Checkerspot Butterfly |
| | |
| RAQS | Regional Air Quality Strategy |
| RCA | Resources Conservation Area |
| RCP | reinforced concrete pipe |
| RCRA | Resource Conservation and Recovery Act |

| | |
|---|---|
| REL | reference exposure level |
| REZ | Rezone |
| RFPD | Rural Fire Protection District |
| RHNA | regional housing needs allocation |
| RJDCF | Richard J. Donovan Correctional Facility |
| ROG | Reactive Organic Gas |
| RPO | Resource Protection Ordinance |
| RPS | renewable portfolio standard |
| RSL | Regional Screening Levels |
| RWQCB | Regional Water Quality Control Board |
| | |
| SAA | Streambed Alteration Agreement |
| SANDAG | San Diego Association of Governments |
| SAM | Site Assessment Mitigation |
| SAMP | Special Area Management Plan |
| SB | Senate Bill |
| SCAQMD | South Coast Air Quality Management District |
| SCIC | South Coastal Information Center |
| SDAB | San Diego Air Basin |
| SDAPCD | San Diego Air Pollution Control District |
| SDCGHGI | San Diego County Greenhouse Gas Inventory |
| SDCRAA | San Diego County Regional Airport Authority |
| SDG&E | San Diego Gas and Electric |
| SEIR | Supplemental Environmental Impact Report |
| $SF_6$ | sulfur hexafluoride |
| SIP | State Implementation Plan |
| SLF | Sacred Lands File |
| SLM | Sound Level Meter |
| SMARA | Surface Mining and Reclamation Act of 1975 |
| SMGB | State Mining and Geology Board |
| SMP | Soil Management Plan |
| SO2 | sulfur dioxide |
| SPA | Specific Plan Amendment |
| SR | State Route, as in SR-125 |
| SRA | State Responsibility Area |
| SWQMP | Storm Water Quality Management Plan |
| SWRCB | State Water Resources Control Board |
| | |
| TAC(s) | Toxic Air Contaminant(s) |
| T-BACT | Toxic Best Available Control Technology |
| TCIF | Trade Corridor Improvement Fund |
| TCP | Traditional Cultural Properties |
| TCR | Tribal Cultural Resource |
| TIA | Traffic Impact Analysis |
| TIJ | Tijuana International Airport |
| TPHd | total petroleum hydrocarbons as diesel |

| | |
|---|---|
| TPHg | total petroleum hydrocarbons as gasoline |
| TPHo | total petroleum hydrocarbons |
| TNM | Traffic Noise Model |
| TM | Tentative Map |
| UC | University of California |
| UDC | Unified Disaster Council |
| UNFCCC | United Nations Framework Convention on Climate Change |
| USGS | United States Geological Survey |
| U.S./US | United States |
| USACE | United States Army Corps of Engineers |
| USEPA | United States Environmental Protection Agency |
| USFWS | U.S. Fish and Wildlife Service |
| USMC | United States Marine Corps |
| UST | underground storage tank |
| UWI | Urban-Wildland Interface |
| v/c | volume to capacity |
| VAP | Voluntary Assistance Program |
| VCP | Vector Control Program |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | vehicle miles traveled |
| VOC | Volatile Organic Compounds |
| WD | Water District |
| WPO | Watershed Protection, Strom Water Management and Discharge Ordinance |
| WSAV | Water Supply Assessment and Verification |

# SUMMARY

## S.1 Project Synopsis

This summary provides a brief synopsis of the project which consists of a Specific Plan Amendment to the East Otay Mesa Business Park Specific Plan. This summary also provides an overview of the applicability of the original Environmental Impact Report for the East Otay Mesa Specific Plan (1994 EIR) to the proposed Project; the results of the environmental analysis prepared to supplement the previous environmental documentation (2000 SEIR and 2012 Addendum); and the major areas of controversy and issues to be resolved by the Lead Agency, the County of San Diego (County).

## S.1.1 Project Location

The proposed Otay 250 Specific Plan Amendment Project (Project) site is located within the East Otay Mesa Business Park Specific Plan Area (see Figure 1-1, *East Otay Mesa Specific Plan - Approved Land Use Plan*). The East Otay Mesa Business Park Specific Plan Area is located within the southernmost portion of unincorporated southeastern San Diego County and within the Otay Subregional Community Plan area.

The Project site encompasses approximately 253.13 acres within the Specific Plan area, and is generally east of State Route (SR) 125, north of Otay Mesa Road, west of Vann Centre Boulevard, and south of Zinser Road. (See Figure 1-4, *Aerial Photograph.*)

## S.1.2 Project Description

### *S.1.2.1 Proposed Project*

The Project proposes a Specific Plan Amendment (SPA) to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for the construction of a mix of employment, retail and residential uses. Approval of the project would allow for the maximum entitlement of 3,158 dwelling units, 78,000 square feet of general commercial uses, 765,000 square feet of employment uses, and approximately 51.3 acres of permanent biological open space.

The proposed Project would include construction of public streets within the Project boundary, including Sunroad Boulevard, Sunroad View Drive, Alejandro Drive, and extensions of Harvest Road and David Ridge Drive. All public Project roadways would include Class 2 bike lanes. Project roadways would be developed as a six-lane Prime Arterial (Otay Mesa Road: Harvest Road to Vann Centre Boulevard), four-lane Major Road (Sunroad Boulevard: Lone Star Road to Otay Mesa Road), four-lane Collectors (Harvest Road: Sunroad Boulevard to Otay Mesa Road, Vann Centre Boulevard: Otay Mesa Road to northern Project boundary, and Zinser Road: west of Sunroad Boulevard), and two-lane Collectors (David Ridge Drive: Sunroad Boulevard to eastern Project boundary, and Zinser Road: Sunroad Boulevard to Lone Star Road).

The proposed Project would construct off-site half-width improvements ~~within~~ along the Project boundary providing interim lane configurations to Vann Center Boulevard from Otay Mesa Road to just south of Lone Star Road, Zinser Road from west of Sunroad Boulevard to Alejandro Drive, Harvest Road from Otay Mesa Road to Sunroad Boulevard, and Otay Mesa Road from Harvest Road to Vann Centre Boulevard. Vann Center Boulevard connects to the Project roadways at David Ridge Drive and Otay Mesa Road. Zinser Road connects to Project roadways at Sunroad Boulevard and Alejandro Drive.

The Project would require the extension of utility lines including sewer, water, electric, and gas lines. Sewer lines would be provided within all Project roadways (Sunroad Boulevard, Harvest Road, Alejandro Drive, Sunroad View Drive, and David Ridge Drive), as well as the portions of off-site roadways ~~within the Project footprint~~ (Zinser Road, Lone Star Road, Vann Center Road, and Otay Mesa Road). The existing south sewer main connection is located adjacent to the Project site at the intersection of Harvest Road and Otay Mesa Road. The Project would connect to the existing 12-inch sewer main at this location. The existing northern sewer main is located near the SR-125 right-of-way, and the Project would extend a 12-inch sewer connection within Zinser Road approximately 1,800 linear feet to connect with the existing 18-inch sewer main.

Water service would be provided by the Otay Water District. The existing main water supply for the Project site is a 24-inch main located within Otay Mesa Road along the Project's southern boundary. Water supply for the Project would be delivered through a 12-inch conveyance system.

Electric lines would be provided by San Diego Gas & Electric (SDG&E) within all Project roadways (Sunroad Boulevard, Harvest Road, Alejandro Drive, Sunroad View Drive, and David Ridge Drive), as well as the portions of off-site roadways ~~within the Project footprint~~ (Zinser Road, Lone Star Road, Vann Center Road, and Otay Mesa Road). Connection for the system is anticipated to be within the existing SDG&E easement that runs north and south through the Project site near Harvest Road.

Gas lines would be provided by SDG&E within all Project roadways (Sunroad Boulevard, Harvest Road, Alejandro Drive, Sunroad View Drive, and David Ridge Drive), as well as the portions of off-site roadways ~~within the Project footprint~~ (Zinser Road, Lone Star Road, Vann Center Road). Connection for the gas system is anticipated to be within Otay Mesa Road adjacent to the Project where facilities exist for that purpose.

The Project would not require off-site improvements for storm water conveyance. Two 60-inch reinforced concrete pipes (RCPs) located in Otay Mesa Road west of Sunroad Boulevard receive runoff from the majority of the on-site systems, conveying storm water from the Project site and public roads. Storm drains would be constructed within on-site roadways and Zinser Road to convey storm water to the existing natural drainage. A portion of the storm water runoff from Vann Center Road would be treated within a bioretention basin/easement on the adjacent property east of the Project site.

The Project includes a trail segment that would occur in the western portion of the Project site. The trail would begin roughly at the southern terminus of Harvest Road at Sunroad Boulevard. This trail would extend on-site to Zinser Road. Crossing Zinser Road, this trail~~s~~ would continue off-site to Lone Star Road and beyond.

## S.1.2.2 *Project Objectives*

The following are the project objectives sought by the proposed Project.

1. Contribute to the Specific Plan goals of promoting a well-organized international industrial and business district to attract and accommodate forecasted growth by providing a Mixed-Use Village Core that would permit a variety of residential uses at higher densities, in addition to light industrial/technology, office, and commercial uses.

2. Promote the conservation of open space to preserve environmental resources and provide recreational opportunities for the industrial workforce and surrounding community residents.

3. Implement the County of San Diego General Plan vision of creating compact communities by creating a Village Core within the East Otay Mesa sub-region that contains a mix of housing types located near retail businesses, employment, and recreational uses.

4. Establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of surrounding businesses.

5. Provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular use.

6. Support development of the East Otay Mesa Specific Plan multi-modal transportation system by providing a multi-modal internal street network that serves vehicular, pedestrian, and bicycle travels; as well as ~~installation of a bus stop providing access to~~support local and regional transit.

7. Develop well-designed infrastructure, buildings, and landscaping, on-site and off-site, that create a distinct urban character for the East Otay Mesa Specific Plan area.

8. Provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards.

### S.1.2.3 *Discretionary Actions/Approvals*

**Specific Plan Amendment** – The Specific Plan Amendment proposes to add a new mixed-use land use designation that would allow for a mix of residential, employment, and retail uses for approximately 161.6 acres of the 253-acre Project area. The Mixed-Use Designation would include a range of densities and a mix of uses.

**Subregional Plan Amendment** – In addition to the Specific Plan Amendment, the Project would require an Amendment to the Otay Subregional Plan, which is considered a General Plan Amendment. The Project site is governed by the Otay Subregional Plan (Volume 1). The focus of the Subregional Plan is to promote industrial development in the Otay Mesa/International Border area with the Mexico region, and the plan describes the EOMSP as the planning framework for development in East Otay Mesa. The Project proposes to amend the Otay Subregional Plan in order to allow residential mixed-use that would support the development of industrial uses in the area by providing live/work and commercial service opportunities.

**Rezone** – The Project site is zoned Specific Plan Area (S-88) with Technology Business Park and Commercial Overlay land use designations. The Project proposes to retain the S-88 zoning designation, but would change the land use designation and the regulatory site standards within the Specific Plan to Mixed-Use, to allow for development of the project site as a Village Core. The new mixed-use land use designation consists of regulatory site standards specific to the use, and as described in Table 3.2-1 of the Specific Plan. The County requires a Rezone when any of the regulatory site standards are changed.

**Tentative Map** – The Project site was approved for development in 2012 to subdivide the site into 55 lots. Tentative Map 5538 (TM 5538) consisted of 52 technology business park lots ranging in size from 1.8 acres to 5.3 acres, one lot for a sewer pump station, one storm water detention lot, and a 51.3-acre dedicated open space lot. A 0.41-acre lot within the subdivision is identified as an open space easement established for the protection of biological resources (vernal pools).

The Project proposes a new Tentative Map for development of the Project site in accordance with the proposed Specific Plan Amendment. The proposed Tentative Map would subdivide the site into 30 lots and consists of four Commercial/Technology Business Park lots, 25 Mixed Use lots ranging in size from 1.7 acres to 11.84 acres, and one 51.3-acre dedicated open space lot. Earthwork is estimated to consist of 1,350,000 cubic yards of balanced cut and fill.

## S.1.3 Environmental Setting

The East Otay Mesa Business Park Specific Plan project area is in the southwestern portion of San Diego County, immediately adjacent to the United States/Mexico International Border (Figure 1-4, *Vicinity Map*). The majority of the Specific Plan area is

characterized by flat mesa tops that are occasionally interrupted by steep sloping finger canyons in the western portion of the project area; and rolling hills and steeper mountain slopes rising eastward to the San Ysidro Mountains in the eastern portion of the Specific Plan project area.

To the west of the Specific Plan area is the City of San Diego's Otay Mesa Community Plan area, which is planned for predominantly industrial and residential land uses with commercial nodes at the US/Mexico border. Brown Field, a general aviation airport, is also located west of the Specific Plan area in the City of San Diego. To the immediate north of the Specific Plan site is the Donovan State Correctional Facility, operated by the State of California Department of Corrections. Further north, is the County East Otay Mesa Detention Facility. East of the Specific Plan project area are the steep undeveloped slopes leading into the San Ysidro Mountains. The City of Tijuana, Mexico, is immediately south of the Specific Plan project area across the international border and is occupied by industrial and intensive residential land uses. The Rodriguez International Airport is located approximately one mile southwest of the Specific Plan project area within eastern Tijuana.

## S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects

Significant impacts were identified for the Project and include impacts in the areas of air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, paleontological resources, and traffic/transportation. Table S-1, *Summary of Significant Impacts and Mitigation Measures,* provides a summary of all Project and cumulative impacts, and identifies mitigation measures ~~to~~ that reduce the impacts to below a level of significance. All impacts would be mitigated to below a level of significance, with the exception of impacts associated with air quality. Detailed analyses of significant environmental effects are discussed in Chapter 2.0, and effects found not to be significant during the preparation of the Environmental Impact Report or the Initial Study process are found in Chapter 3.0.

## S.3 Areas of Controversy

The Notice of Preparation (NOP) was distributed for a 30-day public review and comment period from March 11, 2016 to April 11, 2016. In addition, a public scoping meeting was held on March 22, 2016, at the Bonita-Sunnyside Branch Library. The NOP and all of the comment letters received are included in this EIR as Appendix A. Letters of comment were received from the following agencies and individuals:

- U.S. Fish and Wildlife Service/California Department of Fish and Wildlife
- Viejas Band of Kumeyaay Indians
- San Diego Local Agency Formation Commission
- San Diego Association of Governments

- Endangered Habitats League
- Marathon Land and Cattle Company
- Thomas Ammon

CEQA Guidelines Section 15123(b)(2) requires that an EIR identify areas of controversy, including issues raised by other agencies and the public. Issues of concern raised during the NOP process associated with the Project include the potential Project-related impacts on biological resources and cultural resources.

The issues that were raised in the comments by the public agencies, local groups, and individuals are evaluated throughout Chapters 2.0 and 3.0 of the SEIR, addressing both direct and cumulative impacts.

## S.4 Issues to be Resolved by the Decision-Making Body

Issues to be resolved include how to mitigate the significant impacts that would be created by the implementation of the Project. The County of San Diego Board of Supervisors will decide if the significant impacts associated with air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, paleontological resources, and transportation/traffic have been fully mitigated to below a level of significance. Additionally, the Board of Supervisors will determine whether overriding considerations should be adopted for significant and unmitigable impacts associated with air quality. The Board of Supervisors will also decide whether the Project conforms with the criteria set out in land use regulations and policies and take into consideration the premise for the General Plan Amendment. Lastly, the Board of Supervisors will decide whether any of the Project alternatives substantially reduces significant impacts while still meeting the key Project objectives and whether one of the alternatives could be approved.

## S.5 Project Alternatives

Section 15126.6 of the CEQA Guidelines requires that an EIR describe a range of reasonable alternatives to the Proposed Project or to the Proposed Project location that would feasibly attain most of the Proposed Project objectives but would avoid or lessen any significant environmental impacts. An EIR should evaluate the environmental impacts of the alternatives compared to the Proposed Project. Chapter 4.0 of this SEIR describes and evaluates alternatives and is intended to implement the requirements set forth in the CEQA Guidelines. This chapter also identifies the Environmentally Superior Project Alternative as required by CEQA Guidelines Section 15126.6(e)(2).

### S.5.1 No Project/No Development Alternative

The No Project/No Development Alternative would leave the Project area in its present condition, without Project development or new construction. The No Project/No Development Alternative is what would reasonably be expected to occur in the future if

the Project is not approved and the existing Specific Plan and approved Tentative Map are not carried forward. None of the significant environmental effects associated with the proposed Project would occur under the No Project/No Development Alternative.

This alternative would not meet any of the Project objectives as described in Section 4.1. It would not promote development of a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth. While no development would occur on the Project site under this alternative, Open Space easements would not be put in place to preserve environmental re~~x~~sources. This alternative would not implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas. This alternative would not afford the community with the benefit of establishing a land use pattern that includes a mix of densities and land uses in a manner that can minimize automobile trips and facilitate walking and bicycling and would not provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence. While traffic impacts would not occur under this alternative, this alternative would also not allow for a multi-modal transportation system consisting of streets and transit networks adequate to serve sub-regional transportation needs at an acceptable level of service. Infrastructure and public facilities necessary to accommodate the growth in East Otay Mesa while meeting applicable County standards would not be constructed.

## S.5.2 No Project/Development Under Existing Specific Plan Designation Alternative

The No Project/Development Under Existing Specific Plan Designation Alternative would develop the Project site in accordance with the existing approved Specific Plan and Tentative Map. The approved Specific Plan provides for development of the Project site with Technology Business Park and Commercial uses, resulting in 74 industrial lots on approximately 130 acres, 22 commercial lots on 34.4 acres, and 51.7 acres of open space. Like the proposed Project, an isolated vernal pool would be preserved as permanent open space within one of the commercial/industrial lots located near the southeast corner of the proposed intersection of Lone Star Road and Sanyo Avenue; and a vernal pool complex and sensitive biological habitat would be preserved within an open space easement located north of Lone Star Road.

The No Project/Development Under Existing Specific Plan Designation Alternative would have the same impacts as the proposed Project for environmental issue areas associated with biological resources, cultural resources, and paleontological resources, because the entire site would be graded as it would with the proposed Project. Less impacts would occur relative to air quality, noise and hazards and hazardous materials, because no sensitive receptors (i.e., residential development) would be located on the Project site. However, direct and cumulative air quality impacts associated with construction would not be avoided. Impacts to traffic would be greater because this alternative would result in six additional segment impacts and one additional intersection impact that would not occur

with the proposed project. Impacts to GHG emissions would be substantially greater under this alternative due to a service population that is predominantly employment-based and private automobile dominant.

The No Project/ Development Under Existing Specific Plan Designation Alternative would meet three of the eight Project objectives. Specifically, this alternative would promote a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth. It would also promote the conservation of open space to preserve environmental resources. This alternative would provide for a transportation system that would serve sub-regional transportation needs at an acceptable level of service; however, it would not provide for the multi-modal transportation system and transit network associated with the proposed Project. Like the proposed Project, this alternative could be designed in a manner that promotes well-designed infrastructure, buildings and landscaping, both in the public and private realms. However, this alternative would not create a distinct urban image and establish a unique sense of identity for East Otay Mesa.

The No Project/ Development Under Existing Specific Plan Designation Alternative would not implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas. Because land uses developed under this alternative would not include residential uses, this alternative would not establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of businesses. Additionally, this alternative would not locate housing proximate to adjacent industrial and business district employees or in areas that can support commercial/retail and employment uses to reduce vehicular dependence.

## S.5.3 Reduced Development Intensity Alternatives

In order to provide the decision makers with a full range of reasonable alternatives for consideration, Reduced Development Intensity Alternatives were evaluated in order to determine if reducing the Project's proposed intensity of development while still attaining most of the Project's objectives would reduce and/or avoid impacts associated with the Project. Table 4-4, *Comparison of Reduced Development Intensity Alternatives and the Proposed Project*, provides a summary of the land uses and development intensities associated with the Reduced Development Intensity Alternatives compared with the proposed Project. An evaluation of each Reduced Development Intensity Alternative is summarized below.

### *S.5.3.1 Reduced Development Intensity Alternative A*

The Reduced Development Intensity Alternative A would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 2,000 units) would occur within the Mixed Use planning

areas identified for the proposed Project. Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at the same intensity as the proposed Project (7.8 acres, approximately 93,600 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the EOMSP Amendment for the proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the proposed Project, and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as ~~the~~ proposed by the TM for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

The Reduced Development Intensity Alternative A would result in less impacts to air quality when compared to the proposed Project, due to a reduction in VOC and CO emissions, but would not avoid direct and cumulative impacts associated with $PM_{10}$. Less traffic would be generated under this alternative; and this alternative would result in less noise impacts, because less traffic would be generated. Although the Reduced Development Intensity Alternative A would generate less traffic than the proposed Project and would provide a mixed-use project directed at providing mobility options and reducing use of the private automobile, this alternative would ~~increase~~ result in less GHG emissions when compared to the proposed Project. Impacts associated with all other environmental issue areas would be the same as those that would occur with the proposed Project.

The Reduced Development Intensity Alternative A has the ability to meet most of the Project objectives, including promoting a well-organized international industrial and business district in East Otay Mesa; promoting the conservation of open space to preserve environmental resources; implementing the General Plan vision by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas; providing convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence; providing a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service; promoting well-designed infrastructure, buildings and landscaping, both in the public and private realms, that creates a distinct urban image and establishes a unique sense of identity for East Otay Mesa; and providing

infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards.

Because this alternative would include the reduction of residential units, as well as employment and commercial uses, its ability to provide a mix of densities and land uses that will minimize automobile trips and support walking and bicycling is also reduced. This alternative would not accommodate forecasted growth to the extent that the proposed Project would and less job opportunities would be created for this area of Otay Mesa.

### *S.5.3.2 Reduced Development Intensity Alternative B*

The Reduced Development Intensity Alternative B would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 2,000 units) would occur within the Mixed Use planning areas identified for the proposed Project (Planning Areas A, B, C, and D). Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at a lower intensity as the proposed Project (7.8 acres, approximately 200,000 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the EOMSP Amendment for the proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the proposed Project and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as proposed by the TM for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

The Reduced Development Intensity Alternative B would result in less impacts to air quality when compared to the proposed Project, due to a reduction in CO emissions, but would not avoid direct and cumulative impacts associated with VOC and $PM_{10}$. Less traffic would be generated under this alternative, and this alternative would result in less noise impacts, because less traffic would be generated. Although the Reduced Development Intensity Alternative B would generate less traffic than the proposed Project and would provide a mixed-use project directed at providing mobility options and reducing use of the private automobile, this alternative would ~~increase~~ result in less GHG emissions when compared to the proposed Project. Impacts associated with all other environmental issue areas would be the same as those that would occur with the proposed project.

The Reduced Development Intensity / Reduced Development Footprint Alternative B has the ability to meet most of the Project objectives, including promoting a well-organized international industrial and business district in East Otay Mesa; promoting the conservation of open space to preserve environmental resources; implementing the General Plan vision by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas; providing convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence; providing a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service; promoting well-designed infrastructure, buildings and landscaping, both in the public and private realms, that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa; and providing infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards.

Because this alternative would include the reduction of residential units, as well as employment and commercial uses, its ability to provide a mix of densities and land uses that will minimize automobile trips and support walking and bicycling is also reduced. Also, this alternative would not provide the amount of housing that is provided with the proposed Project and, therefore would not accommodate forecasted growth to the extent that the proposed Project would. Employment uses would be less under this alternative. Thus, less job opportunities would be created for this area of Otay Mesa.

### *S.5.3.3 Reduced Development Intensity Alternative C*

Reduced Development Intensity Alternative C would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 1,650 units) would occur within the Mixed-use planning areas identified for the proposed Project. Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at a reduced intensity as the proposed Project (7.8 acres, approximately 93,600 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the EOMSP Amendment for the proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the proposed Project and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as proposed by

the TM for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

The Reduced Development Intensity Alternative C would result in less direct and cumulative impacts associated with operational air quality emissions when compared to the proposed Project. Less traffic would be generated under this alternative, and this alternative would result in less noise impacts, because less traffic would be generated. Although the Reduced Development Intensity Alternative C would generate less traffic than the proposed Project and would provide a mixed-use project directed at providing mobility options and reducing use of the private automobile, this alternative would increase GHG emissions when compared to the proposed Project. This alternative would result in ~~greater impacts associated with~~less GHG emissions when compared to the proposed Project. Impacts associated with all other environmental issue areas would be the same as those that would occur with the proposed Project.

The Reduced Development Intensity Alternative C has the ability to meet most of the project objectives, though in some instances, to a lesser degree as the proposed Project, including promoting a well-organized international industrial and business district in East Otay Mesa, promoting the conservation of open space to preserve environmental resources, and providing a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service. This alternative would promote well-designed infrastructure, buildings and landscaping that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa. This alternative would also establish a land use pattern with a mix of densities that will minimize automobile trips, support walking and bicycling, encourage recreation, and invigorate the economy. However, this alternative would not have the same density of residential development and would implement the General Plan vision of creating a viable Village Core within East Otay Mesa to a lesser degree as the proposed Project. This alternative would provide infrastructure and public facilities at a similar level as the proposed Project, which would be designed to accommodate forecasted growth. This alternative would provide convenient housing opportunities for adjacent industrial and business district employees and support commercial/retail and employment uses to reduce vehicular dependence, although to a lesser degree as the proposed Project.

## *S.5.4 Environmentally Superior Alternative*

The No Project/No Development Alternative would be environmentally superior to the proposed project. The No Project/No Development Alternative would avoid all significant impacts associated with the proposed Project; however, the No Project/No Development Alternative does not meet any of the basic project objectives.

CEQA Guidelines, Section 15126.6(e)(2) requires that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The Reduced Intensity Development Alternative C would be considered the environmentally superior alternative because,

when compared with the proposed Project, it would reduce impacts associated with air quality to less than a significant level and would reduce impacts associated with noise, and traffic. This alternative would result in ~~an increase in~~less GHG emissions when compared to the proposed Project ~~but~~ and would ~~still~~ provide benefits of a mixed use development, albeit at a smaller scale. This alternative would require mitigation measures like those required for the proposed Project in order to reduce impacts associated with construction air quality emissions, GHG emissions, biological resources, cultural resources, hazards and hazardous materials, noise, paleontological resources, and traffic to below significant levels.

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| *Air Quality* | | | | |
| AQ-1 | Emissions of VOCs would exceed the County's screening thresholds for construction. Significant direct air quality impacts would occur on short duration during construction due to VOC emissions from application of architectural coatings. | Direct | **M-AQ-1:** The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. | Significant~~.~~ and unmitigable |
| AQ-2 | Emissions of VOCs would exceed the County's screening-level thresholds for operations, resulting in direct impacts associated with air quality. | Direct | | Significant~~.~~ and unmitigable |
| AQ-3 | Cumulative operational impacts would exceed County screening-level thresholds for VOCs, CO, PM10, and PM2.5. Therefore, the project would result in significant cumulative air quality impacts associated with operations. | Cumulative | | Significant~~.~~ and unmitigable |
| *Biological Resources* | | | | |
| BI-1 | Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to San Diego button-celery. | Direct<br>Indirect<br>Cumulative | **M-BI-1:** To mitigate direct impacts to San Diego button-celery (BI-1), a pre-construction survey shall be conducted in the Project development area prior to clearing of the development area. P~~the p~~lants located on-site shall be salvaged and translocated to a preserved vernal pool within the Open Space Easement (Lot 20 of proposed Tentative Map), in conjunction with the approved Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan. An addendum to the Fairy Shrimp Plan shall be prepared and would specify the methods, monitoring, and success criteria for the San Diego button-celery salvage and translocation. This plan will be reviewed by the County and Wildlife Agencies; additional | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | measures may be required by the Wildlife Agencies during Minor Amendment re-evaluation and will be incorporated into Project design. Wet season protocol surveys will be conducted prior to grading. If a focused survey in a year of adequate rainfall and vernal pool ponding should demonstrate that this group of button-celery is no longer extant, this mitigation measure for direct impacts would not be required. | |
| BI-2 | Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to San Diego fairy shrimp. | Direct<br>Indirect<br>Cumulative | **M-BI-2:** The following mitigation measures would be implemented to mitigate Project impacts to San Diego fairy shrimp (BI-2) to below a level of significance:<br><br>**M-BI-2a:** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site.<br><br>**M-BI-2ba:** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the Open Space Easement (Lot 20 of the proposed TM). The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.<br><br>**M-BI-2cb:** Impacts to San Diego fairy shrimp would be mitigated to a level below significant by the creation of | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
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| | | | habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan. | |
| BI-3 | Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to Riverside fairy shrimp. | Direct<br>Indirect<br>Cumulative | **M-BI-3:** The following mitigation measures would mitigate Project impacts to Riverside fairy shrimp (BI-3) to below a level of significance:<br><br>**M-BI-3a:** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site.<br><br>**M-BI-3ba:** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the open space easement. The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.<br><br>**M-BI-3cb:** Impacts to Riverside fairy shrimp, which is assumed present, would be mitigated to a level below significance by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan. If a protocol survey (2 wet or 1 dry and 1 wet survey) for Riverside fairy shrimp demonstrates that this species is not present in | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | the agricultural pond, then the success criteria for Riverside fairy shrimp would be dismissed. | |
| BI-4 | Implementation of the proposed Project would result in significant direct and cumulative impacts to variegated dudleya. | Direct<br>Cumulative | **M-BI-4:** The following mitigation measures would mitigate Project impacts to variegated dudleya to below a level of significance:<br><br>**M-BI-4a:** The applicant shall provide 1:1 offsite mitigation for impacted dudleya plants. The potential impact area shall be surveyed for variegated dudleya plants during the blooming period (May to June) prior to grading or other ground disturbance. If variegated dudleya are found on-site and outside of the open space easement (Lot 20 of the proposed Tentative Map), the applicant shall purchase and preserve habitat supporting the same number of variegated dudleya plants to be impacted, located at a County approved location as indicated below. Variegated dudleya surveys shall be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants .If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required.<br><br>**M-BI-4b:** *Option 1:* If purchasing mitigation credit, the mitigation bank shall be approved by the California Department of Fish and Wildlife. The mitigation should be located within the County MSCP. If mitigation is proposed outside of the County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within the subarea. The evidence of purchase shall include the following information to be provided by the mitigation bank: | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | 1. Confirmation that the habitat credits purchase support at least the same number of variegated dudleya plants found in the impact area. Surveys of the impact site and mitigation site should be conducted within the same blooming season.<br>2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.<br>3. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.<br>4. To ensure the land would be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.<br>5. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.<br><br>*Option 2:* If habitat credits cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat supporting at least the same number of variegated dudleya plants found in the impact area to the satisfaction of the Department of Planning and Development Services (PDS) as indicated below:<br><br>1. The type of habitat and the location of the proposed mitigation must be pre-approved by PDS, PCC before purchase or entering into any agreement for purchase. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | 2. The mitigation should be located within the South County MSCP. If mitigation is proposed outside the South County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within our subarea.<br>3. If an offsite mitigation property is pursued that does not have an existing management plan, then a Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR [Department of Parks and Recreation], the RMP shall also be approved by the Director of DPR.<br>4. An open space easement over the land shall be dedicated to the County of San Diego or like agency or the land shall be protected in perpetuity by other suitable mechanism to the satisfaction of the Director of PDS.<br>5. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.<br>6. In lieu of providing a private habitat manager, the applicant may contract with a federal, State or local government agency with the primary mission of resource management to take fee title or function as grantee under an easement and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | specified acreage and the specified habitat, or like-functioning habitat, and (2) the land would be managed by the agency for conservation of natural resources in perpetuity. | |
| BI-5 | Implementation of the proposed Project would result in significant direct and cumulative impacts to burrowing owl habitat. | Direct<br>Cumulative | **M-BI-5:** A pre-construction burrowing owl survey shall be conducted in the Project development area prior to clearing of the development area and a pre-construction burrowing owl survey to be conducted in the Open Space Easement (Lot 20 of the proposed Tentative Map) prior to disturbance within the Open Space Easement (Lot 20 of the proposed Tentative Map) (such as excavation of new vernal pool). A burrowing owl translocation plan shall be developed and approved by the County and Wildlife Agencies, if owls are found during pre-construction surveys. | Less than significant. |
| BI-6 | Implementation of the proposed Project would result in significant impacts to turkey vulture. | Direct | **M-BI-6:** Implementation of mitigation measures M-BI-7 and M-BI-8, below, would reduce impacts to turkey vulture (BI-6) to below a level of significance. | Less than significant. |
| BI-7 | Implementation of the proposed Project would result in significant impacts to northern harrier. | Direct | **M-BI-7:** Mitigation requirements for northern harrier (BI-7) would be partially met by the preservation of foraging habitat within the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement of the habitat within the open space would further reduce impacts to this species. In addition, initial clearing of vegetation shall occur outside the nesting season (mid-April through July). If that is not possible, a raptor nesting survey shall be conducted. If an active nest is found, grading would cease in the immediate vicinity, and the monitoring biologist and County staff will determine and agree to an acceptable buffer between the nest location and grading activities. Table 3.5 in the 1996 MSCP Plan states that an acceptable buffer would be 900 feet. Once the nest becomes non-active, grading restrictions shall not longer apply. Mitigation in conformance with the BMO for both on- and offsite habitat preservation (as proposed above in | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | the discussion of sage scrub and grassland habitat mitigation) would fully mitigate for the loss of foraging habitat for this species regionally. | |
| BI-8 | Implementation of the proposed Project would result in significant impacts to white-tailed kite. | Direct | **M-BI-8:** Mitigation requirements for the loss of foraging habitat and potential breeding habitat for white-tailed kite (BI-8) would be met by requiring a qualified biologist to monitor the construction area for suitable nesting habitat (e.g., trees) in the vicinity of construction during the breeding season. If white-tailed kite is found nesting on the Project site during pre-construction surveys, CDFW shall be notified. The RCP would require that a 'construction-free zone' be created around any identified nesting sites until fledging has occurred. The biologist would coordinate with County staff during the monitoring efforts to determine the size of any required construction zone. This would mitigate the impacts to a level below significant. | Less than significant. |
| BI-9 | Implementation of the proposed Project would result in significant direct and cumulative impacts to loggerhead shrike. | Direct Cumulative | **M-BI-9:** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to loggerhead shrike (BI-9) to below a level of significance. | Less than significant. |
| BI-10 | Implementation of the proposed Project would result in significant direct and cumulative impacts to black-tailed jackrabbit. | Direct Cumulative | **M-BI-10:** Implementation of mitigation measure M-BI-12, below, would reduce impacts to black-tailed jackrabbit (BI-10) to below a level of significance. | Less than significant. |
| BI-11 | Implementation of the proposed Project would result in significant direct and cumulative impacts to raptor foraging habitat. | Direct Cumulative | **M-BI-11:** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to raptor foraging habitat (BI-11) to below a level of significance. | Less than significant. |
| BI-12 | Implementation of the proposed Project would result in significant indirect impacts to preserved land in the Biological Open Space. | Indirect | **M-BI-12:** The following mitigation measures fully mitigate indirect project impacts (BI-12) to below a level of significance:<br><br>**M-BI-12a:** Human Activities. The adverse effects on vegetation due to the increase in human activity in the | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | area ~~can be minimized~~would be reduced by: 1) creating buffer zones adjacent to the open space easements to minimize the effects from noise and lighting; 2) limiting pedestrian and equestrian trails to existing roads or non-sensitive habitats; and 3) discouraging entry into native habitats such as the riparian and vernal pool habitats by installing fencing and barrier plantings and/or signage. In addition, the RCP would require fencing around the entire open space preserve easement to discourage trespassing and illegal dumping.<br><br>**M-BI-12b:** Construction Activities. Indirect impacts to habitats may result from construction activities, such as construction of Lone Star Road. To avoid the potential impacts, the limits of the vernal pool habitats shall be surveyed and staked prior to construction. These limits shall be clearly shown on all construction drawings as 'no impact zones.' This area would have temporary fencing prior to construction to prevent vehicular or pedestrian access, equipment storage, storage of spoils materials, and refuse disposal.<br><br>**M-BI-12c:** Introduced Species. The use of non-native, invasive plant species would be prohibited in the proposed landscaping palettes (including container stock and hydroseed material) for the streetscapes and commercial/industrial. A qualified biologist or native plant horticulturist shall review and sign all landscaping plans to determine the appropriate species to be used in landscaping associated with future projects as part of site plan review~~, prior to project approval~~. These measures would reduce the potential impacts to below significant. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | **M-BI-12d:** Increased Runoff, Erosion, and Sedimentation. The proposed construction of Lone Star Road would result in the removal of vegetation on hillsides that could result in a temporary increase in runoff into the on-site vernal pools. Increased runoff can, in turn, result in erosion and sedimentation that could adversely affect wetland vegetation or other drainages. Erosion and sedimentation impacts would ~~can also~~ be mitigated by employing standard erosion control procedures, such as, sandbagging, diversion ditches, and stream bank stabilization. Prior to Site Plan approval for future development projects, ~~project approval,~~ a construction erosion control plan would be reviewed and approved by the County. In addition, the project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities from the Regional Water Quality Control Board, of which would require an approved Storm Water Pollution Prevention plan. That plan would require the permit applicant to implement measures to prevent contamination of the surrounding drainages during construction. These measures would mitigate the potential for significant impacts to a level below significant.<br><br>**M-BI-12e:** Toxic Materials. Spills of toxic materials could occur during both construction and operational phases of the project. These spills could contaminate drainages and create a significant impact to habitat and water quality. In order to prevent these impacts, a 'no fueling' zone shall be designated within 25 feet of all drainages during the construction period. In addition, all equipment used near drainages during construction shall be routinely maintained and inspected for leaks. Major leaks shall be repaired immediately. Drip pans and tarps shall be placed | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | under minor leaks. Used drip pans and tarps shall be properly disposed of at the end of each work day. Emergency provisions (e.g. straw bales) shall be placed at all drainage crossings, prior to the onset of construction to deal with unintentional spills. All of these measures would be included in approved Storm Water Pollution Prevention Plan (SWPPP) as a part of the RWQCB-required NPDES permit for construction activities. In addition, all commercial/industrial uses that plan to store materials within the proposed commercial/industrial complex would be required to obtain a NPDES permit for operational activities from RWQCB. That permit would also require a SWPPP for each facility to prevent contamination of nearby drainages. These measures would mitigate the potential for significant impacts to a level below significant.<br><br>**M-BI-12f:** Habitat Fragmentation. Lone Star Road could potentially result in habitat fragmentation between the vernal pool complex to the north of Lone Star Road and the one vernal pool to the south of Lone Star Road. The southern vernal pool would be managed as a part of the larger vernal pool complex to the north. Integrated management of the southern pool with the rest of the vernal pool complex within the Open Space Easement (Lot 20 of the proposed TM) would ensure the long term viability of this pool and associated plant populations. The required RCP includes a management program for the vernal pools and would mitigate the potential for impacts to below significant.<br><br>**M-BI-12g:** Provision should be made to inform the construction contractor(s) (prior to the construction process) about the biological constraints of this | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | project. The contractor(s) would be responsible for impacts tto biological sensitivities beyond those identified in this report and that occur as a direct result of construction activities. All sensitive habitat areas or occurrences of sensitive species to be avoided shall be clearly marked on project maps provided to the contractor. These areas shall be designated as "no construction" or "limited construction" zones. These areas would be flagged by the project biologist prior to the onset of construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts.<br><br>**M-BI-12h:** A contractor education meeting shall be conducted to ensure that contractors and all construction personnel are fully informed of the biological sensitivities associated with this project. This meeting should focus on 1) the purpose for resource protection, 2) contractor identification of sensitive resource areas in the field (e.g., areas delineated on maps and by flags or fencing), 3) sensitive construction practices (see nos. 4-9, on Pages 4.3-106 and 4.3-107 of the Specific Plan EIR), and protocol to resolve conflicts that may arise during the construction process. This meeting shall be conducted by a qualified biologist, and shall be a requirement for all construction personnel.<br><br>**M-BI-12i:** Heavy equipment and construction activities shall be restricted to the development area. Prohibited activities within drainages or other wetland areas (including vernal pools) include staging areas, equipment access, and disposal or temporary placement of excess fill. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | **M-BI-12j:** Staging areas are prohibited within sensitive habitat areas or any habitat included in open space. Staging areas shall be delineated on the grading plans and reviewed by a qualified biologist. Likewise, vehicle access shall be prohibited in all open space areas.<br><br>**M-BI-12k:** Fueling of equipment shall not occur adjacent to drainages. …[F]ueling zones should be designated on construction maps and shall be situated a minimum distance of 7.6 meters (25 feet) from all drainages the open space limits or near storm drains that may drain into Johnson Canyon.<br><br>**M-BI-12l:** Construction in or adjacent to sensitive areas should be appropriately scheduled to minimize potential impacts to biological resources. All work in or near wetlands or other "waters of the U.S." shall take place during periods of minimum flow (i.e., summer through the first significant rain of fall) to avoid excessive sedimentation and erosion.<br><br>**M-BI-12m:** The open space limits must be staked and flagged prior to clearing or grubbing. The limits of the open space must be fenced with a chain link fence at least five feet tall prior to clearing or grubbing. The fence location must be approved by County staff or monitoring biologist prior to receipt of grading permit and would be a permanent protection measure.<br><br>**M-BI-12n:** A Resource Conservation Plan detailing wetland enhancement, preservation, and maintenance, coastal sage scrub habitat preservation, sensitive species salvaging, and transplanting as well as success standards and report requirements must be completed prior to the initiation of construction. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
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| | | | **M-BI-12o:** Temporary construction fencing shall be installed.<br><br>**M-BI-12p:** Installation of ~~3 strand wire fence~~ sturdy fence that can prevent cutting shall be extended around the entire western, northern, and eastern edges of the northern Open Space Easement (Lot 20 of the proposed TM) due to the ongoing problem of trespassing recreational off-road vehicles (this type of fence would not prevent entry and use by wildlife). | |
| BI-13 | Implementation of the proposed Project would result in the permanent removal of 195.99 acres of naturalized non-native grassland habitat, which results in a direct and cumulative impact. | Direct<br>Cumulative | **M-BI-13:** Significant impacts to 195.99 acres of non-native grassland (BI-13) would be mitigated at a ratio of 0.5:1, as previously approved in the 2000 SEIR. The required 98.00 acres of non-native grassland mitigation would be provided through preservation of 46.76 acres of non-native grassland and 1.96 acres of native grassland within the Open Space Easement (Lot 20 of the proposed Tentative Map), and purchase of 49.28 acres in an approved offsite mitigation bank. On-site non-native grassland mitigation acreage would be within both the northern Open Space Easement (Lot 20 of the proposed Tentative Map) and the smaller vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). The northern Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve 46.39 acres of non-native grassland and 1.96 acre of native grassland (totaling 48.35 acre of grassland). The southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve of 0.37 acre of non-native grassland on-site within the southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). Furthermore, the applicant has satisfied the requirement for purchase of 49.28 acres in an approved off-site mitigation bank. The applicant contributed $243,450 toward the preservation of land | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | in Hollenbeck Canyon, a preserve area in the MSCP subarea, which provided habitat value equal to 5.4 acres of native grassland and 48.6 acres of non-native grassland. | |
| BI-14 | Implementation of the proposed Project would result in the permanent removal of 0.11 acre of disturbed wetland habitat, which results in a direct and cumulative impact. | Direct<br>Cumulative | **M-BI-14:** Significant impacts to 0.11 acre of disturbed wetland (BI-14) would be mitigated at a ratio of 2:1. Mitigation, as previously approved, would consist of 1:1 creation and 1:1 enhancement, in the form of creating 0.11 acre of new wetland habitat in the northern Open Space Easement (Lot 20 of the proposed Tentative Map) (as required by the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan), and enhancing 0.11 acre of wetland habitat in the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement element consists of enhancing all of the vernal pools in the Open Space Easement (Lot 20 of the proposed Tentative Map) as required by the Long Term Management, Maintenance, and Monitoring Plan and will actually provide 0.21 acre of enhancement. As documented in the Project's December 2000 MSCP Findings (County of San Diego 2000), another 0.1[1] acre of wetland creation would be required to bring up the mitigation ratio to 2:1. The additional 0.11 acre of wetland mitigation should be undertaken in the Johnson Canyon drainage. As an alternative, the additional 0.11 acre of wetland creation within the mima mound vernal pool area shall be replaced with enhancement/restoration of the 0.39-acre area of non-native riparian habitat. The change from creation to enhancement/restoration would be compensated by an increase in the ratio from 1:1 to slightly over 3:1. A riparian habitat enhancement/restoration plan shall be developed and approved by the County and Wildlife Agencies. | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
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| BI-15 | If impacted disturbed wetlands are considered to be Waters of the ~~State~~U.S., the proposed Project would result in direct impacts to Federally-protected wetlands. | Direct | **M-BI-15:** Mitigation for potential project impacts to Federally protected wetlands (BI-15) shall consist of wetland creation and enhancement/ restoration as proposed for wetland habitat impacts in M-BI-~~12~~4, above. | Less than significant. |
| *Cultural Resources* | | | | |
| ~~CR-1~~ | ~~Direct impacts to SDI-9975 would occur to the portion of the site within the development area.~~ | ~~Indirect and Direct~~ | ~~**M-CR-1:** To mitigate for direct impacts to SDI-9975 and SDI-12730 the following shall be implemented:~~ | ~~Less than significant.~~ |
| ~~CR-2~~ | ~~Direct impacts to SDI-12730 would occur to the portion of the site within the development area.~~ | ~~Indirect and Direct~~ | ~~• A Biological Open Space Easement shall be dedicated to the County of San Diego which incorporates cultural resources that are to be preserved.~~<br>—<br>~~• Prior to any ground disturbance, temporary fencing shall be installed along the southern open space boundary where earth disturbing activities are within 100 feet of the open space easement. Placement of the fencing shall be coordinated by a California licensed surveyor in consultation with the Project Archaeologist and Kumeyaay Native American monitor. If the wetland creation is within 50 feet of CA-SDI-9975 or CA-SDI-12730, temporary fencing including an adequate buffer shall be installed. The fencing shall be installed under the supervision of the Project Archaeologist and Kumeyaay Native American monitor.~~ | ~~Less than significant.~~ |
| CR-~~1~~3 | Direct impacts to subsurface deposits within the Project footprint are potentially significant. | Indirect and Direct | **M-CR-~~1~~2:** To mitigate for direct impacts to subsurface deposits, an archaeological monitoring program will be implemented that consists of the following:<br>• Pre-Construction<br>o Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements. | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
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| | | | • Construction<br>o Monitoring. Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources<br><br>o If cultural resources are identified:<br>▪ Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.<br>▪ The Project Archaeologist shall contact the County Archaeologist.<br>▪ The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.<br>▪ Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.<br>▪ Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non- | |

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| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
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| | | | significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.<br>▪ If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).<br><br>o Human Remains.<br>▪ The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.<br>▪ Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
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| | | | ▪ If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.<br>▪ The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.<br>▪ Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.<br>▪ If needed any repatriation will be performed in landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance.<br><br>• Rough Grading<br>o Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring | |

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| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | report shall be provided to the South Costal Information Center and any culturally-affiliated tribe who requests a copy.<br><br>o Final Grading<br>▪ A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.<br>▪ Disposition of Cultural Material.<br>• The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.<br>• The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.<br>• If requested by the Native American monitor, repatriation of any prehistoric materials, collected by the Native American monitor during | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | construction monitoring will be repatriated to landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance after artifact analysis is completed. | |
| *Greenhouse Gas Emissions and Energy* | | | | |
| GHG-1 | Emissions of GHGs would exceed the efficiency metric. | Direct and Cumulative | **M-GHG-1a:** The project buildings will exceed Title 24 as of 2016 by 20 percent. This measure was included in the mitigation measures in the CalEEMod Model.<br><br>**M-GHG-1b~~2~~:** Each Site Development Plan for development within the Specific Plan Amendment area shall ~~The Project will~~ include photovoltaic solar panels (or their equivalent, as approved by the Planning and Development Services Director) designed to provide 50 percent of the project's commercial use electricity needs, and 50 percent of the residential dwelling units shall include photovoltaic solar panels (or their equivalent, as approved by the Planning and Development Services Director) to provide those residential dwelling units' electricity needs. This measure was included in the CalEEMod model under Renewable Energy.<br><br>**M-GHG-1c:** Each Site Development Plan within the Mixed-Use land use designation of the Specific Plan shall be conditioned to require its development to have net zero emissions. If on-site net zero emissions cannot be attained through development-specific measures with each Site Development Plan, then off-site mitigation shall be required pursuant to M-GHG-2. | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | At the Site Development Plan stage, the applicant shall perform an analysis of the GHG emissions associated with the development and any related requirements pursuant to CEQA. The analysis shall be subject to the review of County PDS, and shall ultimately require the approval of the Director of PDS.<br><br>The GHG analysis shall evaluate on-site design features (in addition to the measures set forth in M-GHG-1a and M-GHG-1b that are already required). Many local, regional, and State agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for future Site Development Plans implemented in accordance with the project, including, but not limited to:<br><br>• Governor's Office of Planning and Research CEQA and Climate Change. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. See Attachment 3, "Examples of GHG Reduction Measures."<br>Available: http://opr.ca.gov/docs/june08-ceqa.pdf.<br><br>• California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG."<br>Available: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White- Paper.pdf. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | • California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures. Available: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.<br><br>• Attorney General of the State of California. 2008 (December) [revised January 2010]. The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.<br><br>**M-GHG-3:** The County will consider, to the satisfaction of the Director of Planning and Development Services (PDS), the following geographic priorities for GHG reduction projects and programs: 1) off-site within the unincorporated areas of the County of San Diego; 2) off-site within the County of San Diego; 3) off-site within the State of California; 4) off-site within the United States; and 5) off-site internationally.<br><br>Geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide co-benefits. Depending on the carbon offset project utilized, co-benefits may include reductions in criteria air pollutants, toxic air contaminants, energy demand, water consumption, health benefits, social benefits, and economic benefits. The applicant or its designee | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such direct investment projects and programs are available and are financially feasible, as reasonably determined by the Director of PDS.<br><br>If carbon offset credits are provided as mitigation, the applicant, or its designee, shall purchase and retire carbon offsets in a quantity sufficient to offset all GHG emissions from each implementing site plan. This includes all GHG emissions from construction (including sequestration loss from vegetation removal) and operations.<br><br>For each implementing site plan, prior to the County's issuance of the project's first grading permit (for construction GHG emissions) or first building permit (for operations GHG emissions) the applicant, or its designee, shall provide evidence to the satisfaction of the Director PDS that the project applicant or its designee has purchased and retired carbon offsets in a quantity sufficient to offset the net increase of construction and operations GHG emissions generated by the project. Operations emissions may be offset in phases, commensurate with the overall phasing of the project.<br><br>Carbon offset credits must be purchased through any of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the state's cap-and-trade program, (iii) through the CAPCOA GHG Rx and the SDAPCD, or (iv) if no registry is in existence as identified in options (i), (ii), or (iii), above, then any other reputable registry or | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | entity that issues carbon offsets consistent with Cal. Health & Saf. Code section 38562(d)(1)), to the satisfaction of the Director of PDS. | |
| *Hazards and Hazardous Materials* | | | | |
| HZ-1 | Future occupants of and/or visitors to the Project site may be exposed to contaminated soil, if encountered. | Direct | **M-HZ-1:** As part of Site Plan review, soil sampling shall occur for planning areas A, C, D, E, F, G, and H. If constituents of concern (CoC)-bearing soils are encountered, following County DEH standards, ~~then~~ a Soil Management Plan (SMP) shall be prepared. The SMP shall identify remedial and cost-effective strategies, integrate environmental issues into the site development process, and provide the means and methods for identifying, segregating, and properly handling CoC-bearing soils at the site. | Less than significant. |
| *Noise* | | | | |
| N-1 | Implementation of the proposed Project may result in traffic noise levels that could exceed 60 dBA CNEL at the façade of on-site NSLUs and the traffic could exceed 65 dBA CNEL at exterior NSLUs. | Direct | **M-N-1:** Proper site planning to reduce noise impacts should be considered for all noise sensitive developments. Buildings can be oriented on a site in such a way as to exploit the site's noise attenuating features. By consideration of a site's natural topography, size and shape, it is often possible to reduce and possibly eliminate noise impacts from vehicular traffic and railroads. Site planning techniques include the following:<br><br>• Increasing the distance from the noise source to sensitive receptors by creation of setbacks;<br>• Placing non-noise sensitive uses such as parking lots and utility areas between the noise source and receiver;<br>• Orienting usable outdoor living space such as balconies, patios, and child play areas away from roadways and aircraft overflight contours;<br>• Construction of a noise barrier between the noise source and the receptor. The effectiveness of a barrier depends upon | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | factors such as the relative height of the barrier relative to the line-of-sight from the source to the receiver, the distance from the barrier to the source and to the receiver and the reflections of sound. To be effective, a barrier must block the line-of-sight from the source to the receiver. A barrier must also be of solid construction (i.e., masonry) without holes or gaps and be long enough to prevent sound from passing around the ends.<br><br>Because noise levels would exceed 60 dBA CNEL, the dedication of a Noise Restriction Easement would be required. This Noise Restriction Easement would require future noise analysis with subsequent discretionary permits to demonstrate compliance with County noise regulations or implementation of measures that would reduce noise levels to comply with noise regulations. | |
| N-2 | Implementation of the proposed Project may result in traffic noise levels exceeding the interior noise level of 45dBA CNEL. | | In order to mitigate potential traffic noise level impacts where interior noise levels would exceed 45 dBA (Impact N-2), the following mitigation is required:<br><br>**M-N-2:** An interior noise analysis shall be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis shall evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels would not exceed 45 dBA CNEL. The analysis shall be performed prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | The location of a building on its site, the arrangement of rooms, and the location of doors and windows all have a bearing on interior noise control. The sides of a building which face a roadway or other noise source should house those activities that can tolerate the greatest amount of noise. Noise-sensitive areas include bedrooms, living rooms and dens. Less noise sensitive areas may include kitchens and bathrooms. Hallways, closets and storage rooms are generally not noise-sensitive.<br><br>Indoor noise levels are controlled by the noise reduction characteristics of the building shell. In general, doors and windows are the acoustical weak link in a building. Therefore, careful consideration should be given to their placement. By limiting the number and size of these openings on the sides of the building exposed to noise, interior noise levels will be reduced.<br><br>Often it is necessary to allow for a closed window condition to control interior noise. When this occurs, an alternative means of ventilation such as heat pumps or forced air units is required to meet the California Building Code requirements. Heavy-pane or double-pane windows are frequently required to increase the sound insulation within a room. Doors facing a noise source should be solid-core and should be equipped with an appropriate gasket.<br><br>An interior noise analysis will be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis should evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels will not exceed 45 dBA CNEL. The | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | analysis should be performed prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements. The Project would result in a less than significant interior noise impact with Project features incorporated in accordance with the interior noise analysis. | |
| N-3 | Implementation of the proposed Project may result in on-going operational noise levels exceeding the County Code Noise Ordinance, Section 36.404. | | **M-N-3:** A use-specific noise analysis shall occur when individual lots seek approval of site and building plans as part of future site plan reviews. This may include noise measures consisting of:<br>• Limiting size of equipment<br>• Specific equipment location, orientation and layout design to increase screening<br>• Mechanical equipment enclosures, parapet walls, noise barriers<br>• Any other similar noise reducing noise design and feature | |
| *Paleontological Resources* | | | | |
| PR-1 | Potential impacts to paleontological resources within the upper sandstone/mudstone, middle gritstone, and lower fanglomerate members of the Otay Formation. (Potentially significant direct impact) | Direct | **M-PR-1** Paleontological monitoring shall be conducted during all mass grading and excavation activities in surface exposures of the Otay Formation to mitigate any adverse impacts (i.e., loss or destruction) to potential nonrenewable paleontological resources. A mitigation monitoring and reporting program consistent with County and CEQA guidelines and requirements shall be implemented prior to any mass grading and/or excavation-related activities, including utility trenching, within the Otay Formation. The mitigation monitoring and reporting program shall be conducted in accordance with the following procedures: | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | A. A Qualified Paleontologist or Paleontological Resources Monitor (under the supervision of the Qualified Paleontologist) shall be on-site during all excavation operations within geologic formations that may contain paleontological resources (i.e., the Otay Formation). The Qualified Project Paleontologist is a person with a Ph.D. or master's degree in paleontology or related field, and who has knowledge of San Diego County paleontology, and documented experience in professional paleontological procedures and techniques. A Paleontological Monitor is defined as an individual with at least 1 year of experience in field identification and collection of fossil materials. The Paleontological Monitor shall work under the direct supervision of the Qualified Paleontologist. The applicant shall authorize the Qualified Paleontologist and/or Paleontological Monitor to direct, divert, or halt any grading activity, and to perform all other acts required by the provisions listed below.<br><br>B. The Qualified Paleontologist and/or Paleontological Monitor shall monitor all grading and excavation activities of undisturbed formations of sedimentary rock;<br><br>C. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall do the following:<br><br>1. Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | determined and the appropriate recovery implemented.<br>2. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.<br>3. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the Project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting.<br>4. Prepare collected fossil remains for curation to include cleaning the fossils by removing the enclosing rock material; stabilizing fragile specimens using glues and other hardeners, if necessary; and repairing broken specimens.<br>5. Curate, catalog, and identify all fossil remains to the lowest taxon possible; inventory specimens; assign catalog numbers; and enter the appropriate specimen and locality data into a collection database.<br>6. Transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | paleontological collections for archival storage and/or display. The transfer shall include copies of relevant field notes, maps, stratigraphic sections, and photographs.<br><br>D. The Qualified Paleontologist shall prepare a final Paleontological Resources Mitigation Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.<br><br>E. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the report according to the County PDS Electronic Submittal Format Guidelines. | |
| PR-2 | Contribution to cumulative paleontological resources impacts within the cumulative project area. (Potentially significant cumulative impact) | Cumulative | **M-PR-1** Paleontological monitoring shall be conducted during all mass grading and excavation activities in surface exposures of the Otay Formation to mitigate any adverse impacts (i.e., loss or destruction) to potential nonrenewable paleontological resources. A mitigation monitoring and reporting program consistent with County and CEQA guidelines and requirements shall be implemented prior to any mass grading and/or excavation-related activities, including utility trenching, within the Otay Formation. The mitigation monitoring and reporting program shall be conducted in accordance with the following procedures:<br>A. A Qualified Paleontologist or Paleontological Resources Monitor (under the supervision of the Qualified Paleontologist) shall be on-site during all excavation operations within | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | geologic formations that may contain paleontological resources (i.e., the Otay Formation). The Qualified Project Paleontologist is a person with a Ph.D. or master's degree in paleontology or related field, and who has knowledge of San Diego County paleontology, and documented experience in professional paleontological procedures and techniques. A Paleontological Monitor is defined as an individual with at least 1 year of experience in field identification and collection of fossil materials. The Paleontological Monitor shall work under the direct supervision of the Qualified Paleontologist. The applicant shall authorize the Qualified Paleontologist and/or Paleontological Monitor to direct, divert, or halt any grading activity, and to perform all other acts required by the provisions listed below.<br><br>B. The Qualified Paleontologist and/or Paleontological Monitor shall monitor all grading and excavation activities of undisturbed formations of sedimentary rock;<br><br>C. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall do the following:<br><br>1. Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined and the appropriate recovery implemented. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | 2. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.<br><br>3. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the Project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting.<br><br>4. Prepare collected fossil remains for curation to include cleaning the fossils by removing the enclosing rock material; stabilizing fragile specimens using glues and other hardeners, if necessary; and repairing broken specimens.<br><br>5. Curate, catalog, and identify all fossil remains to the lowest taxon possible; inventory specimens; assign catalog numbers; and enter the appropriate specimen and locality data into a collection database. | |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | 6. Transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display. The transfer shall include copies of relevant field notes, maps, stratigraphic sections, and photographs.<br><br>D. The Qualified Paleontologist shall prepare a final Paleontological Resources Mitigation Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.<br><br>E. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the report according to the County PDS Electronic Submittal Format Guidelines. | |
| *Traffic/Transportation* | | | | |
| TR-1/TR-7 | A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/La Media Road. | Direct<br>Cumulative | **M-TR-1:** In order to mitigate the Project's direct and cumulative impacts to this intersection, ~~it is recommended that~~ the Project would contribute a fair share towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends providing the following lane configurations at the intersection:<br>• Southbound movement: two dedicated right turn lanes, three thru lanes, and two dedicated left turn lanes. | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | • Westbound movement: two dedicated right turn lanes, three thru lanes, and two dedicated left turn lanes.<br>• Northbound movement: two dedicated right turn lanes, three thru lanes, and two dedicated left turn lanes.<br>• Eastbound movement: two dedicated right turn lanes, three thru lanes, and two dedicated left turn lanes.<br><br>Payment of the Project's fair share towards these improvements would reduce this direct and cumulative impact to below a level of significance. | |
| TR-2/TR-10 | A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Harvest Road. | Direct<br>Cumulative | **M-TR-2:** In order to mitigate the Project's direct and cumulative impacts to this Project access intersection, ~~it is recommended that~~ the Project would signalize the intersection and provide the following lane configurations:<br><br>• Southbound movement: one dedicated right turn lane with overlap phasing and a shared thru/left turn lane.<br>• Westbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.<br>• Northbound movement: one shared thru/right turn/left turn lane.<br>• Eastbound movement: one shared thru/right turn lane, one dedicated thru lane, and two dedicated left turn lanes.<br><br>Since this intersection falls under Caltrans jurisdiction, a signal warrant was conducted to ensure the installation of a signal at the intersection is warranted. Based on the signal warrant included in ***Appendix K*** a | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | signal is warranted at the intersection under Existing + Project conditions.<br><br>In addition, the Project ~~should~~ would pay the appropriate TIF amount toward the County TIF Program.<br><br>Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance. | |
| TR-3/TR-11 | A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Sanyo Avenue. | Direct<br>Cumulative | **M-TR-3:** In order to mitigate the Project's direct and cumulative impacts to this Project access intersection, ~~it is recommended that~~ the Project would provide the following lane configurations:<br><br>• Southbound movement: two dedicated right turn lanes with overlap phasing, one thru lane, and one dedicated left turn lane.<br>• Westbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.<br>• Northbound movement: one shared thru/right turn lane, one dedicated thru lane, and two dedicated left turn lanes.<br>• Eastbound movement: one shared thru/right turn lane, one dedicated thru lane, and two dedicated left turn lanes.<br><br>The Project should also pay the appropriate TIF amount toward the County TIF Program.<br>Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance. | Less than significant. |
| TR-4/TR-12 | A Project related significant direct and cumulative impact (respectively) to the intersection of | Direct<br>Cumulative | **M-TR-4:** In order to mitigate the Project's direct and cumulative impacts to this Project access intersection, ~~it is recommended that~~ the Project would signalize the | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | Otay Mesa Road/Vann Centre Boulevard. | | intersection and provide the following lane configurations:<br><br>• Southbound movement: one dedicated right turn lane with overlap phasing and one dedicated left turn lane.<br>• Westbound movement: one shared thru/right turn lane.<br>• Eastbound movement: one thru lane and one dedicated left turn lane.<br><br>The Project should also pay the appropriate TIF amount toward the County TIF Program.<br><br>Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance. | |
| TR-5 | A Project related significant direct impact to the street segment of Otay Mesa Road from Sanyo Avenue to Vann Centre Boulevard. | Direct | **M-TR-9:** Widening this segment of Otay Mesa Road between Sanyo Avenue and Vann Centre Boulevard along the Project frontage to four-lanes would reduce this direct impact to below a level of significance.<br><br>The Project would also be responsible for making ½ width frontage improvements along Otay Mesa Road between Harvest Road and Vann Centre Boulevard to improve the roadway to six-lane Prime Arterial standards per the County's Centerline Ordinance. | Less than significant. |
| TR-6 | A Project related significant direct impact to the street segment of Otay Mesa Road from Vann Centre Boulevard to Enrico Fermi Drive. | Direct | **M-TR-10:** This segment of Otay Mesa Road between Vann Centre Boulevard and Enrico Fermi Drive was analyzed under Existing conditions without the addition of SR 11 between SR 905 / SR 125 and Enrico Fermi Drive to the roadway network. SR 11 is currently under construction and expected to open during the fall of 2015, before completion of the East Otay Mesa Business Park Specific Plan Amendment Project. Under Year 2020 Cumulative conditions, with the | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | addition of SR 11, a significant impact is not calculated along the segment (2 lanes provide adequate operations). Therefore, the construction of SR 11, which is fully funded, would mitigate the Project's direct impact, and no additional mitigation measures are necessary. | |
| TR-8 | A Project related significant cumulative impact to the intersection of Airway Road and Sanyo Avenue. | Cumulative | **M-TR-5:** In order to mitigate the Project's cumulative impact to this intersection, ~~it is recommended that~~ the Project would contribute a fair share towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends signalizing the intersection and providing the following lane configurations:<br>• Southbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.<br>• Westbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.<br>• Northbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.<br>• Eastbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.<br>Payment of the Project's fair share towards these improvements would reduce this cumulative impact to below a level of significance. | Less than significant. |
| TR-9 | A Project related significant cumulative impact to the intersection of Siempre Viva Road and Paseo de las Americas. | Cumulative | **M-TR-7:** In order to mitigate the Project's cumulative impact to this intersection, ~~it is recommended that~~ the Project would contribute a fair share towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa* | Less than significant. |

**TABLE S-1. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

| Impact No. | Impact | Impact Type (direct, indirect, cumulative) | Mitigation | Conclusion and Mitigation Effectiveness |
|---|---|---|---|---|
| | | | *Community Plan Update,* Urban Systems, August 30, 2013. The study recommends providing the following lane configurations:<br>• Southbound movement: two dedicated right turn lanes, one thru lane and one dedicated left turn lane.<br>• Westbound movement: one dedicated right turn lane, two thru lanes and one dedicated left turn lane.<br>• Northbound movement: one dedicated right turn lane, one shared thru / left turn lane and one dedicated left turn lane.<br>• Eastbound movement: one dedicated right turn lane, three thru lanes and two dedicated left turn lanes.<br>Payment of the Project's fair share towards these improvements would reduce this cumulative impact to below a level of significance. | |
| TR-13 | A Project related significant cumulative impact to the intersection of Airway Road and Paseo de las Americas. | Cumulative | **M-TR-6:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance. | Less than significant. |
| TR-14 | A Project related significant cumulative impact to the intersection of Siempre Viva Road and Enrico Fermi Drive. | Cumulative | **M-TR-8:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance. | Less than significant. |
| TR-15 | A Project related significant cumulative impact to the street segment of Enciro Fermi Drive from Otay Mesa Road to Airway Road. | Cumulative | **M-TR-11:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance. | Less than significant. |

# CHAPTER 1.0 PROJECT DESCRIPTION, LOCATION, AND ENVIRONMENTAL SETTING

## 1.1 Project Objectives

Section 15124(b) of the California Environmental Quality Act (CEQA) Guidelines requires an Environmental Impact Report (EIR) to prepare a statement of objectives sought by the proposed project. The objectives assist the County of San Diego (County), as lead agency, in developing a reasonable range of alternatives to evaluate in the EIR. The project objectives will also aide decision-makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives also includes the underlying purpose of the project.

The following are the project objectives set forth by the proposed Project.

1. Contribute to the Specific Plan goals of promoting a well-organized international industrial and business district to attract and accommodate forecasted growth by providing a Mixed-Use Village Core that would permit a variety of residential uses at higher densities, in addition to light industrial/technology, office, and commercial uses.

2. Promote the conservation of open space to preserve environmental resources and provide recreational opportunities for the industrial workforce and surrounding community residents.

3. Implement the County of San Diego General Plan vision of creating compact communities by creating a Village Core within the East Otay Mesa sub-region that contains a mix of housing types located near retail businesses, employment, and recreational uses.

4. Establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of surrounding businesses.

5. Provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular use.

6. Support development of the East Otay Mesa Specific Plan multi-modal transportation system by providing a multi-modal internal street network that serves vehicular, pedestrian, and bicycle travels; as well as ~~installation of a bus stop providing access to~~ supports local and regional transit.

7. Develop well-designed infrastructure, buildings, and landscaping, on-site and off-site, that create a distinct urban character for the East Otay Mesa Specific Plan area.

8. Provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards.

## 1.2 Project Description

The proposed Project involves an Amendment to the East Otay Mesa Business Park Specific Plan to add a new land use designation (*Mixed-Use Designation*) for the approximately 253-acre Project area of the 3,012.7-acre Specific Plan area, a Rezone to retain the existing S-88 zoning designation for the project site but change the land use designation and the regulatory site standards within the Specific Plan to Mixed-Use to allow for development of the Project site as a Village Core;~~,~~ ~~and~~ a new Tentative Map to subdivide the Project area into 30 lots~~implement the proposed uses~~; and an Amendment to the Otay Subregional Plan to allow residential mixed-uses that would support the development of industrial uses in the area by providing live/work and commercial service opportunities, which is considered a General Plan Amendment. The Project Area is located in the northwest portion of the Specific Plan area, as shown in Figure 1-1, *East Otay Mesa Specific Plan Area – Approved Land Use Plan*. The proposed Tentative Map is shown in ~~(~~Figure 1-2, *Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Tentative Map*)~~ would subdivide the Project area into 30 lots~~.

The Specific Plan Amendment proposes seven planning areas (PAs), as illustrated in Figure 1-3, *Specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*. There would be four mixed-use planning areas (PAs A, B, C, and D). Although part of the same ownership, Planning Area F (Technology Business Park) is not a part of the proposed Specific Plan Amendment. Planning Area E would retain the Technology Business Park designation shown in the current Specific Plan, and Planning Area G would remain designated as Open Space.

The Specific Plan Amendment proposes to add a new land use designation (*Mixed-Use Designation*) for the approximately 253-acre Project area of the 3,012.7-acre Specific Plan area. Table 1-1, *Land Use Summary*, provides a summary of the mixed land use types and associated area for each.

The Mixed-Use Designation would include a range of densities and a mix of uses across the Project area and is anticipated to catalyze employment within the East Otay Mesa area. Uses that would be allowed in the Project area include a variety of civic uses and commercial uses. Light industrial uses, including wholesale storage and distribution and custom manufacturing uses, would be allowed in the Employment Emphasis mixed use designation. Residential uses would be allowed in all three of the new Mixed-Use land use designation emphases. The proposed Project would result in up to 3,158 residential

units, 78,000 square feet of commercial space, and 765,000 square feet of employment uses.

## 1.2.1 Project Background

### 1.2.1.1 *East Otay Mesa Specific Plan*

The East Otay Mesa Specific Plan (EOMSP) and certified EIR were originally approved in 1994. The Specific Plan sets forth the expectations of high demand for industrial and commercial land in the area; however, limited development has occurred since that time, and most of the Specific Plan area remains vacant. Originally envisioned as a major employment center in southern San Diego County, the objectives of the plan were to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. The EOMSP has been amended multiple times since 1994 and is now officially titled the East Otay Mesa Business Park Specific Plan; however, it is referred to as the "EOMSP" throughout this SEIR.

The 2011 County of San Diego General Plan provides a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and protecting existing community character. This model, called the Community Development Model (CDM), recognizes that mixed-use development, consisting of residential, retail, and office/professional uses, is an important component of creating livable communities that reduce vehicular trips (and associated greenhouse gas emissions) by providing places to live, work, and shop within a compact area. Currently, the EOMSP does not accommodate residential uses (other than scattered rural residential uses along the outskirts of the plan area). This means that when employment uses are developed throughout the greater EOMSP area, employees would need to commute to East Otay Mesa from other areas in the County, creating a development pattern that may undermine the County's sustainable growth goals and policies.

The Project proposes to amend the EOMSP to establish a Mixed-Use Village Core that would permit a variety of residential uses at higher densities (up to approximately 30 dwelling units per acre). This would implement the 2011 General Plan vision for the creation of "Villages." The Project site is currently identified as a Village within the General Plan Land Use Map. The Village category identifies areas where a higher intensity and a wide range of land uses are established or have been planned. Per the Land Use Framework of the General Plan, "[t]ypically, Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit (when feasible)."

### 1.2.1.2 *Otay Subregional Plan*

The Otay Subregional Plan area is approximately 28,380 acres in size. The plan area is located in the most southwesterly corner of the unincorporated county, bordered by the Jamul/Dulzura subregion to the north and east, the City of Chula Vista to the west, and the international border with Mexico to the south. The Otay subregion is characterized by the Otay reservoir, two detention facilities, a landfill, proximity to the Mexican border, and the San Ysidro Mountains. The subregion is largely undeveloped and in public ownership.

There are two active specific plan areas within the subregion: the EOMSP, which is the where the Project site is located; and the Otay Ranch Specific Plan. As previously stated, the EOMSP is planned for commercial and industrial uses to serve as a major employment area for southern San Diego County. The Otay Ranch Specific Plan consists of a resort and a variety of residential designations, ranging from 0.7 to 15 dwelling units per acre.

### 1.2.1.3 *Previously Approved Tentative Map*

The Project site was approved for development in 2012 to subdivide the site into 55 lots. Tentative Map ~~5538~~ 5139 (TM ~~5538~~5139) consisted of 52 technology business park lots ranging in size from 1.8 acres to 5.3 acres, one lot for a sewer pump station, one storm water detention lot, and a 51.3-acre dedicated open space lot. A 0.41-acre lot within the subdivision is identified as an open space easement established for the protection of biological resources (vernal pools).

The current Project proposes a new Tentative Map for development of the Project site in accordance with the proposed Specific Plan Amendment. The Project proposes a development potential (number of residential units, square footage of employment use, and square footage of commercial use) based upon the approved peak-hour traffic volumes associated with TM ~~5538~~5139, such that the overall traffic volumes generated by the Project, as well as morning (AM) and afternoon (PM) peak hour commute trips, would not exceed what was assumed for the approved TM.

## 1.2.2 Proposed Project

**Land Uses**

The Project site is located within the EOMSP area and encompasses 253.13 acres, including 219.9 acres of lot area and 33.2 acres of right-of-way area. The EOMSP area is located in the unincorporated portion of southern San Diego County, within the Otay Subregional Plan area. The undeveloped Project site is generally east of State Route 125 (SR-125), north of Otay Mesa Road, west of Vann Centre Boulevard, and south of Zinser Road (see Figure 1-4, *Regional Vicinity Map*). The site includes nine individual parcels with the following Assessor's Parcel Numbers (APNs): 646-240-30, 646-310-17, 646-080-26, -27, -28, -29, -31, -32, and -33.

As discussed above, the Project proposes a Specific Plan Amendment (SPA) to the EOMSP to establish a new Mixed-Use Village Core area, which would allow for the establishment of a mix of employment, retail, and residential uses. Approval of the Project would allow for the entitlement of a maximum of 3,158 dwelling units, 78,000 square feet of general commercial uses, 765,000 square feet of employment uses, and approximately 51.3 acres of permanent biological open space (see Figure 1-3). The Project also requires an amendment to the Otay Subregional Plan (Volume 1), which is considered a General Plan Amendment (GPA), in order to allow for the establishment of residential mixed-uses within the community plan area, a Rezone (REZ) to accommodate the introduction of mixed-uses into the Specific Plan, a Tentative Map (TM) to subdivide the land, and a Supplemental Environmental Impact Report (SEIR) to evaluate associated environmental impacts.

The County's General Plan currently designates the Project site as Village-Regional Category, and Specific Plan Area-Land Use Designation (see Figure 1-5, *Regional Category Map*, and Figure 1-6, *General Plan Land Use Designations*). The entire SPA is assigned Specific Plan Area (S-88) Zoning designation, and the development of the Project site is regulated by the EOMSP. The EOMSP further designates the allowable land use on the site as Technology Business Park, and approximately 28.8 acres in the southwest corner of the Project site has an existing Commercial Overlay. The existing Technology Business Park land use designation is intended for development of manufacturing options and business offices that research, develop, and produce advanced technologies.

The Project proposes to establish a Mixed-Use land use designator allowing for a mix of residential, employment, and retail uses. The Project would include a range of densities and mix of uses across the planning area as indicated by the new designations and allowable housing types including single-family detached, duplexes, townhomes/rowhouses, and multi-family product types (Table 1-4, *Typical Development Scenario*). The commercial component is intended to provide small scale shopping/retail uses and could include shopping centers, grocery stores, local convenience markets, personal services, and outdoor cafes or other dining establishments. The employment component would include typical uses such as custom manufacturing, wholesale storage and distribution, and research and development businesses (Figure 1-3, *Specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*). Site plans and/or tentative maps would be required to be submitted for each lot as part of the discretionary review at the time that development is proposed.

**Architectural/Design Standards**

The purpose of the Architectural Standards is to define architectural principles that are appropriate, distinctive and add value by their ability to attract investors, tenants and employees. Standards are contained in Tables 3.2-3 and 3.2-4 of the SPA and are meant to ensure the architectural integrity of the community as a whole. Emphasis is on high quality design and construction in order to promote well-designed, attractive buildings. Harmonious development, pedestrian-scale architecture, particularly at the street level,

and a hierarchical scale of uses are intended. For example, anchor stores are to be emphasized as more important structures and smaller businesses in the main retail structure are to have lesser emphasis. Independent pad sites or buildings shall have their own unique identity but relate to the large main structure.

All development projects within the Specific Plan Area shall comply with the Architectural Standards of the SPA. Although the proposed Project and SPA do not include specific design motifs or architectural styles, architectural design is generally regulated within the Architectural Standards, contained within two tables, one for industrial development (Table 3.2-3 of the Specific Plan) and one for commercial and mixed-use development (Table 3.2-4 of the Specific Plan). Each table addresses information relative to building design, exterior building materials, climatic considerations, parking structure, and other considerations. Additionally, site-specific design review would occur at the time that individual projects come forward to ensure consistency with the Specific Plan and compatibility with any existing or planned development.

The SPA proposes that a Mixed-Use Designation be applied in the northwestern portion of the Specific Plan Area within a Mixed-Use Village Core. The Architectural Standards for development in the Mixed-Use Designation include the following:

- Building Design
  - Form and Mass
    - Varying roof slopes and building mass is required. Continuous flat rooflines shall not be permitted.
    - Building facades longer than 200 feet shall include gables and arches or other articulation at distances of 75-90 feet (Figure 3.2-6 of the SPA).
    - Valid methods of wall articulation include but are not limited to windows, faux windows, balconies, arcade, building indentations, architectural detailing, gables, and arches as shown in Figure 3.2-7 of the SPA.
  - Cornice
    - Permitted materials: stucco; trim stone parapet, and pre-cast concrete or prefab cornice to match project brick.
  - Downspouts
    - Downspouts shall be incorporated into the structure of the columns or be painted to match the adjacent building façade.
    - Roof drainage may not flow cross pedestrian walks or trails.
  - Entrances
    - Building entrances shall be emphasized so their location is apparent and clear. Porches, loggias, arcades and canopies are helpful to call attention to an entrance.
    - Use of color accents and special materials at entrances can be used to create an intensity of focus to the overall building.
  - Arcades, Loggia, and Awnings
    - All retail storefronts shall employ the use of arcades, loggias, arbors, or awnings that may encroach three feet into the setback area.

- Corner or End Treatment
  - All street corner buildings and the main building in a commercial center must be punctuated at the ends/corners with an articulated architectural element (i.e., tower, cupola, notching, etc.).
  - Articulation shall consist of a minimum five-foot offset and a length of 12 feet to 25 feet, and shall be higher than the adjacent building façade by at least four feet.
- Reveals
  - Exterior wall surface areas shall provide architectural reveals to break up the wall surface. At a minimum, reveals should occur at every structural bay.
  - Reveals of varying size and direction are encouraged. For example, on long horizontal walls, vertical reveals shall be utilized accentuating the height of a building and lessening its horizontal impacts.
- Windows
  - Full height windows shall be permitted.
  - Security bars or rolling grilles are prohibited unless fully concealed during regular business hours.
  - Ground floor retail uses with transparent storefronts are encouraged.
- Roofline Articulation and Roof Form
  - Long continuous parapets shall be broken to add hierarchy, scale, and visual interest.
  - Distinctive roof forms shall be used to distinguish entry points and create a unique skyline.
  - Flat roof buildings shall incorporate shed roofs or trellises covering exterior walkways or loggias to scale down the structure and provide relief.
- Rooftop Equipment
  - Rooftop structures and/or mechanical equipment, including appurtenances, shall be fully screened from view from street, park or adjacent property by the extension of building side walls or parapets to a height at least as great as the highest piece of equipment, or by a screening structure which may incorporate grill work, louvers and/or latticework.
- Accessory Buildings and Outdoor Storage
  - Building material colors, roofline, general form, and character shall match or be compatible with primary building or buildings on the site.
  - Temporary wood and metal type buildings are prohibited. Temporary trailers are permitted only as interim facilities during construction phase of project.
  - Where outdoor storage is permitted, a minimum eight-foot-tall fence or wall shall enclose the outdoor storage.

- Exterior Building Materials
  - Permitted: Front and Sides of Buildings
    - Permitted materials include wood, brick, stone, stucco, Hardiplank siding, tinted storefront glass (non-reflective), glass block, pre-cast concrete, or

cast stone. Cast stone, stucco, complementary brick, stone, or granite is acceptable as architectural trim material or accents.

- Permitted: Rear of Buildings
  - Permitted building materials on rear of buildings shall be brick, tilt wall, split face, CMU painted to match the primary building material, or stucco.
- Not Permitted
  - Curtain wall or plastic is prohibited as dominant materials. They may be used for trim, decorative elements, and signs.

- Climatic Considerations
  - Window Locations
    - All retail storefronts are encouraged to use arcades, loggias, or awnings at windows and doorways. Other uses shall, at a minimum, locate said structures at the building entry.
  - Elements to Shade Wall Surface
    - Protected courtyards, porches, arcades, trellises, loggias, pergolas, verandas, overhangs, or trees shall be used to shade exterior wall surfaces and windows from direct sun exposure.
  - Courtyards
    - Any size courtyard, particularly south-facing, may be used to create outdoor spaces, giving the site a more favorable microclimate for year-round activities.

- Parking Structures
  - Design
    - All sides of a parking structure visible from the street or common area must be faced with a building material similar to or the same as the adjoining building.
  - Location
    - Parking structures shall be placed toward the rear of property lines, away from street frontage, and shall meet building setback requirements.
  - Screening Methods
    - Parking structures shall be screened by one or a combination of the following: dense planting of trees, sunken parking structure design with dense slope planting, and berms and planting in front of structure.

- Other Considerations
  - Outdoor Open Space Areas
    - Outdoor open space areas may encroach the setback area by no more than ten feet.
    - Open frame structures such as arbors or trellises would be permitted to encroach the setback area.
  - Common Open Space for Multi-Family Development
    - Multi-family housing types shall provide a minimum of 150 square feet of usable open space per unit, which may consist of private or common open space. Private open space is accessible only to the residents of a particular

unit and includes areas such as balconies and patios. Common open spaces are indoor or outdoor recreation areas that are accessible to all residents. Examples of common areas include, but are not limited to, clubhouses, playgrounds, gyms, game rooms, plazas, pavilions, community gardens, picnic/barbeque areas, or pool areas. The usable open space requirement may be satisfied either through common open space only, private open space only, or a combination of private and common open space. For example, each unit could contain 50 square feet of private open space and the remaining 100 square feet could be allocated to common open space areas.

The blending of land uses within the Village Core may occur vertically or horizontally. Vertical mixed-use is where different compatible land uses are integrated within the same building on separate floors (e.g. ground floor retail or office and upper floor residential). Horizontal mixed-use is where different compatible uses occur adjacent to one another (e.g. apartment building located next to an office building). Buildings would be designed to be compatible with nearby land uses and are encouraged to reflect a human scale and provide visual interest. Some typical design elements would include street oriented building entrances, ground floor transparency, sidewalk cafes, balconies, awnings, and articulated facades. Strip commercial development would not be permitted. Where feasible, parking lots would be located to the rear or sides of buildings and screened with landscaping.

**Pedestrian Features**

Walking is encouraged within the EOMSP. The amount of projected residents within the Mixed-Use Village Core, as well as employees throughout the Specific Plan Area that would take mid-day lunches and shopping trips, necessitates the establishment of a pedestrian circulation and trails system that would support and encourage walking as a mode of transportation. To create safe and attractive pedestrian travel, the EOMSP requires that sidewalk areas be kept free of obstructions and allow for the flow of pedestrians. Crosswalks and signal timing are recommended to help reduce pedestrian/auto conflicts and improve safety conditions. Sidewalks would be provided on both sides of all public streets. Sidewalks within the Mixed-Use Village Core are proposed to be at least five-feet wide and separated from the traveled way by a 4.5-foot landscaped parkway (five-feet as measured from face of curb) (see Section 2.3.7 of the SPA). All sidewalks would meet the Americans with Disabilities Act (ADA) standards.

Mixed-Use Roads would have five-foot non-contiguous sidewalks separated from the curb by a 4.5-foot wide landscape strip (five-feet as measured from face of curb). Large canopy trees spaced every 25 feet would be located in the middle of this landscape strip to create a sense of place and provide shade for pedestrians and bicyclists. Landscape building setbacks would supplement the parkway planting with some combination of low shrubs, groundcovers, and/or decorative mulch and medium-sized flowering canopy trees spaced every 25 feet. A minimum five-foot landscaped building setback is required along ~~on~~all mixed-use roads except that a ten-foot setback is required along the south side of

Zinser Road and the west side of Vann Center Boulevard, a 25-foot setback is required along the east side of Harvest Road from Otay Mesa Road to Sunroad Boulevard, and a 15-foot setback is required along the west side of Sunroad Boulevard between Zinser Road and David Ridge Road and along both sides of Harvest Road between David Ridge Road and Otay Mesa Road. The west side of Harvest Road from Otay Mesa Road to Sunroad Boulevard may include a ten-foot wide multi-use pathway, if feasible, to provide a connection to the proposed trail that traverses the San Diego Gas & Electric (SDG&E) easement.

Since the approval of the East Otay Mesa Specific Plan in 1994, the County adopted a Community Trails Master Plan that governs the type and location of trails throughout the unincorporated area. Trails proposed in the Specific Plan are non-motorized, multi-use trails that allow public access to natural scenic areas. Trails and pathways in East Otay Mesa would meet the Community Trails Master Plan Design and Construction Guidelines. All development adjacent to the Otay Valley Regional Park would improve a ten-foot-wide trail (or pathway along Lone Star Road where adjacent to open space) for passive viewing and as a potential connection to the regional park trail system. The trail (or pathway) would be open to the public and would connect to a public sidewalk or an alternative location acceptable to the County. A ten-foot-wide pathway may also be provided along Harvest Road between Otay Mesa Road and Sunroad Boulevard, if feasible. This pathway provides a connection to the trail that extends north of Sunroad Boulevard and links to the Otay Valley Regional Park. Trails and pathways are identified on Figure 1-13, *Trails and Pathways*.

**Signage**

All signage shall be in conformance with the standards set forth in the Zoning Ordinance Section 51.118.

**Lighting**

The proposed Project would use outdoor lighting and is located within Zone B (all areas within the unincorporated area of the County not within a 15-mile radius of the center of the Palomar Observatory and a 15-mile radius of the center of Mount Laguna Observatory) as identified by the San Diego County Light Pollution Code (Title 5, Chapter 2 of the San Diego County Code of Regulatory Ordinances).

All lighting would comply with the County Light Pollution Code (County Code Section 59.101 et seq.), as indicated in the approved Specific Plan and SPA. Commercial lighting adjacent to residential uses would be limited, include directional shields, and would not overflow into adjoining residential areas. Within Activity Node and Mixed-Use Village Core parking areas, lighting would be on 15-foot poles and complementary to building architecture. Illumination would meet guidelines for vehicular areas (see County Light Pollution Code - County Code § 59.101 et seq.). In loading areas, lighting would include directional shields and shall not overflow from the service areas into adjoining parcels. No floodlights would be permitted on buildings except for wall packs with cut-off

luminaries. Relative to building lighting, building illumination and architectural lighting would be indirect in character (no light source visible). Architectural lighting would articulate and animate entrances and other prominent architectural elements as well as provide the required functional lighting for safety and clarity of pedestrian movement. Lighting for pedestrian walks would be designed for point-to-point illumination, but no specific illumination levels are required. The main emphasis would be to clearly identify the pedestrian walkway and direction of travel.

**Landscaping Standards**

Table 3.2-2 of the SPA provides landscaping guidelines for the entire EOMSP. The overall intent of the landscaping guidelines is to establish a sense of cohesiveness and harmony of uses as well as create a park-like identity that would soften the building elements and large areas of paving. Landscape plans for all development in East Otay Mesa shall be submitted and approved pursuant to Sections 86.701 through 86.729 of the San Diego County Code. Every lot improved with a building or other substantial structure, interim or permanent, shall install the approved landscape and irrigation before final inspection of the structure(s), and shall be maintained thereafter as per the project's approved Landscaping and Irrigation Maintenance schedule. Drought tolerant, non-invasive, and fire-wise landscaping is required throughout East Otay Mesa. Plant material as specified in the County's Water Conservation in Landscaping Ordinance and Design Manual shall be used. Other shrubs, trees, and ground covers not listed may also accomplish the desired goals of the Specific Plan, and if they do so, are encouraged also.

The Landscaping table (SPA Table 3.2-2) addresses the following:

- General Landscaping Notes
- Streetscapes
- Building Setback Landscaping
- Building Landscaping
- Parking Lot Landscaping
- Screening
- Landscaping Adjacent to the Otay Valley Regional Park
- Minimum Standards
- Irrigation

The preparer of the Landscape Documentation Package shall certify that the landscape plans meet the requirements of the East Otay Mesa Specific Plan and the County's Water Conservation in Landscaping Ordinance and Design Manual.

## Walls and Fences

Table 3.2-1, *Site Planning Standards,* of the Specific Plan regulates fencing and walls. This table provides general requirements, determines where walls and fences are required (open sales, display, and storage areas not otherwise screened, as well as screening requirements for parking and loading areas and docks and service areas), and specifies maximum height (generally six feet) and appropriate materials.

## Park Improvements

Within the Mixed-Use Village Core, on-site parkland would be dedicated to the County of San Diego pursuant to the Parkland Dedication Ordinance (PLDO) acreage requirements for 1,000 dwelling units. Once 1,000 dwelling units have been permitted, each subsequent development application would be required to dedicate improved parkland and/or pay an in lieu fee to satisfy PLDO requirements and establish a Community Facilities District (CFD) or other financing mechanism to fund on-going park operation and maintenance. The total park acreage to be dedicated would vary depending on the number of units that are constructed within the Mixed-Use Village Core. Park locations, sizes, and amenities would be established during the discretionary review/park site plan process and would be subject to approval by the Department of Parks and Recreation.

## Fuel Modification

All buildings would be set back a minimum of 30 feet from any property lines and biological open space easements unless the County Zoning Ordinance requires a greater minimum (SDCFC 4907.1.1). A fuel modification zone (FMZ) would be required within 100 feet around structures pursuant to requirements of the SDCFC 4907.2.

## Grading

The Project site is relatively flat and consists primarily of non-native vegetative grasslands. Earthwork is estimated to consist of 1,350,000 cubic yards of balanced cut and fill. (See Figure 1-7, *Preliminary Grading Plan*). As discussed in Section 1.2.2.1, below, the proposed Project would also construct on-site circulation (Figure 1-8, *On-Site Street Improvements*) and off-site half-width improvements to Vann Center Boulevard from Otay Mesa Road to just south of Lone Star Road, and to Zinser Road from west of Sunroad Boulevard to Alejandro Drive (Figure 1-9, *Off-site Street Improvements.*)

## Phasing

Market conditions beyond the control of the developer would drive specific product phasing, as well as control the overall implementation period. Construction of the Project is anticipated to occur in phases over a period of approximately ten years, with build-out expected to occur in 2027, in response to market demands and in accordance with a logical and orderly expansion of roadways, public utilities, and infrastructure.

Infrastructure and roadway improvements would be constructed in phases as needed. Table 1-2, *Lot Areas*, includes the acreages of all proposed lots.

## 1.2.2.1 *Infrastructure and Utility Improvements*

**On-Site Improvements – Streets**

The proposed Project would include construction of public streets within the Project boundary, including Sunroad Boulevard, Sunroad View Drive, Alejandro Drive, and extensions of Harvest Road and David Ridge Drive. All public Project roadways would include Class 2 bike lanes. Project roadways would be developed as a six-lane Prime Arterial (Otay Mesa Road: Harvest Road to Vann Centre Boulevard), a 4-lane Major Road (Sunroad Boulevard: Lone Star Road to Otay Mesa Road), 4-lane Collectors (Harvest Road: Sunroad Boulevard to Otay Mesa Road, Vann Centre Boulevard: Otay Mesa Road to northern Project boundary, and Zinser Road: west of Sunroad Boulevard), and 2-lane Collectors (David Ridge Drive: Sunroad Boulevard to eastern Project boundary, and Zinser Road: Sunroad Boulevard to Lone Star Road) (see Figure 1-8, *On-site Street Improvements*).

**Off-Site Improvements – Streets**

The proposed Project would construct off-site half-width improvements within the Project boundary providing interim lane configurations to Vann Center Boulevard from Otay Mesa Road to just south of Lone Star Road, Zinser Road from west of Sunroad Boulevard to Alejandro Drive, Harvest Road from Otay Mesa Road to Sunroad Boulevard, and Otay Mesa Road from Harvest Road to Vann Centre Boulevard. Vann Center Boulevard connects to the Project roadways at David Ridge Drive and Otay Mesa Road. Zinser Road connects to Project roadways at Sunroad Boulevard and Alejandro Drive (see Figure 1-9, *Off-site Street Improvements*).

**Service Improvements – Extension of Utility Lines**

The Project would require the extension of utility lines including, water, sewer, electric, and gas lines.

Water service would be provided by the Otay Water District, which indicated in the May 27, 2015, Project Facility Availability – Water form (see Appendix O) that facilities to serve the Project are reasonably expected to be available within the next five years based on the capital facility plans for the district. The existing main water supply for the Project site is a 24-inch main located within Otay Mesa Road along the Project's southern boundary. Water supply for the Project would be delivered through a 12-inch conveyance system. (Figure 1-11, *Service Improvements – Water.*)

Sewer service would be provided by the San Diego County Sanitation District, which indicated in the May 29, 2015, Project Facility Availability – Sewer form (see Appendix O) that facilities to serve the Project are reasonably expected to be available within the next

five years based on the capital facility plans for the district. Sewer lines would be provided within all Project roadways (Sunroad Boulevard, Harvest Road, Alejandro Drive, Sunroad View Drive, and David Ridge Drive), as well as the portions of off-site roadways within the Project footprint (Zinser Road, Lone Star Road, Vann Center Road, and Otay Mesa Road). (Figure 1-10, *Service Improvements – Sewer.*). The existing south sewer main connection is located adjacent to the Project site at the intersection of Harvest Road and Otay Mesa Road. The Project would connect to the existing 12-inch sewer main at this location. The existing northern sewer main is located near the SR-125 right-of-way, and the Project would extend a 12-inch sewer connection within Zinser Road approximately 1,800 linear feet to connect with the existing 18-inch sewer main.

Electric lines would be provided by SDG&E within all Project roadways (Sunroad Boulevard, Harvest Road, Alejandro Drive, Sunroad View Drive, and David Ridge Drive), as well as the portions of off-site roadways within the Project footprint (Zinser Road, Lone Star Road, Vann Center Road, and Otay Mesa Road). Connection for the system is anticipated to be within the existing SDG&E easement that runs north and south through the Project site near Harvest Road.

Gas lines would be provided by SDG&E within all Project roadways (Sunroad Boulevard, Harvest Road, Alejandro Drive, Sunroad View Drive, and David Ridge Drive), as well as the portions of off-site roadways within the Project footprint (Zinser Road, Lone Star Road, Vann Center Road). SDG&E currently has two existing natural gas lines in Harvest Road. The proposed Project would connect to the existing natural gas lines.

**Service Improvements – Drainage/Storm Water/Flood Control**

The Project would not require off-site improvements for storm water conveyance. Two 60-inch reinforced concrete pipes (RCPs) located in Otay Mesa Road west of Sunroad Boulevard receive runoff from the majority of the on-site systems, conveying storm water from the Project site and public roads. Storm drains would be constructed within on-site roadways and Zinser Road to convey storm water to the existing natural drainage. A portion of the storm water runoff from Vann Center Road would be treated within a bioretention basin/easement on the adjacent property east of the Project site.

No off-site flood control improvements are required, as the Project site is not located within a flood hazard area. Additionally, the proposed Project would comply with the 2013 municipal separate storm sewer systems (MS-4) regulations, as regulated by the Municipal Storm Water Permitting Program.

**Transit Improvements**

The proposed Project would include the construction of a Metropolitan Transit Service (MTS) bus stop at the northeast corner of Otay Mesa Road and Harvest Road. The bus stop would be located on Otay Mesa Road. Bus stop dimensions, layout, and passenger shelter placement would be in accordance with the guidelines of MTS's Designing for Transit manual (July 1993). The proposed bus stop would be served by Bus Route 905,

which connects Otay Mesa to the Iris Trolley Station. Destinations served by Bus Route 905 include Brown Field Airport, Otay Mesa industrial parks, Otay Mesa Port of Entry, San Ysidro High School, and Southwestern College. The Iris Trolley Station is served by the UC San Diego Blue Line Trolley, which connects the San Ysidro border station to America Plaza transit center downtown, as well as the 12th and Imperial transit center. Figure 1-12, *Transit Improvements*, illustrates the location of the proposed bus stop, as well as the regional transit connections of this bus stop.

**Trails and Pathways**

The Project includes a trail segment that would occur north of Sunroad Boulevard through an SDG&E easement, providing pedestrian connectivity to the Otay River Valley Regional Park. Additionally, pathways are planned along Harvest Road between Otay Mesa Road and Sunroad Boulevard along Lone Star Road between Vann Centre Boulevard and Zinser Road. (See Figure 1-13, *Trails and Pathways*).

## 1.2.3 Project's Component Parts

The Project application consists of the following discretionary actions:

1. Amendment to the East Otay Mesa Business Park Specific Plan.
2. Amendment to the Otay Subregional Plan.
3. Rezone to implement three new mixed-use land use categories.
4. Tentative Map to subdivide the Project site.

### 1.2.3.1 *Specific Plan Amendment*

As described above, the SPA proposes seven PAs, as illustrated in Figure 1-3. There would be four Mixed-Use PAs (PAs A, B, C, and D), two Technology Business Park PAs (PA E and PA F; PA F is not a part of the proposed Project) and one Open Space PA (PA G). The proposed Project would result in up to 3,158 residential units, approximately 78,000 square feet of commercial space, and 765,000 square feet of employment uses that would be distributed across a range of densities and a mix of uses across the Project site.

Included within the proposed SPA is the ability to transfer development intensity between various planning areas within the Village Core to allow flexibility to respond to changing market conditions. Actual development associated with the proposed Project would be limited by the total peak hour trips assigned to the anticipated land uses based on a typical development scenario identified in the Specific Plan Amendment. As specific development proposals come forward, deviation from the typical development scenario would be allowed provided that the total peak hour traffic volumes are not exceeded. This approach allows flexibility to respond to changing market conditions over the expected ten-year period for the Village Core build-out.

The Specific Plan Amendment includes a typical development scenario based on "target" development intensities such that the maximum peak hour traffic volumes associated with build-out of the area does not generate more than 2,785 AM peak-hour trips and not more than 3,474 PM peak-hour trips (see Table 1-4, *Typical Development Scenario*). These are the peak hour trips associated with the approved TM ~~5538~~ 5139 for the Project site. In order to track the allocation of trips within the Project site, an Average Daily Traffic (ADT) Tracking Table would be submitted with each Site Plan development proposal.

### 1.2.3.2 *Subregional Plan Amendment*

The Project site is governed by the Otay Subregional Plan (Volume 1). The focus of the Subregional Plan is to promote industrial development in the Otay Mesa/International Border area with the Mexico region, and the plan describes the EOMSP as the planning framework for development in East Otay Mesa. The Project proposes to amend the Otay Subregional Plan, which is considered a General Plan Amendment, in order to allow residential mixed-uses that would support the development of industrial uses in the area by providing live/work and commercial service opportunities.

### 1.2.3.3 *Rezone*

The Project site is zoned Specific Plan Area (S-88) with Technology Business Park and Commercial Overlay land use designations. The Project does not propose~~s~~ a change to the current zoning and would ~~to~~ retain the S-88 zoning designation. However, the ~~, but would change the~~ land use designation and the regulatory site standards within the Specific Plan to Mixed-Use would be modified~~,~~ to allow for development of the Project site as a Village Core. Each new land use designation consists of regulatory site standards specific to the use, ~~and~~ as described in Table 3.2-1 of the Specific Plan. The County requires a Rezone when any of the regulatory site standards are changed.

### 1.2.3.4 *Tentative Map*

The Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Project involves a new Tentative Map to implement the proposed use. The Project site is located in the northwest portion of the Specific Plan. The proposed Tentative Map (Figure 1-2, *Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Proposed Tentative Map*) would subdivide the Project area into 30 lots and consists of four Commercial/Technology Business Park lots, 25 Mixed-use lots ranging in size from 1.7 acres to 11.84 acres, and one 51.3-acre dedicated open space lot.

## 1.2.4 Technical, Economic, and Environmental Characteristics

The EOMSP area was originally envisioned as a major employment center in southern San Diego County. The objectives of the plan are to encourage regional technology

manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. The plan was originally developed in 1994; however, limited development has occurred since that time. Most of the Specific Plan area remains vacant.

With the adoption of the 2011 General Plan, the County of San Diego has committed to a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and protecting existing community character. This model recognizes that mixed-use development, consisting of residential, retail, and office/professional uses, is an important component of creating livable communities that reduce vehicular trips (and associated greenhouse gas emissions) by providing places to live, work, and shop within a compact area. Currently, the EOMSP does not accommodate residential uses (other than scattered rural residential uses along the outskirts of the plan). This means that when the future employment center is developed, employees may need to commute to East Otay Mesa from other areas, creating a development pattern that may not be consistent with the County's current sustainable growth goals and policies.

An amendment to the EOMSP is currently proposed to establish a Mixed-Use Village Core that would permit a variety of residential uses at higher densities (up to approximately 30 dwelling units per acre). Providing housing proximate to employment uses would enhance jobs-housing balance and contribute to a more livable and sustainable community. The purpose of the analysis in this SEIR is to evaluate the compatibility of introducing these residential uses to the EOMSP area.

Approved TM ~~5538~~ 5139 ensured the protection of sensitive biological resources through open space preservations that would remain in place as a part of the proposed SPA. Additional measures are proposed to minimize potential significant effects associated with the issues of air quality, biological resources, cultural resources, greenhouse gas emissions and energy, hazards and hazardous materials, noise, and transportation and traffic, as detailed in Chapter 2.0. All mitigation measures are presented in Chapter 7.0.

Future development within the SPA area would require processing of site plans and/or tentative maps by the developer(s) of each lot(s); thus, all future development would undergo design review by the County. While no design details are currently proposed, all lots are anticipated to be developed in accordance with the EOMSP and the proposed SPA and in conformance with County ordinances and regulations.

The Project incorporates several design measures that would minimize Project impacts. Specifically, design measures are provided for air quality, greenhouse gas emissions, and noise. In addition to mitigation measures identified in this SEIR, these design measures would be implemented as conditions of Project approval. A complete list of the design considerations for the Project is presented in Table 1-3, *Project Design Considerations*.

# 1.3 Project Location

The proposed Project site is located within the approved EOMSP (see Figure 1-1). The EOMSP is located within the unincorporated Otay Subregional Plan area of southeastern San Diego County. The Specific Plan area covers approximately 3,013 acres of land immediately adjacent to the International Border with Mexico. The Specific Plan area is roughly bounded by the Otay River Valley Regional Park to the north, the International Border to the south, the San Ysidro Mountains to the east, and the City of San Diego's Otay Mesa Community Plan area to the west.

The Otay 250 Sunroad - East Otay Mesa Business Park Specific Plan Amendment encompasses approximately 253.13 acres within the Specific Plan area, including approximately 219.9 acres of lot area and approximately 33.2 acres of right-of-way area (see Figure 1-3). The undeveloped Project site is generally east of SR-125, north of Otay Mesa Road, west of Vann Centre Boulevard, and south of Zinser Road. (See Figure 1-14, *Aerial Photograph.*)

# 1.4 Environmental Setting

## Project Vicinity

The EOMSP area is in the southwestern portion of San Diego County, immediately adjacent to the International Border with Mexico (Figure 1-4). Otay Mesa is one of a series of marine wave-cut terraces, typical of the San Diego region. The majority of the Specific Plan area is characterized by flat mesa tops that are occasionally interrupted by steep sloping finger canyons in the western portion of the Specific Plan~~Project~~ area; and rolling hills and steeper mountain slopes rising eastward to the San Ysidro Mountains in the eastern portion of the Specific Plan area. The two major canyons, O'Neal and Johnson, have been deeply cut into the northernmost edge of the mesa and drain into the Otay River Valley north of the Specific Plan area. Elevations range from approximately 500 feet above mean sea level (AMSL) on the mesa to over 1,400 feet AMSL in the San Ysidro Mountains.

To the west of the Specific Plan area is the City of San Diego's Otay Mesa Community Plan area, which is planned for predominantly industrial and residential land uses with commercial nodes at the International Border. Brown Field, a general aviation airport, is also located west of the Specific Plan area in the City of San Diego. To the immediate north of the ~~Specific Plan~~Project site and located between O'Neal and Johnson canyons is the Donovan State Correctional Facility, operated by the State of California Department of Corrections. North of O'Neal Canyon is the County East Mesa Detention Facility. Further north of the Specific Plan area is Otay River Valley, site of a multi-jurisdictional planning effort to create a regional park. East of the Specific Plan area are the steep undeveloped slopes leading into the San Ysidro Mountains. The City of Tijuana, Mexico, is immediately south of the Specific Plan area across the International Border and is occupied by industrial and intensive residential land uses. The Rodriguez International

Airport is located approximately one mile southwest of the Specific Plan area within eastern Tijuana (See Figure 1-4, *Regional Vicinity Map*).

The Project site supports seven vegetation/land cover types: San Diego mesa claypan vernal pools, disturbed wetland, non-native riparian, native grassland, non-native grassland, disturbed land, and development land. Six special-status plant species and thirteen special-status animal species have been documented on the Project site. Approximately 51 acres of the Project site is preserved within a biological open space easement. (See Section 2.2, *Biological Resources*, for a complete discussion of the vegetation, habitats, and plan and animal species occurring on-site.)

Soils throughout the Specific Plan area include: alluvium consisting primarily of clay, silt, sand, and cobble in the drainage areas; topsoil and colluvium consisting of dark brown, silty clay, and clayey sand in the agricultural areas on the mesa; and rockier soils of cobbles/sandstone conglomerate and metamorphic outcrops in the hills and slopes of the eastern portions of the Specific Plan area. The Specific Plan area is located within mineral zone MRZ-3 (see Section 3.2.4, *Mineral Resources*).

The Specific Plan area supports a variety of flora and fauna that are typical of the southern California coastal region. Major vegetation communities that can be found in the Specific Plan area are coastal sage scrub, chaparral, non-native grassland, and agricultural lands. Most of the western and central portions of the Specific Plan site are void of natural vegetation due to past and present agricultural operations. The Specific Plan area supports a high diversity of flora and fauna (including significant populations of sensitive species, such as California gnatcatcher) due to the variety of habitat types and the spatial congruity with extensive undeveloped areas to the east. Canyons and drainages in the area (including Johnson and O'Neal canyons) function as significant wildlife corridors which provide vital connections between the Otay River Valley and the extensive natural habitat to the east. (See Section 2.2, *Biological Resources*.)

**Project Site**

The Project site is currently undeveloped and encompasses approximately 253 acres. Several unimproved dirt roads and trails cross the Project site and an SDG&E easement traverses the western portion of the Project site in a north-south direction. Figure 1-15, *Aerial Photograph*, shows a current aerial photograph of the Project site.

The Project site is nearly flat-lying to steeply sloping with elevations ranging from approximately 620 feet msl in the central portion of the site to approximately 527 msl at the northwest corner. Soils through the Project site include undocumented fill soil, top soil, and alluvium/colluvium. Additionally, the site is underlain by Old Terrace Deposits and Otay Formation geologic units.

The Project site has a mineral resource classification of MRZ-3 by the California Division of Mines and Geology. The MRZ-3 classification also applies to the larger area surrounding the Project site and Specific Plan area. The nearest classification of MRZ-2

areas is the Otay River Valley, located approximately five miles north of the Specific Plan area. See Section 3.2.4, *Mineral Resources*, for a detailed discussion of Project mineral resource classification.

The EOMSP area is located within the San Diego Hydrologic Region, specifically, within the Tijuana Hydrologic Unit. The Tijuana River watershed encompasses a region of approximately 1,750 square miles on either side of the California – Baja California border, and in terms of water quality degradation is the most severely impacted watershed in San Diego County. Although only 27 percent of the watershed area is within California, the river discharges to the Tijuana Estuary and Pacific Ocean on the U.S. side of the international border. On the U.S. side of the border, the cities of Imperial Beach and San Diego and San Diego County have portions of their jurisdictions within the watershed. The cities of Tijuana and Tecate are the most important urban centers on the Mexican side. The current population of the entire watershed is approximately one million people.

The Tijuana River watershed is classified as a Category I (impaired) watershed by the State Water Resources Control Board due to a wide variety of water quality problems. These problems are largely a result of non-point agricultural sources on the U.S. side of the border and a large variety of point and non-point sources on the Mexican side. The Tijuana Estuary, a National Estuarine Sanctuary that supports a variety of threatened and endangered plants and animals, is threatened by inflows from the Tijuana River containing high concentrations of coliform bacteria, sediment, trace metals (copper, lead, zinc, chromium, nickel, and cadmium), PCBs, and other urban, agricultural, and industrial pollutants.

## 1.5 Intended Uses of EIR

This SEIR is an "informational document that will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project" [CEQA Guidelines Section 15121(a)]. This SEIR was prepared in accordance with the requirements of the County of San Diego Environmental Impact Report Format and General Content Requirements (County of San Diego 2006), CEQA (California Public Resources Code, Section 21000 et seq.), and the CEQA Guidelines (14 California Code of Regulations (CCR) Section 15000 et seq.).

Consistent with CEQA Guidelines Section 15163 (a), this SEIR has been prepared as a Supplemental EIR because any of the conditions described in CEQA Guidelines Section 15162 would require the preparation of a subsequent EIR, and "only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." Section 15163 also states:

(b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
(c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

(d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
(e) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

A project EIR was certified for the EOMSP in 1994, which included analysis of the impacts associated with development of industrial and commercial land uses on the Project site. Since that time, a change of circumstances not previously considered in the EOMSP EIR has occurred – proposed development of the Project site with a mix of residential, industrial, and commercial land uses. Therefore, there is substantial evidence that the proposed Project may have significant adverse impacts on the environmental not previously considered in the previously certified EIR. Pursuant to CEQA Section 15163, an SEIR has been prepared to address changes in circumstances and to provide minor changes and additions to the previously certified EIR in order to make the previous EIR adequately apply to the proposed Project.

This SEIR was prepared by the County of San Diego for the proposed Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment project, as a supplement to the East Otay Mesa Specific Plan EIR (SP 93-004, Log No. 93-19-006) certified by the Board of Supervisors on July 17, 1994 ("1994 EIR"); and the Supplemental EIR for Sunroad Otay Industrial Subdivision / Sunroad Centrum project (TM 5139RPL6, ER 98-19-013), certified by the Board of Supervisors December 15, 2000 ("2000 SEIR"). Additionally, this SEIR supplements information contained in an Addendum to the previously certified Environmental Impact Report for East Otay Mesa Specific Plan (GPA 94-002, Log # 93-19-006) and Supplemental Environmental Impact Report for Sunroad Otay project (TM 5139RPL6, Log # 98-19-013) for the Sunroad Otay Tech Centre (TM ~~5538~~5139) project (98-19-013B) approved by the Board of Supervisors on March 9, 2012 ("2012 Addendum").

A brief description of the environmental documents follows:

- *East Otay Mesa Specific Plan EIR (SP 93-004, Log No. 93-19-006) certified by the Board of Supervisors on July 17, 1994 (1994 EIR)* – The EOMSP encompasses approximately 3,300 acres of land in the Otay Subregional Planning Area. It is a portion of the 5,700-acre County Service Area (CSA) No. 122, located east of Brown Field and north of the International Border. The Specific Plan addresses the future development of this area, primarily with industrial uses, although commercial and residential uses are also proposed. The objectives of the Specific Plan include the development of industrial and commercial uses to accommodate forecasted growth, protection of open space in the eastern portion of the Specific Plan Area, provision of streets and highways and a circulation system to accommodate forecasted traffic growth, and the development of infrastructure to support these uses. The EOMSP proposed 2,359 acres of industrial uses, 154 acres of

commercial, fire/police services, road right-of-way, a transit station totaling about five acres, and 753 acres of hillside residential uses.

The certified EIR found significant and mitigated effects to Land Use, Landform Alteration/Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services and Utilities, and Population/Housing/Employment. These effects were determined to be mitigated or avoided to a level below significance. Additionally, the certified EIR found significant and unmitigable impacts to Biological Resources and Noise, requiring a Statement of Overriding Considerations.

- *Supplemental EIR for Sunroad Otay Industrial Subdivision / Sunroad Centrum project (TM 5139RPL6, ER 98-19-013), certified by the Board of Supervisors December 15, 2000 (2000 SEIR)* – The Sunroad Centrum project, consisting of 250.5 acres within the EOMSP area, would be developed in two phases to partially mitigate short-term cumulative traffic impacts associated with the project. Under a worst-case scenario, Phase I would be completed within two years of project approval and would provide for the development of approximately 74 industrial lots on approximately 130 acres. Phase II would consist of 22 commercial lots on 34.4 acres west of Harvest Road and would not commence until the opening of either SR-125 or SR-905. The remainder of the proposed project area would consist of public roads and 51.7 acres of open space. The 51.7 acres of open space would include an area of about 0.25 acre consisting of an isolated vernal pool that would be preserved as permanent open space within one of the proposed commercial/industrial lots located near the southeast corner of the proposed intersection of Lone Star Road and Sanyo Avenue. An additional area of about 51.5 acres, consisting of a vernal pool complex and sensitive biological habitat, would be preserved through an open space easement, located north of Lone Star Road.

  The certified SEIR found that the project would cause significant effects to Land Use, Biological Resources, Cultural Resources, Transportation/Circulation, and Air Quality. Impacts to Traffic and Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts. The other effects were avoided or mitigated to a level below significance. This SEIR included measures to mitigate~~d~~ the previously identified impacts ~~for~~ to Biological Resources and Noise for the Sunroad Spectrum project~~, negating the previous Statement of Overriding Conditions~~.

- *Addendum to the previously certified Environmental Impact Report for East Otay Mesa Specific Plan (GPA 94-002, Log # 93-19-006) and Supplemental Environmental Impact Report for Sunroad Otay project (TM 5139RPL6, Log # 98-19-013) for the Otay Tech Centre (TM ~~5538~~5139) project (98-19-013B) approved by the Board of Supervisors on March 9, 2012 (2012 Addendum)* – An Addendum to the previously certified EIR for the EOMSP and Supplemental EIR for the

EOMSP Sunroad Centrum was approved by the Planning Commission for the Sunroad Otay Tech Centre project. This project is a Tentative Map to subdivide 253.1 gross acres into 55 lots: 52 technology business park lots ranging in size from 1.8 to 5.3 acres, one lot for a sewer pump station, one storm water detention lot, and a 51.3-acre dedicated open space lot. Approximately 38.2 acres of the project would be granted as public rights-of-way.

No new significant effects were identified. However, biological mitigation measures were modified due to change in circumstances and some additional traffic mitigation measures were required. The Statement of Overriding Conditions for Traffic and Biological Resources from the 2000 SEIR was carried forward with this Addendum.

In accordance with Section 15150 of the CEQA Guidelines, information from these previously certified and approved environmental documents is hereby incorporated by reference into this SEIR. Additionally, Section 15150 states:

a) An EIR or negative declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR or negative declaration.

b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or negative declaration shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the lead agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the lead agency does not have an office in the county.

c) Where an EIR or negative declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

d) Where an agency incorporates information from an EIR that has previously been reviewed through the state review system, the state identification number of the incorporated document should be included in the summary or designation described in subdivision (c).

e) Examples of materials that may be incorporated by reference include but are not limited to:

1) A description of the environmental setting from another EIR.
2) A description of the air pollution problems prepared by an air pollution control agency concerning a process involved in the project.
3) A description of the city or county general plan that applies to the location of the project.

f) Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand.

This SEIR addresses the potential environmental impacts that could result from the development of future projects associated with the proposed land uses in the Otay 250 Sunroad - East Otay Mesa Business Park Specific Plan Amendment that have not already been addressed in the previously certified and approved applicable environmental documents. Additionally, this SEIR includes modifications to mitigation measures required as part of the previously approved projects addressed in those environmental documents and includes, as necessary, additional mitigation measures to reduce and/or avoid significant environmental effects associated with the proposed Project to below a level of significance.

The Notice of Preparation (NOP) released for public review on March 11, 2016 and associated comment letters received during the public review period are included as Appendix A to this EIR. The Initial Study prepared for the proposed Project is also included in Appendix A. This EIR addresses issues identified in the Initial Study and comments received on the NOP.

This EIR will be made available for review by members of the public and public agencies for 45 days to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,” as stated in CEQA Guidelines, Section 15204 (14 CCR 15000 et seq.).

As the designated lead agency, the County is responsible for preparing this document. The decision to approve the proposed Project is within the purview of the County Board of Supervisors. When deciding whether to approve the Project, the County will use the information included in this SEIR to consider potential impacts on the physical environment associated with the Project.

The County will consider written comments received on the SEIR in making its decision whether to certify the SEIR as complete and in compliance with CEQA, and also whether to approve or deny the Project. Environmental considerations and economic and social factors may be weighed to determine the most appropriate course of action. If the SEIR is certified and the Project approved, agencies with permitting authority over all or portions of the Project may use the SEIR as the basis for their evaluation of environmental effects of the Project and approval or denial of applicable permits.

This SEIR is intended for use by the County of San Diego in streamlining environmental documentation for future development projects that tier from this document. Future development within the SPA would require processing of Site Plans, which require discretionary review. In accordance with CEQA Guidelines Sections 15162 through 15164, those projects would be examined in light of this SEIR to determine whether an additional environmental document must be prepared. According to Section 15162 of the CEQA Guidelines, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environment effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

a) The project will have one or more significant effects not discussed in the previous EIR;
b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
c) Mitigation measures or alternatives previously found not be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If a later activity would have effects that were not examined in the SEIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. If subsequent environmental review results in additional impacts and the identification of new mitigation measures, those mitigation measures would be applied to that later activity. Additionally, if as part of the subsequent review, the County has updated mitigation measures, the updated measures would be applied to any future projects that are required to have subsequent environmental review under CEQA.

When future discretionary actions associated with implementing the Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Project occur, the County must incorporate feasible mitigation measures required for by this SEIR into those subsequent actions. All mitigation measures included in this SEIR would be incorporated into the current project as specified in this SEIR.

If the County finds that, pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the County can approve the activity as being within the scope of the original review contained in this SEIR, and no new environmental document would be required.

### 1.5.1 Matrix of Project Approvals/Permits

Table 1-5*, Matrix of Project Approvals/Permits* includes discretionary approvals/permits that may be obtained during the decision-making process. The table is organized by agency/jurisdiction. In the case where multiple discretionary approvals/permits are necessary from a single agency, the approvals are listed in the order they are believed to occur. The SEIR is intended to apply to all listed Project approvals as well as to any other approvals necessary or desirable to implement the Project.

### 1.5.2 Related Environmental Review and Consultation Requirements

Pursuant to the CEQA Guidelines (Section 15375 and 15082), the County prepared an NOP for this EIR. The NOP was publicly circulated for 30 days beginning on March 11, 2016. The County held a public scoping meeting on March 22, 2016, to provide responsible agencies and members of the public with information about the CEQA process and to provide further opportunities to identify environmental issues and alternatives for consideration in the SEIR. Public comments received during the NOP scoping process are provided in Appendix A.

## 1.6 Project Inconsistencies with Applicable Regional and General Plan

A number of general and regional plans apply to the Project and were considered during the applicant's design of the Project. This review includes the San Diego County General Plan and Zoning Ordinance, as well as other plans and regulations including: Federal Endangered Species Act, the Federal Clean Water Act, the State Implementation Plan (SIP), the San Diego Air Pollution Control District (APCD) Regional Air Quality Strategy (RAQS), the Regional Water Quality Control Board (RWQCB) Basin Plan, and the San Diego Association of Government's (SANDAG) Congestion Management Plan. Specific County regulations including the Resource Protection Ordinance and the Biological Mitigation Ordinance were considered during the design of the Project. The Project complies with all of the above-named plans and ordinances. The Project's compliance

with these plans and ordinances is evaluated throughout the SEIR, as applicable, with discussion in Chapters 2 and 3. Issue areas that were deemed to be inconsistent are discussed below.

The Project would require an amendment to the Otay Subregional Plan (Volume 1), which is an integral part of the General Plan, and which focuses on issues that are specific to the community of Otay Mesa. The Project proposes to amend the Otay Subregional Plan, which is considered an Amendment to the General Plan, in order to allow residential mixed-uses that will support the development of industrial uses in the area by providing live/work and commercial service opportunities that are consistent with the County's General Plan (see Section 1.2.1, above).

## 1.7 List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area

Section 15130(a) of the State CEQA Guidelines state that an EIR shall discuss cumulative impacts of a project when the project's impacts, even though individually limited, are cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Cumulative impacts involve individual effects which may increase in scope or intensity when considered together. Such impacts typically involve a number of local projects, and can result from individually incremental effects when these collectively increase in magnitude over time.

Per State CEQA Guidelines Section 15130(b), an adequate discussion of significant impacts includes either:

- A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or
- A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

Cumulative projects were researched at the County of San Diego Planning & Development Services Department, as well as the City of San Diego Development Services Department. The identification of a suitable cumulative project area is dependent on the specific environmental issue areas that need to be addressed. Cumulative analysis is included in each environmental issue analysis in Chapters 2 and 3 of this SEIR. Within each analysis section, the cumulative projects considered for that specific issue area analysis are identified. With the exception of the environmental analysis for Biological Resources, Table 1-6, *Cumulative Projects List,* identifies the cumulative projects

considered in the SEIR; and Figure 1-15, *Location of Projects Considered in Cumulative Impact Analysis*, shows the locations of the cumulative project. For the analysis of impacts associated with Biological Resources, a separate list of cumulative projects has been developed. (See Table 2.2-4, *Projects Included In Cumulative Impact Analysis*, and Figure 2.2-5, *Cumulative Projects*.)

## 1.8 Growth Inducing Impacts

CEQA requires that a discussion be prepared in environmental documents regarding the ways in which a proposed project could be growth inducing. CEQA Guidelines §15126.2(d) identifies a project as growth-inducing if it would foster economic growth or population growth, or results in the construction of new housing, either directly or indirectly, in the surrounding environment. New employees from commercial or industrial development, schools, golf courses, and new population from residential development represent direct forms of growth. Indirect forms of growth include the demand for additional goods and services associated with the increase in project population that would reduce or remove barriers to growth in other nearby locations.

Under CEQA, growth inducement is not necessarily considered detrimental, beneficial, or of little significance to the environment. The growth inducing potential of a project could be considered significant if it fosters growth or results in a concentration of population in excess of what is assumed in adopted master plans, land use plans, or projections made by regional planning agencies, such as SANDAG. Additionally, a project could be considered growth inducing if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans or policies.

In 1994, the Board of Supervisors approved the EOMSP; the Project site and surrounding area are designated as Specific Plan in the General Plan. The EOMSP area was originally envisioned as a major employment center in southern San Diego County. The Project site is designated for Technology Park uses in the approved EOMSP. The objectives of the plan are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. Thus, the Project site and surrounding areas are planned for growth, and the growth-inducing effects of the EOMSP have been analyzed as part of the 1994 EIR. However, the EOMSP did not include residential development as an allowable use for the Project site. The proposed Project would amend the EOMSP to allow for a mix of uses that includes up to 3,158 residential units. In this manner, the Project has the potential to result in growth inducing effects that were not analyzed in the 1994 EIR.

The Project site is identified as Village Regional Category in the 2011 General Plan, which identifies areas where a higher intensity and a wide range of land uses are established or have been planned. The proposed Project meets the definition of a Village and would implement the General Plan's Village Regional Category. The Project proposes to allow for the development of a mixture of uses including high density residential,

commercial/retail, and office/business park uses. The proposal to include housing in the area would implement the guiding principles outlined in the County of San Diego's General Plan and goals and policies within the County's Housing Element regarding diversified housing types and affordability. Within the Mixed-Use Village Core, a diverse mix of single-family and multi-family housing types would be permitted. In this manner, the Project would be in accordance with the General Plan, and growth of the Project site would have been anticipated by the General Plan.

The following discussion is provided to evaluate the proposed Project's potential growth-inducing effects and to determine if such effects are consistent with the level of growth contemplated in the previously certified EIR. To evaluate this issue, potential growth-inducing effects are examined below through the analysis of the following questions:

- Would the Project remove obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the Project area, or through changes in existing regulations pertaining to land development)?
- Would the Project result in the need to expand one or more public services to maintain desired levels of service?
- Would the Project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
- Would approval of the Project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

**Removal of Obstacles to Growth**

Development of the Project site has been anticipated since 1994, when the EOMSP was approved by the County Board of Supervisors. Furthermore, the Project site was approved for development in 2012 to subdivide the site into 55 lots for development with technology uses. TM ~~5538~~ 5139 consisted of 52 technology business park lots ranging in size from 1.8 acres to 5.3 acres, one lot for a sewer pump station, one storm water detention lot, and a 51.3-acre dedicated open space lot. TM ~~5538~~ 5139 included road improvements and utility infrastructure to serve development of the Project site. The proposed Project would include similar roadway and infrastructure, constructing roads to provide local access to the Project site and provide adequate internal circulation. These roads would not provide direct access to any off-site areas not already planned and anticipated for development or increase the capacity of the overall regional circulation system. No new facilities would be constructed beyond what have already been approved. Thus, the Project would not remove obstacles to growth for an area where growth has already been planned and anticipated.

A project may result in growth-inducing impacts through revisions to land use policies, such as GPAs, annexations, and rezones. The proposed Project includes an Amendment to the Otay Subregional Plan, an element of the County General Plan, to allow for mixed-use development that would support the development of industrial uses in the area; an Amendment to the EOMSP to incorporate a mix of residential, employment, retail, and

technology business park uses; and a Rezone to change the land use designation and the regulatory site standards within the Specific Plan to allow for development of the Project site as a Village Core. All of these actions would implement the guiding principles outlined in the County of San Diego's General Plan, the intent of SANDAG's RCP, and goals and policies within the County's Housing Element regarding diversified housing types and affordability. None of the Project's actions would be growth-inducing but, rather, would accommodate planned growth for the region.

**Require Expansion of Public Services and Utilities**

Growth-inducing impacts may result from extension or expansion of public services to the proposed Project site. The proposed Project includes plans to extend public services and utilities to the Project site, giving rise to the potential for growth-inducing impacts. However, provision of public services and utilities has, for the most part, been anticipated in the EOMSP and evaluated in the 1994 EIR. The exception are public services that would be needed to serve residential land uses not part of the approved EOMSP.

The proposed Project would require extension of water and sewer service to the Project site, all of which have already been anticipated as part of approved TM ~~5538~~5139. The water and sewer service providers [Otay Water District (OWD) and San Diego County Sanitation District] have indicated that capacity exists or is planned to serve the proposed Project's water and sewer demands. (See Public Service Availability Forms included in Appendix O and Water Supply Assessment and Verification Report in Appendix Q.) For these reasons, potential off-site growth-inducing impacts associated with extension of water and sewer services and road improvements to the Project site are considered to have a less than significant growth-inducing impact.

The proposed Project also requires additional emergency fire service and law enforcement services to the Project site. The proposed Project was issued a Project Facility Availability Form from the San Diego County Fire Authority (included within Appendix O). The Project would be served by a new fire station currently planned for the area and to be located centrally within the East Otay Mesa Business Park Specific Plan. The proposed Project would not require the construction of new fire or law enforcement facilities or the expansion of fire or law enforcement services not already planned to serve the area. The proposed Project would be conditioned to provide funding for the construction, equipping, and ongoing operations and maintenance of the new fire station.

Because the Project includes residential uses, the Project would require school services that were not anticipated in the 1994 EIR. The proposed Project would be served by Sweetwater Union High School District and San Ysidro Elementary School District. Based on letters received from the school districts serving the Project site (included within Appendix O), the proposed Project would result in the overcrowding of Olympia High School, as well as within the San Ysidro Elementary School District. The proposed Project would be conditioned to pay school fees in accordance with Education Code Section 17620 prior to the issuance of building permits. With payment of the school facilities fee, impacts would be less than significant.

In order to provide adequate recreation services, parks would be provided as part of the Specific Plan Amendment to serve the residential uses proposed by the ~~Specific Plan Amendment~~Project, consistent with the requirements of the Parkland Dedication Ordinance. The total park acreage to be dedicated would vary depending on the number of units that are constructed within the Mixed-Use Village Core. Because the Project would provide ~~The provision of~~ park space commensurate with and to serve proposed residential development, the Project would not result in and ~~to serve residential development proposed by the Project would avoid~~ potential growth-inducing impacts on public park facilities in the Project area.

**Encourage or Facilitate Economic Activities**

A project may result in growth-inducing impacts if the project encourages growth in surrounding areas through economic stimulus including, for example, the construction of homes, golf courses, shopping centers, and industrial facilities. As homes are developed and occupied, residents of the Project site would seek shopping, entertainment, employment, and other economic opportunities in the surrounding area, including the City of San Diego.

The growth-inducing impacts of the proposed Project were previously analyzed in the 1994 EIR. That analysis concluded that, due to the location, geography, and topography of the Specific Plan area, few areas are left in East Otay Mesa where additional growth could occur. Additionally, because the EOMSP was determined consistent with the County's General Plan and Otay Subregional Plan in effect at that time, the additional housing and employment provided by the Specific Plan had been included in the then most current regional growth forecast. The growth inducement analysis in the 1994 EIR also noted larger areas planned for growth in the cities of San Diego and Chula Vista that would provide additional housing to serve the EOMSP.

The proposed Project would create a mixed-use Village within the EOMSP and would add up to 3,158 new residential units. The mix of uses would provide for services, amenities, and employment that can serve new residents. New residential development would also access other businesses and services in the surrounding area, which could create greater economic activities. However, much of the areas surrounding the EOMSP are developed, planned for development, or preserved as open space. The surrounding area where economic activities might be stimulated by the proposed Project would likely be limited to the urbanized areas in the City of Chula Vista or in the adjacent Otay Mesa Community Plan area within the City of San Diego. Planned growth is anticipated and regulated by the General Plans and Community Plan for those areas. Therefore, impacts are considered less than significant.

**Involve a Precedent-Setting Action**

The Project proposes to create a Village within the EOMSP area that would accommodate up to 3,158 residential units, replacing the current Technology Business Park land use with a mix of residential, retail, employment, and technology business park uses. There

are other areas within the EOMSP area adjacent to the Project site that are also designated for Technology Business Park uses. Development of the Project site with a mix of uses could set a precedent for other property owners to seek a similar change in land use. However, to do so would require discretionary actions like those required for the proposed Project, including a Specific Plan Amendment that requires action by the Board of Supervisors and environmental review under CEQA. Thus, while the proposed Project could entice adjacent areas to seek a similar change in land use, there is a review process in place that would require County staff to thoroughly evaluate such proposals and consider the potential for environmental impacts to occur beyond those evaluated in the 1994 EIR. Staff's evaluation and the CEQA review process would be considered by the County Board of Supervisors prior to making a decision regarding any future land use changes within the EOMSP.

**Conclusion**

The proposed Project includes development of the 253-acre Project site with urban development, which was previously analyzed in the 1994 EIR for the EOMSP. However, the EOMSP did not include mixed-use development of the Project site with up to 3,158 residential units. Development of the Project site would include construction of roadways and infrastructure, in a manner similar to what has been approved with TM ~~5538~~5139, connecting to adjacent roadways and utilities. The Project would not result in growth-inducing impacts associated with removing obstacles to growth, such as the extension of roadway, water, and sewer services.

The Project does involve land use changes that could be seen as growth-inducing, due to the addition of residential uses. However, adequate public services are available to serve the change in land use or would be provided by the Project. Thus, the proposed Project accommodates the growth previously approved for the Project area and provides sufficient services to serve the proposed Project. The proposed Project's growth-inducing impact associated with the removal of obstacles to growth is less than significant.

Although the proposed Project would encourage and facilitate economic activity in the area surrounding the Project site, it is anticipated that this would occur in the already developed areas of Chula Vista and San Diego or where development is already planned for through respective General Plans and Community Plan. Significant growth of economic activity is not anticipated over what was evaluated within the 1994 EOMSP EIR.

The proposed Project could be considered precedent-setting in that adjacent properties could seek a similar change in land use. However, any future land use changes would require review by County staff and an evaluation of the potential for environmental impacts to occur beyond those evaluated in the 1994 EIR. Staff's evaluation and the CEQA review process would be considered by the County Board of Supervisors prior to making a decision regarding any future land use changes within the EOMSP.

**TABLE 1-1. *LAND USE SUMMARY***

| PROPOSED PROJECT | AREA (acres) |
|---|---|
| Mixed-Use Land Use Designation | 161.6 |
| Technology Business Park | 7.8 |
| Circulation Element Roads/Right-of-Way Area | 33.2 |
| Open Space Easement | 51.3 |
| **TOTAL PROJECT AREA** | **253.19** |

**TABLE 1-2. *LOT AREAS***

| Lot Number | Area (acres)[1] |
|---|---|
| 1* | 10.17 |
| 2* | 3.20 |
| 3* | 3.48 |
| 4* | 7.98 |
| 5* | 4.81 |
| 6 | 5.46 |
| 7 | 5.32 |
| 8 | 5.47 |
| 9 | 1.69 |
| 10 | 1.87 |
| 11 | 1.99 |
| 12 | 2.09 |
| 13 | 8.06 |
| 14 | 10.08 |
| 15 | 5.24 |
| 16 | 8.03 |
| 17 | 3.16 |
| 18 | 3.30 |
| 19 | 6.42[2] |
| 20 | 51.34 |
| 21 | 5.65 |
| 22 | 11.84 |
| 23 | 5.52 |
| 24 | 6.71 |
| 25 | 5.64 |
| 26 | 4.15 |
| 27 | 5.68 |
| 28 | 6.86 |
| 29 | 12.01 |
| 30 | 6.69 |
| **Lot Area** | **219.88 acres** |
| **Right-of-Way Area** | **33.23 acres** |
| **Total Site Area** | **253.13 acres** |

Notes:
[1] Gross acreage = net acreage
[2] Open space easement of 0.41 acre include in lot area total
* asterisk indicates lots within commercial overlay (per East Otay Mesa Business Park Specific Plan Figure 2.1-1)

**TABLE 1-3. *PROJECT DESIGN CONSIDERATIONS***

| |
|---|
| Air Quality<br>• Require the construction fleet to use any combination of catalytic converters, diesel oxidation catalysts, diesel particulate filters, and/or ARB certified Tier III or Tier IV equipment.<br>• Architectural coatings would be required to meet the requirements of SDAPCD Rule 67.0.1, which was adopted in June 2015 and went into effect on January 1, 2016. Rule 67.0.1 limits VOC content to 100 g/l for exterior paints and 50 g/l for interior paints. This rule was taken into account in the CalEEMod Model. It was also assumed, based on County T-BACT requirements, that all Tier 3 equipment would be used during construction.<br>• Project construction would employ dust control measures to reduce impacts as feasible. Dust control measures would include watering the site at least three times daily during active grading, and reducing vehicle speeds on unpaved surfaces to 15 mph, and cleaning paved roads, which was assumed to be 25 percent effective in reducing PM emissions (SCAQMD 1999). In addition, the Project would utilize low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. The Project would reduce emissions to the extent feasible. The emissions are mainly attributable to application of architectural coatings. Because the coatings would meet SDAPCD low-VOC requirements, there are no additional mitigation measures that would reduce VOC emissions to less than significant levels. |
| Noise<br>• Select equipment capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible.<br>• Implement alternatives to the standard backup beepers as feasible. These alternatives include strobe lights or products such as the Brigade Electronics, Inc. Broadband Sound system, which is equally effective while generating a lower noise level.<br>• Use specially-quieted equipment, such as quieted and enclosed air compressors and properly-working manufacturer-recommended mufflers on all engines.<br>• Construct enclosures around noise-producing stationary sources such as generators used for night lighting.<br>• Perform construction vehicle maintenance off site or between 7:00 a.m. and 7:00 p.m.<br>• Place the laydown area as far as possible from the closest noise sensitive receptors.<br>• Limit the delivery of material (with the exception of concrete) to the hours between 7:00 a.m. and 7:00 p.m. |

Architectural/Design

- Buildings would be designed to be compatible with nearby land uses and are encouraged to reflect a human scale and provide visual interest.
- Design elements would include street oriented building entrances, ground floor transparency, sidewalk cafes, balconies, awnings, and articulated facades.
- Where feasible parking lots would be located to the rear or sides of buildings and screened with landscaping.

Pedestrian Features

- Project would establish a pedestrian circulation and trails system that would support and encourage walking as a mode of transportation.
- Sidewalks would be provided on both sides of all public streets.
- Sidewalks within the Mixed-Use Village Core are proposed to be at least five-feet wide and separated from the traveled way by a five-foot landscaped parkway.
- Mixed-Use Roads would have five-foot non-contiguous sidewalks separated from the curb by a five-foot wide landscape trip. Large canopy trees spaced every 25 feet would be located in the middle of this landscape strip to create a sense of place and provide shade for pedestrians and bicyclists.
- All development adjacent to the Otay Valley Regional Park would improve a ten-foot wide trail for passive viewing and as a potential connection to the regional park trail system. Trail would be open t to the public and would connect to a public sidewalk or an alternative location acceptable to the County.

Lighting

- Lighting would be on 15-foot poles and complementary to building architecture within Activity Node and Mixed-Use Village Core parking areas.
- Architectural lighting would articulate and animate entrances and other prominent architectural elements as well as provide the required functional lighting for safety and clarity of pedestrian movement.
- Lighting for pedestrian walks would be designed for point-to-point illumination to identify the pedestrian walkway and direction of travel.

Streets

- Project would include construction of public streets within the project boundary, including Sunroad Boulevard, Sunroad View Drive, Alejandro Drive, and extensions of Harvest Road and David Ridge Drive.
- All public roadways located within the Project site would include Class 2 bike lanes.
- Project would construct off-site half-width improvements within the Project boundary providing interim lane configuration to Vann Center Boulevard from Otay Mesa Road to Sunroad Boulevard, and Otay Mesa Road from Harvest Road to Vann Centre Boulevard.

Transit

- Project would include the construction of a Metropolitan Transit Service bus stop at the northwest corner of Otay Mesa Road and Harvest Road. Proposed bus stop would be serviced by Bus Route 905, which connect Otay Mesa to the Iris

| |
|---|
| Trolley Station. |
| Trails and Pathways<br>• Project would include a trail segment that occurs north of Sunroad Boulevard through an SDG&E easement, providing pedestrian connectivity to the Otay River Valley Regional Park.<br>• Additional pathways are planned along Harvest Road between Otay Mesa Boulevard and Sunroad Boulevard along Lone Star Road between Vann Centre Boulevard and Zinser Road. |
| Greenhouse Gas Emissions<br>• The East Otay Mesa Specific Plan Amendment provides a mix of uses at the site, including residential, retail, and industrial/employment uses.<br>• Non-residential and multi-residential units would be conditioned to provide Electric Vehicle parking.<br>• Non-residential and multi-residential units would be conditioned to include bicycle parking.<br>• Project would be designed with non-contiguous sidewalks to provide a pedestrian network throughout.<br>• Project is located on Otay Mesa Road which has a bike lane; and project design will be built to accommodate bikes on project streets.<br>• Project would provide a new MTS bus stop.<br>• The Project would include traffic calming measures on a minimum of 25% of internal streets and 25% of intersections.<br>• Indoor residential appliances would meet the requirements of Title 24 in place at the time of construction. ENERGYSTAR appliances would be installed.<br>• Indoor plumbing would include low-flow fixtures.<br>• The Project would be equipped with high efficiency public street and area lighting that would reduce energy requirements for lighting by 5%.<br>• Traffic lights installed by the project would be LED traffic lights.<br>• The Project would limit Outdoor Lighting Requirements.<br>• Project would install Programmable Thermostat Timers.<br>• Use water-efficient irrigation systems. Outdoor irrigation would be water-efficient.<br>• All public areas would be planted with native or drought resistant trees and vegetation.<br>• Project would be designed to use water efficient landscapes.<br>• All buildings would exceed the California 2013 Title 24 Building Energy Efficiency Standards by 25%. By the time buildings are constructed, it is likely that updated, more stringent energy efficiency standards would be adopted.<br>• 1,000 residential units would include a natural gas fireplaces, the remaining 2,158 units would be constructed without fireplaces.<br>• The project would include solid waste diversion practices in accordance with AB 341, which requires 75% solid waste diversion by 2030. |
| Biological Resources<br>• A 0.41-acre easement within the project site is identified as an Open Space Easement established for the protection of biological resources. |

| |
|---|
| • All documented vernal pools would be preserved in the Open Space Easement. |
| Hazards and Hazardous Materials<br>• Project would implement a number of design and maintenance BMPs to prevent and control vectors (mosquitoes) from breeding in the on-site detention basins including the regular removal of trash and debris from on-site detention basins, which would prevent obstruction of the outlet structure and facilitate drainage. The Project would also regularly remove vegetation from on-site detention basins, which would minimize suitable habitat for mosquito larvae and would allow for faster drainage of the detention basins. Also, the drawdown time of each detention basin would be monitored after significant rain events (i.e., consistent rainfall over a period of 12 hours or longer). In the event the drawdown time exceeds 96 hours, corrective measures would be taken, such as adjusting irrigation systems, removing obstructions of debris or invasive vegetation clearing underdrains, or repairing/replacing clogged or compacted soils.<br>• Project would be designed to minimize wildfire exposure risks.<br>• Development of the project site would provide additional emergency services to the community, fire access roads would provide improved access to the Project site and the wildland-urban interface, and proposed fire hydrants would provide firefighters with adequate water resources to fight structure and wildland fires.<br>• New buildings associated with the proposed project would have reduced flammability due to ignition-resistant construction and automatic fire sprinkler installation.<br>• Development of the Project site would provide a fire break and defensible space, from which a wildfire can be more easily fought by firefighters. |

**TABLE 1-4. *TYPICAL DEVELOPMENT SCENARIO***

| Planning Area | Land Use Acreage[1] | | | | Total Acreage (excl. Open Space) | Target Development Intensity | | | ADT Volume[3] | AM Peak Hour | PM Peak Hour |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Residential | Tech Park | Commercial (Office/Retail)[2] | Open Space | | Dwelling Units | Tech Park Square Footage | Commercial (Office/Retail) Square Footage | | | |
| **Mixed-Use** | | | | | | | | | | | |
| PA A | 20.8 | 13.5 | 0.0 | 1.2 | 34.3 | 596 | 162,000 | 0 | 6,388 | 608 | 672 |
| PA B | 44.3 | 1.9 | 0.5 | 1.5 | 46.7 | 1,381 | 22,800 | 5,000 | 11,476 | 922 | 1,047 |
| PA C | 12.8 | 10.4 | 6.8 | 0.0 | 30.0 | 227 | 124,800 | 68,000 | 9,592 | 581 | 1,004 |
| PA D | 33.3 | 14.1 | 0.5 | 0.0 | 47.9 | 954 | 169,200 | 5,000 | 9,524 | 853 | 997 |
| **Subtotal** | **111.2** | **39.9** | **7.8** | **2.7** | **158.9** | **3,158** | **478,800** | **78,000** | **36,980** | **2,964** | **3,720** |
| **Technology Business Park** | | | | | | | | | | | |
| PA E | 0.0 | 7.8 | 0.0 | 0.0 | 7.8 | 0 | 93,600 | 0 | 936 | 131 | 140 |
| PA F (not a part) | 0.0 | 16.1 | 0.0 | 0.8 | 15.3 | 0 | 193,200 | 0 | N/A | N/A | N/A |
| **Subtotal** | **0.0** | **23.9** | **0.0** | **0.8** | **23.1** | **0** | **286,800** | **0** | **936** | **131** | **140** |
| **Open Space** | | | | | | | | | | | |
| PA G | 0.0 | 0.0 | 0.0 | 51.3 | 0.0 | 0 | 0 | 0 | N/A | N/A | N/A |
| **Subtotal** | **0.0** | **0.0** | **0.0** | **51.3** | **0.0** | **0** | **0** | **0** | **N/A** | **N/A** | **N/A** |
| **Total** | **111.2** | **63.8** | **7.8** | **54.8** | **182.0** | **3,158** | **765,600** | **78,000** | **37,916** | **3,095** | **3,860** |
| **Mixed Use Credit (10%)** | | | | | | | | | (3,792) | (310) | (386) |
| **Net Total** | | | | | | | | | **34,124** | **2,785** | **3,474** |

1. Park acreage would be provided at the site plan stage consistent with the County's Parkland Dedication Ordinance (PLDO) and tracked via Table 3.3-3. Refer to Section 2.4.3 in the Public Facilities Element for additional information regarding how parks would be established within the project area.
2. Commercial retail acreage is limited to a maximum of 27.2 acres.
3. Rates are from SANDAG's (Not so) Brief Guide of Vehicular Generation Rates for the San Diego Region, 2002. Residential = 8 ADT/unit. Technology Park = 120 ADT/acre. The Neighborhood Shopping Center rate of 1,200 ADT/acre was used for the Commercial Retail within PA C. A 20% pass-by reduction was applied to this rate. The Specialty Retail rate of 400 ADT/acre was used for the Commercial Retail within PAs B and D.

**TABLE 1-5. *MATRIX OF PROJECT APPROVALS/PERMITS***

| Discretionary Approvals/Permits | Approving Agency/ Reviewing Department |
|---|---|
| General Plan Amendment<br>Specific Plan Amendment<br>Rezone<br>Tentative Map | County of San Diego/<br>Department of Planning and Development Services (PDS) |
| Right-of-way Permit(s)<br>Grading Permit(s)<br>Final Map<br>Improvement Plans<br>Traffic Control Plan | County Department of Public Works (DPW) |
| Section 401 Water Quality Certification<br>National Pollutant Discharge Elimination System (NPDES) Permit<br>General Construction Storm Water Permit<br>Waste Discharge Requirements Permit | San Diego Regional Water Quality Control Board (RWQCB) |
| Section 404 Permit – Dredge and Fill | U.S. Army Corps of Engineers |
| Section 1602 Streambed Alteration Agreement (SAA) | California Department of Fish and Wildlife |
| FAA notification for hazards to airport safety (14 Code of Federal Regulations, part 77 pursuant to 49. U.S.C., Section 44718) | Federal Airport Authority (FAA) |
| Fire District Approval | San Diego Rural Fire Protection District |
| Water District Approval | Otay Water District |
| School District Approval | San Ysidro School District<br>Sweetwater Union High School District |

## Table 1-6. *CUMULATIVE PROJECTS LIST*

| Map Label | Project Name | Project Number | Location | Acres | Description | CEQA Document | Potential Impacts |
|---|---|---|---|---|---|---|---|
| 1 | **PROPOSED PROJECT**<br><br>Otay – 250 East Otay Mesa Business Park Specific Plan Amendment | PDS2015-SPA-15-001; PDS2015-GPA-15-008; PDS2015-TM-5607; PSD2015-REZ-15-007; PDS2015-ER-15-98-190-13G | Northeastern corner of Otay Mesa Road and Harvest Road/SR-125. | 253.13 | Specific Plan Amendment to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for the establishment of a mix of employment, retail, and residential emphases. Provides for a maximum of 3,158 dwelling units, 84,942 square feet of general commercial uses, and 1,389,564 square feet of employment uses, and approximately 51.3 acres of permanent biological open space. Amendment to the Otay Subregional Plan (GPA), which is considered an Amendment to the General Plan, in order to allow for the establishment of mixed-uses within the community plan area; a Rezone (REZ) to accommodate the introduction of mixed-uses; and a Tentative Map (TM) to subdivide the land. | SEIR | Potentially significant environmental issues addressed in SEIR: air quality, biological resources, cultural and paleontological resources, hazardous and hazardous materials, noise, and transportation and traffic. |
| 2 | Airway Business Center/FedEx | PDS2009-3501-08-018-01<br>TM 5304R/S08-018 | Northeast corner of Airway Road and Paseo De La Americas | 35.69 | Subdivision into 12 lots (minimum 2 acres each) for light industrial uses. | EIR Addendum | Biological survey identified impacts to 38.52 acres of non-native grassland, to be mitigated by purchase of 19.26 acres of mitigation bank habitat. Sensitive species included foraging raptors only. Produces 4,200 ADT. |
| 3 | Burke Minor Subdivision/Otay Logistics Center | TPM 20701 RPLI<br>ZAP 99-029<br>STP 05-018<br>SPA 05-005 | Eastern side of Enrico Fermi Drive between Siempre Viva Road and Airway Road | 39.31/ 14.91 | Subdivision into 4 parcels of 8.80, 9.37, 9.48 and 11.66 acres. Grading and improvement of a commercial road traversing the site. Truck parking and storage on site. Construction of approximately 27,000 square feet of buildings and warehouse in the northern part of the site, along with 404 parking spaces and 73 loading spaces. | MND | Mitigation consists of off-site purchase of 20 acres of non-native grassland to mitigate for 40 acres (entire site) of disturbed grassland at 0.5:1 ratio. Fair share traffic contributions required to mitigate traffic impacts for 635 (Phase I) and 715 (Phase II) ADT. Changes from mixed industrial (LU) to LE and Heavy Industrial. Potential impacts to cultural resources. |
| 4 | California Crossings | TPM 21046<br>MUP 06-102<br>93-19-006AA | On the 9200 block of Otay Mesa Road, east of SR-125 and west of Heritage Road | 26.94 | 325,502 sq. feet retail commercial center. | SEIR | Potentially significant impacts to air quality; traffic/circulation; biological resources (direct loss of 23.4 acres of sensitive non-native grassland habitat, loss to raptor foraging and nesting habitat, impacts to migratory birds); cultural and paleontological resources. Impacts determined not to be significant are associated with Geology/Soils, Hazards/Hazardous materials, Hydrology/Water quality, Noise, Aesthetics, Agriculture, Land Use and Planning, Mineral resources, Population and Housing, Public Services and Utilities, and Recreation. Mitigation includes acquisition of a 15.4-acre conservation easement and distance |

| Map Label | Project Name | Project Number | Location | Acres | Description | CEQA Document | Potential Impacts |
|---|---|---|---|---|---|---|---|
| | | | | | | | restriction of construction during raptor nesting season. |
| 5 | Hawano Subdivision | 10-0123176<br>TM5566<br>Log No. 93-19-006OO | East of Airway Place, west of Alta Road, south of Airway Road, and north of Via de La Amistad | 79.6 | The project is a Tentative Map 3100 5566(TM) to subdivide a79.6-acre site into 23 industrial lots on 65.62 acres and one (1) detention basin lot on2.47 acres. The TM would allow for the construction of up to 852,426 square feet (s.f.) of industrial land uses. The site is currently vacant and vegetated in non-native grassland. | EIR | Potential impacts to biological resources, traffic/circulation. |
| 6 | International Industrial Park | TM5549 | Alta Road at Lone Star Road | 170.59 | Subdivide vacant land into 24 parcels for technology/business. 118.43 acres to be developed; 35.90 acres placed in open space' 16.26 acres used for internal circulation streets. Development would include 3 acres for the future permanent fire and sheriff station. | Pending | Potential impacts to biological resources, air quality, climate change, cultural resources, geology, mineral resources, and visual resources. |
| 7 | Metropolitan Airpark – Brown Field Redevelopment | Project No. 208889 | The Metropolitan Airpark project is located on airport property within Brown Field Municipal Airport | 331 | The Metropolitan Airpark project proposes the development and lease of supportive aviation facilities and supportive non-aviation facilities located on the Brown Field Municipal Airport. The Project consists of approximately 33 1 acres located north and south of the airport runway. Approximately 810,000 square feet of aviation uses are proposed that would include: a jet aviation FBO and related support facilities; hangars, tie-downs, fuel station, and maintenance area for general and corporate aviation; a helicopter FBO with hangars, a heliport, and a San Diego Fire Department or other public agency aviation hub. Supportive aviation facilities and supportive non-aviation facilities would include: an eight to ten megawatt solar photovoltaic energy generation facility; an industrial park with a maximum allowable development of approximately 1.4 million building square feet; the San Diego Air & Space Museum relocated from Balboa Park with up to 480,000 square feet; and a commercial center that would include: a l20-room hotel and a l 50-room hotel; an alternative fuel s station; a bus transit station; and approximately 20 1,700 square feet of commercial uses. | EIR | The Metropolitan Airpark project would impact 0.275 acre of vernal pool habitat and associated San Diego fairy shrimp and San Diego button-celery on-site. potentially significant, direct impacts would occur with respect to Land Use, Transportation/Circulation, Visual Effects and Neighborhood Character, Air Quality, Biological Resources, Historical Resources, Human Health and Public Safety, and Paleontological Resources. With the exception of impacts related to Land Use, Transportation and Circulation, Visual Effects and Neighborhood Character and Air Quality, mitigation measures are proposed that would reduce impacts to below a level of significance. |
| 8 | National Enterprises Storage and Recycling Facility | MUP 98-001 RPL1 | East and west sides of Alta Road, north of Calzada de la Fuente | 161.2 | The project proposes to develop areas for interim use including automobile storage, scrap and recycling operations, and wood and green material recycling, and would include temporary office trailers of 720 square feet each and 200 employee parking spaces. Project would provide space for approximately 11,000 vehicles. | EIR Addendum | Impacts to 0.76 acre coastal sage scrub and 103.61 acres of non-native grassland. Mitigation included 67.94 acres of coastal sage scrub and 24.29 acres of non-native grassland for a total of 117.66 impacted acres and 91.28 acres of mitigation (mitigation was of higher habitat value than impacts, resulting in less mitigation area). |

| Map Label | Project Name | Project Number | Location | Acres | Description | CEQA Document | Potential Impacts |
|---|---|---|---|---|---|---|---|
| | | | | | | | Buildout conditions would result in 2,403 ADT. |
| 9 | Otay Business Park | TM 5505 | Southeast of future intersection of Alta Road and Airway Road | 161.6 | Subdivision into 61 industrial lots. No specific uses identified. Off-site improvements include extensions of Alta Road, Airway Road and Siempre Viva Road. The future alignment of SR-11 may traverse a portion of the site. | SEIR | Buildout conditions would result in 33.486 ADT and project would impact 176.1 acres of grassland, as well as burrowing owl, fairy shrimp and Quino checkerspot butterfly. Project also would impact air quality, cultural and paleontological resources, hydrology and water quality, and noise. |
| 10 | Otay Crossings Commerce Park | TM 5404<br>SPA 04-006<br>MUP 00-024 | Southeast of Otay Mesa Road and Alta Road intersection | 311 | Mixed industrial use with 56 total industrial lots from 0.9 to 95.4 acres. | SEIR | Potential impacts to aesthetics/visual quality, air quality, biological resources, cultural resources, geology/soils, hydrology/drainage/water quality, noise, public services and utilities, and traffic. |
| 11 | Otay Ranch Village 13 (Otay Ranch Preserve and Resort) | GPA04-003<br>SP04-002<br>REZ04-009<br>TM5316A and B<br>ER LOG 04-19-005 | Otay Lakes Road, east of Wueste Road | 1,869 | Proposed development of 1,881 single-family homes, a mixed-use area with 57 multi-family residences and up to 20,000 square feet of neighborhood commercial uses, a 17.4-acre resort hotel, elementary school site, nine park sites, public safety site that could accommodate a fire station and law enforcement storefront, approximately 1,089 acres of preserved open space, and approximately 144 acres of other open space. | DSEIR | Potential impacts to aesthetics and visual resources, transportation and traffic, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and noise, |
| 12 | Piper Otay Park | TM 5527 | West of SR-125, north of Otay Mesa Road/SR-905 and east of Piper Rancho Road | 24.84 | Subdivision into 13 industrial lots ranging in size from 1.03 to 2.61 acres. | EIR Addendum | Environmental Review Update Checklist Form identified potential new impacts to biological resources, hazards, hydrology, and traffic. |
| 13 | Rabago Technology Business Park | TM 3100 5568<br>Log No. 3910 93-19-006QQ | North of Otay Mesa Road, west of future Enrico Fermi Drive, south of future Lone Star Road | 71.1 | Proposed subdivision of 71.1 acres to create 19 lots for business park development in the East Otay Mesa Specific Plan (EOMSP) area. | EIR Addendum | Environmental Review Update Checklist Form identified potential new impacts to air quality, biological resources, cultural resources, geology and soils, GHG, hazards and hazardous materials, noise, public services, transportation and traffic, and utilities and service systems. |
| 14 | San Diego Correctional Facility | P06-074<br>(MUP 06-074)<br>SPA 05-005 | Northwest corner of Lone Star Road and Alta Road | 40 | Construction of a 32-acre detention facility in two phases. Includes associated administrative, housing, parking, program space and ancillary support services with a total of 2, 880 beds at buildout and an extension of Lone Star Road along project frontage. | SEIR | Potential impacts to biology (36.7 acres of non-native grassland and 3.7 acres of disturbed habitat), visual resources, hazards and hazardous materials, hydrology and water quality, public utilities and services, transportation. Determined no additional impact to agricultural resources air quality, cultural resources, geology and soils, land use and planning, mineral resources, noise, population and housing, recreation. |

| Map Label | Project Name | Project Number | Location | Acres | Description | CEQA Document | Potential Impacts |
|---|---|---|---|---|---|---|---|
| 15 | SR-11 Phase II and Otay Mesa East Port of Entry (POE) | PM 0.0/2.7 EA 056300 | Near the SR-905/SR-125 interchange on East Otay Mesa, extending east and south to a new POE at the U.S./Mexico Border | 212-236 | The State Route 11 (SR -11) Project would consist of constructing approximately two miles of a new four-lane freeway from the proposed SR-905/SR-125 junction to the future Federal Port of Entry (POE) at East Otay Mesa in San Diego County. | EIR | Potential impacts in program area resulting from future Phase II to energy, public services and utilities, traffic and transportation, visual resources, cultural resources, water quality and storm water runoff, geology, paleontology, hazardous materials, air quality, noise and vibration, and biology. Further determination of impacts and mitigation would be determined during Phase II environmental document. |
| 16 | Otay Hills Mining | PDS 2004-3300-04-004 | East Otay Mesa, east of Alta Road | 434 | Aggregate extraction operation and associated activities | EIR/EIS | Potential Impacts to land Use/planning, soils, geology, paleontology, hydrology/water quality, biological resources, cultural resources, aesthetics, traffic and circulation, noise, air quality and hazards. |

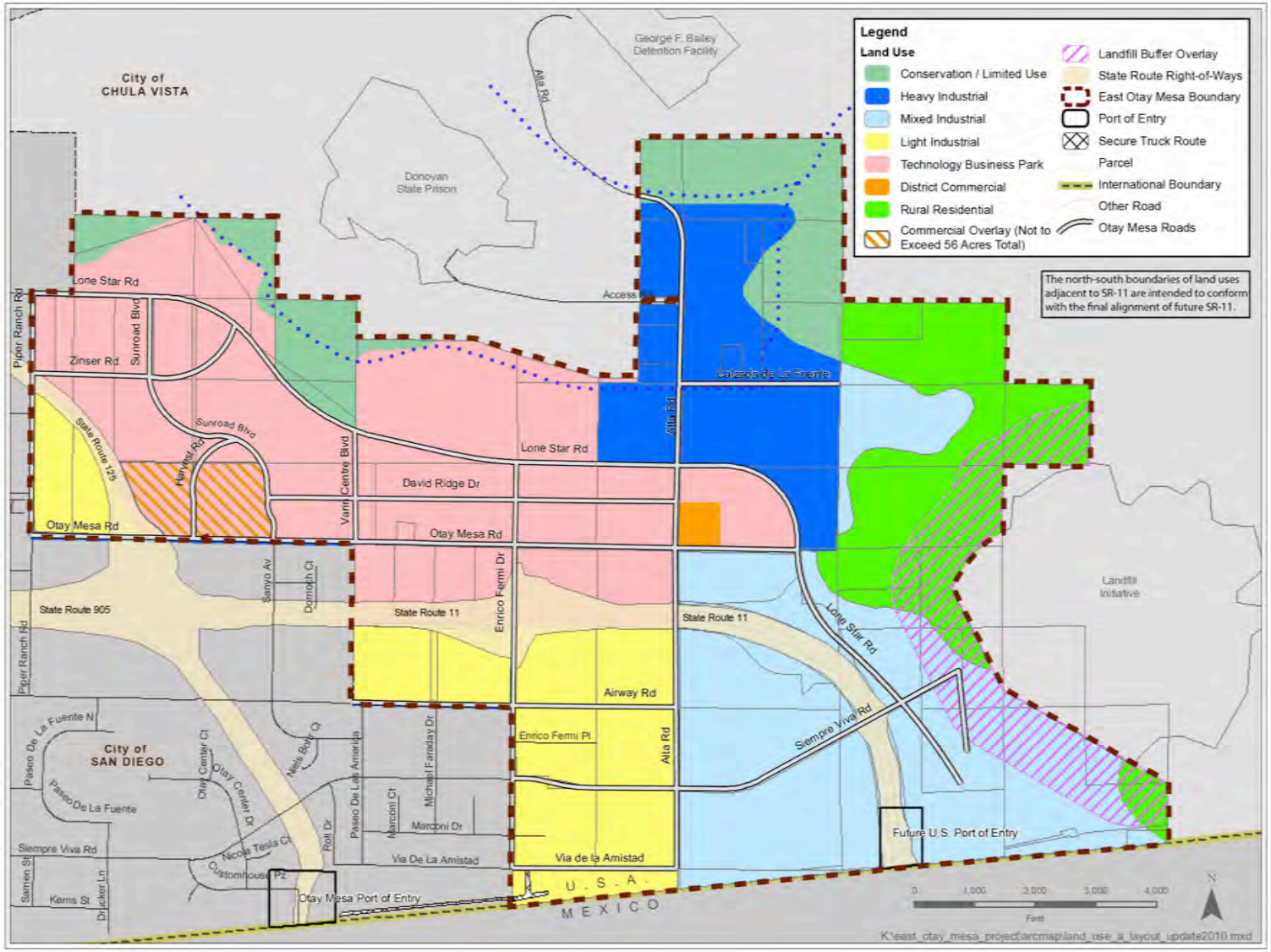



**FIGURE 1-1.** ***EAST OTAY MESA SPECIFIC PLAN – APPROVED LAND USE PLAN***

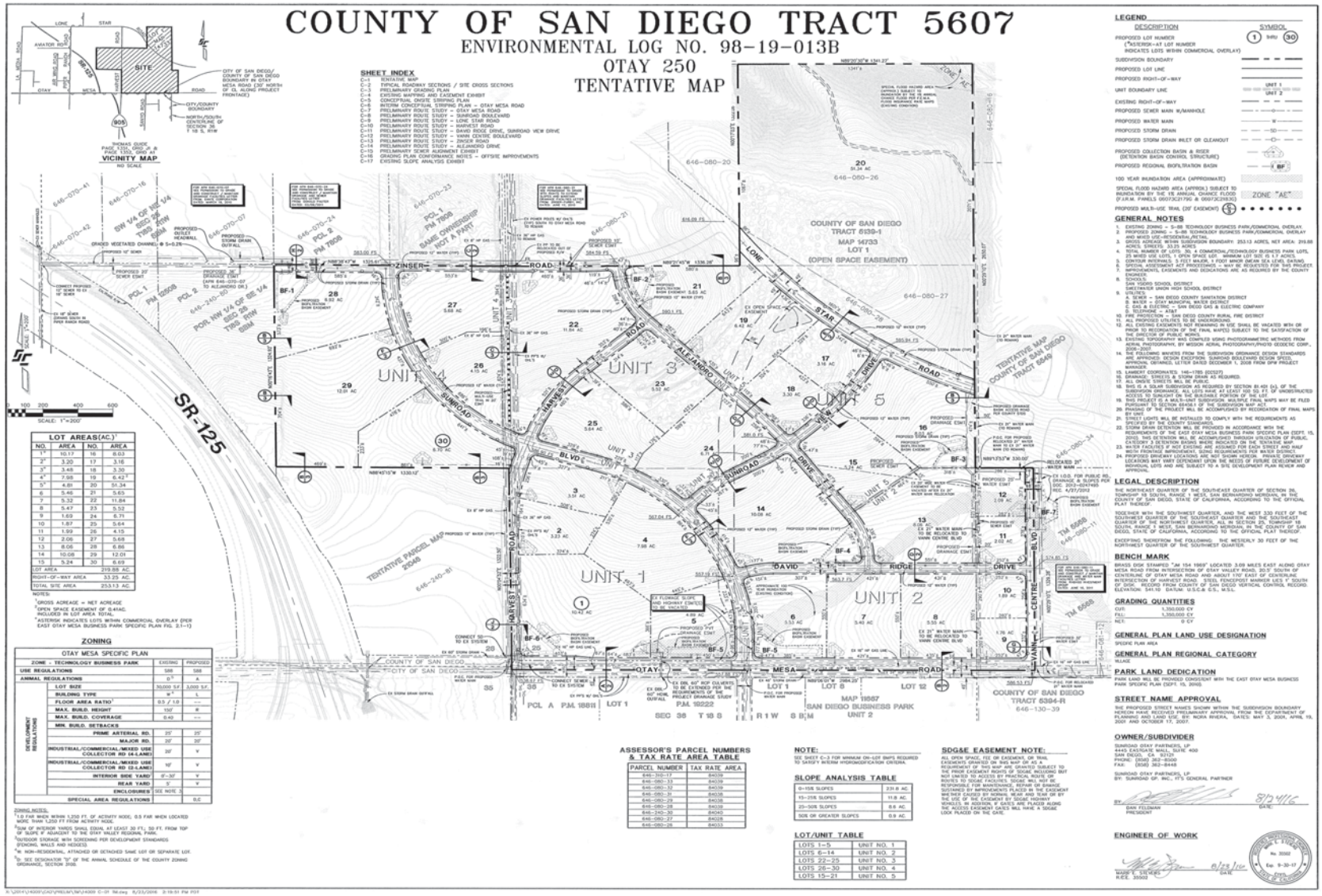



**FIGURE 1-2.** ***OTAY 250 SUNROAD – EAST OTAY MESA BUSINESS PARK SPECIFIC PLAN AMENDMENT TENTATIVE MAP***

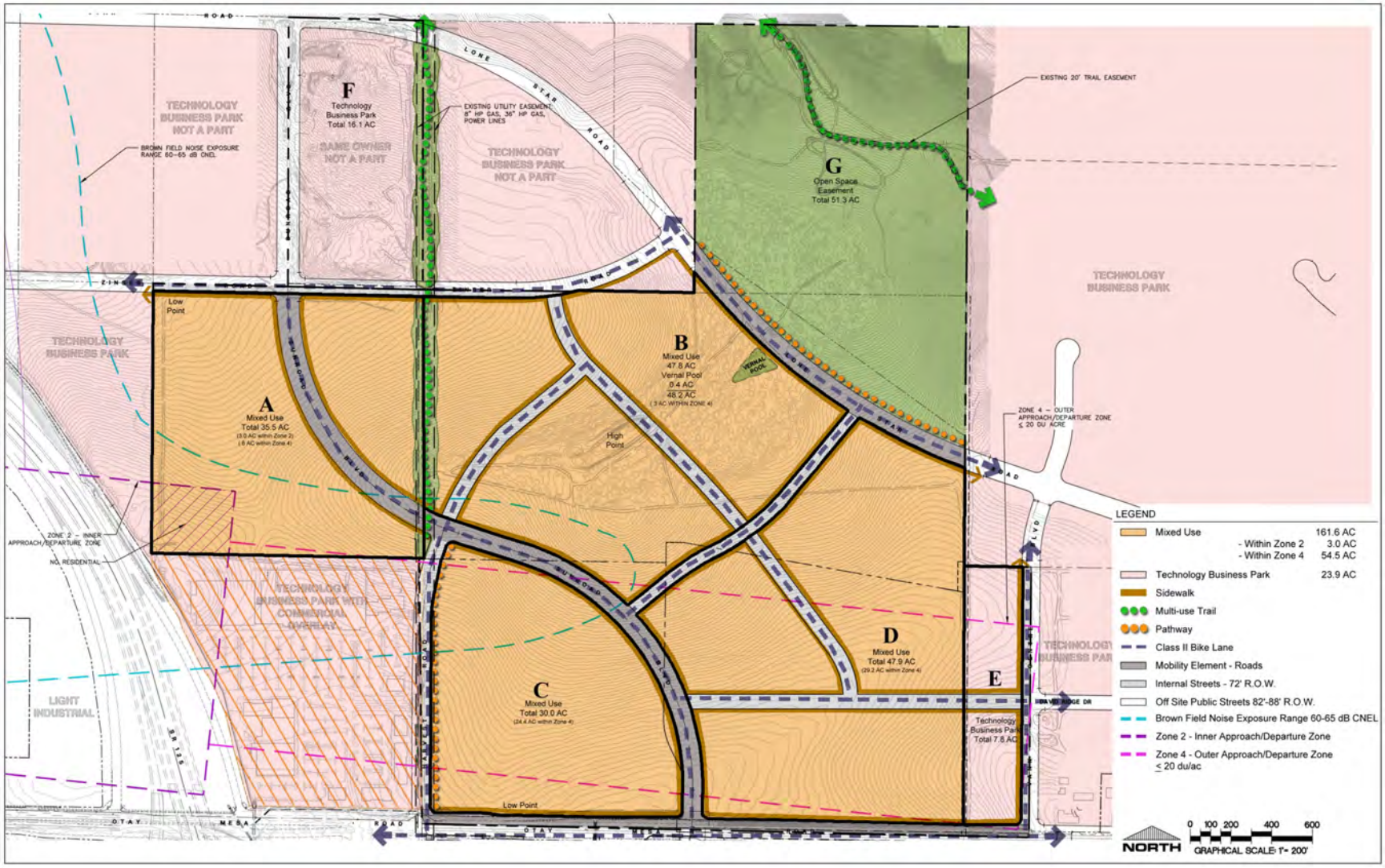



**FIGURE 1-3.** ***SPECIFIC PLAN AMENDMENT PROPOSED CONCEPTUAL LAND USE AND CIRCULATION PLAN***

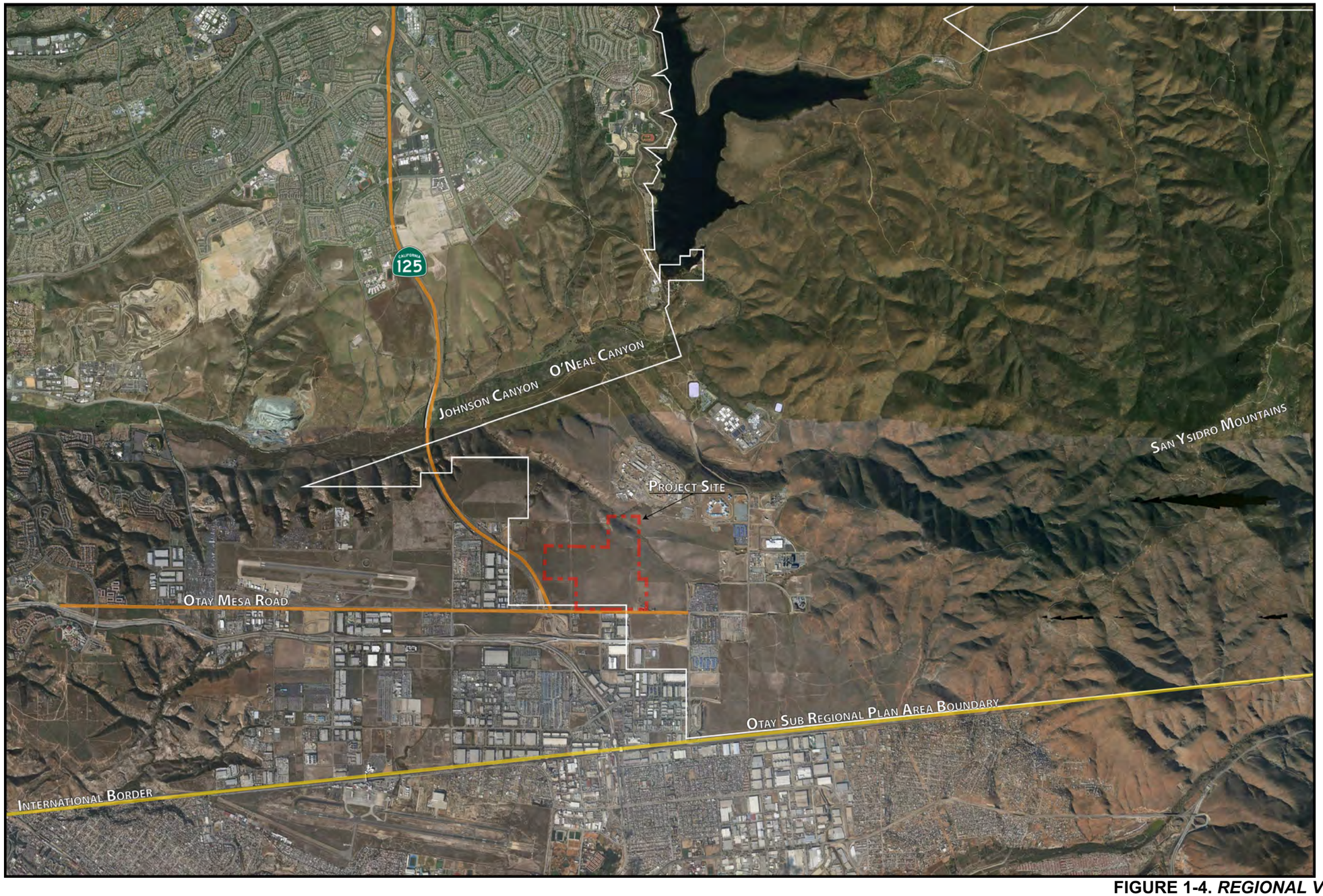



**FIGURE 1-4. *REGIONAL VICINITY MAP***

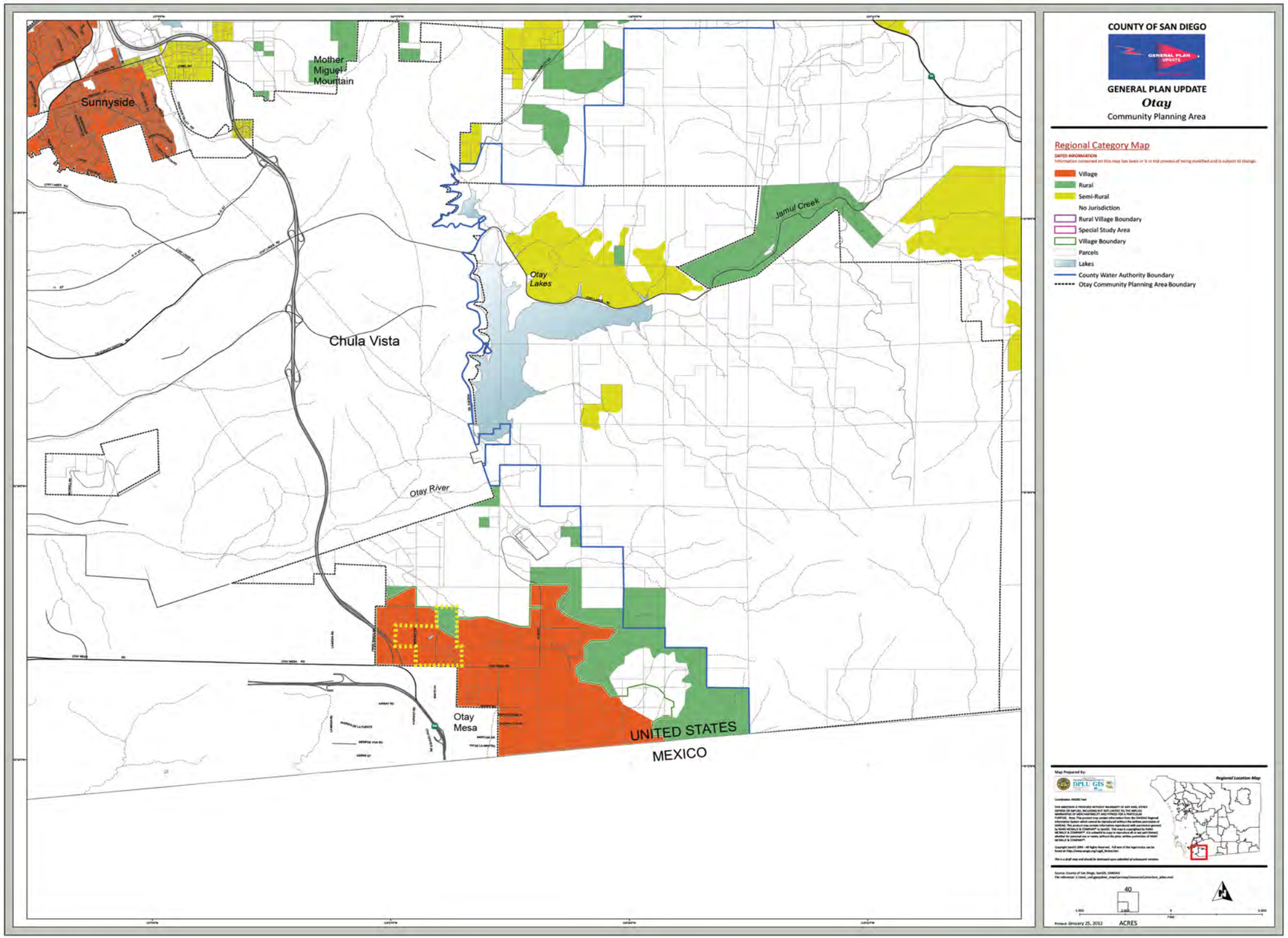



**FIGURE 1-5. *REGIONAL CATEGORY MAP***

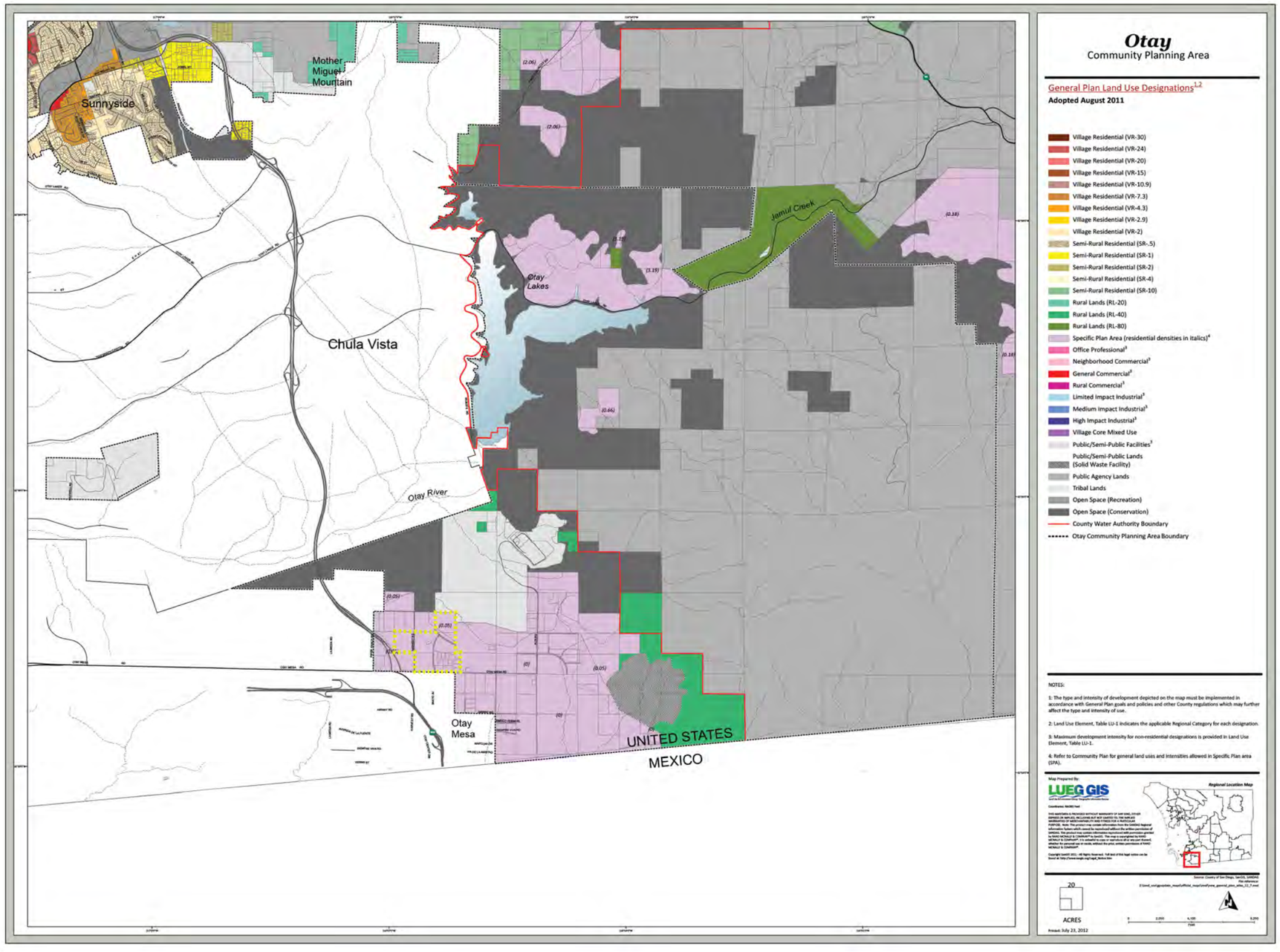



**FIGURE 1-6.** ***GENERAL PLAN LAND USE DESIGNATION***

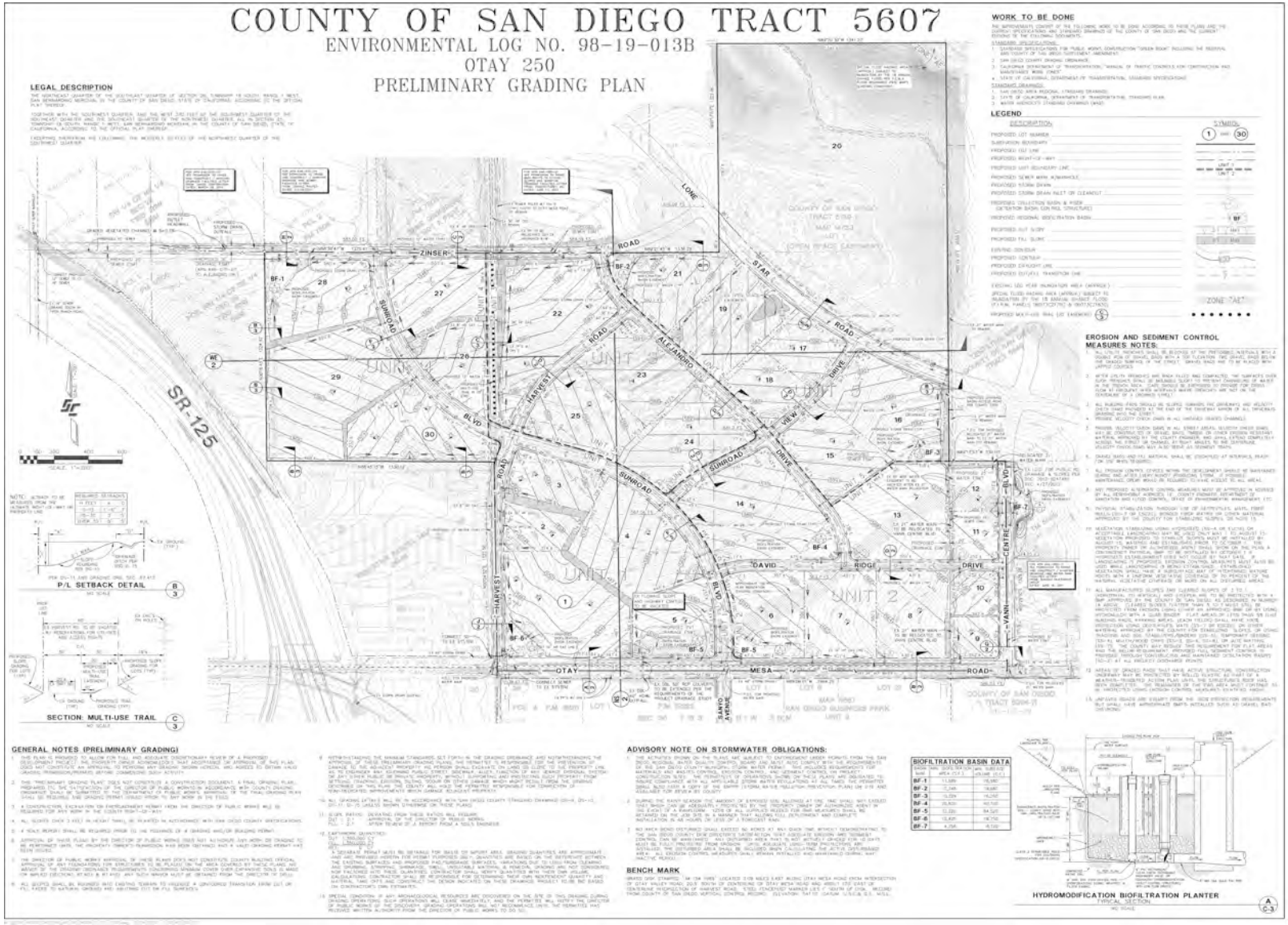



**FIGURE 1-7. *PRELIMINARY GRADING PLAN***




**FIGURE 1-8. *ON-SITE STREET IMPROVEMENTS***

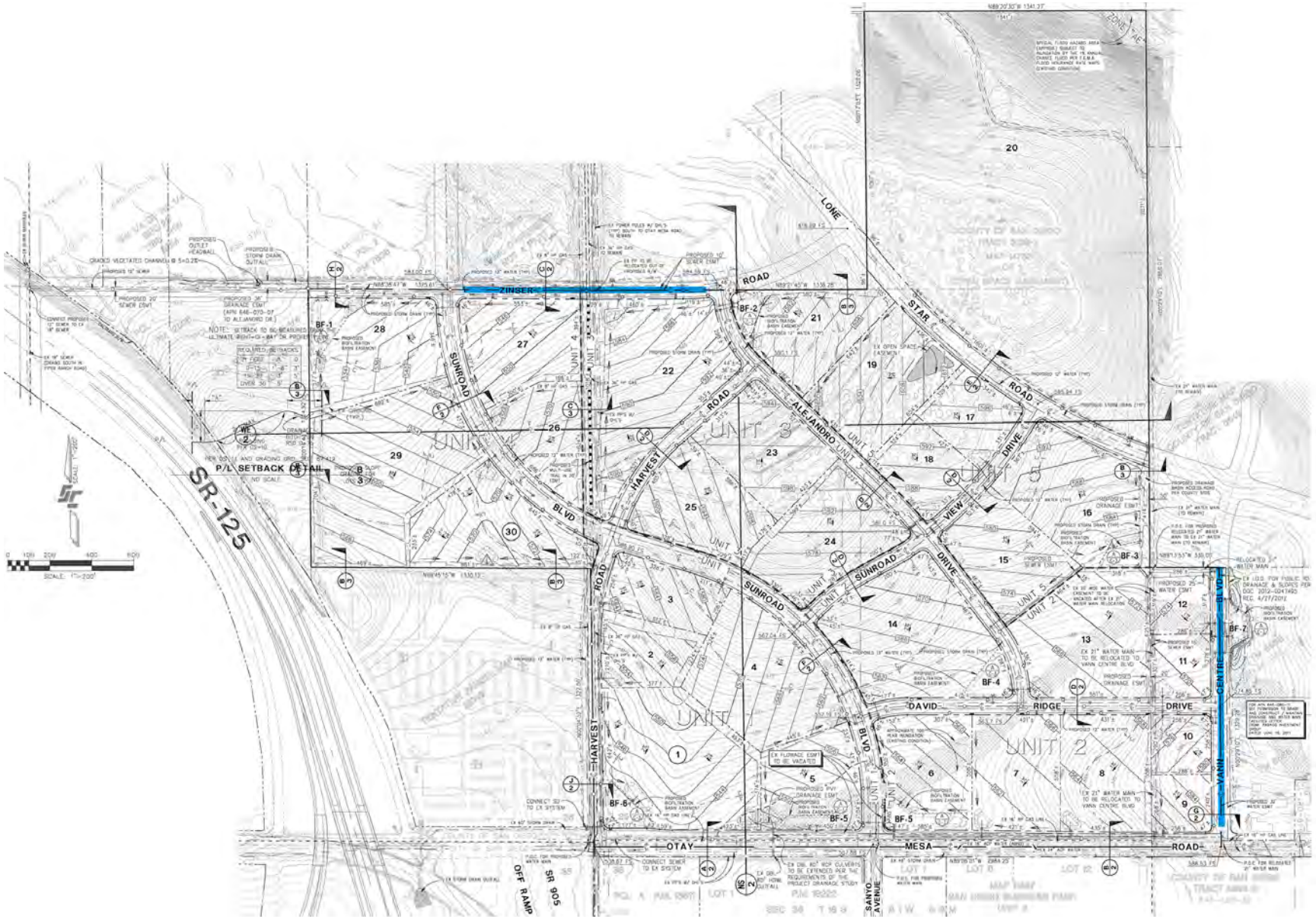



**FIGURE 1-9. *OFF-SITE STREET IMPROVEMENTS***

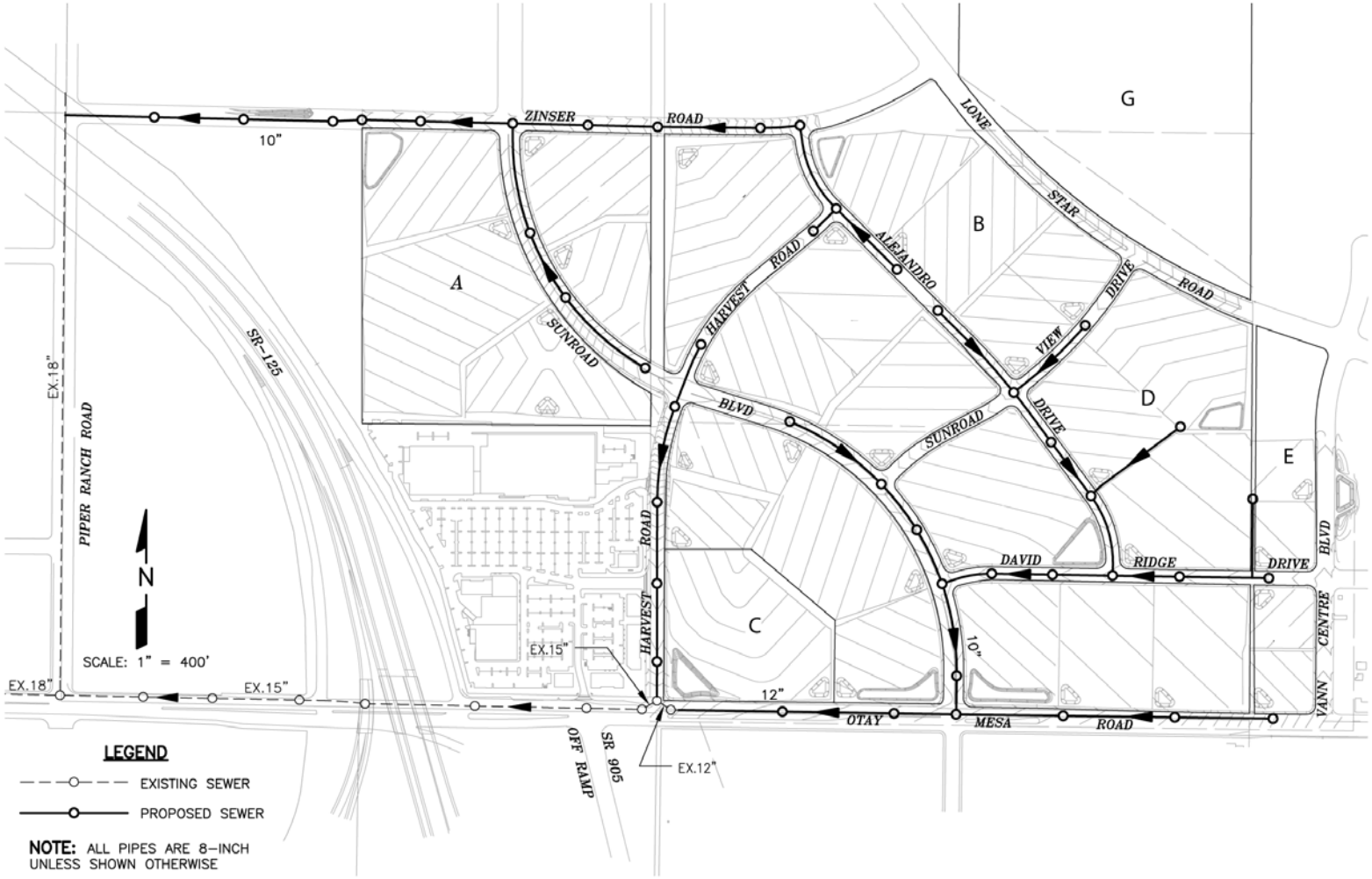



**FIGURE 1-10.** ***SERVICE IMPROVEMENTS – EXISITING AND PROPOSED SEWER***

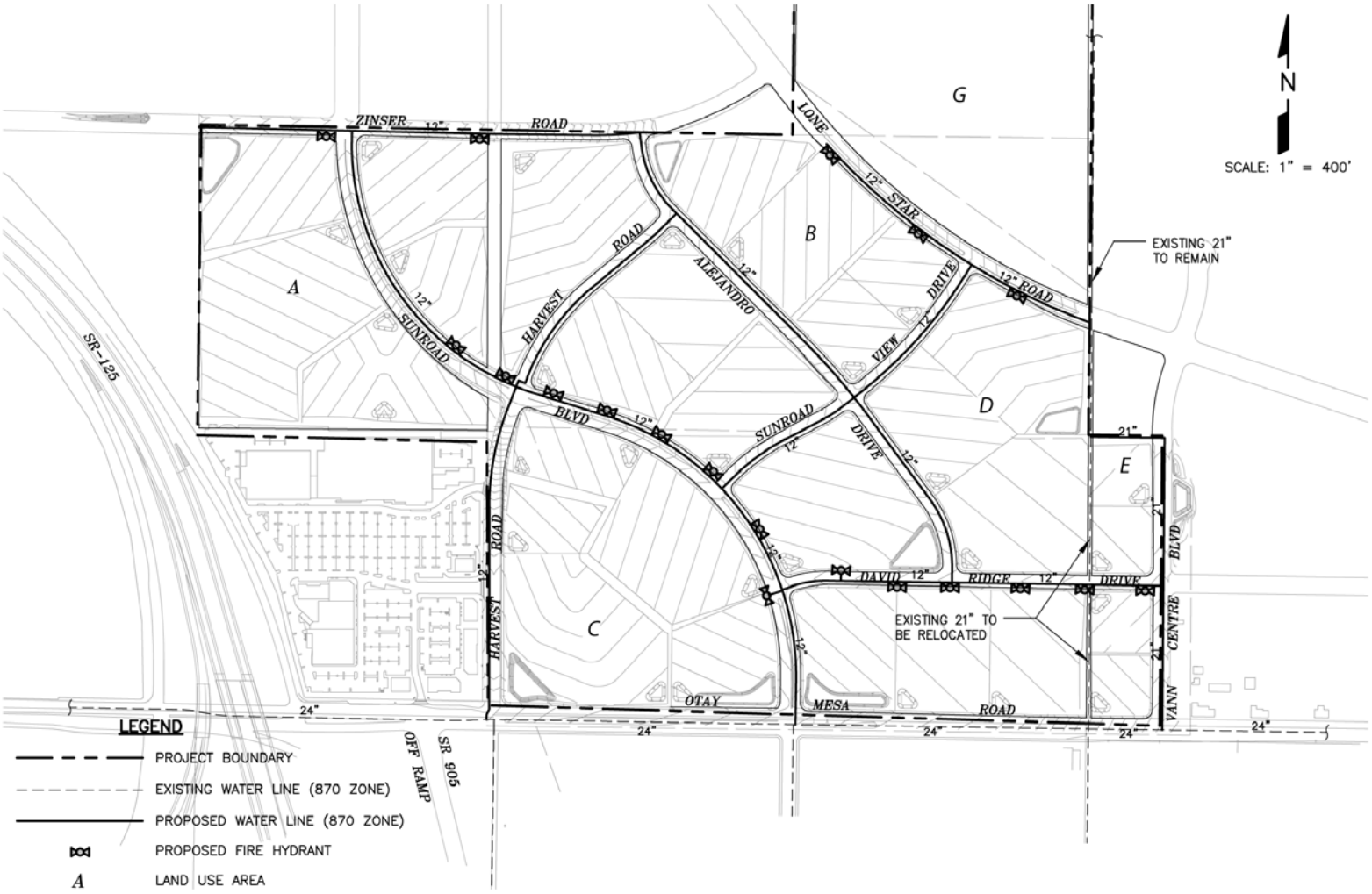



**FIGURE 1-11.** ***SERVICE IMPROVEMENTS – EXISTING AND PROPOSED WATER***

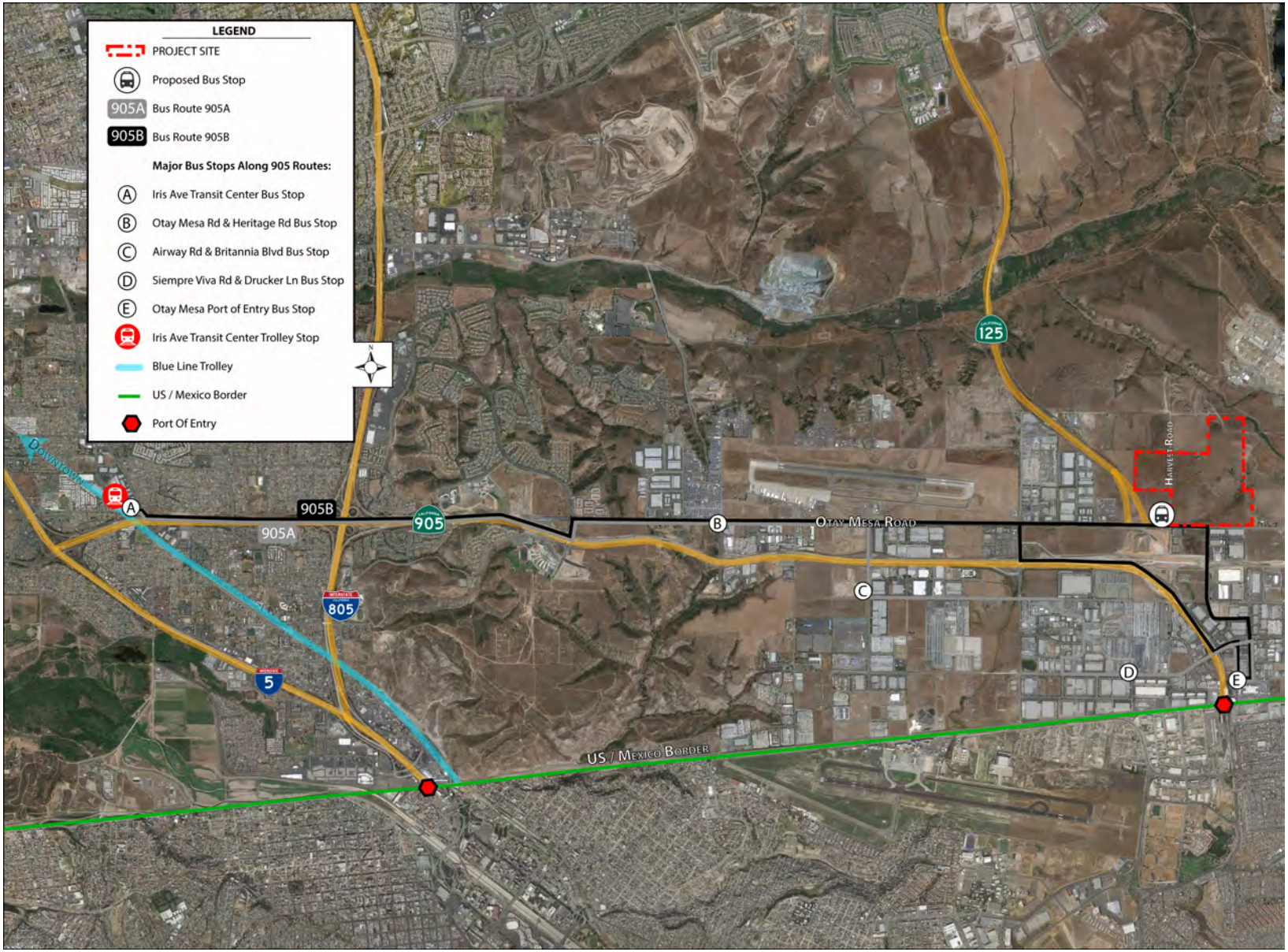



**FIGURE 1-12. *TRANSIT IMPROVEMENTS***

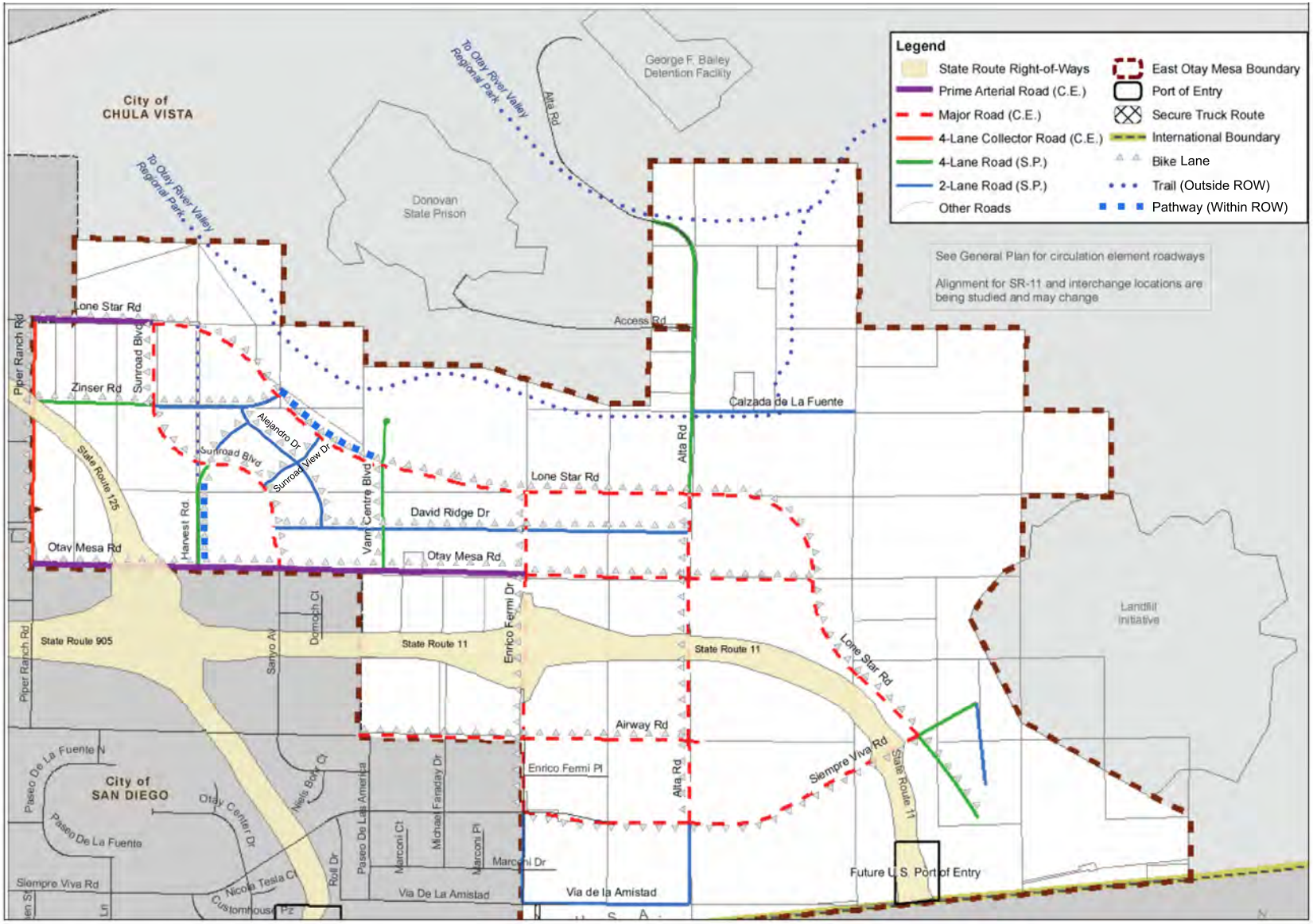



**FIGURE 1-13. *TRAILS AND PATHWAYS***

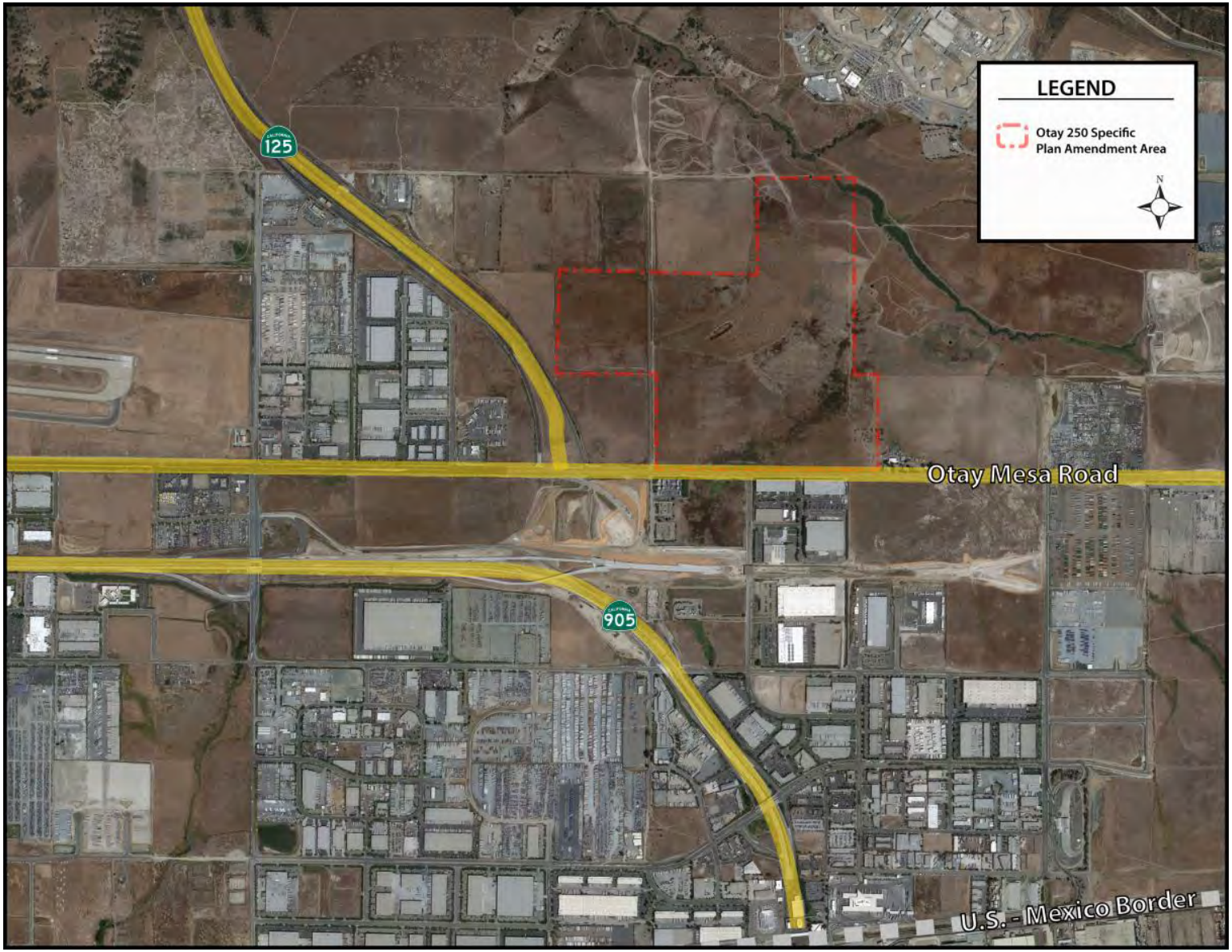



**FIGURE 1-14. *AERIAL PHOTOGRAPH***

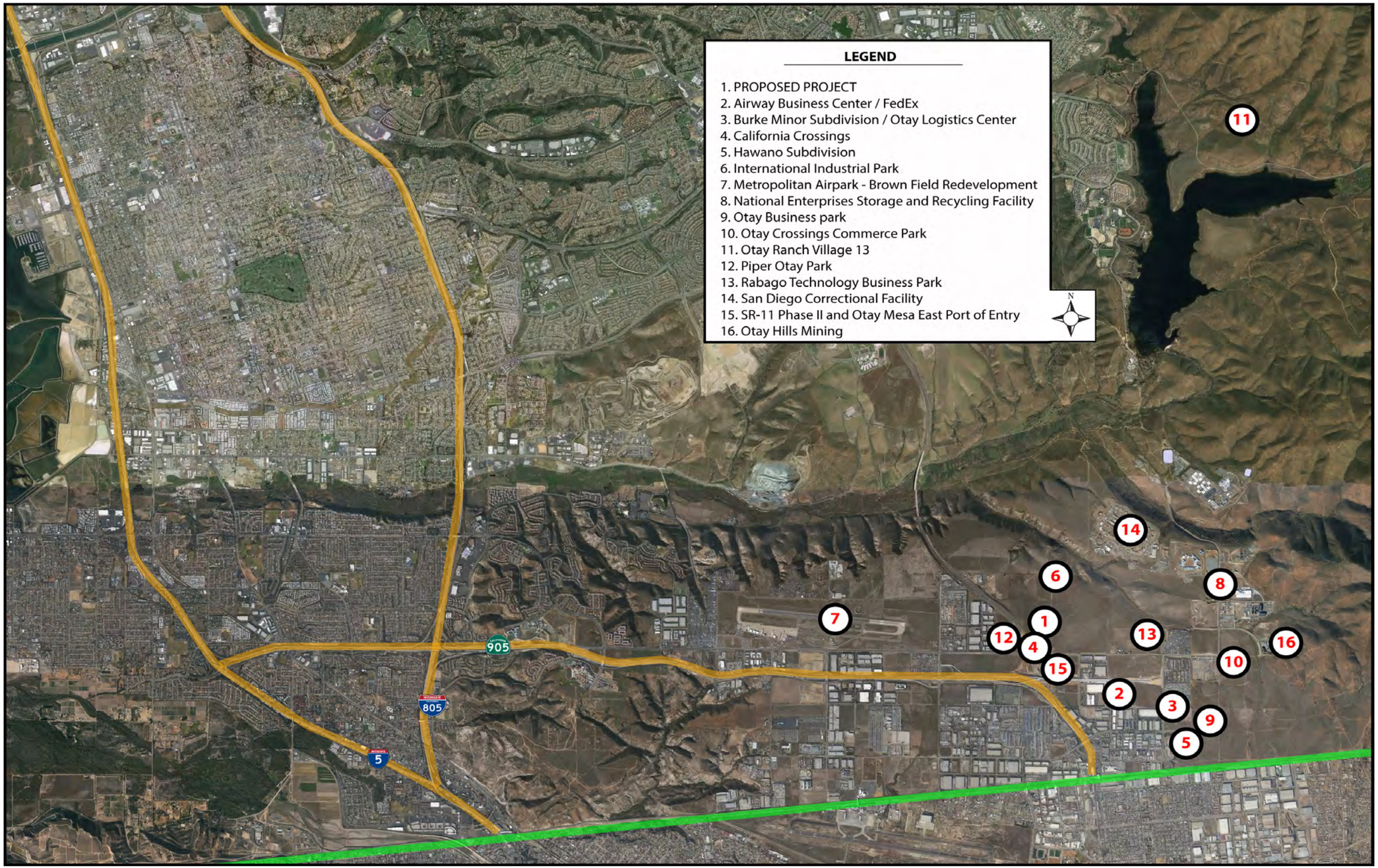



**FIGURE 1-15.** ***LOCATION OF PROJECTS CONSIDERED IN CUMULATIVE IMPACTS ANALYSIS***

# CHAPTER 2.0 SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

This chapter of the EIR provides a discussion of those subject areas for which Project implementation would result in either (1) significant impacts that cannot be avoided; and/or (2) significant impacts that can be avoided, reduced, or minimized through mitigation measures that would be implemented by the proposed Project. The following environmental issue areas are addressed in this chapter:

| | |
|---|---|
| *Air Quality* | Section 2.1 |
| *Biological Resources* | Section 2.2 |
| *Cultural Resources* | Section 2.3 |
| *Greenhouse Gas Emissions* | Section 2.4 |
| *Hazards and Hazardous Materials* | Section 2.5 |
| *Noise* | Section 2.6 |
| *Paleontological Resources* | Section 2.7 |
| *Transportation and Traffic* | Section 2.8 |

Air quality is the only issue that would incur significant and unavoidable adverse impacts. Biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, paleontological resources, and transportation and traffic would be the issues for which mitigation would reduce Project impacts to less than significant levels.

This chapter also addresses *Significant Irreversible Environmental Changes Resultant from Project Implementation* as subchapter 2.9.

# 2.1 Air Quality

This section of the SEIR summarizes information from the *Air Quality Technical Report* prepared by Scientific Resources Associated (SRA) (August 31, 2016) for the proposed Project, included as Appendix B of this SEIR. This section includes existing conditions for air quality plans, air quality attainment in the County, hazardous air pollutants, and odors relative to the Project areas addressed in this SEIR, and evaluates the potential effects that implementation of the proposed Project may have on these conditions.

## 2.1.1 Existing Conditions

### 2.1.1.1 *Environmental Setting*

**Climate and Meteorology**

The Project site is located in the San Diego Air Basin (SDAB). The climate of the SDAB is dominated by a semi- permanent high pressure cell located over the Pacific Ocean. This cell influences the direction of prevailing winds (westerly to northwesterly) and maintains clear skies for much of the year. The high pressure cell also creates two types of temperature inversions that may act to degrade local air quality.

Subsidence inversions occur during the warmer months as descending air associated with the Pacific high pressure cell comes into contact with cool marine air. The boundary between the two layers of air creates a temperature inversion that traps pollutants. The other type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses also can trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions occur that produce ozone, commonly known as smog.

The climate of the coastal southern California, including the County of San Diego, is determined largely by high pressure that is almost always present off the west coast of North America. High-pressure systems are characterized by an upper layer of dry air that warms as it descends. This warm, dry air acts as a lid, restricting cool air located near the surface and creating an inversion of typical temperature conditions.

Average summer high temperatures in the Project vicinity (City of Chula Vista) are approximately 73 degrees Fahrenheit. Average winter low temperatures are approximately 45 degrees Fahrenheit. The average rainfall in the Project vicinity is approximately 9.3 inches annually.

The distinctive climate of the Project area and the SDAB is determined by its terrain and geographical location. The Basin is located in a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter.

Wind patterns across the south coastal region are characterized by westerly and southwesterly on- shore winds during the day and easterly or northeasterly breezes at night. Winds are characteristically light although the speed is somewhat greater during the dry summer months than during the rainy winter season. The prevailing winds in the Project area move predominately from northwest to southeast with an average wind speed of 2.33 meters per second (in/s).

During the summer and fall, emissions generated in the region combine with abundant sunshine under the influences of topography and an inversion to create conditions that are conducive to the formation of photochemical pollutants, such as ozone, and secondary particulates, such as sulfates and nitrates. As a result, air quality in the SDAB is often the poorest during the warmer summer and fall months.

**Background Air Quality**

The APCD operates a network of ambient air monitoring stations throughout San Diego County. The purpose of the monitoring stations is to measure ambient concentrations of the pollutants and determine whether the ambient air quality meets the California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Stnadards (NAAQS). The nearest ambient monitoring stations to the Project site are the Chula Vista monitoring station on J Street in Chula Vista (located approximately 12 mile northwest of the Project site), the Paseo International monitoring station at the Otay Mesa border crossing (approximately 10 miles west of the Project site), and the Donovan Correctional Facility monitoring station in Otay Mesa (located northwest of the Project site). Pollutant levels at the Otay Mesa border crossing are elevated because they reflect emissions from vehicles idling at the crossing. The ambient background data from the Chula Vista monitoring station for ozone ($O_3$), nitrogen dioxide ($NO_2$), and fine particulate matter or particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) and the ambient background data from the Donovan monitoring station for respirable particulate matter or particulate matter of 10 microns in diameter or smaller ($PM_{10}$), and $PM_{2.5}$ are most representative of the site. The nearest location that monitored carbon monoxide (CO) was the downtown San Diego monitoring station (located approximately 20 miles northwest of the Project site). Ambient concentrations of pollutants over the last three years are presented in Table 2.1-1, *Ambient Background Concentrations*.

The 8-hour Federal ozone standard was not exceeded at the Chula Vista monitoring station during the period from 2013 through 2015. The 8-hour CAAQS was exceeded once in 2014. The Chula Vista monitoring station has measured exceedances of the CAAQS for ozone, and the Donovan monitoring station has measured exceedances of the CAAQS for $PM_{10}$ during the period from 2012 to 2014. The data from the monitoring stations indicates that air quality is in attainment of all other standards.

## 2.1.1.2 *Methodology*

The County of San Diego recognizes the APCD's established screening level thresholds for air quality emissions (Rules 20.1 et seq.) as screening-level thresholds for land

development projects. As stated above, projects that propose development that is consistent with the growth anticipated by the general plans and SANDAG's growth forecasts would be consistent with the RAQS and SIP (described below in Section 2.1.1.3). Also, projects that are consistent with the SIP rules (i.e., the Federally-approved rules and regulations adopted by the APCD) are consistent with the SIP itself. Thus, projects would be required to conform with measures adopted in the RAQS (including use of low-VOC architectural coatings, use of low-$NO_x$ water heaters, and compliance with rules and regulations governing stationary sources) and would also be required to comply with all applicable rules and regulations adopted by the APCD.

To determine whether a project would (a) result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation; or (b) result in a cumulatively considerable net increase of $PM_{10}$ or $PM_{2.5}$ or exceed quantitative thresholds for $O_3$ precursors, oxides of nitrogen ($NO_X$) and volatile organic compounds (VOCs), project emissions may be evaluated based on the quantitative emission thresholds established by the San Diego APCD. As part of its air quality permitting process, the APCD has established thresholds in Rule 20.2 for the preparation of Air Quality Impact Assessments (AQIA). The County of San Diego also recommends the South Coast Air Quality Management District's (SCAQMD) screening threshold of 55 pounds per day or 10 tons per year as a significance threshold for $PM_{2.5}$.

For CEQA purposes, these screening criteria can be used as numeric methods to demonstrate that a project's total emissions would not result in a significant impact to air quality. The screening thresholds are included in Table 2.1-2, *Screening Level Thresholds for Air Quality Impact Analysis*.

In the event that emissions exceed these screening-level thresholds, modeling would be required to demonstrate that the project's total air quality impacts result in ground-level concentrations that are below the State and Federal Ambient Air Quality Standards, including appropriate background levels. For nonattainment pollutants (ozone, with ozone precursors NOx and VOCs, $PM_{2.5}$ and $PM_{10}$), if emissions exceed the thresholds shown in Table 2.1-2, the project could have the potential to result in a cumulatively considerable net increase in these pollutants and thus could have a significant impact on the ambient air quality.

In addition to impacts from criteria pollutants, project impacts may include emissions of pollutants identified by the state and federal government as toxic air contaminants (TACs) or Hazardous Air Pollutants (HAPs). In San Diego County, the County Planning & Development Services department identifies an excess cancer risk level of one in one million or less for projects that do not implement Toxics Best Available Control Technology (T-BACT), and an excess cancer risk level of ten in one million or less for projects that do implement T-BACT. The significance threshold for non-cancer health effects is a health hazard index of one or less. These significance thresholds are consistent with the San Diego APCD's Rule 1210 requirements for stationary sources. If a project has the potential to result in emissions of any TAC or HAP which result in a cancer risk of greater than one in one million without T-BACT, ten in one million with T-

BACT, or health hazard index of one or more, the project would be deemed to have a potentially significant impact.

With regard to evaluating whether a project would have a significant impact on sensitive receptors, air quality regulators typically define sensitive receptors as residences, schools (Preschool-12$^{th}$ Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. Any project which has the potential to directly impact a sensitive receptor located within one mile and results in a health risk greater than the risk significance thresholds discussed above would be deemed to have a potentially significant impact. One mile was chosen as a conservative means of evaluating significance. As discussed in the SCAQMD's CEQA Air Quality Handbook, if there is an industrial source within a quarter mile of a sensitive receptor, planners should review the potential for toxic impacts. Therefore, use of a one-mile radius is conservative.

APCD Rule 51 (Public Nuisance) also prohibits emission of any material which causes nuisance to a considerable number of persons or endangers the comfort, health or safety of any person. A project that proposes a use which would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of offsite receptors.

The impacts associated with construction and operation of the Project were evaluated for significance based on these significance criteria.

## 2.1.1.3 *Regulatory Framework*

**Federal Regulations**

Air quality is defined by ambient air concentrations of specific pollutants identified by the United States Environmental Protection Agency (USEPA) to be of concern with respect to health and welfare of the general public. The USEPA is responsible for enforcing the Federal Clean Air Act (CAA) of 1970 and its 1977 and 1990 Amendments. The CAA required the USEPA to establish NAAQS, which identify concentrations of pollutants in the ambient air below which no adverse effects on the public health and welfare are anticipated. In response, the USEPA established both primary and secondary standards for seven pollutants (called “criteria” pollutants). The seven pollutants regulated under the NAAQS are as follows: $O_3$, CO, $NO_2$, $PM_{10}$, $PM_{2.5}$, sulfur dioxide ($SO_2$), and lead (Pb). Primary standards are designed to protect human health with an adequate margin of safety. Secondary standards are designed to protect property and the public welfare from air pollutants in the atmosphere. Areas that do not meet the NAAQS for a particular pollutant are considered to be “non-attainment areas” for that pollutant. ~~The SDAB has been designated a marginal non-attainment area for the 8-hour NAAQS for $O_3$.~~

Effective June 3, 2016, the USEPA determined that 11 areas, including the SDAB, failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015, and thus are reclassified by operation of law as "Moderate" for the 2008 ozone NAAQS. States containing any or any portion of these new Moderate areas must submit SIP revisions that meet the statutory and regulatory requirements that apply to 2008 ozone nonattainment areas classified as Moderate by January 1, 2017. The San Diego APCD submitted a SIP revision addressing Moderate area requirements to the California Air Resources Board (ARB). The revised SIP was adopted by ARB on March 23, 2017, and will be submitted to the USEPA.

The following specific descriptions of health effects for each of the criteria air pollutants associated with Project construction and operations are based on information from USEPA (USEPA 2007) and the ~~California Air Resources Board (~~ARB~~)~~ (ARB 2005).

**Ozone**

$O_3$ is a photochemical oxidant, which is a chemical that is formed when reactive organic gases (ROG) and NOx, both by-products of combustion, react in the presence of ultraviolet light. $O_3$ is a respiratory irritant and prolonged exposure can reduce lung function, aggravate asthma and increase susceptibility to respiratory infections. Children and those with existing respiratory diseases are at greatest risk from exposure to $O_3$.

**Carbon Monoxide**

CO is a product of combustion, and the main source of CO in the SDAB is from motor vehicle exhaust. CO is an odorless, colorless gas. CO affects red blood cells in the body by binding to hemoglobin and reducing the amount of oxygen that can be carried to the body's organs and tissues. CO can cause health effects to those with cardiovascular disease, and can also affect mental alertness and vision.

**Nitrogen Dioxide**

$NO_2$ is also a by-product of fuel combustion, and is formed both directly as a product of combustion and in the atmosphere through the reaction of nitrogen oxide (NO) with oxygen. $NO_2$ is a respiratory irritant and may affect those with existing respiratory illness, including asthma. $NO_2$ can also increase the risk of respiratory illness.

**Respirable Particulate Matter and Fine Particulate Matter**

Respirable particulate matter, or $PM_{10}$, refers to particulate matter with an aerodynamic diameter of 10 microns or less. Fine particulate matter, or $PM_{2.5}$, refers to particulate matter with an aerodynamic diameter of 2.5 microns or less. Particulate matter in this size range has been determined to have the potential to lodge in the lungs and contribute to respiratory problems. $PM_{10}$ and $PM_{2.5}$ arise from a variety of sources, including road dust, diesel exhaust, combustion, tire and brake wear, construction operations and windblown dust. $PM_{10}$ and $PM_{2.5}$ can increase susceptibility to respiratory infections and can

aggravate existing respiratory diseases such as asthma and chronic bronchitis. $PM_{2.5}$ is considered to have the potential to lodge deeper in the lungs. Suspended $PM_{10}$ and $PM_{2.5}$ can also degrade visibility in the atmosphere.

### Sulfur dioxide

$SO_2$ is a colorless, reactive gas that is produced from the burning of sulfur- containing fuels such as coal and oil, and by other industrial processes. Generally, the highest concentrations of $SO_2$ are found near large industrial sources. $SO_2$ is a respiratory irritant that can cause narrowing of the airways leading to wheezing and shortness of breath. Long-term exposure to $SO_2$ can cause respiratory illness and aggravate existing cardiovascular disease.

### Lead

Pb in the atmosphere occurs as particulate matter. Pb has historically been emitted from vehicles combusting leaded gasoline, as well as from industrial sources. With the phase-out of leaded gasoline, large manufacturing facilities are the sources of the largest amounts of lead emissions. Pb has the potential to cause gastrointestinal, central nervous system, kidney and blood diseases upon prolonged exposure. Pb is also classified as a probable human carcinogen.

### Toxic Air Contaminants

TACs are controlled under a different regulatory process than criteria air pollutants. Because no safe level of emissions can be established for toxic air pollutants region-wide, the regulation of toxic air pollutants is based on the levels of cancer risk and other health risks posed to persons who may be exposed. Joint Federal, State and local efforts to develop further regulation of air toxics will be ongoing for the foreseeable future.

Under Federal law, 188 substances are listed as HAPs. Major sources of specific HAPs are subject to the requirements of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) program. The USEPA is establishing regulatory schemes for specific source categories, and requires implementation of Maximum Achievable Control Technologies (MACTs) for major sources of HAPs in each source category.

State regulations for TACs are described below.

## State Regulations

### California Clean Air Act

The California Clean Air Act (CAA) was signed into law on September 30, 1988, and became effective on January 1, 1989. The CAA requires that local air districts implement regulations to reduce emissions from mobile sources through the adoption and enforcement of transportation control measures. The CAA required the SDAB to achieve

a five percent annual reduction in ozone precursor emissions from 1987 until the CAAQS standards (described below) are attained. If this reduction cannot be achieved, all feasible control measures must be implemented. Furthermore, the CAA required local air districts to implement a Best Available Control Technology rule and to require emission offsets for non- attainment pollutants.

The ARB is the State regulatory agency with authority to enforce regulations to both achieve and maintain air quality in the state. The ARB is responsible for the development, adoption, and enforcement of the state's motor vehicle emissions program, as well as the adoption of the CAAQS. The ARB also reviews operations and programs of the local air districts, and requires each air district with jurisdiction over a non-attainment area to develop its own strategy for achieving the NAAQS and CAAQS. The CAA allows states to adopt ambient air quality standards and other regulations provided they are at least as stringent as Federal standards. The ARB has established the more stringent CAAQS for the six criteria pollutants (NAAQS maintains a more stringent standard for $NO_2$) through the CAA of 1988, and also has established CAAQS for additional pollutants, including sulfates, hydrogen sulfide, vinyl chloride and visibility-reducing particles. The SDAB is currently classified as a non-attainment area under the CAAQS for $O_3$, $PM_{10}$, and $PM_{2.5}$. It should be noted that the ARB does not differentiate between attainment of the 1-hour and 8-hour CAAQS for $O_3$; therefore, if an air basin records exceedances of either standard the area is considered a non-attainment area for the CAAQS for $O_3$. The SDAB has recorded exceedances of both the 1-hour and 8-hour CAAQS for $O_3$. The following specific descriptions of health effects for the additional California criteria air pollutants are based in information from the ARB (ARB 2001).

**Sulfates**

Sulfates are the fully oxidized ionic form of sulfur. In California, emissions of sulfur compounds occur primarily from the combustion of petroleum-derived fuels (e.g., gasoline and diesel fuel) that contain sulfur. This sulfur is $SO_2$ during the combustion process and subsequently converted to sulfate compounds in the atmosphere. The conversion of $SO_2$ to sulfates takes place comparatively rapidly and completely in urban areas of California due to regional meteorological features. The ARB's sulfates standard is designed to prevent aggravation of respiratory symptoms. Effects of sulfate exposure at levels above the standard include a decrease in ventilatory function, aggravation of asthmatic symptoms and an increased risk of cardio-pulmonary disease. Sulfates are particularly effective in degrading visibility, and due to the fact that they are usually acidic, can harm ecosystems and damage materials and property.

**Hydrogen Sulfide**

Hydrogen Sulfide ($H_2S$) is a colorless gas with the odor of rotten eggs. It is formed during bacterial decomposition of sulfur-containing organic substances. Also, it can be present in sewer gas and some natural gas, and can be emitted as the result of geothermal energy exploitation. Breathing $H_2S$ at levels above the standard would result in exposure to a

very disagreeable odor. In 1984, an ARB committee concluded that the ambient standard for $H_2S$ is adequate to protect public health and to significantly reduce odor annoyance.

### Vinyl Chloride

Vinyl chloride, a chlorinated hydrocarbon, is a colorless gas with a mild, sweet odor. Most vinyl chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products. Vinyl chloride has been detected near landfills, sewage plants and hazardous waste sites, due to microbial breakdown of chlorinated solvents. Short-term exposure to high levels of vinyl chloride in air causes central nervous system effects, such as dizziness, drowsiness and headaches. Long-term exposure to vinyl chloride through inhalation and oral exposure causes liver damage. Cancer is a major concern from exposure to vinyl chloride via inhalation. Vinyl chloride exposure has been shown to increase the risk of angiosarcoma, a rare form of liver cancer, in humans.

### Visibility Reducing Particles

Visibility-reducing particles consist of suspended particulate matter, which is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size and chemical composition, and can be made up of many different materials such as metals, soot, soil, dust, and salt. The CAAQS is intended to limit the frequency and severity of visibility impairment due to regional haze. A separate standard for visibility-reducing particles that is applicable only in the Lake Tahoe Air Basin is based on reduction in scenic quality.

Table 2.1-3, *Ambient Air Quality Standards*, presents a summary of the ambient air quality standards adopted by the Federal and California Clean Air Acts.

### Toxic Air Contaminants

Federal regulations pertaining to TACs are described above.

In 1983, the California Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health (AB 1807: Health and Safety Code sections 39650-39674). The Legislature established a two-step process to address the potential health effects from TACs. The first step is the risk assessment (or identification) phase. The second step is the risk management (or control) phase of the process.

The State of California has identified diesel particulate matter as a TAC. Diesel particulate matter is emitted from on- and off-road vehicles that utilize diesel as fuel. Following identification of diesel particulate matter as a TAC in 1998, the ARB has worked on developing strategies and regulations aimed at reducing the emissions and associated risk from diesel particulate matter. The overall strategy for achieving these reductions is found in the *Risk Reduction Plan to Reduce Particulate Matter from Diesel-Fueled*

*Engines and Vehicles* (State of California 2000). A stated goal of the plan is to reduce the cancer risk statewide arising from exposure to diesel particulate matter by 75 percent by 2010 and by 85 percent by 2020. The *Risk Reduction Plan* contains the following three components:

- New regulatory standards for all new on-road, off-road and stationary diesel-fueled engines and vehicles to reduce diesel particulate matter emissions by about 90 percent overall from current levels;
- New retrofit requirements for existing on-road, off-road and stationary diesel-fueled engines and vehicles were determined to be technically feasible and cost-effective; and
- New Phase 2 diesel fuel regulations to reduce the sulfur content levels of diesel fuel to no more than 15 parts per million (ppm) to provide the quality of diesel fuel needed by the advanced diesel particulate matter emission controls.

As an ongoing process, the ARB reviews air contaminants and identifies those that are classified as TACs. The ARB also continues to establish new programs and regulations for the control of TACs, including diesel particulate matter, as appropriate.

**Local**

In San Diego County, the San Diego APCD is the regulatory agency that is responsible for maintaining air quality, including implementation and enforcement of State and Federal regulations. The Project site is located in the County of San Diego. The County of San Diego has adopted a General Plan that includes a Conservation Element that adopts policies to reduce air emissions and improve air quality within the County.

The local air APCD has the primary responsibility for the development and implementation of rules and regulations designed to attain the NAAQS and CAAQS, as well as the permitting of new or modified sources, development of air quality management plans, and adoption and enforcement of air pollution regulations. The San Diego APCD is the local agency responsible for the administration and enforcement of air quality regulations in San Diego County.

The APCD and the SANDAG are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The San Diego County RAQS was initially adopted in 1991, and is updated on a triennial basis. The RAQS was updated in 1995, 1998, 2001, 2004, 2009, and most recently in ~~2009~~ 2016 (APCD ~~2009~~2016). The RAQS outlines APCD's plans and control measures designed to attain the State air quality standards for $O_3$. The RAQS does not address the State air quality standards for $PM_{10}$ or $PM_{2.5}$.

The APCD has also developed the air basin's input to the SIP, which is required under the Federal Clean Air Act for areas that are in non-attainment for the NAAQS. The SIP includes the APCD's plans and control measures for attaining the $O_3$ NAAQS. The SIP is also updated on a triennial basis. The latest SIP update that has been approved by

USEPA was in 2007. The current SIP is the APCD's *Eight-Hour Ozone Attainment Plan for San Diego County* (hereinafter referred to as the Attainment Plan) (APCD 2007). The Attainment Plan forms the basis for the SIP update, as it contains documentation on emission inventories and trends, the APCD's emission control strategy, and an attainment demonstration that shows that the SDAB will meet the NAAQS for $O_3$. Emission inventories, projections, and trends in the Attainment Plan are based on the latest $O_3$ SIP planning emission projections compiled and maintained by ARB. The inventories are based on data submitted by stakeholder agencies, including SANDAG, based on growth projections in municipal General Plans.

The SIP includes strategies and tactics to attain and maintain acceptable air quality in the County. SDAPCD's RAQS addresses State requirements for attainment while the San Diego portion of the California SIP includes strategies to achieve attainment of federal standards. The rules and regulations include procedures and requirements to control the emission of pollutants and prevent significant adverse impacts. The SDAPCD rules and regulations that are applicable to the proposed Project are:

- Rule 10 (Permits Required)
- Rule 50 (Visible Emissions)
- Rule 51 (Nuisance)
- Rule 52 (Particulate Matter)
- Rule 54 (Dust and Fumes)
- Rule 55 (Fugitive Dust Control)
- Rule 66.1 (Miscellaneous Surface Coating Operations and Other Processes Emitting VOCs)
- Rule 67.1 (Architectural Coatings)
- Rule 67.7 (Cutback and Emulsified Asphalts)
- Rule 69.5 (Natural Gas Fired Water Heaters)

As stated in the Air Quality Technical Report (August 2016) prepared for the Project by SRA, the ARB compiles annual statewide emission inventories in its emission-related information database, the California Emission Inventory Development and Reporting System (CEIDARS). Emission projections for past and future years were generated using the California Emission Forecasting System (CEFS), developed by ARB to project emission trends and track progress towards meeting emission reduction goals and mandates. CEFS utilizes the most current growth and emissions control data available and agreed upon by the stakeholder agencies to provide comprehensive projections of anthropogenic (human activity-related) emissions for any year from 1975 through 2030. Local air districts are responsible for compiling emissions data for all point sources and many stationary area-wide sources. For mobile sources, CEFS integrates emission estimates from ARB's EMFAC and OFFROAD models. SANDAG incorporates data regarding highway and transit projects into their Travel Demand Models for estimating and projecting vehicle miles traveled (VMT) and speed. The ARB's on-road emissions inventory in EMFAC relies on these VMT and speed estimates.

Because the ARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County as part of the development of General Plans, projects that propose development that is consistent with the growth anticipated by the general plans would be consistent with the RAQS and the Attainment Plan. In the event that a project would propose development which is less dense than anticipated within the general plan, the project would likewise be consistent with the RAQS and the Attainment Plan. If a project proposes development that is greater than that anticipated in the general plan and SANDAG's growth projections, the project may be in conflict with the RAQS and SIP, and may have a potentially significant impact on air quality.

## 2.1.2 Analysis of Project Effects and Determination as to Significance

### 2.1.2.1 *Guidelines for Determination of Significance*

Based on the County of San Diego Guidelines for Determining Significance – Air Quality, the Project would result in a significant impact to air quality if the Project would:

a) Conflict with or obstruct implementation of the applicable air quality plan.
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for $O_3$ precursors).
d) Expose sensitive receptors to substantial pollutant concentrations.
e) Create objectionable odors affecting a substantial number of people.

### 2.1.2.2 *1994 East Otay Mesa Specific Plan EIR*

The 1994 EIR included an analysis of air quality regulations and legislation pertinent at the time of adoption, as well as existing conditions and impacts related to the East Otay Mesa Specific Plan project. The 1994 EIR identified the following air quality impacts as significant:

- Construction impacts
- Vehicular impacts
- Stationary source impacts
- Total emissions

The 1994 EIR included air quality mitigation measures that relate to construction, facilities to promote the use of alternative transportation methods, and transportation. Due to the general nature of these mitigation measures and their broad application to the entire Specific Plan area, they are superseded by mitigation included within this section and are

not applicable to the Project. The 1994 EIR mitigation measures can be found on pages 4.9-15 through 4.9-17 of the 1994 EIR.

### 2.1.2.3 *2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

The 2000 SEIR also addressed air quality impacts and proposed mitigation. This mitigation is also superseded by the mitigation included within this section due to its broad and general nature. The 2000 SEIR mitigation measures can be found on pages 2-73 and 2-74 of the 2000 SEIR.

### 2.1.2.4 *2012 Sunroad Otay Tech Centre Addendum*

In 2012, an Addendum was prepared for the Sunroad Otay Tech Centre project. An Air Quality Technical Report was prepared for the Sunroad Otay Tech Centre project by Scientific Resources Associated (November 16, 2010). The analysis in the report concluded that construction emissions, operational emissions, CO hot spots, health risks, and odor impacts would be less than significant. Additionally, the project would be consistent with the RAQS and SIP and would not result in a cumulatively considerable impact for operations. Therefore, no new mitigation was identified in the 2012 Addendum.

### 2.1.2.5 *Proposed Project*

**Conformance with Regional Air Quality Strategy**

Guideline for the Determination of Significance:

*Would the proposed Project ~~have a potentially significant environmental impact if it would~~ conflict with or obstruct the implementation of the San Diego RAQS and/or applicable portions of the SIP?*

The RAQS outlines APCD's plans and control measures designed to attain the State air quality standards for ozone. In addition, the APCD relies on the SIP, which includes the APCD's plans and control measures for attaining the ozone NAAQS. These plans accommodate emissions from all sources, including natural sources, through implementation of control measures, where feasible, on stationary sources to attain the standards. Mobile sources are regulated by the USEPA and the ARB, and the emissions and reduction strategies related to mobile sources are considered in the RAQS and SIP.

The RAQS relies on information from ARB and SANDAG, including projected growth in the County, mobile, area and all other source emissions in order to project future emissions and determine from that the strategies necessary for the reduction of stationary source emissions through regulatory controls. The ARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County. As such, projects that

propose development that is consistent with the growth anticipated by the general plans would be consistent with the RAQS. In the event that a project would propose development which is less dense than anticipated within the general plan, the project would likewise be consistent with the RAQS. If a project proposes development that is greater than that anticipated in the County of San Diego General Plan and SANDAG's growth projections, the project would be in conflict with the RAQS and SIP, and might have a potentially significant impact on air quality. This situation would warrant further analysis to determine if the proposed project and the surrounding projects exceed the growth projections used in the RAQS for the specific subregional area.

The Project proposes to establish a new mixed-use land use category within the East Otay Mesa Business Park Specific Plan. The new land use category would allow for employment, retail, and residential uses within the area. The Project would provide a mix of uses at the site that would serve the Otay Mesa area.

The 1994 EIR did not address residential uses at the site; therefore, the Project is required to revise the Specific Plan to allow residential uses, and evaluate impacts associated with the change in use. Vehicle trips generated by the proposed Project would be consistent with traffic assumed in the approved Specific Plan. Therefore, the proposed Project would not result in additional vehicle trips above the levels anticipated in the General Plan. Thus, the Project would not differ from the analysis included within the RAQS and SIP to demonstrate attainment.

The Otay Subregional Plan did not address residential uses at the site; therefore, the Project is required to revise the Subregional Plan to allow residential uses, which requires an Amendment to the General Plan. Vehicle trips generated by the proposed Project would be consistent with traffic assumed in the approved Specific Plan. Therefore, the proposed Project would not result in additional vehicle trips above the levels anticipated in the General Plan. ~~However~~In this manner, the Project is consistent with the intensity scale in the General Plan and would not result in additional vehicle trips above the levels anticipated in the General Plan. The Project would, therefore, not differ from the analysis included within the RAQS and SIP to demonstrate attainment.

Providing a mix of uses at the site that include residential, retail, and commercial/industrial uses would serve to reduce VMT overall in the County. The purpose of the development is to provide residential uses in the area. The current zoning would require workers to travel longer distances rather than providing the opportunity to live and work within the community. ~~While this reduction in distance cannot be quantified,~~ Ppart of the goal of providing these uses at the site is to provide local residential uses in the East Otay Mesa area.

As part of its attainment planning process, the San Diego APCD proposed and adopted Rules and Regulations to control air pollutants to demonstrate further progress toward attainment as part of the RAQS and SIP. The Project would comply with all applicable rules and regulations that have been adopted as part of the RAQS and SIP by the San Diego APCD.

The Project proposes a Specific Plan Amendment that is consistent with the County's General Plan for Village Development. The Village category identifies areas where a higher intensity and a wide range of land uses are established or have been planned. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit (when feasible). The Project would provide local residential, employment, and commercial uses in an area identified as an ~~existing~~ employment center in the existing Specific Plan. Through providing local residential uses, the Project would serve to reduce the VMT within the region. Because the Project proposes development that is consistent with the density within the General Plan and would not allow additional vehicle trips, the Project would not conflict with or obstruct implementation of the RAQS or SIP.

**Conformance with Federal and State Ambient Air Quality Standards**

Guideline for the Determination of Significance:

> *Would the proposed Project ~~have a potentially significant environmental impact if it would~~ result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

**Construction Impacts**

A specific schedule for Project construction is not known at this time. It is assumed that the Project could be built out over a period of approximately ten years starting in 2018, with Project buildout complete in 2027. Emissions from the construction phase of the Project were estimated using the California Emissions Estimator Model (CalEEMod), Version 2013.2.2 (ENVIRON 2013). Project grading would be completed in a single phase prior to commencement of construction of buildings; grading would not be conducted for each phase separately. It is estimated that grading would involve a total of 1,350,000 cubic yards of earthmoving, with the cut and fill balanced on site. Accordingly, soil transport distances were reduced within the CalEEMod model to 0.5 miles. Infrastructure would be constructed at each site development phase and has been included in the CalEEMod modeling analysis under building construction and paving; equipment used within the analysis includes backhoe/loaders that would be used to install infrastructure and utilities, as well as paving.

CalEEMod relies on the total area of the site and estimates site disturbance based on the maximum acres that can be graded given the construction equipment input in an eight-hour day. To account for standard dust control measures within the CalEEMod Model, it was assumed that watering three times day would reduce particulate matter emissions by 61 percent, and that speeds on unpaved surfaces would be reduced to 15 mph. No other design ~~mitigation~~ measures were taken into account in the model.

Architectural coatings would be required to meet the requirements of SDAPCD Rule 67.0.1, which was adopted in June 2015 and went into effect on January 1, 2016. Rule

67.0.1 limits VOC content to 100 g/l for exterior paints and 50 g/l for interior paints. This rule was taken into account in the CalEEMod Model. It was also assumed, based on County T-BACT requirements, that all Tier 3 equipment would be used during construction.

Table 2.1-4, *Assumed Construction Schedule*, provides a summary of the assumed construction phases for Project construction. Table 2.1-5, *Maximum Daily Construction Emissions by Construction Year*, presents a summary of the maximum daily emission estimates for construction of the Otay 250 Sunroad - East Otay Mesa Business Park Specific Plan Amendment Project.

As shown in Table 2.1-5, with implementation of standard dust control measures (watering three times daily, cleaning paved roads, and reducing speeds on unpaved surfaces to 15 mph), the maximum simultaneous emissions are below the screening-level thresholds for all criteria pollutants except VOCs. The 2021 screening threshold for VOCs is 75 pounds (lbs)/day. The Project would generate 76.95 lbs/day, which ~~are~~ would be above the screening threshold in 2021.

Project construction would employ dust control measures to reduce impacts as feasible. Dust control measures would include watering the site at least three times daily during active grading, and reducing vehicle speeds on unpaved surfaces to 15 mph, and cleaning paved roads, which was assumed to be 25 percent effective in reducing PM emissions (SCAQMD 1999). In addition, the Project would utilize low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. The Project would reduce emissions to the extent feasible. The emissions are mainly attributable to application of architectural coatings. Because the coatings would meet SDAPCD low-VOC requirements, there are no additional mitigation measures that would reduce VOC emissions to less than significant levels. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated. Construction impacts would occur on short duration construction.

**Operational Impacts**

The main operational impacts associated with the Project would include impacts associated with traffic; additional emissions would be associated with area sources such as energy use and landscaping.

Project-generated traffic was addressed in the Traffic Impact Analysis for the Otay Mesa Specific Plan Amendment (Linscott, Law & Greenspan 2016). Based on the Traffic Impact Analysis, under Buildout conditions the total trip generation would be 37,916 ADT without accounting for a mixed-use reduction. The mixed-use reduction assumed by the traffic analysis is ten percent; however, this reduction was not taken into account in the analysis. Project operational emissions were estimated using the CalEEMod Model, Version 2013.2.2, conservatively assuming an operational year of 2027.

Emissions were calculated for area sources (including architectural coatings for maintenance purposes, consumer products, landscaping, and fireplace use – all natural gas fireplaces assumed), energy use (natural gas use), and vehicles. Emissions were calculated for both summer and winter conditions, as well as for annual operations.

The main operational impacts associated with the Project would include impacts associated with traffic; additional emissions would be associated with area sources such as energy use and landscaping. Emissions are attributable to the following sources:

- Vehicles from trips generated by the Project. Trip generation rates were obtained from the Traffic Impact Study (Linscott, Law and Greenspan 2016).
- Architectural coatings application for maintenance purposes
- Consumer products use
- Fireplace use – it was assumed that 1,000 residential units would include a natural gas fireplace, with the remaining 2,158 units to be constructed without fireplaces
- Landscaping equipment use
- Energy use – natural gas

The results of the emission calculations, in ~~pounds (~~lbs~~)~~/day and tons/year, are summarized in Table 2.1-6, *Total Operational Emissions*, for build-out conditions, along with emissions associated with area sources and a comparison with the County of San Diego significance criteria. Emissions associated with the Project are above the County's screening-level thresholds for the following pollutants:

- VOCs, CO, $PM_{10}$, and $PM_{2.5}$ (daily)
- VOCs, CO, and $PM_{10}$ (annual)

Because vehicular emissions decrease over time with phase-out of older vehicles and implementation of increasingly stringent emission controls, future emissions would decrease from 2025 onward. However, emissions would remain above the significance thresholds due to the use of fireplaces and consumer products, as well as vehicle travel.

The Project has incorporated design features, such as a mix of uses, and provides local-serving retail for residential and business land uses currently located in the Project area. Because the (VOC emissions associated with area sources are mainly attributable to the use of consumer products in residential dwellings, and because the applicant does not have the ability to regulate consumer products use, the emissions from area sources would not be mitigable by the applicant. According to the Traffic Impact Analysis, the mix of uses would result in a reduction in VMT, and associated VOCs, of ten percent; according to the CAPCOA reference *Quantifying Greenhouse Gas Reduction Measures* (CAPCOA 2010), the reduction based on the land use index calculation is 15.04 percent (see Project Air Quality Technical Report in included in this SEIR as Appendix B for additional details on this calculation). The Project would not include conventional fireplaces and would be equipped with natural gas fireplaces only. Furthermore, because the Project is consistent with the General Plan's Village land use category, and would provide residential uses in an employment center, the Project would ultimately reduce

VOCs from vehicles within the region by reducing VMTs from travel to employment. The proposed Project would provide a new bus stop located at the northeast corner of Otay Mesa Road and Harvest Road (on Otay Mesa Road), which would be served by Bus Route 905, providing local and regional connection (at the Iris Trolley station), which would further reduce VMT by offering a viable and connected transit option. Future vehicle emissions would decrease due to increasingly stringent air quality standards and phase-out of older vehicles.

Operational emissions would exceed the County's screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$. Most of the emissions are attributable to vehicle trips generated by the Project; however, the VOC emissions are above the threshold mainly due to the use of consumer products in the residential development. The consumer products use is associated with residential uses, and the applicant cannot mandate that residents not use consumer products that contain VOCs. Because the Project is providing residential uses within the East Otay Mesa Specific Plan Area, it is likely that overall within the region the VMT would be reduced due to the availability of nearby residences to workplaces. However, based on estimated emissions from full buildout, the Project would result in a significant impact.

**Sensitive Receptors**

Guideline for the Determination of Significance:

> *Would the proposed Project ~~would have a potentially significant environmental impact if it would~~ expose sensitive receptors to substantial pollutant concentrations?*

Air quality regulators typically define "sensitive receptors" as schools, hospitals, resident care facilities, day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. However, for the purpose of CEQA analysis, the County of San Diego definition of "sensitive receptors" includes residences (County of San Diego 2007). The two pollutants of main concern for development projects are CO and diesel particulate matter.

**CO Hot Spots**

Projects involving traffic impacts may result in the formation of locally high concentrations of CO, known as CO "hot spots." To verify that the Project would not cause or contribute to a violation of the CO standard, a screening evaluation of the potential for CO "hot spots" was conducted. The potential for CO "hot spots" was evaluated based on the results of the Traffic Impact Analysis prepared for the Project. In accordance with the Caltrans Intelligent Transportation System (ITS) Transportation Project-Level Carbon Monoxide Protocol (Caltrans 1998), CO "hot spots" are typically evaluated when (a) the level of service (LOS) of an intersection or roadway decreases to LOS E or worse; (b) signalization and/or channelization is added to an intersection; and (c) sensitive receptors such as residences, commercial developments, schools, hospitals, etc. are located in the vicinity of the affected intersection or roadway segment.

The Traffic Impact Analysis evaluated 23 intersections in the Project vicinity to evaluate the potential for direct impacts. Based on the Traffic Impact Analysis, significant intersection impacts were identified for the following intersections:

*Existing plus Project*

Otay Mesa Road and La Media Road
Otay Mesa Road and Harvest Road
Otay Mesa Road and Sanyo Road
Otay Mesa Road and Vann Centre Boulevard

*Year 2020 Cumulative Conditions*

Otay Mesa Road and La Media Road
Otay Mesa Road and Harvest Road
Otay Mesa Road and Sanyo Road
Otay Mesa Road and Vann Centre Boulevard
Airway Road and Sanyo Road
Airway Road and Paseo de las Americas
Siempre Viva Road and Paseo de las Americas
Siempre Viva Road and Enrico Fermi Drive

Table 2.1-7, *CO "Hot Spots" Evaluation*, presents a summary of the predicted CO concentrations (impact plus background) for the intersections evaluated. As shown in Table 2.1-7, the predicted CO concentrations would be substantially below the 1-hour and 8-hour NAAQS and CAAQS for CO shown in Table 2.1-3. Therefore, no exceedances of the CO standard are predicted, and the Project would not cause or contribute to a violation of this air quality standard. The traffic would therefore not expose sensitive receptors to substantial CO concentrations.

**Toxic Air Contaminants**

The Project would result in emissions of diesel particulate matter during construction activities and also due to truck traffic associated with Project operations. To evaluate whether Project construction could pose a significant impact to nearby sensitive receptors, an evaluation of diesel exhaust particulate matter was conducted. Diesel exhaust particulate matter is known to the state of California as carcinogenic compounds. The risks associated with exposure to substances with carcinogenic effects are typically evaluated based on a lifetime of chronic exposure, which is defined in the California Office of Environmental Health Hazard Assessment (OEHHA) guidelines, *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2015) as 24 hours per day, seven days per week, 365 days per year, for 70 years. Diesel exhaust particulate matter would be emitted during construction due to the operation of heavy equipment at the site. Because diesel exhaust particulate matter is considered to be carcinogenic, long-term exposure to diesel exhaust emissions have the potential to result in adverse health impacts.

The purpose of this analysis is to provide a program-level evaluation of potential toxic air contaminant impacts on existing receptors in the Project area. As discussed in this document, each development area would be required to conduct a Site Plan Review. At that time, it can be determined if: (a) the sensitive receptors identified within the existing impact area are still present; (b) there are new sensitive receptors developed as part of the Specific Plan Area that could be exposed to toxic air contaminants; and (c) whether there are any specific toxic air contaminant emissions identified as part of the development itself.

***Construction***

To assess whether there is a potential for a significant impact associated with exposure to diesel exhaust particulate matter, a health risk evaluation was conducted on the particulate emissions. The amount of diesel particulate varies with the Project schedule and construction phasing; the Project is anticipated to be constructed over a period of approximately ten years starting in 2018 and ending in 2027. The on-site construction heavy equipment diesel particulate emissions calculated by the CalEEMod Model for each year are shown in Table 2.1-8, *Diesel Particulate Emissions – Construction Phase*.

The construction heavy equipment sources were represented as a series of 266 volume sources placed at the site. The sources were placed throughout the site, because it is not known where specific activities would occur at various construction phases and times. Emissions were allocated to each source based on the estimated emission rates for diesel particulate during construction.

The nearest existing receptors were located based on the site map and aerial photographs for the Project area. The only sensitive receptors identified in the Project vicinity are three residences located on Otay Mesa Road to the southeast of the site. These residential dwellings are part of a pending Tentative Map development, which would result in the removal of the residences. For the purpose of this analysis, however, it was assumed that these residential dwellings would be occupied for a period of five years during construction of the East Otay Mesa Business Park Specific Plan Amendment Project. In the event that the residences are still present at the time of individual Site Plan reviews, further analysis may be warranted to evaluate potential risks to the existing residences. The Site Plan review process may also identify circumstances where a review of impacts to residences within the development from future construction activities is warranted.

The risk evaluation was conducted to assess the potential for an unacceptable risk at the existing receptors due to exposure to diesel particulate emissions from heavy construction equipment during construction. The residential receptors identified are the closest residences. No other sensitive receptors are located in the Project vicinity within the one-mile distance identified in this analysis.

The USEPA's approved air dispersion model, AERMOD (USEPA 2014), was used to estimate the downwind impacts at the closest receptors to the construction site. Table

2.1-9, *Risk Assessment Exposure Factors*, presents the exposure factors used in this analysis to evaluate potential risks from the construction of the Project.

OEHHA recommends exposure assumptions to calculate potential health risks, including adjustments to account for childhood exposure, to calculate excess cancer risks. The guidance recommends a 30-year exposure period for use as the basis for estimating cancer risk at residential receptors. Risks are calculated on the basis of the 30-year exposure period, accounting for childhood sensitivity, using the OEHHA-recommended age sensitivity factors (ASFs) to take into account the increased sensitivity to carcinogens during early-in-life exposure. In addition, high-end breathing rates recommended by OEHHA were used to provide a conservative estimate of risk. The residential exposure scenario assumes that an individual is present at the same location 24 hours per day, 350 days per year, for a 30-year period that includes childhood. Table 2.1-9 presents the exposure factors used in this analysis to evaluate potential risks from the construction of the Project.

It should be understood that the averaging time (AT) for cancer risk is not the same as the exposure duration (ED). According to the USEPA (USEPA 2015), for quantifying cancer risk, "lifetime" exposure employs an averaging time of 70 years (i.e., 70 years × 365 days/year). This term specifies the length of time over which the average dose is calculated. According to the USEPA (USEPA 2009), the estimation of an exposure concentration when assessing cancer risks characterized by an inhalation unit risk involves the concentration in air measured at an exposure point at a site as well as scenario-specific parameters, such as the exposure duration and frequency. The exposure concentration typically takes the form of a concentration in air that is time-weighted over the duration of exposure and incorporates information on activity patterns for the specific site or the use of professional judgment. However, the cancer slope factor used to calculate the risk is always based on an averaging time of 70 years, which represent a lifetime of exposure.

Risks are calculated on the basis of a 30-year exposure scenario as recommended by OEHHA. Because the risk calculation is based on 30 years (10,950 days) of exposure for 24 hours per day, 350 days per year, the results of the analysis were scaled to account for exposure for the duration of exposure assumed at the nearest receptors (five years), as shown in the example calculation below.

Risk = Excess cancer risk for 30 years x (1,825 days/10,950 days).

The maximum annual concentration at an offsite receptor is 0.04599 µg/m$^3$. According to OEHHA (OEHHA 2015), cancer and chronic risks are calculated based on air dispersion modeling using meteorological data that is sufficient to estimate long-term exposure concentrations. To be representative, meteorological data must be of sufficient duration to define the range of sequential atmospheric conditions anticipated at a site. As a minimum, one full year of on-site meteorological data is necessary to prescribe this time series. OEHHA recommends that annual average concentrations be used in calculating cancer and chronic risks. The maximum concentration was used to calculate risk based

on on-site diesel particulate emissions. The risk predicted using this equation is then compared to a risk level of ten in one million, which is the County's significance threshold with implementation of T-BACT. If the risk predicted using this equation is above ten in one million, the risk would be above the County of San Diego's significance threshold. Based on the above equation, the maximum excess cancer risk predicted at the nearest residential receptor would be 5.23 in one million. This value is below the County of San Diego's significance threshold of ten in one million with implementation of T-BACT.

In addition, the chronic hazard was calculated based on the potential for adverse non-cancer health effects associated with exposure to diesel particulate matter. It should be noted that cancer risks generally drive the potential risk assessment for diesel particulate matter. The chronic reference exposure level (REL) for diesel particulate matter is 5 $\mu g/m^3$. The hazard quotient is calculated by dividing the downwind concentration of diesel particulate matter by the REL. The chronic hazard quotient for construction of the Otay 250 - Sunroad East Otay Mesa Business Park Specific Plan Amendment would therefore be 0.0118, which is below the County's significance hazard threshold of 1.0.

***Operations***

Vehicular traffic may result in emissions of TACs. Minor amounts of TACs are found in light-duty vehicle exhaust; however, the main source of on-road TACs is from diesel-powered heavy-duty trucks. As discussed above, however, the three offsite residences would eventually be removed upon development of the adjacent tentative map area. Accordingly, it is anticipated that truck traffic attributable to the Project's operations would not result in an impact to these sensitive receptors.

Because it is not known exactly what types of facilities would be located at the Technology Park, and because the specific development scenario for residences versus Technology Park uses are not known at this time, it is not possible to evaluate risks at the on-site residences. However, as specific planning areas are developed, they would be required to undergo further review, which may include preparation of a site-specific health risk assessment as warranted to identify potential TAC emissions from proposed uses as well as additional sensitive receptors that may be developed as part of this Project.

**Odors**

Guideline for the Determination of Significance:

> *Would the proposed Project ~~have a potentially significant environmental impact if it would~~ create objectionable odors affecting a substantial number of people?*

Project construction could result in minor amounts of odor compounds associated with diesel heavy equipment exhaust. Because the construction equipment would be operating at various locations throughout the construction site, and because any operation that would occur in the vicinity of existing receptors would be temporary,

impacts associated with odors during construction are therefore not considered significant.

During construction, diesel equipment operating at the site may generate some nuisance odors; however, due to the distance of sensitive receptors to the Project site and the temporary nature of construction, odors associated with Project construction would not be significant.

According to the SCAQMD (SCAQMD 1999), the following sources are considered odor sources:

- Agriculture (farming and livestock)
- Wastewater treatment plants
- Food processing plants
- Chemical plants
- Composting
- Refineries
- Landfills
- Dairies
- Fiberglass molding

The Project would not include any of these odor sources at the site. The Project is designed to provide a mix of residential, employment, and retail uses: Mixed-Use Residential Emphasis; Mixed-Use Employment Emphasis; and Mixed-Use Retail Emphasis. Within the Project site, the uses could include light manufacturing and technology uses that would not include any of the odor-generating land uses listed above. The Specific Plan does not allow any of the types of land uses listed above that are identified as potential sources of objectionable odors. Furthermore, as the Project is built out with mixed uses, each subsequent Site Plan would be required to undergo additional discretionary and environmental review, and specific uses that are identified can be evaluated for potential odor impacts at the time of review. The Project is therefore not considered a source of objectionable odors from operations.

## 2.1.3 Cumulative Impact Analysis

Based on the County of San Diego guidelines (County of San Diego 2007), a project would result in a cumulatively significant impact if the project results in a significant contribution to the cumulative increase in pollutants for which the SDAB is listed as nonattainment for the CAAQS and NAAQS. As discussed above, the SDAB is designated as a nonattainment area for the NAAQS for ozone and the CAAQS for ozone, $PM_{10}$, and $PM_{2.5}$.

Cumulatively considerable net increases during the construction phase would typically happen if two or more projects near each other are simultaneously constructing projects. A project that has a significant direct impact on air quality with regard to emissions of

$PM_{10}$, $PM_{2.5}$, NOx, or VOCs during construction would also have a significant cumulatively considerably net increase. In the event direct impacts from a proposed project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions of concern from the proposed project, in combination with the emissions of concern from other proposed projects or reasonably foreseeable future projects within a proximity relevant to the pollutants of concern, are in excess of the guidelines identified above.

The construction emissions would not exceed the County's screening-level thresholds for nonattainment pollutants with the exception of VOCs during one year of construction (NOx, $PM_{10}$, or $PM_{2.5}$). Construction emissions are anticipated within the San Diego Air Basin SIP and within the ARB's regional air emissions budgets, and are below the significance thresholds for all pollutants. Because emissions are below the screening-level thresholds for construction, emissions would not be cumulatively considerable on a regional basis.

In general, impacts associated with fugitive dust from construction are localized and would affect the area within approximately one-quarter mile of the Project site. To evaluate the potential for cumulative impacts from grading at the Project site, the following equation was used, which is utilized in the SCAQMD's Localized Significance Threshold Methodology (SCAQMD 2003) to evaluate localized $PM_{10}$ impacts:

$$C_x = 0.9403\ C_0\ e^{-0.0462X}$$

Where $C_x$ = predicted $PM_{10}$ concentration at X meters from the fenceline;
$C_0$ = $PM_{10}$ concentration at the fenceline;
e = natural logarithm; and
X = distance in meters from the fenceline.

Conservatively assuming $C_0$ equals the 24-hour ambient air quality standard of 50 $\mu g/m^3$, fugitive $PM_{10}$ concentrations would decrease with distance from the fence line. As analyzed in the Air Quality Technical Report, by 100 meters (approximately 330 feet) from the Project boundary, the concentration of $PM_{10}$ would decrease by 99 percent.

There are two developments located within 100 meters of the Project site: California Crossings to the west of the site adjacent to the SR-125 freeway, and the Rabago Tentative Map project to the east of the site. The California Crossings project is most likely be completed with construction by the time construction commences at the Project site; therefore, construction impacts would not combine to become cumulatively considerable.

It is likely that construction would occur at the Rabago Tentative Map site during the construction period proposed for the Project, given the duration of the project and proximity to the Project site. However, with the removal of the residential receptors located on that site, there would be no sensitive receptors that would be exposed to elevated particulate concentrations.

As stated by the California Natural Resources Agency (CNRA 2009), there is no "one molecule rule" in CEQA. In other words, the courts have ruled that addition of "one molecule" of pollutants does not constitute a cumulative impact for either localized or regional pollutants. While emissions of VOCs are above the County's threshold for construction emissions during Year 4 of construction, this is a temporary impact associated with application of architectural coatings. Emission of VOCs would be below the threshold for all other years of construction, and would not result in a long-term impact. For that reason, impacts from VOCs are not considered cumulatively considerable.

Because the Project's construction emissions are below the County's significance thresholds, and because localized impacts would not affect a substantial number of receptors, impacts would be less than cumulatively considerable.

Emissions of nonattainment pollutants VOCs, CO, $PM_{10}$, and $PM_{2.5}$ (daily) and VOCs, CO, and $PM_{10}$ (annual) would exceed the County's screening-level thresholds for operations. The Project would therefore result in a cumulatively considerable net increase in nonattainment pollutants. The evaluation of CO "hot spots" took into account cumulative traffic at the intersections, and determined that no exceedance of the CO standard would result from cumulative traffic.

Operational emissions are below the significance thresholds for all pollutants except VOCs. Emissions of VOCs are mainly attributable to consumer products use in residences and vehicles. As discussed above, emissions of VOCs attributable to vehicles would be lower due to the provision of a mix of uses (employment, residential, and commercial) within the Specific Plan Area. Emissions of VOCs attributable to consumer products use is not within the control of the applicant. Because the emissions of VOCs exceed the significance threshold, emissions of VOCs would be cumulatively considerable on a regional basis.

## 2.1.4 Significance of Impacts Prior to Mitigation

The proposed Project would result in emissions of air pollutants for both the construction phase and operational phase of the Project. Construction emissions would include emissions associated with fugitive dust, heavy construction equipment and construction workers commuting to and from the site. Emissions of VOCs would exceed the County's screening-level thresholds for construction. Significant direct air quality impacts would occur on short duration during construction due to VOC emissions from application of architectural coatings (**Impact AQ-1**).

Operational emissions would be associated with traffic accessing the Project and with area sources such as energy use and landscaping. Based on the evaluation of air emissions, the Project emissions would exceed the screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$. Because the Project would provide a mix of uses and would provide residential uses near occupational locations, it is likely that siting these residential uses in the East Otay Mesa Business Park Specific Plan Area would reduce, rather than increase, VMT and therefore emissions on a regional basis. However, because emissions

of VOCs, CO, $PM_{10}$, and $PM_{2.5}$ criteria pollutants would exceed the County's screening-level thresholds, impacts would be significant (**Impact AQ-2**).

A health risk assessment was conducted to evaluate the potential for Project construction or operations to result in a significant impact to nearby sensitive receptors. The risk assessment focused on diesel particulate matter, which is the main TAC emitted from vehicles. The risk assessment concluded that risks would be less than significant, with adherence to the County of San Diego Planning and Development Services requirements that require the construction fleet to use any combination of diesel catalytic converters, diesel oxidation catalysts, diesel particulate filters and/or ARB certified Tier III, or IV equipment.

An evaluation of odors indicated that odor impacts would be less than significant.

Emissions of nonattainment pollutants would be below the County's screening-level thresholds during construction. Emissions would comprise a small percentage of the overall emissions budget within the region. Construction emissions would be less than cumulatively considerable.

Operational emissions of VOCs, CO, $PM_{10}$, and $PM_{2.5}$ are above the County's screening-level thresholds and would therefore result in a cumulatively considerable impact (**Impact AQ-3**).

Thus, the following significant impacts related to air quality would occur with Project implementation:

**Impact AQ-1:** Emissions of VOCs would exceed the County's screening-level thresholds for construction. Significant direct air quality impacts would occur on short duration during construction due to VOC emissions from application of architectural coatings.

**Impact AQ-2:** Emissions of VOCs would exceed the County's screening-level thresholds for operations, resulting in direct impacts associated with air quality.

**Impact AQ-3:** Cumulative operational impacts would exceed County screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$. Therefore, the Project would result in significant cumulative air quality impacts associated with operations.

## 2.1.5 Mitigation

**M-AQ-1**:The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements.

The 1994 EIR and the 2000 SEIR included measures to mitigate air quality impacts. Due to the general nature of those mitigation measures and their broad application to the entire Specific Plan area, they are not applicable to the Project. There are no additional measures identified that would reduce impacts to below a level of significance.

## 2.1.6 Conclusion

The Project would provide a mix of uses and would be consistent with the intensity scale in the General Plan and would not result in additional vehicle trips above the levels anticipated in the General Plan. The Project would not differ from the analysis included within the RAQS and SIP to demonstrate attainment. The Project would therefore not conflict with or obstruct implementation of the RAQS and SIP.

Emissions of nonattainment pollutants would be below the County's screening-level thresholds during construction, with the exception of VOC. The emissions are mainly attributable to application of architectural coatings and would occur on short duration during construction. VOCs would exceed the threshold during Year 4 of construction (**Impact AQ-1**). Because architectural coatings would comply with the SDAPCD's low-VOC requirements, there are no additional feasible mitigation measures to reduce impacts to less than significant. VOC emissions are below the significance threshold for all other years of construction. To reduce the emissions to the extent feasible, fugitive dust control measures would be implemented during construction. Measures that are incorporated into the Project description as design features to reduce emissions associated with construction include the following:

- Application of water three times daily during grading on active grading sites.
- Reduce speeds to 15 mph on unpaved roads.
- Clean paved roads.
- Use architectural coatings with a VOC content of 100 g/l or less for exterior coatings and 50 g/l or less for interior coatings.
- Require the construction fleet to use any combination of catalytic converters, diesel oxidation catalysts, diesel particulate filters, and/or ARB certified Tier III or Tier IV equipment.
- Use of low-VOC coatings in accordance with APCD Rule 67.0.1 requirements.

These measures constitute best management practices for dust control, architectural coatings, diesel particulate, and construction equipment emissions. There are no additional mitigation measures that would reduce construction VOC emissions to less than significant levels. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated.

Operational emissions would be associated with traffic accessing the Project, and with area sources such as energy use and landscaping. Based on the evaluation of air emissions, the Project emissions would exceed the screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$ (**Impact AQ-2**). The Project would provide a mix of uses and would provide residential uses near occupational locations, and it is likely that siting these

residential uses in the East Otay Mesa Business Park Specific Plan Area would reduce, rather than increase, VMT and therefore emissions on a regional basis. Nonetheless, because emissions of VOCs, CO, $PM_{10}$, and $PM_{2.5}$ criteria pollutants would exceed the County's screening-level thresholds, impacts would be significant. Project design includes features that would reduce emissions to the extent feasible, including providing a mix of uses in the East Otay Mesa area that reduces VMT overall within the region; use of natural gas fireplaces; and providing on-site residential, employment, and retail uses. Additionally, VOC emissions include emissions from consumer products that cannot be controlled by the applicant. However, there are no additional measures identified that would reduce impacts to below a level of significance. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated.

Relative to cumulative air quality impacts associated with construction, emissions would comprise a small percentage of the overall emissions budget within the region. Construction emissions are anticipated within the San Diego Air Basin SIP and within the ARB's regional air emissions budgets, and are below the significance thresholds for all pollutants. Because emissions are below the screening-level thresholds for construction, emissions would not be cumulatively considerable on a regional basis.

Operational emissions of VOCs, CO, $PM_{10}$, and $PM_{2.5}$ are above the County's screening-level thresholds and would therefore result in a cumulatively considerable impact (**Impact AQ-3**). There are no mitigation measures identified that would reduce this impact to below a level of significance. Therefore, cumulative air quality impacts associated would remain significant and unmitigated. However, as noted above, because the Project would provide residential uses in the East Otay Mesa area in close proximity to occupational uses, it is likely that the overall basin-wide emissions of these pollutants would be reduced due to less VMT to commute to places of employment.

The Project would not expose sensitive receptors to substantial pollutant concentrations. Additionally, the Project would not generate objectionable odors that would affect a considerable number of persons or the public. Odor impacts are less than significant.

**TABLE 2.1-1. *AMBIENT BACKGROUND CONCENTRATIONS***
**(ppm unless otherwise indicated)**

| Pollutant | Averaging Time | 2013 | 2014 | 2015 | Most Stringent Ambient Air Quality Standard | Monitoring Station |
|---|---|---|---|---|---|---|
| Ozone | 8 hour | 0.062 | 0.072 | 0.066 | 0.070 | Chula Vista |
| | 1 hour | 0.073 | 0.093 | 0.088 | 0.09 | Chula Vista |
| $PM_{2.5}$ | Annual | 9.4 µg/m$^3$ | 9.2 µg/m$^3$ | 8.3 µg/m$^3$ | 12 µg/m$^3$ | Chula Vista |
| | 24 hour maximum[1] | 21.9 µg/m$^3$ | 26.5 µg/m$^3$ | 33.5 µg/m$^3$ | 35 µg/m$^3$ | Chula Vista |
| | 98$^{th}$ Percentile, 24 hour[1] | 18.0 µg/m$^3$ | 19.3 µg/m$^3$ | 19.3 µg/m$^3$ | 35 µg/m$^3$ | Chula Vista |
| $PM_{10}$ | Annual | 25.3 µg/m$^3$ | 30.1 µg/m$^3$ | 34.4 µg/m$^3$ | 20 µg/m$^3$ | Donovan |
| | 24 hour | 65 µg/m$^3$ | 58 µg/m$^3$ | 136 µg/m$^3$ | 50 µg/m$^3$ | Donovan |
| $NO_2$ | Annual | 0.011 | 0.011 | 0.010 | 0.030 | Chula Vista |
| | 1 hour | 0.057 | 0.055 | 0.049 | 0.100 | Chula Vista |
| CO | 8 hour | 2.1 | 1.9 | 1.9 | 9.0 | San Diego |
| | 1 hour | 3.0 | 2.7 | 2.6 | 20.0 | San Diego |

[1]$PM_{2.5}$ 24-hour NAAQS is defined as the 98$^{th}$ percentile of 3 years of measurements. One exceedance does not indicate a violation of the standard.
Source: www.arb.ca.gov/aqd/aqd.htm; http://www.sdapcd.org/info/reports/5-year-summary.pdf.
Note:
$PM_{2.5}$ = particles are less than 2.5 microns in diameter
$PM_{10}$ = particles are less than 10 microns in diameter
$NO_2$ = nitrogen dioxide
CO = carbon monoxide
µg/m$^3$ = microgram per cubic meter
ppm = parts per million

**TABLE 2.1-2. *SCREENING-LEVEL THRESHOLDS FOR AIR QUALITY IMPACT ANALYSIS***

| *Pollutant* | *Total Emissions* | | |
|---|---|---|---|
| Construction Emissions | | | |
| | Lb. per Day | | |
| Respirable Particulate Matter ($PM_{10}$) | 100 | | |
| Fine Particulate Matter ($PM_{2.5}$) | 55 | | |
| Oxides of Nitrogen (NOx) | 250 | | |
| Oxides of Sulfur (SOx) | 250 | | |
| Carbon Monoxide (CO) | 550 | | |
| Volatile Organic Compounds (VOCs)[1] | 75 | | |
| Operational Emissions | | | |
| | Lb. Per Hour | Lb. per Day | Tons per Year |
| Respirable Particulate Matter ($PM_{10}$) | --- | 100 | 15 |
| Fine Particulate Matter ($PM_{2.5}$) | --- | 55 | 10 |
| Oxides of Nitrogen (NOx) | 25 | 250 | 40 |
| Oxides of Sulfur (SOx) | 25 | 250 | 40 |
| Carbon Monoxide (CO) | 100 | 550 | 100 |
| Lead and Lead Compounds | --- | 3.2 | 0.6 |
| Volatile Organic Compounds (VOC) | --- | 75 | 13.7 |
| Toxic Air Contaminant Emissions | | | |
| Excess Cancer Risk | 1 in 1 million without Toxics Best Available Control Technology (T-BACT)<br>10 in 1 million with T-BACT | | |
| Non-Cancer Hazard | 1.0 | | |

## TABLE 2.1-3. *AMBIENT AIR QUALITY STANDARDS*

| POLLUTANT | AVERAGE TIME | CALIFORNIA STANDARDS | | NATIONAL STANDARDS | | |
|---|---|---|---|---|---|---|
| | | Concentration | Method | Primary | Secondary | Method |
| Ozone ($O_3$) | 1 hour | 0.09 ppm (176 μg/m$^3$) | Ultraviolet Photometry | -- | -- | Ethylene Chemiluminescence |
| | 8 hour | 0.070 ppm (137 μg/m$^3$) | | 0.075 ppm (147 μg/m$^3$) | 0.075 ppm (147 μg/m$^3$) | |
| Carbon Monoxide (CO) | 8 hours | 9.0 ppm (10 mg/m$^3$) | Non-Dispersive Infrared Spectroscopy (NDIR) | 9 ppm (10 mg/m$^3$) | -- | Non-Dispersive Infrared Spectroscopy (NDIR) |
| | 1 hour | 20 ppm (23 mg/m$^3$) | | 35 ppm (40 mg/m$^3$) | | |
| Nitrogen Dioxide ($NO_2$) | Annual Average | 0.030 ppm (56 μg/m$^3$) | Gas Phase Chemiluminescence | 0.053 ppm (100 μg/m$^3$) | -- | Gas Phase Chemiluminescence |
| | 1 hour | 0.18 ppm (338 μg/m$^3$) | | 0.100 ppm (188 μg/m$^3$) | -- | |
| Sulfur Dioxide ($SO_2$) | 24 hours | 0.04 ppm (105 μg/m$^3$) | Ultraviolet Fluorescence | -- | -- | Pararosaniline |
| | 3 hours | -- | | -- | 0.5 ppm (1300 μg/m$^3$) | |
| | 1 hour | 0.25 ppm (655 μg/m$^3$) | | 0.075 ppm (196 μg/m$^3$) | -- | |
| Respirable Particulate Matter ($PM_{10}$) | 24 hours | 50 μg/m$^3$ | Gravimetric or Beta Attenuation | 150 μg/m$^3$ | 150 μg/m$^3$ | Inertial Separation and Gravimetric Analysis |
| | Annual Arithmetic Mean | 20 μg/m$^3$ | | -- | -- | |
| Fine Particulate Matter ($PM_{2.5}$) | Annual Arithmetic Mean | 12 μg/m$^3$ | Gravimetric or Beta Attenuation | 12 μg/m$^3$ | 15 μg/m$^3$ | Inertial Separation and Gravimetric Analysis |
| | 24 hours | -- | | 35 μg/m$^3$ | -- | |
| Sulfates | 24 hours | 25 μg/m$^3$ | Ion Chromatography | -- | -- | -- |
| Lead | 30-day Average | 1.5 μg/m$^3$ | Atomic Absorption | -- | -- | Atomic Absorption |
| | Calendar Quarter | -- | | 1.5 μg/m$^3$ | 1.5 μg/m$^3$ | |
| | 3-Month Rolling Average | -- | | 0.15 μg/m$^3$ | 0.15 μg/m$^3$ | |
| Hydrogen Sulfide | 1 hour | 0.03 ppm (42 μg/m$^3$) | Ultraviolet Fluorescence | -- | -- | -- |
| Vinyl Chloride | 24 hours | 0.010 ppm (26 μg/m$^3$) | Gas Chromatography | -- | -- | -- |

ppm= parts per million; μg/m$^3$ = micrograms per cubic meter; mg/m$^3$= milligrams per cubic meter
Source: California Air Resources Board, www.arb.ca.gov, 2015, http://www.arb.ca.gov/research/aaqs/aaqs2.pdf

**TABLE 2.1-4[1]. *ASSUMED CONSTRUCTION SCHEDULE***

| Project Element | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Technology Park (square feet) | | 95.625 | 95,625 | 95,625 | 95,625 | 95,625 | 95,625 | 95,625 | 47,813 | 47,812 | 765,000 sq ft |
| Residential (units) | 875 | 697 | 337 | 312 | 100 | | | | | | 3,158 units |
| Retail (square feet) | | | | | | 78,000 | | | | | 78,000 sq ft |
| Park (acres) | 8 | 10 | | 9 | | | | | | | 27 acres |

[1]This table provides an assumed phasing for the purpose of the air quality analysis to address emissions from construction on a programmatic level. Emissions are calculated and disclosed on this basis.

**TABLE 2.1-5. *MAXIMUM DAILY CONSTRUCTION EMISSIONS BY CONSTRUCTION YEAR***

| Construction Year/Phase | VOC (lbs/day) | $NO_X$ (lbs/day) | CO (lbs/day) | $SO_2$ (lbs/day) | $PM_{10}$ (lbs/day) | $PM_{2.5}$ (lbs/day) |
|---|---|---|---|---|---|---|
| Site Preparation (2016) | 5.14 | 54.71 | 41.91 | 0.05 | 10.75 | 6.68 |
| Grading (2016) | 19.11 | 179.41 | 183.22 | 0.16 | 16.05 | 11.36 |
| Total 2016 | 24.25 | 234.12 | 225.13 | 0.21 | 26.80 | 18.04 |
| Grading (2017) | 17.93 | 167.23 | 174.58 | 0.16 | 15.40 | 10.82 |
| 2018 | 73.86 | 58.67 | 108.63 | 0.22 | 11.78 | 5.29 |
| 2019 | 70.55 | 59.70 | 106.54 | 0.22 | 11.49 | 5.30 |
| 2020 | 27.52 | 46.29 | 72.54 | 0.13 | 6.01 | 3.55 |
| 2021 | 76.95 | 56.72 | 105.48 | 0.23 | 12.31 | 5.49 |
| 2022 | 26.25 | 48.53 | 74.70 | 0.14 | 6.01 | 3.70 |
| 2023 | 16.60 | 47.52 | 69.16 | 0.12 | 4.69 | 3.36 |
| 2024 | 6.54 | 44.66 | 61.50 | 0.10 | 3.46 | 2.94 |
| 2025 | 6.53 | 44.65 | 61.39 | 0.10 | 3.46 | 2.94 |
| 2026 | 4.32 | 44.30 | 60.15 | 0.09 | 3.20 | 2.87 |
| 2027 | 4.32 | 44.29 | 60.10 | 0.09 | 3.20 | 2.87 |
| Maximum Daily Emissions | 76.95 | 234.12 | 225.13 | 0.22 | 26.80 | 18.04 |
| **Screening Level Thresholds (SLT)** | 75 | 250 | 550 | 250 | 100 | 55 |
| *Significant Impact?* | Yes | No | No | No | No | No |

Note:
VOCs = volatile organic compounds
NOx = oxides of nitrogen
CO = carbon monoxide
SOx = oxides of sulfur
$PM_{10}$ = respirable particulate matter
$PM_{2.5}$ = fine particulate matter
Lbs = pounds

**TABLE 2.1-6. *TOTAL OPERATIONAL EMISSIONS***

| | VOCs | NOx | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|---|---|
| Summer, Lbs/day | | | | | | |
| Area Sources | 126.99 | 2.98 | 258.24 | 0.01 | 3.66 | 3.63 |
| Energy Use | 1.67 | 14.52 | 7.77 | 0.09 | 1.16 | 1.16 |
| Vehicular Emissions | 82.41 | 138.40 | 780.31 | 3.13 | 213.22 | 59.10 |
| **TOTAL** | **211.08** | **155.89** | **1,046.32** | **3.23** | **218.04** | **63.89** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *Yes* | *No* | *Yes* | *Yes* |
| Winter, Lbs/day | | | | | | |
| Area Sources | 126.99 | 2.98 | 258.24 | 0.01 | 3.66 | 3.63 |
| Energy Use | 1.67 | 14.52 | 7.77 | 0.09 | 1.16 | 1.16 |
| Vehicular Emissions | 86.93 | 147.06 | 820.16 | 2.97 | 213.23 | 59.11 |
| **TOTAL** | **215.59** | **164.55** | **1,086.17** | **3.08** | **218.05** | **63.90** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *Yes* | *No* | *Yes* | *Yes* |
| Tons/year | | | | | | |
| Area Sources | 21.93 | 0.27 | 23.23 | 0.001 | 0.16 | 0.16 |
| Energy Use | 0.31 | 2.65 | 1.42 | 0.02 | 0.21 | 0.21 |
| Vehicular Emissions | 14.36 | 25.74 | 140.08 | 0.53 | 36.62 | 10.18 |
| **TOTAL** | **36.59** | **28.66** | **164.72** | **0.54** | **37.00** | **10.55** |
| Screening-Level Thresholds | 13.7 | 40 | 100 | 40 | 15 | 10 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *Yes* | *No* | *Yes* | *No* |

Note:
VOCs = volatile organic compounds
NOx = oxides of nitrogen
CO = carbon monoxide
SOx = oxides of sulfur
$PM_{10}$ = respirable particulate matter
$PM_{2.5}$ = fine particulate matter
Lbs = pounds

## TABLE 2.1-7. *CO "HOT SPOTS" EVALUATION*

| **Existing plus Project** | | |
|---|---|---|
| Maximum 1-hour Concentration Plus Background, ppm<br>CAAQS = 20 ppm; NAAQS = 35 ppm; Background 2.7 ppm | | |
| **Intersection** | | |
| | *am* | *pm* |
| Otay Mesa Road and La Media Road | 3.1 | 3.1 |
| Otay Mesa Road and Harvest Road | 3.0 | 3.1 |
| Otay Mesa Road and Sanyo Road | 3.0 | 3.0 |
| Otay Mesa Road and Vann Centre Boulevard | 2.9 | 2.9 |
| Maximum 8-hour Concentration Plus Background, ppm<br>CAAQS = 20 ppm; NAAQS = 35 ppm; Background 1.9 ppm | | |
| Otay Mesa Road and La Media Road | 2.2 | |
| Otay Mesa Road and Harvest Road | 2.2 | |
| Otay Mesa Road and Sanyo Road | 2.1 | |
| Otay Mesa Road and Vann Centre Boulevard | 2.0 | |
| **Cumulative 2020** | | |
| Maximum 1-hour Concentration Plus Background, ppm<br>CAAQS = 20 ppm; NAAQS = 35 ppm; Background 2.7 ppm | | |
| **Intersection** | | |
| | *am* | *pm* |
| Otay Mesa Road and La Media Road | 2.9 | 3.0 |
| Otay Mesa Road and Harvest Road | 3.1 | 3.1 |
| Otay Mesa Road and Sanyo Road | 3.1 | 3.2 |
| Otay Mesa Road and Vann Centre Boulevard | 3.0 | 3.0 |
| Airway Road and Sanyo Road | 2.9 | 2.9 |
| Airway Road and Paseo de las Americas | 2.9 | 2.9 |
| Siempre Viva Road and Paseo de las Americas | 3.1 | 3.0 |
| Siempre Viva Road and Enrico Fermi Drive | 3.0 | 2.9 |
| Maximum 8-hour Concentration Plus Background, ppm<br>CAAQS = 20 ppm; NAAQS = 35 ppm; Background 1.9 ppm | | |
| Otay Mesa Road and La Media Road | 2.1 | |
| Otay Mesa Road and Harvest Road | 2.2 | |
| Otay Mesa Road and Sanyo Road | 2.3 | |
| Otay Mesa Road and Vann Centre Boulevard | 2.1 | |
| Airway Road and Sanyo Road | 2.0 | |
| Airway Road and Paseo de las Americas | 2.0 | |
| Siempre Viva Road and Paseo de las Americas | 2.2 | |
| Siempre Viva Road and Enrico Fermi Drive | 2.1 | |

**TABLE 2.1-8. *DIESEL PARTICULATE EMISSIONS – CONSTRUCTION PHASE***

| Construction Phase | Tons of Diesel Particulate |
|---|---|
| Site Preparation | 0.1763 |
| Grading (2016) | 0.5509 |
| Grading (2017) | 0.6124 |
| 2018 | 0.3478 |
| 2019 | 0.3787 |
| 2020 | 0.3395 |
| 2021 | 0.3687 |
| 2022 | 0.3646 |
| 2023 | 0.2882 |
| 2024 | 0.2466 |
| 2025 | 0.2122 |
| 2026 | 0.2122 |
| 2027 | 0.2122 |

**TABLE 2.1-9. *RISK ASSESSMENT EXPOSURE FACTORS***

| Risk Calculation Parameters | Breathing Rate/Body Weight. L/kg-day | Age Sensitivity Factor | Exposure Duration, years | Averaging Time, years | Fraction of Time at Home |
|---|---|---|---|---|---|
| **Time Period of Exposure, years** | **High End BR/BW** | **ASF** | **ED** | **AT** | **FAH** |
| 3rd Trimester | 361 | 10 | 0.25 | 70 | 0.85 |
| 0<2 | 1090 | 10 | 2 | 70 | 0.85 |
| 2<16 | 745 | 3 | 14 | 70 | 0.72 |
| 16<30 | 335 | 1 | 14 | 70 | 0.73 |
| **Cancer Potency Factors** | | | | | |
| Diesel Particulate | 1.10E+00(mg/kg-day)$^{-1}$ | | | | |

Source: OEHHA 2015
Notes:
mg = milligram
kg = kilogram

# 2.2 Biological Resources

This section of the SEIR summarizes the results of the *Biological Technical Report for the Sunroad Centrum 250 Project,* prepared by REC Consultants (February 2017) for the proposed Project, included as Appendix C of this SEIR. This section of the SEIR presents the existing biological resources in the Project area, evaluates impacts that would occur as a result of the proposed Project, and provides mitigation measures that would be implemented to reduce significant impacts to the extent feasible.

One comment letter received during the NOP scoping period pertains to biological resources (see Appendix A). The comment letter, provided by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) (collectively the "Wildlife Agencies"), indicated that it may be necessary to re-evaluate the Minor Amendment concurrence provided for the Sunroad Centrum project on November 12, 2003, should there be substantive changes from the previous project. It was recommended that the SEIR evaluate opportunities to maximize on-site conservation of grassland and burrowing owl habitat. Additionally, recommendations for avoiding, minimizing, and adequately mitigating project-related impacts to biological resources were provided. Most of the southern and western section of the site, south of the Lone Star Road alignment, is classified in the proposed Specific Plan Amendment as a Minor Amendment Area. A small area in the center of the site, corresponding to the mima mound area, is classified as a Minor Amendment Area Subject to Special Consideration with "G Designator". The G Designator applies to areas that have steep slopes and are biologically sensitive, and are subject to the Sensitive Resource Area Regulations of the Zoning Ordinance. The entire area to the north of Lone Star Road is classified as a Major Amendment Area with G Designator. That area is designated as an open space preserve. The Project would comply with Multiple Species Conservation Program (MSCP) requirements, including necessary Wildlife Agency consultation pertaining to Major and Minor Amendment areas.

The Project site was part of the 1994 EIR for the East Otay Mesa Business Park Specific Plan, which included a Biological Technical Report and mitigation measures for projected impacts. The 2000 SEIR was prepared specifically for the Project site and was certified in December 2000. The 2000 ~~F~~SEIR superseded portions of the 1994 EIR and all relevant mitigation measures from the 1994 EIR were incorporated into the 2000 FSEIR; therefore, with certification of the 2000 FSEIR, most of the 1994 EIR is no longer relevant to the Project site. Additional or revised mitigation measures were included in the subsequent December 2003 Resource Conservation Plan (RCP) for the Project site as part of the Sunroad Centrum project. A conditional concurrence for a Minor Amendment was completed in 2003. ~~This~~ That project was never developed.

A ~~The P~~project was approved for development in 2012 to subdivide the site into 55 lots consisting of 52 technology business park lots ranging in size from 1.8 acres to 5.3 acres, one lot for a sewer pump station, one storm water detention lot, and a 51.34-acre dedicated open space lot. A 0.41-acre easement within the subdivision is identified as an

open space easement established for the protection of biological resources (vernal pools). This project was never developed.

## 2.2.1 Existing Conditions

### 2.2.1.1 *Environmental Setting*

The Project site includes nine undeveloped parcels located approximately 1.25 miles north of the US-Mexican border. Harvest Road (unpaved) bisects the site north-south. Portions of the site have been altered by historical agricultural activity, but are not currently farmed.

The site is highest in the central area and slopes downward in all directions. The northwestern area slopes steeply down into Johnson Canyon, along the northern property boundary. Site elevation ranges from approximately 445 feet above mean sea level (AMSL) in Johnson Canyon at the northeastern corner of the site, to approximately 600 feet amsl in the central portion of the property.

Otay Mesa is an ancient marine terrace, and, with the exception of Johnson Canyon, site geology is mapped as Otay Formation (Oligocene to Miocene) of sandstone, siltstone, and claystone, interbedded with bentonite lenses. The Otay Formation consists of alluvial fan deposits along the western slope of the San Ysidro Mountains, and includes dacite/andecite rocks from eroded volcanic plugs in those Mountains. Johnson Canyon slopes are Otay Formation alluvial fan conglomerate, while the canyon bottom is much older Pleistocene alluvium.

Six soil types in four soil series are mapped on-site, as shown in Figure 2.2-1, *On-site and Adjacent Soil Classifications*: Diablo clay 2-9% slopes (DaC), Diablo clay 9-15% slopes (DaD), and Diablo clay 15-30% slopes, eroded (DaE2); Linne clay loam 9-30% slopes (LsE); Salinas clay 0-2% slopes (ScA); and Stockpen gravelly clay loam 2-5% slopes (SuB). These soils are described below (USGS 1973).

- The **Diablo** series consists of well-drained, moderately deep to deep clays derived from soft, calcareous sandstone and shale. These soils are on uplands and have slopes of 2-50%. In a representative profile, the upper approximately 27 inches are clay, overlying approximately five inches of calcareous heavy sandy loam, over a substratum of soft, calcareous decomposed sandstone. DaC is gently sloping to moderately sloping and is 34-40 inches deep over rock. DaD is strongly sloping and is 26-37 inches deep over rock. DaE2 is 20-32 inches deep over rock. The Diablo series is the most common soil series on-site and is mapped in all areas of the site except for small areas in the center, extreme south and extreme north of the site.

- The **Linne** series consists of well-drained, moderately deep clay loams derived from soft calcareous sandstone and shale. In a representative profile the

surface layer is approximately 15 inches of calcareous heavy clay, over approximately 13 inches of heavy clay loam, over calcareous clay loam, with a substratum of soft, white, calcareous shale at a depth of approximately 37 inches. LsE occurs on uplands and is a rolling to hilly soil with an average slope of 16%. It is only mapped in the northeastern portion of the site.

- The **Salinas** series consists of well drained and moderately well drained clay loams that formed in sediments washed from Diablo, Linne, Las Flores, Huerhuero, and Olivenhain soils. These soils are on flood plains and alluvial fans and have slopes of 0-9%. In a representative profile the surface layer is clay loam about 22 inches thick, over approximately 24 inches of calcareous clay loam, over a substratum of calcareous clay loam and loam. In some areas the surface layer is clay. ScA is nearly level with a surface layer of clay and a substratum of clay to clay loam. It is only present on-site in a small pocket running southwest to northeast at the southern central edge of the site.

- The **Stockpen** series consists of moderately well drained, moderately deep gravelly clay loams. These soils are on marine terraces and have slopes of 0-5%. In a representative profile, the surface layer is gravelly clay loam about three inches thick, over subsoil of calcareous gravely clay and clay about 31 inches thick. The substratum is clay. The gently sloping SuB is the second most common soil series on-site and occurs in the central region of the site, corresponding to mima mound topography.

**Regional Context**

The Project site is located on eastern Otay Mesa in southern San Diego County. The Otay Mesa area consists of a relatively level mesa top that meets the foothills of the San Ysidro Mountains at the eastern end of the mesa, and slopes down to the coastal terrace at the western end. The northern limit is formed by the Otay River Valley, and tributary canyons cut through the mesa down to the river valley below. The southern limit of the area within the United States is the US-Mexican border. Historically, the flat land in eastern Otay Mesa was used for agriculture. In the 1960s, land use began to shift from agriculture, with its relatively high water and labor costs, to industrial and commercial development. In the 1980s, the Mexican maquiladora program further increased the demand for industrial distribution and warehousing just north of the border.

The Project site falls within the South County segment of the MSCP. The site lies within the northwestern area of the EOMSP, which provides comprehensive development guidelines for the area. Most of the southern and western section of the site, south of the Lone Star Road alignment, is classified in the EOMSP Amendment (2015) as a Minor Amendment Area; the entire property to the north of Lone Star Road is classified as a Major Amendment Area with G-Designator; and a small area in the center of the site is classified as a Minor Amendment Area Subject to Special Consideration and with G-Designator (see Figure 2.2-2, *Project Boundary and Surrounding MSCP Amendment Areas*).

## Vegetation/Land Cover Categories

Seven vegetation categories or land cover types, classified according to Oberbauer et al. (2008), were observed within the Project area in 2015/2016, and are shown in Figure 2.2-3, *Biological Resources*. Vegetation/land cover categories and acreages are summarized in Table 2.2-1, *Vegetation/Land Cover Categories and Acreages*, and described in the following paragraphs. Changes in vegetation since the 2000 SEIR are also noted in the paragraphs below. (Some small changes in acreage are attributable to the refinement of mapping based on use of current satellite imagery and GIS-based digital mapping).

### Wetland Vegetation Categories

#### *Disturbed Wetland (County Habitat Code 11200), 0.11 Acre*

Disturbed wetlands are areas permanently or periodically inundated by water, which have been significantly modified by human activity. These wetlands are often unvegetated, but may contain scattered native or non-native vegetation. This habitat type includes portions of wetlands with obvious artificial structures and lined channels, Arizona crossings, detention basins, culverts, and ditches.

Two areas of disturbed wetland occur on the Project site. One area is a shallow swale along the western edge of the Project site in which water intermittently ponds after rain. The swale does not appear to drain to another location, and may have formed when an agriculture-related berm was created along the western side. The only hydrophytic vegetation observed within this swale during biological surveys of the Project site were pale spike-rush (*Eleocharis macrostachya*), and spike-rush (*Eleocharis* sp.). No obligate vernal pool indicator plants have been observed in the swale and it was reclassified as disturbed wetland in 1998. In addition, none were observed in 2015-2016. The size of "wetland" within the swale varies depending on rainfall; based on review of historical satellite imagery and 1998 habitat mapping it appears to occupy approximately 0.09 acre.

The second area of disturbed wetland is within an abandoned excavated agriculture-related pond in the central area of the Project site. The upper banks of the former pond consist of minimally vegetated soil and upland vegetation. Much of the bottom also supports only upland vegetation, such as filarees (*Erodium* spp.), red brome (*Bromus madritensis* subsp. *rubens*), telegraph weed (*Heterotheca grandiflora*), and oats (*Avena* spp.) The basin has relatively low cover that includes many of the non-native grasses that occur in the surrounding non-native grassland described below. Along the lower banks are dead and drought-damaged hydrophytic shrubs and trees such as a red willow (*Salix laevigata*), a black willow (*S. gooddingii*), small amounts of mule-fat (*Baccharis salicifolia* subsp. *salicifolia*), and tamarisk (*Tamarix ramosissima*) among upland plants. Within the lowest part of the basin bottom is a small area of disturbed wetland where water ponds after rain, and patches of herbaceous hydrophytes such as spike-rush grow. This small disturbed wetland covers approximately 0.02 acre.

### *Non-Native Riparian (County Habitat Code 65000), 0.39 Acre*

Non-native riparian habitat consists of densely vegetated riparian thickets dominated by non-native, invasive species. This habitat is common along major river channels, often where disturbance has occurred. This designation is used only where non-native, invasive species account for greater than 50 percent of the total vegetative cover within a mapping unit. Characteristic plants include non-native species such as giant reed (*Arundo donax*), pampas grass (*Cortaderia* spp.), Bermuda grass (*Cynodon dactylon*), eucalyptus (*Eucalyptus* spp.), non-native palms (*Phoenix* spp. and *Washingtonia* sp.), and tamarisk (*Tamarix* spp.), as well as native species such as arrow weed (*Pluchea sericea*), western cottonwood (*Populus fremontii*), and willows (*Salix* spp.).

On-site non-native riparian habitat is a thicket of tamarisk with a sparse understory composed almost entirely of non-natives such as dwarf nettle (*Urtica urens*) and scarlet pimpernel (*Anagallis arvensis*). Other invasives along the disturbed edges included stinkwort (*Dittrichia graveolens*) and milk thistle (*Silybum marianum*). Scattered natives species saltgrass (*Distichlis spicata*), salt heliotrope (*Heliotropium curassavicum* var. *oculatum*), and Coulter's fleabane (*Laennecia coulteri*) were also observed along the edges of the riparian vegetation.

### *San Diego Mesa Claypan Vernal Pool (County Habitat Code 44322), 0.21 Acre*

Vernal pools are seasonally flooded depressions that support a distinctive living community adapted to extreme variability in hydrologic conditions (seasonally very dry and very wet conditions). In San Diego, vernal pools often retain pooled water for about two weeks after significant rain events. Vernal pools are differentiated from other temporary wetlands by the following criteria: (1) the basin is at least partially vegetated during the normal growing season or is unvegetated due to the heavy clay (or hardpan) soils that do not support plant growth; and (2) the basin contains at least one vernal pool indicator species (e.g. *Psilocarphus* spp., *Downingia cuspidata*, *Eryngium aristulatum* var. *parishii*, or crustaceans such as *Branchinecta* spp., and *Streptocephalus* spp.). Two types of vernal pools are found in San Diego County: San Diego mesa hardpan vernal pools and San Diego mesa claypan vernal pools. The pools on Otay Mesa are of the claypan type, occurring on fine-textured soils where water ponds due to a clay impermeable layer rather than a hardpan layer. These claypan pools are almost entirely restricted to marine terraces between San Diego and Ensenada, Mexico, and have been much reduced by agriculture and development.

The claypan vernal pools are typically associated with a small-scale topography of low hummocks, called mima mounds, clustered on the mesa top. The vernal pools form in the depressions between the mima mounds. In drier years, the pools are typically isolated with very small watersheds of surrounding mima mound slopes. During wet years, pools between mima mounds may join if water levels are high enough. The area of mima mound topography on-site is clearly visible in satellite imagery, and occurs over the Stockpen soil unit. This soil type has a surface layer of gravelly clay loam to three inches deep over

a subsoil of calcareous gravelly clay and clay from three to 31 inches, and is often associated with mima mounds.

Seven vernal pools have been mapped on the Project site. The group of pools on-site is known as the J22 complex and has been documented since at least 1978, when it was mapped in the "San Diego Vernal Pool Study, 1978" prepared for CDFW (Beauchamp 1979). Although only three J22 pools were documented in the 1979 publication and in Bauder's 1986 "San Diego Vernal Pools" report for CDFW (Bauder 1986), the 1993 EOMSP BTR indicated seven pools were present (County of San Diego 1993). One of the seven vernal pools in the 1994 EIR BTR was a swale parallel to an artificial berm, which has since been reclassified as a disturbed wetland (see above). One more vernal pool was identified by REC in 1998, so the total number of pools remains seven. Vernal pool plants documented as occurring in the J22 pools include dwarf woolly-marbles (*Psilocarphus brevissimus*), annual hairgrass (*Deschampsia danthonioides*), water pygmyweed (*Crassula aquatica*), American pillwort (*Pilularia americana*), flowering quill wort (*Triglochin* [*Lilaea*] *scilloides*), waterwort (*Elatine* sp.), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), ~~prostrate~~ spreading navarretia (*Navarretia fossalis*), and pale spike-sedge.

Due to the severe drought beginning in 2011, no evidence of vernal pool ponding or vernal pool indicator species was observed in 2015-2016. The seven previously documented vernal pool locations are shown in Figure 2.2-3. All seven pools occupy approximately 0.21 acre.

**Upland Vegetation Categories**

***Native Grassland (Habitat Code 42100) 1.96 Acres***

Native grassland, and more specifically valley needle grass grassland, is described as "A midheight (to 2 ft) grassland dominated by perennial, tussock-forming *Stipa* (*Nasella*) *pulchra*. Native and introduced annuals occur between the perennials, often actually exceeding the bunchgrasses in cover. In San Diego County, native perennial herbs such as *Sanicula*, *Sidalcea*, *Sisyrinchium*, *Eschscholzia,* or *Lasthenia* are present. The percentage cover of native species at any one time may be quite low, but is considered native grassland if 20 percent aerial cover of native species is present" (Oberbauer et al. 2008). Native grassland usually occurs on fine-texture (often clay) soils, moist or even waterlogged during winter, but very dry in summer.

Patches with varying concentrations of needle grass occur on the Project site within the non-native grassland. These patches currently lack the plant density that would qualify them as native grassland. Larger and denser patches occur on the north-facing slope of Johnson Canyon. These larger patches, apparently limited to the Diablo clay soil 15 to 30 percent slope, are overwhelming dominated by native needle grass (*Stipa cernua* and *pulchra*). Individual bunchgrasses are well spaced, to the degree that the pattern of the large individual bunches is visible in satellite imagery. Native herbs such as red-skin onion (*Allium haematochiton*) and morning-glory (*Calystegia macrostegia*) grow among the

bunchgrasses. The native grassland patches have~~d~~ visibly lower cover of invasive species than any other habitat on-site. The areas of native grassland ~~did~~ do not have distinct boundaries, but ~~were~~ are mapped over approximately 1.96 acres based on site observations and Google Earth satellite imagery.

***Non-Native Grassland (County Habitat Code 42200), 240.24 Acres***

According to the County of San Diego, non-native grassland is described as "A dense to sparse cover of annual grasses with flowering culms 0.2-0.5 (1.0) m high. Often associated with numerous species of showy-flowered, native annual forbs ("wildflowers"), especially in years of favorable rainfall. In San Diego County the presence of *Avena, Bromus, Erodium,* and *Brassica* are common indicators. In some areas, depending on past disturbance and annual rainfall, annual forbs may be the dominant species; however, it is presumed that grasses would soon dominate. Germination occurs with the onset of the late fall rains; growth, flowering, and seed-set occur from winter through spring. With a few exceptions, the plants are dead through the summer-fall dry season, persisting as seeds. Remnant native species are variable. This can include grazed and even dry-farmed (i.e., disked) areas where irrigation is not present" (Oberbauer et al. 2008). Additional habitat identification information provided in the County's "Report Format and Content Requirements" (2010) specifies that "Non-native grasses typically comprise at least 30 percent of the vegetation […]. Usually, the annual grasses are less than 1 m (3 ft) in height, and form a continuous or open cover. Emergent shrubs and trees may be present, but do not comprise more than 15 percent of the total vegetative cover." Characteristic non-native grassland species include foxtail chess (*Bromus madritensis* ssp. *rubens*), ripgut grass (*Bromus diandrus*), wild oats (*Avena* spp.), fescues (*Vulpia* spp.), red-stem filaree (*Erodium cicutarium*), mustards (*Brassica* spp.), lupines (*Lupinus* spp.) and goldfields (*Lasthenia* spp.), among others.

The non-native grassland community located on the Project site is characterized by annual non-native grasses such as oats, brome grasses (*Bromus* spp.), and glaucous barley (*Hordeum murinum* subsp. *glaucum*); and forbs such as black mustard (*Brassica nigra*), short-pod mustard (*Hirschfeldia incana*), London rocket (*Sisymbrium irio*), filarees, and Russian-thistle (*Salsola* sp.). Plant density and dominance vary throughout the site. Some areas are strongly dominated by Russian-thistle, other areas are characterized by thick, tall stands of black mustard, and some areas are dominated by London rocket. Within the mima mound area, vegetation is characterized by shorter and more open grasses and abundant prickly Russian-thistle (*Salsola tragus*), with scattered native herbs such as needle grass, splendid mariposa lily (*Calochortus splendens*), common goldenstar (*Bloomeria crocea* var. *crocea*), and fascicled tarweed (*Deinandra fasciculata*). The Lone Star Road alignment, formerly a dirt road, supports greater numbers of native herbs and wildflowers such as small-flower soap plant (*Chlorogalum parviflorum*), fascicled tarweed, rayless gumplant (*Grindelia camporum*), and common goldfields (*Lasthenia gracilis*). An area within the Open Space Easement (Lot 20) was previously identified as coastal sage scrub vegetation in the East Otay Mesa Specific Plan Sunroad Centrum EIR (certified December 15, 2000). This area was consumed by fire on or around May 3, 2013 and is now mapped as non-native grassland.

**Other Upland Land Cover Categories**

***Developed Land (County Habitat Code 12000), 2.97 Acres***

Urban and/or developed land consists of "Areas that have been constructed upon or otherwise physically altered to an extent that native vegetation is no longer supported. Developed land is characterized by permanent or semi-permanent structures, pavement or hardscape, and landscaped areas that require irrigation. Areas where no natural land is evident due to a large amount of debris or other materials being placed upon it may also be considered urban/developed (e.g. car recycling plant, quarry)" (Oberbauer et al. 2008). Additional habitat identification information provided in the County's "Report Format and Content Requirements" (2010) includes "Land that has been constructed upon or otherwise covered with a permanent unnatural surface shall be considered Developed…" A portion of the parcel overlapping Otay Mesa Road is developed land lacking native vegetation.

***Disturbed Land (County Habitat Code 11300), 7.26 Acres***

The County of San Diego describes disturbed land as "Areas that have been physically disturbed (by previous legal human activity) and are no longer recognizable as a native or naturalized vegetation association, but continue to retain a soil substrate. Typically vegetation, if present, is nearly exclusively composed of non-native plant species such as ornamentals or ruderal exotic species that take advantage of disturbance, or shows signs of past or present animal usage that removes any capability of providing viable natural habitat for uses other than dispersal. Examples of disturbed land include areas that have been graded, repeatedly cleared for fuel management purposes and/or experienced repeated use that prevents natural revegetation (i.e. dirt parking lots, trails that have been present for several decades), recently graded firebreaks, graded construction pads, construction staging areas, off-road vehicle trails, and old homesites" (Oberbauer et al. 2008). Additional habitat identification information provided in the County's "Report Format and Content Requirements" (2010) specifies that "Disturbed land includes areas in which the vegetative cover comprises less than 10 percent of the surface area (disregarding natural rock outcrops) and where there is evidence of soil surface disturbance and compaction from previously legal human activity; or where the vegetative cover is greater than 10 percent, there is soil surface disturbance and compaction, and the presence of building foundations and debris…resulting from legal activities (as opposed to illegal dumping). Examples include recently graded firebreaks, graded construction pads, construction staging areas, off-road vehicle trails, and old homesites."

Harvest Road and the larger unpaved roads and trails throughout the site are considered disturbed land. These roads and trails have small amounts of herbaceous vegetation at the edges, but are almost entirely bare highly compacted soil. Most trails in the southern and central areas are likely associated with historical agricultural activity. Disturbed land in the more sloping northern section of the site includes off-road recreational vehicle trails used by trespassers, and a trail across the creek in Johnson Canyon.

### Flora

A total of 101 plant taxa have been observed on the Project site. Of these, 50 were native, 50 non-native, and one (identified to genus only) undetermined. Characteristic species of each habitat are included in the habitat descriptions above. Non-native grassland had the greatest observed species diversity, with 90 taxa. The taxa observed in the greatest number of vegetation categories were the non-native annual grasses (brome grasses in particular), black mustard, fascicled tarweed, nodding needle grass, and purple needle grass.

### Fauna

A total of 104 animal taxa were documented on or over the site: 45 invertebrate taxa, one amphibian, six reptile taxa, 42 bird taxa, and ten mammal taxa. Of these, all but eight are native species. The most common wildlife species included funnel weaver spider (Family Agelenidae), orthopterans (crickets and grasshoppers), checkered white butterfly (*Pontia protodice*), western white-throated swift (*Aeronautes saxatalis*), horned lark (*Eremophila alpestris actia*), song sparrow (*Melospiza melodia*), meadowlark (*Sturnella vulgaris*), and Botta's pocket gophers (*Thomomys bottae*).

### Special-status Plant Species

A sensitive or special-status plant is any plant taxon (species, subspecies, or variety) that is officially listed by the State of California or the Federal government as Endangered, Threatened, or Rare; a candidate for one of those listings; included in California Rare Plant Ranks (CRPR) 1 through 4; or included in the County of San Diego Sensitive Plant Lists A through D. A list of special-status plants with the potential to occur on the Project site was generated from the CNDDB RareFind5 database and a list provided by the County of San Diego. The resulting list includes any special-status plant documented within the Project site's USGS 7.5' quadrangle (Otay Mesa), as well as any taxa specifically identified by the County for this Project.

#### Special-status Plant Species Documented On-site

Six special-status plant species have been documented on-site since 1993: San Diego sunflower, small-flower bindweed, coast barrel cactus, variegated dudleya, San Diego button-celery, and ~~prostrate~~ spreading navarretia. Information on each of these is provided below, and locations are shown in Figure 2.2-3.

**San Diego sunflower** (*Bahiopsis laciniata*, Asteraceae) is a CRPR 4.2 and County Group D shrub with small, rough, dark green leaves and bright yellow daisy-like flowers; it typically grows in drier and hotter parts of coastal sage scrub (and sometimes chaparral), often on south- and west-facing slopes. This species was observed on-site in the mima mound area among the coastal sage scrub plants in 1999, but has not been observed on-site since the site burned (on or around May 3, 2013). The area within which the San Diego sunflower was observed is now mapped as non-native grassland.

**Small-flower bindweed** (*Convolvulus simulans*, Convolvulaceae) is a CRPR 4.2 and County Group D species that prefers clay soils in open habitat such as grasslands or openings in chaparral and coastal scrub. This species was not detected on-site in surveys prior to 2015, but in February 2015, a patch was observed growing on sloping cracked-clay soil immediately upslope of the creek in Johnson Canyon and below native grassland. In 2016, a single plant was observed on the apron of an abandoned burrowing owl burrow in the southeastern corner of the site. These locations are shown in Figure 2.2-3.

**Coast barrel cactus** (*Ferocactus viridescens,* Cactaceae) is a CRPR 2B.1, County Group B, and MSCP-covered species that is limited to San Diego County and Baja California. In San Diego County this species occurs occasionally on dry slopes below 1500 meters AMSL and is found along the coastal slope from Oceanside south to Boundary Monument. Coast barrel cactus is threatened by urbanization, off-road vehicles and commercial exploitation. This species was found in non-native grassland on-site, especially within the mima mound area. Approximately 110 individuals were documented on-site in 1998, 1999, ~~in~~ and 2001. In 2015 to 2016, presence of coast barrel cactus in the biological open space was confirmed.

**Variegated dudleya** (*Dudleya variegata*, Crassulaceae) is a CRPR 1B.2, County Group A, Narrow Endemic, MSCP-covered species that is restricted in distribution to southern San Diego County and northwestern Baja California. It occurs in clayey or loamy soils in sage scrub, grassland, and chaparral habitat, including isolated rocky substrates in open grasslands, and in proximity to vernal pools in mima mound topography. Typically, this dudleya grows in small areas devoid of shrub cover.

Variegated dudleya has been documented on-site in several locations in the past: In 1993 361 individuals were documented in the J22 vernal complex, of which 73 were south of Lone Star Road and 288 north of Lone Star Road. In 1998/1992, a total population size of 100 to 200 individuals were found in three locations. In 2001, variegated dudleya were not detected in those three locations ~~were not detected~~, but a different group of several hundred plants was found on the western side of the Project site, north of the Lone Star Road alignment, and approximately ten more individuals were observed east of that group. In May 2006, 11 individuals were observed near the northern 1998 location, north of Lone Star Road. The 1998-2006 observation locations are shown in Figure 2.2-3. No variegated dudleya was detected in 2015 or 2016. A focused survey in a year of adequate rainfall would be necessary to estimate the size of any remaining populations onsite.

**San Diego button-celery** (*Eryngium aristulatum* var. *parishii*, Apiaceae) is a Federal and State Endangered, CRPR 1B.1, County Group A and MSCP-covered species. It is a prostrate, herbaceous, deciduous, biennial or perennial species that occurs in or near vernal pools in Riverside and San Diego Counties and in northern Baja California, and typically blooms between March and May. The 1979 San Diego vernal pool survey reported this species in the J22 vernal pool complex. The 1993 BTR prepared for the EOMSP 1994 EIR documented approximately 65 individuals in three of the J22 vernal pools. It was documented in five of the vernal pools on-site in 1998 (see Figure 2.2-3),

but not counted at that time. In 2001, it was not observed in any of the seven mapped pools, but was found in a mima mound depression to the southeast of the vernal pool that is south of Lone Star Road (see Figure 2.2-3); and in 2004, approximately 30 individuals were observed in this same depression. The location of the 2001 and 2004 observations is within the area of mima mound topography closer to the southeastern boundary of the mima mound area, near where ground level begins to slope downhill toward the southeast. These plants were growing in the concave area between mima mounds. Based on review of prior vernal pool and sensitive species mapping, including the EOMSP BTR, San Diego button-celery was not previously documented at this location. No San Diego button-celery was detected in 2015 or 2016. No survey was conducted in 2017. A focused survey in a year of adequate rainfall and vernal pool ponding would be necessary to estimate the size of any remaining population onsite.

**Spreading navarretia** (*Navarretia fossalis*, Polemoniaceae) is a Federal Threatened, CRPR 1B.1, County Group A, MSCP-covered species. This white-flowered annual occurs in western Riverside and southwestern San Diego Counties, as well as in northwestern Baja California. It generally occurs in vernal pools or roadside depressions below 450 meters AMSL, and can be locally common despite its rarity. Historically, ~~prostrate~~ spreading navarretia occurred in relatively few of the San Diego County vernal pools. The species is known from just three areas within the County including San Marcos, National City, and Otay Mesa. During the 1991 County of San Diego surveys approximately 12 individuals were detected in the J22 vernal pool complex north of Lone Star Road. It has not been documented on-site since that time.

**Special-status Plant Species with Moderate to High Potential to Occur On-site**

Based on results of decades of surveying the Project area, the only special-status species with high potential to occur on-site are those that were historically found on-site but not detected in recent years: San Diego sunflower, variegated dudleya, and San Diego button-celery. Each of these is described above. (Because ~~prostrate~~ spreading navarretia has not been reported on-site since the ~~1979~~ 1991 vernal pools survey, it is unlikely to have high potential to occur on-site.)

Three species may have moderate potential to occur on-site: San Diego goldenstar (*Bloomeria clevelandii*), Palmer's grappling-hook, (*Harpagonella palmeri*), and golden-ray pentachaeta (*Pentachaeta aurea* subsp. *aurea*). Evaluations of each of these are provided in Appendix C of the Project BTR.

**Special-status Animal Species**

For the purposes of this Project, sensitive or special-status wildlife is any animal taxon (species or subspecies) that is officially listed by the State of California or the Federal government as Endangered, Threatened, or Rare; a candidate for one of those listings; classified as Fully Protected, Species of Special Concern, or Watch List by CDFW; or included in the County of San Diego Sensitive Animals Lists.

A list of special-status animal species with the potential to occur on the Project site was generated from the CNDDB RareFind5 database, SanBIOS database, and a list provided by the County of San Diego. The resulting list includes any special-status animals documented within the Project site's USGS 7.5' quadrangle and surrounding quadrangles, within an applicable elevation range, as well as any taxa specifically identified by the County for the proposed Project.

**Special-status Animal Species Observed on or over the Site**

Fourteen special-status wildlife species have been documented on or over the site since 1993: San Diego fairy shrimp, San Diego ring-neck snake, Cooper's hawk, grasshopper sparrow, Southern California rufous-crowned sparrow, ferruginous hawk, turkey vulture, northern harrier, white-tailed kite, burrowing owl, California horned lark, loggerhead shrike, barn owl, and San Diego black-tailed jackrabbit. Information on each of these is provided below.

**San Diego fairy shrimp** (*Branchinecta sandiegensis*) is a Federal Endangered and County Narrow Endemic and Group 1 MSCP-covered branchiopod that inhabits vernal pools and other unvegetated ephemeral basins in Orange and San Diego Counties and Baja California. Suitable pools are typically more than 30 centimeters deep, within 64 kilometers of the Pacific Ocean, and less than 701 meters AMSL. Mapped USFWS-designated critical habitat for San Diego fairy shrimp includes approximately 72.5 acres on-site. Protocol dry season surveys were conducted on August 20, 1998, and an additional wet season sample was collected from the abandoned agricultural pond basin in January 1999 after fairy shrimp were observed in ponded water in the bottom of the basin. San Diego fairy shrimp cysts were found in all vernal pools and the small disturbed wetland northeast of the abandoned agricultural pond, and adults were found in the disturbed wetland within the agricultural pond (see locations in Figure 2.2-3). In February 2016, wet season sampling was attempted in order to update survey results; however, the pools did not receive adequate rainfall to pond, and wet season sampling was not possible. No surveys were conducted in 2017. All vernal pools and both disturbed wetlands occurring on the Project site are considered occupied by San Diego fairy shrimp.

**San Diego ring-neck snake** (*Diadophis punctatus similis*) has no State or Federal special-status, but is a County Group 2 taxon. It typically occurs in moist habitats such as wet meadows, farmland, grassland, and woodlands along the coast into the Peninsular Ranges, but is generally hidden during the day. One individual was observed on-site during the 1999 Quino Checekrspot Butterfly (QCB) surveys, in the northern part of the mima mound area. None were observed in 2015-2016.

**Cooper's hawk** (*Accipiter cooperii*) is a CDFW Watch List, and County Group 1 MSCP-covered raptor that inhabits riparian woodlands with cottonwoods and sycamores, oak woodlands, eucalyptus groves and other forested areas at 500 to 3,000 feet AMSL. Nesting occurs in second-growth conifer stands or deciduous riparian woodland areas. Cooper's hawk forages in open areas near forests, and in winter, open woodlands and fields may also be used. One Cooper's hawk was observed flying over the site in 2015. It

may have been drawn to the power plant on the south side of Otay Mesa Road by a recorded Cooper's hawk call played at the power plant (to deter bird nesting). After flying from north of the site to the power plant, it turned and flew back to the north. None were observed in 2016.

**Southern California rufous-crowned sparrow** (*Aimophila ruficeps canescens*) is a CDFW Watch List and County Group 1 MSCP-covered taxon. This bird favors moderately vegetated slopes of coastal sage scrub dominated by coastal sagebrush, and coastal bluff scrub and chaparral with grass and forb patches, zero to 3,000 feet AMSL. It nests on the ground at the base of rocks, grass tufts, or saplings, or slightly above ground in the branches of shrubs or trees. This species was observed within the non-native grassland and former coastal sage scrub during 1999 Quino checkerspot butterfly surveys. None were observed in 2015-2016.

**Grasshopper sparrow** (Ammodramus savannarum) is a State Species of Special Concern, County Narrow Endemic, MSCP-covered and County Group 1 taxon. It is San Diego County's bird most restricted to native grassland, which is one of southern California's most threatened habitats. Native grassland is dominated by Stipa (Nassella) bunchgrasses, and, where used by grasshopper sparrows, usually contains some shrubs characteristic of coastal sage scrub. Native grassland has been removed and degraded by development, invasive plant species, and conversion to agriculture, and grasshopper sparrows are now uncommon and localized. Nests are hidden on the ground under clumps of grass and very difficult to find. During the 2001 QCB survey, grasshopper sparrows were noted in the mima mound area, calling in territorial behavior. Although the mima mound area supported better quality habitat at that time, in a matrix of grassland and coastal sage scrub shrubs, native grassland and limited shrubs remain onsite and habitat is still suitable for grasshopper sparrow. Based on habitat descriptions and mapping in the 2001 QCB report, the grasshopper sparrows were detected north of the Lone Star Road alignment within the northern biological open space, where mima mound topography has not been altered by agricultural activity. No grasshopper sparrows were detected during 2015 and 2016 surveys.

**Burrowing owl** (*Athene cunicularia*) is a State Species of Special Concern, USFWS Bird of Conservation Concern, and County Narrow Endemic and Group 1 MSCP-covered raptor that hunts for small rodents in open grassland and agricultural land. This owl is unusual in that it enlarges and then lives and nests in burrows of small mammals, particularly California ground squirrel (*Spermophilus beecheyi*). Burrowing owls have drastically declined in San Diego County since the 1970s, from approximately 250 to 300 pairs to approximately 46 pairs in 2007. They appear to have suffered, like other grassland birds, from loss of habitat, sensitivity to habitat fragmentation, proliferation of terrestrial predators, and high mortality from collision with cars. East Otay Mesa is the area with the largest number of remaining breeding burrowing owls; migratory burrowing owls are also present in the area during winter months.

No burrowing owls, burrows, or sign were detected on-site during the 1998, 1999, or 2001 site surveys. During the 2015 burrowing owl survey, a group of approximately seven

abandoned burrows was found on-site just east of Harvest Road and south of the east-west dirt road (see Figure 2.2-3). The burrow holes were filling with soil, spider webs, and plant debris, and no burrowing owl sign (or evidence of use by any other animals) was observed on the aprons. In early 2016, the burrows were further degraded, and appeared to have been eroded and filled with silt by rainstorms early in the year. Remains of another two to three even older burrows were found in 2015 down-slope and slightly east of these, immediately north of Otay Mesa Road, east of Harvest Road (see Figure 2.2-3); these burrows were degraded to the point that they were only marginally identifiable, and one could not be identified as a burrowing owl burrow with certainty.

During the 2016 breeding season protocol surveys, additional inactive burrows were found. The survey field work was supplemented by use of Google Earth satellite imagery. That imagery shows burrows in 2012 and 2014. All burrows found during the survey are shown in Figure 2.2-3. In total, 15 burrows were found within the Project footprint, and 24 were found in the northern biological open space. No burrowing owls were observed on or near the site, and no burrows were currently or recently active. Most burrow holes were filled, and very few had prey remains on the aprons. Only one burrow had detectable remains of pellets, and those were degraded into small piles of shell and fossorial mammal bones and fur. ~~Because burrows are unoccupied, the habitat is considered non-native grassland, per County guidelines.~~

**Ferruginous hawk** (*Buteo regalis*) is a USFWS Bird of Conservation Concern, CDFW Watch List, and County Narrow Endemic and Group 1 MSCP-covered species that is an uncommon winter visitor to San Diego County. This raptor forages over larger tracts of grassland, especially those less than 12 miles inland, as well as desert and sparsely brushy land. It tends to avoid areas near human activity and areas without large open spaces. One ferruginous hawk was observed soaring high over the site in December 1998. None were observed in 2015-2016.

**Turkey vulture** (*Cathartes aura*) is not a State or Federal special-status species, but is a County Group 1 and MSCP-covered species. Turkey vultures soar over dry open country such as coastal sage scrub, mixed and chamise chaparral, grassland, mixed conifer and closed cone forest habitats, as well as riparian habitat and roadsides, in search of the carrion upon which they feed. One turkey vulture was observed soaring over the site in 2015. None were observed in 2016.

**Northern harrier** (*Circus cyaneus*), a State Species of Special Concern and County Group 1 MSCP-covered species, forages over grasslands like many other raptors, but is unusual in building its nest on the ground within grassland, marsh or other dense vegetation. According to the San Diego Bird Atlas, a breeding population of four to six pairs was present on Otay Mesa at the time of that book's publication (2004), and even more birds may be present in winter. Breeding pairs have been observed on-site repeatedly during the REC team surveys, beginning in 1999. In February 2016, a pair and a single male were observed on and over the site. The female limited her activity to a specific area in grassland north of Lone Star Road and the mima mound area (see

location in Figure 2.2-3). One male foraged over a larger area of grassland, while the other male was observed only over the mima mound area grassland.

**White-tailed kite** (*Elanus leucurus*) is a CDFW Fully Protected and County Group 1 MSCP-covered raptor. This species is widespread over the coastal slope and prefers riparian woodlands, oak groves, or sycamore groves adjacent to grassland. In California, this species was known to feed almost exclusively on California vole (*Microtus californicus*), but composition of prey varies geographically and California white-tailed kites may be adapting to other locally available rodent prey such as mice. One pair was observed foraging over non-native grassland in the northern part of the site during the 1998 to 1999 surveys. None were observed in 2015-2016.

**California horned lark** (*Eremophila alpestris actia*), a CDFW Watch List and County Group 2 species, favors open patches of bare land alternating with low vegetation in grasslands, montane meadows, and sagebrush plains. Horned larks occurred throughout non-native grassland and disturbed areas on-site in 2016. Locations of pairs, flocks, and pinpointed individuals are shown in Figure 2.2-3.

**Loggerhead shrike** (*Lanius ludovicianus*), a USFWS Bird of Conservation Concern, State Species of Special Concern, and County Group 1 MSCP-covered species, inhabits open country with scattered trees and shrubs, agricultural land, desert washes and desert-edge scrub, broken chaparral and, occasionally, open woodland. Suitable hunting perches are an important part of the habitat. In 2015, a loggerhead shrike was observed in a snag on the bank of the agricultural pond (see locations in Figure 2.2-3). None were observed in 2016.

**Barn owl** (*Tyto alba*) is not a State or Federal special-status species, but is a County Group 2 species that forages in dense grassland or agricultural fields. Barn owls nest in cut bank burrows and cliff recesses, as well as bases of palm leaves and a wide variety of artificial cavities. In winter, this species often roosts in dense conifers or in nest boxes if available. Of the owls occurring in San Diego County, this species is most adapted to suburban and urban environments. During the 1998 to 1999 surveys, one barn owl was observed on/over the site. In 2016, feathers and a pellet were found below a perch in the mima mound portion of non-native grassland at the location shown in Figure 2.2-3.

**San Diego black-tailed jackrabbit** (*Lepus californicus bennettii*), a State Species of Special Concern and County Group 2 mammal, inhabits grasslands, agricultural fields, margins of citrus groves, and sparse shrublands on the coastal side of the southern California mountains from Ventura County south into San Diego County (and continuing into Baja California), and mostly west of the National Forest lands within San Diego County. In 2015 two individuals were observed, and in 2016 approximately five, including two juveniles, were observed in non-native grassland at the locations shown in Figure 2.2-3.

**Special-status Animal Species with Moderate Potential to Occur On-site**

Five species may have moderate potential to occur on-site: Riverside fairy shrimp (*Streptocephalus woottoni*), Coronado skink (*Plestiodon skiltonianus interparietalis*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), golden eagle (*Aquila chrysaetos*), and prairie falcon (*Falco mexicanus*). Riverside fairy shrimp has been assumed present and is~~t~~ discussed below. Golden eagle is discussed in this section because of its high sensitivity and relevance to the Project.

**Golden eagle** (*Aquila chrysaetos*) is a USFWS Bird of Conservation Concern, CDFW Watch List, CDFW Fully Protected, and County Narrow Endemic and Group 1 MSCP-covered raptor that lives in the mountains and foothills, adjacent grassland, and other open areas and canyons in San Diego County. No golden eagles were observed on or over the Project site during any of the REC team surveys between 1998 and 2016. No suitable nesting cliffs or trees are present within the Project site.

**Special-status Animal Species with Presence Assumed On-site**

**Riverside fairy shrimp** (*Streptocephalus woottoni*), like the San Diego fairy shrimp, is a Federal Endangered and County Narrow Endemic and Group 1 MSCP-covered branchiopod. It occupies vernal pools and other unvegetated ephemeral basins in inland Riverside, Orange, and San Diego counties (Ramona area), and coastal San Diego County and Baja California. Riverside fairy shrimp critical habitat does not occur on-site; the closest habitat is approximately 1,513 feet from the Project boundary. This fairy shrimp does not appear until later in the season compared to San Diego fairy shrimp, as it requires deeper basins and longer inundation. The most likely location for Riverside fairy shrimp on-site is within the abandoned agricultural pond basin, which has the potential to pond more deeply than the vernal pools on-site. Riverside fairy shrimp was not detected on-site in the 1998 dry season survey of the vernal pools and northern disturbed wetland, nor in the 1999 wet season survey of the agricultural pond basin. However, because the water level in the agricultural basin was lower than previously observed and ponded water was likely too shallow to support Riverside fairy shrimp in 1999, these negative finds were considered inconclusive. For the purposes of the 2000 BTR, the agricultural pond basin (disturbed wetland) was assumed occupied by Riverside fairy shrimp. Wet season fairy shrimp sampling could not be conducted in 2016 due to lack of adequate rainfall and ponding. No surveys were conducted in 2017 on the Project site.

**Other Special-status Animal Species with Project Significance**

**Quino checkerspot butterfly** (*Euphydryas editha quino*) is Federal Endangered, and County Narrow Endemic and Group 1 taxon. This rare butterfly inhabits open grassy areas in the interior foothills, including the slopes of the nearby San Ysidro Mountains. Its primary larval host plant is dot-seed plantain (*Plantago erecta*); desert/woolly plantain (*Plantago patagonica*), purple owl's-clover (*Castilleja exserta*), and possibly also (dark-tip) bird's beak (*Cordylanthus rigidus* [subsp. *Setigerus*]) and Coulter's snapdragon

(*Antirrhinum coulterianum*) may also be used. No Quino checkerspot butterfly (QCB) critical habitat occurs on-site; the closest is approximately 1,300 feet north and west of the Project boundary. In 1998, the Project site was evaluated by REC principal biologist Elyssa Robertson (Quino permit TE 0786714-1) for the potential to support QCB. Based on absence of host plants, historical disturbance of site, and density of non-native grassland, it appeared that the potential for QCB to occur on-site was not high. However, a protocol survey was conducted by RBRiggan and Associates in 1999 over the northern mima mound area. In the 1999 survey, no QCB were detected, and no primary host plant dot-seed plantain was found on-site. A "small number of widely scattered individuals" of purple owl's-clover was observed in the survey area. No other potential host plants were reported. The 1999 report concluded "Given the complete lack of *Plantago erecta* on this site (and virtual lack of *Castilleja exserta* or any possible alternative larval food plants for the Quino Checkerspot), and the lack of any Quino sightings on the Sunroad Centrum property, it would appear that the site can be developed without concern for a possible take of the Quino Checkerspot".

In 2001, QCB surveys were conducted by RBRiggan & Associates over the mima mound area and an "extremely limited, low density, localized population" of dot-seed plantain was found on the Project site. This dot-seed plantain population consisted of two groups of a few scattered individuals each. A limited population of purple owl's-clover was also found in the mima mound area. No QCB were detected. The 2001 report concluded "in that neither larvae nor adults of the Quino Checkerspot Butterfly were identified during the protocol survey; and, only an extremely limited population of food plants suitable for the Quino Checkerspot were identified within the boundaries of the property, it would appear that development of the Sunroad Centrum Property will have no effect on the endangered Quino Checkerspot Butterfly."

In 2015 and early 2016, primary host plant dot-seed plantain was found on-site, where vegetation was recolonizing the disturbed Lone Star Road alignment. Nectar plants, including common goldfields (*Lasthenia gracilis*), were also observed. Based on the presence of dot-seed plantain, a third protocol survey was conducted in 2016. Results of the survey were negative for QCB. The 2016 report concluded "although a medium density population of a Quino larval host plant was identified on-site, no larvae nor adults of the Quino Checkerspot were identified during the 2016 protocol survey. Therefore, any proposed future development of the Sunroad Centrum 250 property will have no effect on the endangered Quino Checkerspot Butterfly." A survey was not conducted in 2017.

**Other Federal and State Protected Birds**

Raptors and native birds are also afforded protection under Federal and State law. California Fish and Game Code Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant to the Code. The Federal Migratory Bird Treaty Act prohibits the killing or transport of native migratory birds, or any part, nest, or egg of any such bird unless allowed by another regulation (such as for "game" birds), Therefore, all native, non-game birds on the Project site, and the nests and eggs of all

native non-game birds, are protected during the nesting season even if these birds are not special-status or otherwise protected. Birds are assumed to nest on-site. Northern harriers appear to regularly nest in northern non-native grassland on-site, and California horned larks likely nest on-site.

California Fish and Game Code Section 3503.5 specifically protects all birds in the orders Falconiformes or Strigiformes (raptors, including owls). It is unlawful to take, possess, or destroy any such raptors or their nests and eggs except as otherwise provided in the Fish and Game Code. Seven raptor species were directly observed on or over the site: Cooper's hawk, red-tailed hawk (*Buteo jamaicensis*), ferruginous hawk, northern harrier, white-tailed kite, barn owl (*Tyto alba*), and American kestrel (*Falco sparverius*). Although burrowing owl was not directly observed, evidence of past use of the site by this raptor was observed.

**Wetlands / Jurisdictional Waters**

Wetland and water features occurring on the Project site consist of the following four features or sets of features:

1. The creek with non-native riparian vegetation in Johnson Canyon;
2. Vernal pools;
3. Small area of disturbed wetland in the abandoned agricultural pond; and
4. Small area of disturbed wetland along berm northeast of the agricultural pond.

These wetlands/waters, shown on Figure 2.2-3, are afforded protection by the County of San Diego, State of California, and US Environmental Protection Agency through the US Army Corps of Engineers (USACE). Jurisdictions are summarized below.

**County of San Diego Wetlands/Waters**

The County of San Diego, through its Resource Protection Ordinance (RPO), controls impacts to sensitive habitats including wetlands and floodplains. For the RPO, "wetland" is defined in Section 86.602(q)(1) as "lands having one or more of the following attributes:

(a) at least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places);
(b) the substratum is predominantly undrained hydric soil; or
(c) an ephemeral or perennial stream is present, whose substratum is predominantly non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system."

In Section 86.602(q)(2), the RPO definition of a wetland is qualified to exclude lands that have those wetland attributes solely due to man-made structures such as culverts, ditches, road crossings, or agricultural ponds, provided that the Director of Planning and Development Services determines that they:

(i) have negligible biological function or value as wetlands;
(ii) are small and geographically isolated from other wetland systems;
(iii) are not vernal pools; and,
(iv) do not have substantial or locally important populations of wetland dependent sensitive species.

Also excluded in Section 86.602(q)(2) are lands that have been degraded by past legal land disturbance activities, to the point that they meet the following criteria, as determined by the Director of Planning and Development Services:

(i) have negligible biological function or value as wetlands even if restored to the extent feasible; and
(ii) do not have substantial or locally important populations of wetland dependent sensitive species.

Allowed uses of and impacts to RPO wetlands are limited by the RPO. The wetlands must be protected by upland buffers, which also have use and impact limitations. (Wetlands that do not qualify as RPO wetlands are less strictly regulated by the County, but are still considered County wetland *habitats* and are protected as sensitive habitat.)

Based on the definitions listed above, all four (sets of) features would currently qualify as RPO wetlands.

1. The creek with non-native riparian vegetation in Johnson Canyon, because it is an ephemeral to intermittent creek with areas of riparian and wetland vegetation, as well as areas of non-soil substrate, and is a tributary to the Otay River.
2. Vernal pools, because they are specifically included as RPO wetlands.
3. Small area of disturbed wetland in the abandoned agricultural pond because it contained live San Diego fairy shrimp during the last completed protocol survey (any fairy shrimp on Otay Mesa are part of a locally important population).
4. Small area of disturbed wetland along berm northeast of the agricultural pond because it contained San Diego fairy shrimp cysts during the last completed protocol survey (again, any fairy shrimp on Otay Mesa are part of a locally important population).

**US Army Corps of Engineers (USACE) Wetlands/Waters**

Pursuant to Section 404 of the Clean Water Act (CWA), the USACE regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in USACE regulations at 33 CFR Part 328.3(a) as:

*(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide;*
*(2) All interstate waters including interstate wetlands;*

*(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect foreign commerce including any such waters:*
*(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or*
*(ii) From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or*
*(iii) Which are used or could be used for industrial purpose by industries in interstate commerce...*
*(4) All impoundments of waters otherwise defined as waters of the United States under the definition;*
*(5) Tributaries of waters identified in paragraphs (a) (1)-(4) of this section;*
*(6) The territorial seas;*
*(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1)-(6) of this section.*
*(8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the U.S. Environmental Protection Agency (EPA).*

*Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.*

In the absence of wetlands, the limits of USACE jurisdiction in non-tidal waters, such as intermittent streams, extend to the ordinary high water mark (OHWM) which is defined in 33 CFR 328.3(e) as:

> *...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*

The term “wetlands,” a subset of “waters of the United States,” is defined in 33 CFR 328.3(b) as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." In 1987 the USACE published a manual to guide its field personnel in determining jurisdictional wetland boundaries. The methodology set forth in the 1987 “Wetland Delineation Manual and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region” generally require that, in order to be considered a wetland, the vegetation, soils, and hydrology of an area exhibit at least minimal hydric characteristics. The Johnson Canyon drainage in the northeastern corner of the site

would fall under USACE jurisdiction, as a Waters of the US (which could contain USACE wetlands).

**California Waters of the State**

Wetlands and waters are also protected by the State of California under the Porter-Cologne Water Quality Control Act (CWC) as “Waters of the State,” which is defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.” The Porter-Cologne Act designated the State Water Resources Control Board (SWRCB) and the RWQCBs as the principal state agencies with primary responsibility for the coordination and control of water quality.

As with the CWA definition of wetlands, certain exemptions exist: exemptions from CWA section 404 permits are also excluded from the State dredge and fill procedures. These exemptions are prior converted cropland, constructed treatment wetlands, and certain aquatic areas determined not to be waters of the State, such as treatment wetlands and sedimentation/storm water detention basins.

Because the RWQCB claims jurisdiction over all surface waters except for those specifically exempted, and the on-site wetland/water features periodically contain surface water and are not covered by those exemptions, all four (sets of) features would fall under RWQCB jurisdiction.

**California Department of Fish and Wildlife Lakes and Streams**

Pursuant to Division 2, Chapter 6, Section 1602 of the California Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife. CDFW defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife. CDFW does not typically claim jurisdiction over small isolated waters such as vernal pools or detention basins.

Because CDFW jurisdiction over lakes and streams does not extend to small isolated waters, only the Johnson Canyon drainage in the northeastern corner of the site would be CDFW-jurisdictional.

**Habitat Connectivity, Wildlife Corridors, and Nursery Sites**

The County defines a corridor as “A specific route that is used for movement and migration of species. A corridor may be different from a ‘linkage’ because it represents a smaller or more narrow avenue for movement.” A linkage is “An area of land which

supports or contributes to the long-term movement of wildlife and genetic exchange by providing live-in habitat that connects to other habitat areas." (County of San Diego 2010). Wildlife corridors or linkages between significant wildlife areas are important because of their role in preserving species diversity and viability. Without some connection or corridor to other areas, wildlife areas become virtual islands surrounded by development. For viable wildlife habitat, it is important to design development with the goal of maximizing large contiguous open space and minimizing isolated wildlife habitat.

The Project site and overall EOMSP area are located at the southwestern edge of an extensive natural open space system that includes Bureau of Land Management (BLM) land to the north and east, City of San Diego lands around Lower Otay Reservoir, and the Otay River Valley to the north of the site. The San Ysidro Mountains to the east are one the largest continuous undisturbed tracts of natural open space in southwestern San Diego County. These mountains have been identified as a high-priority core preserve area under the MSCP program. Lower Otay Reservoir to the north is the major year-round water source in the area. The Otay River Valley is a major linkage between the fragments of habitat remaining to the west of the site, and the large areas of open space to the north and east of the site. Johnson Canyon and O'Neal Canyon provide access to the river valley from Otay Mesa, as well as relatively protected habitat and riparian resources. O'Neal Canyon, with its steep canyon walls, trees, natural habitats, stream, and rocky pools, provides cover, food, and water for wildlife. It is a major linkage between the San Ysidro Mountains and the Otay River Valley and is used by large mammals, golden eagles, California gnatcatchers, and a variety of other wildlife species. Johnson Canyon, which traverses the northern edge of the Project site, is of somewhat lower value as a movement corridor because it ends west of Alta Road and no longer directly connects to the mountains. The western portion of the Project site supports poor habitat for wildlife movement because the open agricultural fields provide little topographical or vegetative cover, and the region west and south of the Otay River is largely developed or otherwise constrained by human activity.

The slopes of Johnson Canyon in the northern part of the Project site provide wildlife corridor function. The portion of Johnson Canyon and its drainage on and adjacent to the site represents the upper end of a wildlife corridor that leads to the Otay River Valley, but it does not provide a high quality corridor to the extensive open space to the east. However, it does provide a degree of connectivity between the northern section of the site and the Lone Star mitigation bank/preserve located on the canyon approximately 0.6 mile downstream and 0.3 mile overland to the east. Because the site is bordered by Otay Mesa Road and industrial development to the south, and SR-125 to the west, it does not provide a corridor or connectivity in those directions.

Native wildlife nursery sites are sites where wildlife concentrates for hatching and/or raising young, such as rookeries, spawning areas and bat colonies (County of San Diego 2010). Although wildlife species breed on-site, breeding activity is not concentrated; and the site would not be considered a wildlife nursery.

## 2.2.1.2 *Methodology*

REC and its subcontractors performed numerous general and focused site surveys between 1998 and 2001 for the 2000 BTR and associated RCP (including RCP revisions completed in 2003). Additional mitigation-related surveys were conducted on-site in 2004, 2005, and 2006. General and focused surveys were undertaken in 2015 and 2016 to confirm or update documentation of biological resources on-site since the 2000 SEIR. Focused surveys were conducted for rare plants, vernal pools, fairy shrimp, wetlands, Quino checkerspot butterfly, and burrowing owl. No surveys were conducted in 2017. Table 2.2-2 summarizes all site surveys for the Project, with survey type and conditions during each survey.

**General and Special-status Species Survey Methodology**

Existing biological resources that occur on the Project site were investigated through field reconnaissance and literature review by REC biologists. Literature review included California Native Plant Society (CNPS) Rare Plant Inventory, California Natural Diversity Database (CNDDB), *San Diego Bird Atlas*, *The Jepson Manual* 2nd edition, *Jepson eFlora*, *Rare Plants of San Diego*, and the "Biological Technical Report for the East Otay Mesa Specific Plan Area" (County of San Diego 1993). The Project site was surveyed for plants and animals via intensive surveys between 1998 and 2016. Wildlife species were identified directly by sight or vocalizations and indirectly by scat, tracks, pellets, feathers, or burrows. Plant species were identified by REC biologists in the field and/or collected for later identification. Field notes were maintained ~~by~~ throughout the surveys. Species of interest were mapped by hand on printed satellite imagery and/or mapped with a hand-held Garmin GPS unit. Although the surveys focused on sensitive plant and wildlife species, all species observed were noted by biologists. Additionally, all on-site habitats were mapped and the presence or absence of suitable habitat for sensitive (special-status) species was documented. Mapping of vegetation and habitats on the Project site was conducted on printed Google Earth satellite images scaled at approximately 1 inch = 200 feet based on field observations, and confirmed or refined using additional Google Earth satellite imagery.

Additionally, focused surveys and population checks were conducted for special-status (sensitive) plant species (1998, 2001, 2004, 2005, 2006, and 2015), fairy shrimp (1998-1999 and 2016), burrowing owl (2016), and Quino checkerspot butterfly (1999 and 2016). Special-status species observed during the focused surveys were included in the site plant and animals lists.

**Burrowing Owl Methodology**

Burrowing owl (*Athene cunicularia*) surveys were conducted according to the California CDFW March 2012 Staff Report on Burrowing Owl Mitigation, Appendix D, and County of San Diego survey guidelines (2010), as required by the County of San Diego. In 2016, a breeding season protocol survey for all potentially suitable habitat was conducted throughout the site. In addition to the field transects, this survey used Google Earth to

identify burrows on-site in 2012 and 2014 and then check those specific locations in the field. A preliminary breeding season survey was conducted in 2015 in conjunction with spring plant surveys.

**Quino Checkerspot Butterfly Survey Methodology**

In 1999, ~~Quino~~ QCB surveys were conducted by Royce B. Riggan (Federal permit PRT-780195) of RBRiggan & Associates over an area corresponding to the northern portion of mima mound topography. The methods outlined in the "Survey Protocol for the Endangered Quino Checkerspot Butterfly *(Euphydryas editha quino)* for the 1999 Field Season (USFWS 1999) were used during these surveys. The results of the survey were negative and no primary host plant dot-seed plantain (*Plantago erecta*) was observed on-site. However, in 2001, QCB surveys were again conducted by RBRiggan & Associates over the mima mound area and an "extremely limited, low density, localized population" of dot-seed plantain was found on the Project site. The 2001 survey was conducted according to the Year 2000 survey protocols. No QCB were detected and the report concluded that the Project site was not occupied by QCB.

In 2016, a third protocol survey was conducted by Gretchen Cummings (Federal permit TE-031850-4). The 2016 survey series was conducted according to the Proposed 2016 Quino Checkerspot Survey Protocol (USFWS 2016), which combined elements of past USFWS protocols (2002, early 2014, and late 2014) to use for the 2016 season, with reporting and required survey areas unchanged from the late 2014 protocol. As was the case in 2001, small areas of dot-seed plantain were found but no QCB were detected.

**Fairy Shrimp Survey Methodology**

Protocol dry season surveys were conducted by Charles Black in 1998, and an additional wet season sample was collected by him in early 1999. In February 2016, protocol wet season sampling was attempted by Greg Mason (Federal permit TE-58862A) of Alden Environmental, Inc. in order to update survey results; however, the pools did not receive adequate rainfall to pond, and the 2016 wet season sampling was not possible.

**Special-status Plants Survey Methodology**

Focused special-status plant surveys conducted in 1998 and 2001, with a special emphasis on those species historically documented on-site. In 2004, 2005, and 2006, additional surveys were conducted to evaluate the variegated dudleya (*Dudleya variegata*) population on-site and search for other previously documented special-status species. In 2015, focused surveys were conducted in early spring, mid-spring, and early summer. However, conditions were poor due to drought. In 2016, the site was reassessed for a focused special-status plant survey, but due to ongoing drought, plant germination and growth were still below average and a focused survey series was not conducted. However, locations of known occurrences were checked during other site visits and all observed plants were documented. All Otay 250 surveys are summarized in Table 2.2-2.

## 2.2.1.3 *Regulatory Framework*

### Federal

#### Federal Endangered Species Act

The US Congress passed the Federal Endangered Species Act (ESA) in 1973 to provide a means for conserving the ecosystems that Endangered and Threatened species require in order to avoid extinction. The Federal ESA has four major components: 1) Section 4, which provides for listing species and designating critical habitat; 2) Section 7, which requires Federal agencies, in consultation with the USFWS, to ensure that their actions are not likely to jeopardize the continued existence of species or result in the modification or destruction of critical habitat; 3) Section 9, which prohibits against "taking" listed species; and 4) Section 10, which provides for permitting incidental take of listed species.

#### Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (as amended) was passed by Congress to prohibit the killing or transportation of native migratory birds and the parts, nests and eggs of such birds, except as allowed by other legislation. All birds in California except those specifically excluded (such as non-native birds and certain "game" birds) are protected by this act.

#### Bald and Golden Eagle Protection Act

The Bald Eagle Protection Act was enacted in 1940 to prohibit the take, transport, or sale of bald eagles, their eggs, or any part except where expressly allowed by the Secretary of Interior, and was amended in 1962 to also cover golden eagles and in 2010 to prohibit "take of important use areas."

#### Clean Water Act

The 1948 Federal Water Pollution Control Act was amended in 1972 to become the CWA, which established the basic structure for regulating discharges of pollutants into the waters of the United States and regulating surface water quality standards. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters of the United States unless a permit is obtained.

Under Section 404 of the CWA, the USACE regulates the discharge of dredged and/or fill material into Waters of the US. This agency claims jurisdiction over waters of the US, including wetlands in or adjacent to Waters of the US. Impacts to USACE wetlands and other Waters of the US generally require a permit from the USACE. Such impacts may be permitted under pre-approved Nationwide permits, but Individual permits may be required when projects propose impacts greater than what is covered by ~~individual~~ Nationwide permits. Compensatory mitigation is required to achieve the USACE goal of "no net loss."

**State**

**California Endangered Species Act**

The California Endangered Species Act (CESA) of 1984 generally parallels the main provisions of the Federal ESA and is administered by the CDFW; it prohibits take of any species that the California Fish and Game Commission has classified as Threatened or Endangered, or that is experiencing a significant decline that could lead to such as designation, and it permits take incidental to otherwise lawful development projects with approval from CDFW.

**California Environmental Quality Act**

CEQA of 1970 (as amended) requires that proposed projects be reviewed for environmental impacts, including impacts to biological resources. CEQA does not specifically define what constitutes an "adverse effect" on a biological resource; instead, lead agencies are charged with determining what should be considered a significant impact according to the CEQA guidelines, and establishing the appropriate mitigation measures regarding biological impacts. CEQA guidelines provide criteria that the County of San Diego uses in determining whether a project may have significant effects.

**California Fish and Game Code**

California Fish and Game Code regulates the taking and possession of birds, mammals, fish, amphibians, and reptiles, as well as impacts to natural resources such as Waters of the State. It includes the CESA described above, Streambed Alteration Agreement regulations (Sections 1600-1616), provisions for legal hunting and fishing, tribal agreements for activities involving take of native wildlife, protection of nests and eggs of all birds except as otherwise provided by Fish and Game Code (Section 3503), protection of all raptors and their nests and eggs except as otherwise provided (Section 3503.5), and the California Native Plant Protection Act (Section 1900-1913).

**California Native Plant Protection Act**

The California Native Plant Protection Act of 1977 directed CDFW to carry out the legislature's intent to "preserve, protect and enhance Rare and Endangered plants in this State" and gave CDFW the power to designate native plants as Endangered or Rare and to protect such designated plants from take.

**Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Control Act provides State-wide coordination for protection of Waters of the State. It established the SWRCB as the State agency with primary responsibility for the control of water quality, and nine RWQCBs to oversee water quality at the regional level. Impacts to Waters of the State require notification/permitting through the RWQCB and usually also require compensatory mitigation, although this

mitigation is typically handled through USACE and/or CDFW.

**Natural Communities Conservation Planning Act**

The State of California passed the Natural Communities Conservation Planning (NCCP) Act (Fish and Game Code 2800 *et seq.*) in 1991. Under this Act, NCCP Plans are designed to conserve natural communities at the ecosystem scale while accommodating compatible land use. It is broader in its orientation and objectives than the California and Federal Endangered Species Acts, which are designed to identify and protect individual species that have already declined significantly in number. CDFW is the principal State agency that implements the NCCP Program. NCCP Plans developed in accordance with the Act provide for comprehensive management and conservation of multiple wildlife species, and identify and provide for regional or area-wide protection and perpetuation of natural wildlife diversity while allowing compatible and appropriate development and growth. For planning purposes, some subregions are organized into "Subareas" that correspond to geographic boundaries of participating jurisdictions and/or landowners. In each subregion and subarea, a local lead agency coordinated the collaborative planning process. Working with landowners, environmental organizations, and other interested parties, the local lead agency oversees development of a conservation plan, and CDFW and USFWS provide the necessary support and guidance. Because the Project site is within the County of San Diego MSCP subarea, the NCCP is largely supplanted by the MSCP plan; however, portions of eastern Otay Mesa are classified as Amendment Areas, in which take to State and Federally protected species must still be negotiated with the Wildlife Agencies (see MSCP below).

**Local**

**County of San Diego Resource Protection Ordinance**

The RPO was adopted in 1989 and amended in 1991 and 2007. It restricts, to varying degrees, impacts to natural resources including wetlands, wetland buffers, floodplains, steep slopes, sensitive habitat lands, and historical sites. Certain permit types are subject to the requirement to prepare Resource Protection Studies under the RPO. RPO-permitted uses in wetlands, as defined by the ordinance, are aquaculture, scientific research, wetland restoration projects, limited removal of diseased or invasive plant species, and limited road, driveway, or trail crossings when specific findings are made for these uses. In addition, the ordinance requires that a wetland buffer be provided to further protect the wetland resources. Improvements necessary to protect the adjacent wetlands and those uses allowed within the actual wetland are the only allowed uses within the buffer.

The RPO also limits impacts to sensitive habitat lands. Habitats considered sensitive or significant under CEQA are not necessarily considered RPO sensitive habitat lands. RPO sensitive habitat lands include, but are not limited to:

- Lands that include habitats of rare or endangered species or subspecies of animals or plants as defined under Section 15380 of CEQA Guidelines (State- and Federal-listed species or species that would qualify for such listing);
- Lands that contain unique vegetation communities that are rare or substantially depleted; and
- Lands which are critical to the proper functioning of a balanced natural ecosystem or which served as a functioning wildlife corridor.

Examples of lands that would not automatically be considered RPO sensitive habitat lands include, but are not limited to: coastal sage scrub, oak woodland, chaparral, and non-native grasslands, provided that these habitats: (a) do not include populations of State- and Federal-listed species); (b) are not critical to a balanced ecosystem; or (c) are not part of a functioning wildlife corridor. Impacts to RPO sensitive habitat lands are only allowed when: (a) all feasible measures have been applied to reduce impacts; and (b) mitigation provides an equal or greater benefit to the affected species.

The RPO includes the provision that when "the extent of environmentally sensitive lands on a particular legal lot is such that no reasonable economic use of such lot would be permitted by these regulations, then an encroachment into such environmentally sensitive lands to the minimum extent necessary to provide for such reasonable use may be allowed".

**Multiple Species Conservation Program**

The MSCP is a long-term regional conservation plan designed to establish a connected preserve system that protects the County's sensitive species and habitats. The MSCP covers 582,243 acres in over 12 jurisdictions, and each jurisdiction would have its own subarea plan. The Subarea Plan for the County's main jurisdictional area (now also known as the South County MSCP) covers 252,132 acres in the southwestern area, and is implemented by the Biological Mitigation Ordinance (BMO), which outlines the specific criteria and requirements for projects within the MSCP boundaries. As an NCCP Plan, the MSCP allows the County to authorize take for certain Federal- and state-protected "covered" species and thereby simplifies the administrative process of environmental permitting and development in the County.

*MSCP Amendment Areas:* In some areas, locations of preservation and development were not resolved at the time the County Subarea Plan was published, and these areas are called Amendment Areas. Amendment Areas are not included in County take authorizations otherwise provided by the MSCP until an amendment process is completed; processing involves consultation with not only County biologists, but also representatives of CDFW and USFWS to ensure compliance with CEQA, ESA, and CESA.

Major Amendment Areas contain habitat of higher value, including dedicated or designated preserve areas. Projects in Major Amendment Areas must be fully processed

by USFWS and CDFW in conformance with all applicable laws and regulations, including those listed above.

Minor Amendment Areas contain habitat that could be lost without significant negative impacts to the County Subarea Plan. Minor Amendments require approval of the USFWS field office supervisor and the CDFW Natural Communities Conservation Program Manager. Processing a Minor Amendment requires preparation of a CEQA document, a biological resources report, identification of any mitigation required by the BMO, and concurrence by the wildlife agencies. Before development may occur, the Minor Amendment must be granted and the required mitigation implemented. Minor Amendment requests are currently being processed on a case-by-case basis. Most of the Minor Amendment Area is covered by non-native grasslands habitat.

Minor Amendment Areas with Special Considerations are transitional areas located primarily between the Minor and Major Amendment Areas where the likelihood of the presence of biologically sensitive resources is higher. If particularly sensitive species are identified as occurring in one of these Areas, on-site preservation may be required. The process for a Minor Amendment Area with Special Considerations is similar to a Minor Amendment area, but on-site preservation may be required if particularly sensitive species are identified. Minor Amendment Areas with Special Considerations are processed on a case-by-case basis.

Amendment Areas on the Project site are shown in Figure 2.2-2. Most of the southern and western section of the site, south of the Lone Star Road alignment, is classified as a Minor Amendment Area. A small area in the center of the site, corresponding to the mima mound area, is classified as a Minor Amendment Area Subject to Special Consideration with “G Designator”. The G Designator applies to areas that have steep slopes and/or are biologically sensitive, and are subject to the Sensitive Resource Area Regulations of the Zoning Ordinance. The entire area to the north of Lone Star Road is classified as a Major Amendment Area with G-Designator.

The USFWS and CDFW provided conditional concurrence for the Sunroad Centrum Minor Amendment in a letter dated November 14, 2003. The proposed Otay 250 Sunroad Project would grade the same area as compared to the previously approved Sunroad Centrum project. Therefore, the County has determined that the Minor Amendment does not need to be re-evaluated.

In regard to the Major Amendment Area, USFWS and CDFW previously concluded that, if there were no impacts to this area, there was no need to process an amendment for the project. The proposed Project would not result in impacts to the Major Amendment Area. Thus, there is no need to process an amendment for the Otay 250 Sunroad Project.

**East Otay Mesa Specific Plan and Amendments**

The EOMSP is a regulatory document that established standards for development, environmental conservation, and public facilities to implement the objectives of the

County of San Diego General Plan and Otay Subregional Plan. The Specific Plan area contains approximately 3,013 acres of land, of which approximately 2,110 acres are planned as a modern industrial and business center and approximately 552 acres would be set aside for conservation or very low-density residential use. Planning for the EOMSP began in the 1990s in response to expansion of industrial development in the City portion of Otay Mesa, opening of the Otay Mesa Border Crossing, and improvement of Otay Mesa Road/SR-905, which prompted County property owners to plan for future development in eastern Otay Mesa. The Board of Supervisors approved the original Specific Plan in 1994. Amendments to the original plan have been approved and implemented since that time, the latest of which is the eighth amendment approved in April 2015. The Project site is located in the northwestern section of the EOMSP area, as shown in Figure 2.2-2.

## 2.2.2 Analysis of Project Effects and Determination as to Significance

### 2.2.2.1 *Guidelines for Determination of Significance*

Based on the County of San Diego Guidelines for Determining Significance- Biological Resources, the Project would result in a significant impact relative to biological resources if the Project would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species listed in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
3. Have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. Conflict with one or more local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance and/or would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## 2.2.2.2 *1994 East Otay Mesa Specific Plan EIR*

The 1994 EIR included an analysis of biological regulations pertinent at the time of adoption, as well as existing conditions and impacts related to the East Otay Mesa Specific Plan project. The 1994 EIR identified the following biological resources impacts:

- The East Otay Mesa Specific Plan would result in significant impacts to the following habitats:
    - Diegan coastal sage scrub
    - Grassland
    - Southern interior cypress forest
    - Wetlands
    - Vernal pools
    - Rock outcrop/bedrock

- Impacts to vernal pools and coastal sage scrub that contain sensitive species were determined to be significant and unmitigable.

- The East Otay Mesa Specific Plan was determined to result in potentially significant impacts to wildlife corridors including O'Neal Canyon and Otay River Valley.

- Impacts to the following sensitive plant and animal species would be significant and unmitigable for the entire East Otay Mesa Specific Plan:

    Plants
    - Golden-spined cereus (*Bergerocactus emoryi*)
    - Orcutt's brodiaea (*Brodiaea orcuttii*)
    - Dunn's Mariposa lily (*Calochortus dunnii*)
    - Tecate Cypress (*Cupressus forbesii*)
    - Variegated dudleya (*Dudleya variegata*)
    - San Diego button-celery (*Eryngium aristulatum* var. *parishii*)
    - Otay tarplant (*Hermizonia conjugens*)
    - San Diego marsh elder (*Iva hayesiana*)
    - Cleveland's goldenstar (*Muilla clevelandii*)
    - Little mousetail (*Myosurus minimus*)
    - ~~Prostrate~~ Spreading navarretia (*Navarretia fossalis*)

    Animals
    - Western spadefoot toad (*Spea hammondii*)
    - California gnatcatcher (*Polioptila californica*)
    - Burrowing owl (*Athene cunicularia*)
    - Raptors (as an assemblage)
    - Riverside fairy shrimp (*Streptocephalus woottoni*)
    - Vernal Pool fairy shrimp (*Branchinecta lynchi*)

The 1994 EIR mitigation measures have either been incorporated in the subsequent environmental documents as described below or superseded by these subsequent environmental documents, also indicated below. Mitigation measures for Biological Resources can be found on pages 4.3-69 through 4.3-108 of the 1994 EIR.

### 2.2.2.3 *2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

The 2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR addressed the existing conditions, impacts, and mitigation measures for biological resources within the 250.5-acre project site for Tentative Map ~~5538~~5139. (Table 2.2-3, *Comparison of 2017 BTR and 2000 FSEIR Vegetation/Habitat Impacts*, provides a comparison of impact acreages in the 2000 FSEIR and in this 2017 BTR update.) In addition to the biological resources identified in the 1994 EIR, the 2000 SEIR identified new biological resource impacts, requiring new mitigation. This mitigation is pertinent to the proposed Project and remains valid. The 2000 SEIR concluded that the new mitigation measures would mitigate the previously significant and unmitigable impacts identified in the 1994 EIR to below a level of significance within the Project area. Because the 2000 SEIR represents a project area consistent with the proposed Project, and because the 2000 SEIR retains the relevant mitigation for the 1994 EIR in addition to mitigation for new impacts, the 2000 SEIR supersedes the 1994 EIR for the Project site. The 2000 SEIR incorporated mitigation measures from the 1994 EIR that remained relevant and applicable to the Sunroad Centrum project. Because the proposed Project maintains the same footprint as that approved with the 2000 SEIR for Tentative Map 5139~~5538~~, these mitigation measures remain relevant to the proposed Project and are incorporated into the mitigation measures provided in this SEIR.

### 2.2.2.4 *2012 Sunroad Otay Tech Centre Addendum*

In 2012, an Addendum was prepared for the Sunroad Otay Tech Centre project. This Addendum analyzed the impacts of the Sunroad Otay Tech Centre project on biological resources and noted a number of mitigation measures previously identified in the 2000 SEIR that had been satisfied (as described above), including the recordation of two biological open space easements (the 51.3-acre open space easement dedicated as a condition of Tentative Map 5139RPL6R and the 0.41-acre on-site open space easement recorded on lot 55 of Tentative Map 5139RPL6R) and a monetary contribution toward the preservation of land in Hollenbeck Canyon.

The 2012 Addendum found that the Sunroad Otay Tech Centre project was responsible for implementing the RCP prepared for the 2000 SEIR (Appendix B of the 2000 SEIR) as mitigation for newly identified biological resources impacts prior to grading on the project site. Additionally, that project was conditioned to provide off-site mitigation for 80 variegated dudleya plants. No new biological regulations applied to the Project site, and no new biological mitigation was required.

## 2.2.2.5 *Proposed Project*

The way that project impacts are organized and analyzed has changed since the time of the Project's 2000 SEIR. Some policies, such as the RPO, have also changed. The 2017 BTR update follows the current "Guidelines for Determining Significance and Report Format and Content Requirements" (2010) and "Report Format and Content Requirements" (2010). As a result, the impact analysis in this and following sections is more detailed, and impacts are analyzed more specifically than in the certified 2000 SEIR.

**Guidelines for the Determination of Significance for Special-status Species**

The following analysis determines if the Project would have a substantial adverse effect, either directly or through habitat modifications, on one or more species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

A. The project would impact one or more individuals of a species listed as Federally or State Endangered or Threatened.
B. The project would impact an on-site population of a County List A or B plant species, or a County Group 1 animal species, or a species listed as a State Species of Special Concern.
C. The project would impact the local long-term survival of a County List C or D plant species or a County Group 2 animal species.
D. The project may impact arroyo toad aestivation, foraging or breeding habitat.
E. The project would impact golden eagle habitat.
F. The project would result in a loss of functional foraging habitat for raptors.
G. The project would impact the viability of a core wildlife area, defined as a large block of habitat (typically 500 acres or more not limited to project boundaries, though smaller areas with particularly valuable resources may also be considered a core wildlife area) that supports a viable population of a sensitive wildlife species or supports multiple wildlife species.
H. The project would cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive species over the long term. The following issues should be addressed: increasing human access; increasing predation or competition from domestic animals, pests or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species.
I. The project would impact occupied burrowing owl habitat.
J. The project would impact occupied cactus wren habitat, or formerly occupied coastal cactus wren habitat that has been burned by wildfire.
K. The project would impact occupied Hermes copper habitat.
L. The project would impact nesting success of the following sensitive bird species through grading, clearing, fire fuel modification, and/or other noise generating activities such as construction:

- Tree-nesting raptors
- Ground-nesting raptors
- Golden eagle (*Aquila chrysaetos*)
- Coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*)
- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Coastal California gnatcatcher (*Polioptila c. californica*)
- Light-footed clapper rail (*Rallus longirostris levipes*)
- Least Bell's vireo (*Vireo bellii pusillus*)

**Analysis of Project Effects for Special-Status Species**

A. *Guideline: The project would impact one or more individuals of a species listed as Federally or State Endangered or Threatened.*

Two Federal and/or State Endangered species have been documented within the Project's direct impact area: San Diego button-celery (State and Federal Endangered) and San Diego fairy shrimp (Federal Endangered). In addition, Riverside fairy shrimp (Federal Endangered) was assumed present.

The 2000 SEIR for the Project assumed that all San Diego button-celery individuals and vernal pools in the J22 complex would be avoided. Indirect impacts were analyzed and mitigated to a level less than significant through design modifications and open space preservation. The Project would also directly impact approximately 46 percent (about 30 individuals) of all San Diego button-celery (Federal and State Endangered) plants documented on-site (about 65 individuals) through loss of a previously undetected group of approximately 30 plants in a mima mound depression south of Lone Star Road, and southeast of the vernal pool located south of Lone Star Road. The Project could also result in indirect impacts to San Diego button-celery close to Lone Star Road, due to edge effects (**Impact BI-1**). These direct and indirect impacts would be considered significant and require mitigation. San Diego button-celery was not found onsite during the 2015-2016 surveys. San Diego button-celery has been reported onsite in previous studies and may have been undetectable in 2015-2016 due to drought conditions. In accordance with County guidelines, potential impacts and mitigation were evaluated based on the earlier reports. Spring surveys during a year of average or better rainfall would be necessary to update the number of San Diego button-celery individuals impacted. Impacts to San Diego button-celery would be mitigated to below a level of significance with implementation of mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Based on the 2000 SEIR, development of the Project would directly impact San Diego fairy shrimp (Federal Endangered) through loss of two small disturbed wetlands in which it was found. In addition, although 72.5 acres of the site was designated critical habitat in 2007, based on the recent surveys, 26.8 acres of suitable habitat (pools typically more than 30 centimeters deep, within 64 kilometers of the Pacific Ocean, and less than 701 metersAMSL) exist on-site. The remaining 45.7 acres of designated critical habitat are

currently non-native grass lands located within the open space easement. Therefore, critical habitat would be preserved.

The Project could also result in significant indirect impacts to San Diego fairy shrimp in vernal pools that are close to Lone Star Road and vulnerable to edge effects. These direct and indirect impacts would be considered significant and require mitigation (**Impact BI-2**). Impacts to San Diego fairy shrimp would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Riverside fairy shrimp (Federal Endangered) is assumed present in the disturbed wetland of the agricultural basin, as stated in the 2000 BTR. Therefore, based on the 2000 SEIR, direct Project impacts to this species are assumed significant and would require mitigation (**Impact BI-3**). Impacts to Riverside fairy shrimp would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

In summary, development of the Project site would result in significant impacts to three State/Federal Endangered species (San Diego button-celery, San Diego fairy shrimp, and Riverside fairy shrimp). Significant impacts to these species would require mitigation.

*B. Guideline: The project would impact an on-site population of a County List A or B plant species, or a County Group 1 animal species, or a species listed as a State Species of Special Concern.*

The following three County List A or B plant species were documented within the Project's direct impact area in the surveys conducted for the 2000 SEIR and the more recent surveys: variegated dudleya (Group A), San Diego button-celery (Group A), and coast barrel cactus (Group B). For the purposes of quantifying impacts in the 2017 BTR update, the 1994 EOMSP BTR dudleya plant count is used because it included dudleya found in the same general areas as in later surveys, and is the only population count with a precise number. Based on the numbers provided in the 1994 EOMSP BTR, 73 (in the SPA Industrial land use area south of Lone Star Road) of the 361 individuals associated with the J22 vernal pool complex would be impacted (20 percent of the J22 population found at that time) (**Impact BI-4**). The Project's direct impacts to variegated dudleya would be considered significant and require mitigation. Variegated dudleya was not found onsite during the 2015-2016 surveys and may have been undetectable in 2015-2016 due to drought conditions. Therefore, in accordance with County guidelines, potential impacts and mitigation were evaluated based on earlier reports. Spring surveys during a year of average or better rainfall would be necessary to update the number of variegated dudleya individuals impacted. Impacts to variegated dudleya would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Significant Project impacts to San Diego button-celery are described in A, above (**Impact BI-1**).

Approximately half (55 individuals) of the coast barrel cacti found on-site were located within the Project impact area and would be relocated. This significant direct impact would

require mitigation. As described below, an approved Barrel Cactus Transplantation Plan was implemented and received County sign-off for completion in 2012; therefore, mitigation for significant direct impacts to this species is complete.

Twelve County Group 1 or State Species of Special Concern animal species have been documented in or over the Project's direct impact area: San Diego fairy shrimp (Group 1), Riverside fairy shrimp (Group 1) (assumed present), Cooper's hawk (Group 1), Southern California rufous-crowned sparrow (Group 1), grasshopper sparrow (Species of Special Concern, Group 1), burrowing owl (Species of Special Concern, Group 1), ferruginous hawk (Group 1), turkey vulture (Group 1), northern harrier (Species of Special Concern, Group 1), white-tailed kite (Group 1), loggerhead shrike (Species of Special Concern, Group 1), and black-tailed jackrabbit (Species of Special Concern).

Significant Project impacts to San Diego fairy shrimp (and Riverside fairy shrimp) are described in A, above.

The Project would impact burrowing owl habitat (**Impacts BI-5** and **BI-13**). Fifteen abandoned burrows were found within the Project development footprint [and another 24 within the ~~proposed the~~ Open Space Easement (Lot 20 of the proposed Tentative Map)]. However, no active or recently active burrows were found on-site during the 2015 and 2016 surveys. Thus, based on surveys, the burrows are unoccupied. ~~This direct impact to 195.99 acres of non-native grassland burrowing owl habitat would be significant and requires mitigation but because the burrows are unoccupied, the habitat is considered non-native grassland and the mitigation ratio is 0.5:1.~~ Impapcts to non-native grassland were previously analyzed ~~anzlyzed~~ in the 2000 SEIR. The 2000 SEIR required mitigation for impacts to non-native grassland at a ratio of 0.5:1 because the Project site was not occupied by burrowing owls. The mitigation for non-native grassland has been satisfied. Although the Project would result in a direct impact to 195.99 acres of non-native grassland burrowing owl habitat, impacts to burrowing owl would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Impa~~p~~cts to foraging habitat were previously analyzed in the 2000 SEIR. The turkey vulture that was observed foraging on-site would be impacted by loss of foraging habitat; this direct impact could be considered significant and require mitigation (**Impact BI-6**). Impacts to turkey vulture would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Northern harriers have been observed foraging and nesting on-site since REC's 1998 surveys through the present. The location of nesting behavior observed in 2016 would not be directly impacted. However, as documented in the 2000 SEIR, development of the Project site would result in direct impacts to northern harrier breeding and foraging habitat. These impacts would be considered significant and require mitigation (**Impact BI-7**). Impacts to northern harriers would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

White-tailed kites were observed foraging over the site during surveys conducted for the 2000 SEIR. Development of the Project site would result in the loss of non-native grassland habitat, which would impact foraging habitat for this species. This direct impact would be considered significant and require mitigation (**Impact BI-8** and **BI-13**). Impacts to white-tailed kites would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Im~~a~~pacts to foraging and nesting habitat were previously analyzed in the 2000 SEIR. The Project would impact the 2015 observed location of a loggerhead shrike and its foraging and nesting habitat; this direct impact would be considered significant and require mitigation (**Impact BI-9**). Impacts to loggerhead shrike would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Im~~a~~pacts to breeding and foraging habitat were previously analyzed in the 2000 SEIR. The Project would impact the 2016 observed locations of approximately three black-tailed jackrabbits and remove a substantial portion of their breeding and foraging habitat on-site This direct impact would be considered significant and require mitigation (**Impact BI-10**). Impacts to black-tailed jackrabbits would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

In summary, development of the Project site would result in significant direct impacts to three County List A or B plant species (variegated dudleya, San Diego button-celery, coastal barrel cactus), and eight County List 1 or Species of Special Concern (San Diego fairy shrimp, Riverside fairy shrimp, turkey vulture, northern harrier, white-tailed kite, loggerhead shrike, San Diego black-tailed jackrabbit, and burrowing owl. Significant direct impacts to these species would require mitigation. As described below, mitigation for significant direct impacts to coast barrel cactus is complete.

As described above, 11 County Group 1 or State Species of Special Concern animal species have been documented in or over the Project's direct impact area. Of these, three would not experience significant impacts.

The Project would directly impact non-native grassland over which one Cooper's hawk was flying. However, because the Cooper's hawk was not observed foraging over the site, and its observed activity in the Project area was limited to investigating the recorded Cooper's hawk call from the adjacent power plant, loss of non-native grassland on-site should not be assumed a significant impact to this particular species. Significant loss of foraging habitat for raptors as a group is addressed in F, below.

The Project would directly impact approximately half of the former open coastal sage scrub vegetation growing in the mima mound area on-site, where Southern California rufous-crowned sparrows were observed. Because the patchy coastal sage vegetation has not regenerated since it burned (on or around May 3, 2013), it appears unlikely that these sparrows would still use the site; therefore, Project impacts to Southern California rufous-crowned sparrow would not be considered significant.

The one ferruginous hawk soaring high over the site did not appear to be foraging on-site, and loss of non-native grassland on-site should not be assumed to be a significant impact to this particular species. Significant loss of foraging habitat for raptors as a group is addressed in F, below.

C. *Guideline: The project would impact the local long-term survival of a County List C or D plant species or a County Group 2 animal species.*

Two County List D (and no List C) plant species have been documented on-site: San Diego sunflower (observed in the 1999 surveys; not observed in the 2015-2016 surveys) and small-flower bindweed (not previously detected; observed in the 2015-2016 surveys).

The locally common San Diego sunflower has not been observed on-site since the former sparse coastal sage scrub vegetation in the mima mound area burned; if this species does return, a substantial portion would be expected to occur within the mima mound area of the open Space Easement (Lot 20 of the proposed Tentative Map). Therefore, Project impacts to this CRPR 4.2 species would be less than significant.

A population of small-flower bindweed occurs on-site near the northern property boundary. This location would be preserved within the Open Space Easement (Lot 20 of the proposed Tentative Map). Only a single individual was found within the development footprint, near the southeastern property boundary. Therefore, Project impacts to this species would be less than significant.

Four County Group 2 animal species have been observed on-site within or near the Project impact area: San Diego ring-neck snake, California horned lark, barn owl, and San Diego black-tailed jackrabbit. San Diego ring-neck snake, California horned lark, and barn owl are discussed below; impacts to San Diego Black-tailed jackrabbit are significant and discussed above in B.

The exact location of the San Diego ring-neck snake observation is not known; however, in the 1999 QCB report, San Diego Ring-neck snake was documented in the northern part of the mima mound area. Its location would be protected within the Open Space Easement (Lot 20 of the proposed Tentative Map). Therefore, Project impacts to this species would be less than significant.

California horned larks observed on-site were on and adjacent to dirt roads within non-native grassland in the Project impact area. The direct loss of their observed locations and habitat would impact this species on-site, but is not expected to impact the long-term survival locally due to their lower degree of sensitivity (CDFW Watchlist rather than Species of Special Concern) and the abundance of non-native grassland to remain on-site in the Open Space Easement (Lot 20 of the proposed Tentative Map) and offsite nearby. Project impacts to this species are anticipated to be less than significant.

One barn owl was observed on/over the site during the 1998-1999 surveys, and recent use was documented in 2016. Although the site may lack suitable roosts, barn owl(s)

likely use the site for foraging. Barn owls are relatively well adapted to suburban and urban environments, and may roost in trees or structures near the Project site. Because barn owls are not uncommon, are unlikely to roost on-site, and are relatively tolerant of urban/suburban conditions, loss of foraging habitat on-site would be less than significant.

*In summary*, Project impacts to the long-term survival of County List D plants San Diego sunflower and small-flower bindweed, and County Group B animals San Diego ring-neck snake, California horned lark, and barn owl, are unlikely to adversely impact the local long-term survival of these species, and Project impacts to the long-term survival of these species would be considered less than significant.

D. *Guideline: The project may impact arroyo toad aestivation, foraging or breeding habitat.*

No arroyo toads were observed on the Project site or are expected to occur on the site. Although disturbed wetlands and riparian areas occur on-site, there are no riparian areas with sandy streamsides, stable terraces and areas of quiet water or sandy/gravel-bottom, silt-free pools suitable for breeding. No suitable breeding habitat was observed adjacent to the site during field surveys. Without breeding habitat, upland habitat on-site would not be considered potential foraging or aestivation habitat. No CNDDB records of arroyo toad in the Otay Mesa quad were found. The nearest documented occurrence is approximately ten miles east of the Project site in the Otay Mountain quad (CDFW 2015). Therefore, potential Project impacts to arroyo toad aestivation or breeding habitat would be less than significant.

E. *Guideline: The project would impact golden eagle habitat.*

A pair of golden eagles is reported to nest in O'Neal Canyon, and their foraging radius could potentially overlap the Project site. The Wildlife Agencies review all nests and important eagle-use areas within ten miles of a project to determine impacts (Federal Register/Vol. 74, No. 175). If the Wildlife Agencies' review determines that development of the Project may reduce eagle foraging habitat, this would trigger federal requirements under the Eagle Protection Act and would be potentially significant and require mitigation. However, there are no historical sightings of eagles nesting on or using the site, and little evidence to support a finding that the site is an important eagle-use area. Therefore, this impact would be less than significant.

*F. Guideline: The project would result in a loss of functional foraging habitat for raptors.*

The County of San Diego (2010) defines raptor foraging habitat as "land that is a minimum of 5 acres (not limited to project boundaries) of fallow or open areas with any evidence of foraging potential (i.e., burrows, raptor nests, etc.)." The site qualifies as raptor foraging habitat due to its extensive grassland acreage, as well as the presence of suitable prey animals such as California ground squirrel and Botta's pocket gopher (*Thomomys bottae*). Seven raptor species were seen on or over the site: Cooper's hawk, red-tailed hawk,

ferruginous hawk, northern harrier, white-tailed kite, American kestrel, and barn owl. Evidence of past site use by burrowing owl was also observed. Implementation of the Project would result in the direct loss of 195.99 acres of non-native grassland (**Impact BI-13**). Loss of raptor foraging habitat was addressed in the 2000 SEIR. This direct loss of functional raptor foraging habitat would be considered significant and require mitigation (**Impact BI-11**). Impacts to foraging habitat for raptors would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

G. *Guideline: The project would impact the viability of a core wildlife area, defined as a large block of habitat (typically 500 acres or more not limited to project boundaries, though smaller areas with particularly valuable resources may also be considered a core wildlife area) that supports a viable population of a sensitive wildlife species or supports multiple wildlife species.*

Development of the Project site has been clustered in the southern half of the site, closest to existing development. The southern half of the site is unlikely to be a core wildlife area because it is bounded by SR-125 to the west, Otay Mesa Road and industrial development to the south, and rural residential development to the east. The only critical area/feature needed for wildlife movement, the portion of Johnson Canyon that occurs in the northeastern corner of the site, would be preserved within the Open Space Easement (Lot 20 of the proposed Tentative Map). Therefore, implementation of the Project would not impact the viability of a core wildlife area and this potential impact would be less than significant.

H. *Guideline: The project would cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive species over the long term. The following issues should be addressed: increasing human access; increasing predation or competition from domestic animals, pests or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species.*

As discussed above and previously analyzed in the 2000 SEIR, the Project could cause indirect impacts to preserved land in the Open Space Easement (Lot 20 of the proposed Tentative Map) by increasing human access; increasing predation or competition from domestic animals, pests or exotic species; altering natural drainage (and in particular impacting vernal pool hydrology); and increasing noise and/or nighttime lighting to a level above ambient. These indirect impacts would potentially be significant and require mitigation. Impacts to preserved land in the Open Space Easement (Lot 20 of the proposed Tentative Map) would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

I. *Guideline: The project would impact occupied burrowing owl habitat.*

Relative to Guideline I, the following exemption is applicable to the proposed Project:

*All projects in the unincorporated County that require discretionary permits and that would impact burrowing owls, or would impact grasslands in EOM* [East Otay Mesa] *(all of which are considered by this strategy to be occupied burrowing owl habitat), are subject to this strategy. In EOM, the burrowing owl strategy applies to all development sites that have not received written concurrence on their minor or major amendments from the Wildlife Agencies.*[1]

As previously described, the Project would impact non-native grassland burrowing owl habitat. No active or recently active burrows were found on-site during the 2015 and 2016 surveys. However, direct impacts to non-native grassland burrowing owl habitat would be significant and would require mitigation (**Impact BI-1**)~~,~~ which has been satisfied. ~~but B~~because the burrows are unoccupied and mitigation for non-native grassland was previously satisfied prior to 2010, ~~the habitat is considered non-native grassland (per County guidelines) and~~ a mitigation ratio ~~is~~ of 0.5:1 is used. Impacts to burrowing owl habitat would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

J. *Guideline: The project would impact occupied cactus wren habitat, or formerly occupied coastal cactus wren habitat that has been burned by wildfire.*

One occurrence of sixteen coastal cactus wren individuals has been reported approximately 0.28 mile north-northeast of the Project site (CNDDB 2015). However, no occupied or formerly occupied coastal cactus wren habitat was identified on-site. Therefore, Project impacts to coastal cactus wren would be less than significant.

K. *Guideline: The project would impact occupied Hermes copper habitat.*

Habitat suitable for the Hermes copper butterfly, specifically mature spiny redberry in proximity to buckwheat scrub, has not been found on-site; therefore, Project impacts to this species would be less than significant.

L. *Guideline: The project would impact nesting success of [above recognized species] through grading, clearing, fire fuel modification, and/or other noise generating activities such as construction.*

Tree-nesting raptors, golden eagles, coastal cactus wren, southwestern willow flycatcher, coastal California gnatcatcher, light-footed clapper rail, and least Bell's vireo have not been documented on-site and would not be expected to nest on or adjacent to the site. Northern harrier is a ground-nesting raptor, and appears to have been nesting on-site over the course of REC's team surveys. Direct Project-related impacts to northern harrier nesting success, due to grading, clearing, fire fuel modification, and/or other noise generating activities such as construction, would, as addressed in the 2000 SEIR, be

[1] Section 1.1, Purpose and Need, Page 44, County of San Diego Report Format and Content Requirement for Biological Resources.

considered significant and require mitigation (**Impact BI-7**). Impacts to northern harrier nesting success would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

**Guidelines for the Determination of Significance for Riparian or Sensitive Natural Communities**

The following analysis determines if the Project would have a substantial adverse effect on any riparian habitat or other sensitive habitat identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Any of the following conditions would be considered significant:

A. Project-related grading, clearing, construction or other activities would temporarily or permanently remove sensitive native or naturalized habitat (as identified in County of San Diego Guidelines, excluding those without a mitigation ratio) on or off the project site.
B. Any of the following would occur to or within jurisdictional wetlands and/or riparian habitats as defined by USACE, CDFW and the County of San Diego: removal of vegetation; grading; obstruction or diversion of water flow; adverse change in velocity, siltation, volume of flow, or runoff rate; placement of fill; placement of structures; construction of a road crossing; placement of culverts or other underground piping; any disturbance of the substratum; and/or any activity that may cause an adverse change in native species composition, diversity and abundance.
C. The project would draw down the groundwater table to the detriment of groundwater-dependent habitat, typically a drop of three feet or more from historical low groundwater levels.
D. The project would cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive habitats over the long term. The following issues should be addressed: increasing human access; increasing predation or competition from domestic animals, pests or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown by the best available science to adversely affect the functioning of sensitive habitats.
E. The project does not include a wetland buffer adequate to protect the functions and values of existing wetlands. If the project is subject to the Resource Protection Ordinance, buffers of a minimum of 50 feet and a maximum of 200 feet to protect wetlands are required based on the best available science available to the County at the time of adoption of the ordinance.

**Analysis of Project Effects for Riparian or Sensitive Natural Communities**

A. *Guideline: Project-related grading, clearing, construction or other activities would temporarily or permanently remove sensitive native or naturalized habitat (as identified in County of San Diego Guidelines, excluding those without a mitigation ratio) on or off the project site.*

Development of the Project site would result in significant impacts associated with the permanent removal of 195.99 acres of naturalized non-native grassland habitat and 0.11 acre of disturbed wetlands (see Table 2.2-4~~3~~, *Direct Vegetation/Habitat Impacts*) (**Impact BI-14**). These impacts would be significant and require mitigation. Mitigation for impacts to non-native grassland has been completed.

B. *Guideline: Any of the following will occur to or within jurisdictional wetlands and/or riparian habitats as defined by USACE, CDFW and the County of San Diego: [those identified in B].*

The Project site supports three wetland/riparian habitats: disturbed wetlands, non-native riparian, and vernal pools.

The disturbed wetlands areas within the agricultural stock pond and man-made swale are County of San Diego RPO wetlands. Therefore, loss of the disturbed wetlands would be a significant direct impact and require mitigation (**Impact BI-14**). Impacts to disturbed wetlands would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

Non-native riparian habitat in the northeastern corner of the site is an RPO wetland because, although it is currently dominated by tamarisk, it was southern willow scrub habitat before the tamarisk changed it. The drainage within this habitat is also USACE- and CDFW-jurisdictional as Waters of the US and streambed, respectively (**Impact BI-15**). Because the non-native riparian habitat would be protected in the Open Space Easement (Lot 20 of the proposed Tentative Map), Project impacts to this resource would be less than significant. *(The Project would no longer impact any southern willow scrub habitat.)*

Vernal pools are RPO wetlands. All documented vernal pools would be preserved in the Open Space Easement (Lot 20 of the proposed Tentative Map); therefore, impacts to vernal pool RPO wetlands would be less than significant.

C. *Guideline: The project would draw down the groundwater table to the detriment of groundwater-dependent habitat, typically a drop of three feet or more from historical low groundwater levels.*

The Project would not draw down the groundwater table. Project impacts to groundwater-dependent habitat would be less than significant.

D. *Guideline: The project would cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive habitats over the long term. The following issues should be addressed: [those identified in D].*

As discussed above, the Project could cause indirect impacts to preserved land in open space through increased human access; increasing competition from exotic species; alteration of natural drainage (and in particular impacting vernal pool hydrology). These indirect impacts are potentially significant and would require mitigation (**Impact BI-12**). Indirect impacts to preserved land in open space through increased human access would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

E. *Guideline: The project does not include a wetland buffer adequate to protect the functions and values of existing wetlands. If the project is subject to the Resource Protection Ordinance, buffers of a minimum of 50 feet and a maximum of 200 feet to protect wetlands are required based on the best available science available to the County at the time of adoption of the ordinance.*

All remaining wetlands (vernal pools and the Johnson Canyon drainage) would be preserved within the in the northern Open Space Easement (Lot 20 of the proposed Tentative Map). Within the northern Open Space Easement (Lot 20 of the proposed Tentative Map), the vernal pool closest to development is the westernmost vernal pool, which is 28 feet from the Open Space Easement (Lot 20 of the proposed Tentative Map) boundary and 34 feet from the Lone Star Road right-of-way. This distance is probably greater than the width of the pool's watershed. The Fuel Modification Zone (FMZ) along the northern edge of Lone Star Road does not encroach into the northern Open Space Easement (Lot 20 of the proposed Tentative Map); therefore, the watershed of westernmost vernal pool and adjacent upland, which serve as a buffer, would not be impacted, and an adequate buffer is provided. All other vernal pools in the northern Open Space Easement (Lot 20 of the proposed Tentative Map) and the Johnson Canyon drainage are much further from the road and Open Space Easement (Lot 20 of the proposed Tentative Map) boundary, and would have much larger buffers. Additional buffering for wetlands in the northern Open Space Easement (Lot 20 of the proposed Tentative Map) would be provided by the required Limited Building Zone (LBZ) along the southern boundary of the northern Open Space Easement (Lot 20 of the proposed Tentative Map). This LBZ would ensure that no structures requiring additional fuel modification can be built within 30 feet of the Open Space Easement (Lot 20 of the proposed Tentative Map). For the vernal pool preserved in the Open Space Easement (Lot 20 of the proposed Tentative Map) south of Lone Star Road, the closest habitat impact would be over 50 feet from the vernal pool. This southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map) is comprised of the pool and its entire watershed. A buffer is provided through conservation of the watershed (0.37 acre of non-native grassland around the pool). A 30-foot LBZ would also surround this Open Space Easement (Lot 20 of the proposed Tentative Map), as required. No FMZ encroaches into the Open Space Easement (Lot 20 of the proposed Tentative Map). The combination of

vernal pool watershed preservation within the Open Space Easement (Lot 20 of the proposed Tentative Map), restriction of any fuel modification within the Open Space Easement (Lot 20 of the proposed Tentative Map), and the LBZ around the Open Space Easement (Lot 20 of the proposed Tentative Map) would provide an adequate buffer for the southern vernal pool. Therefore, potential Project impacts pertaining to this guideline would be considered less than significant.

**Guidelines for the Determination of Significance for Federal Jurisdictional Wetlands**

The Project would have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

A. Any of the following would occur to or within jurisdictional wetlands…as defined by USACE…: removal of vegetation; grading; obstruction or diversion of water flow; adverse change in velocity, siltation, volume of flow, or runoff rate; placement of fill; placement of structures; construction of a road crossing; placement of culverts or other underground piping; any disturbance of the substratum; and/or any activity that may cause an adverse change in native species composition, diversity and abundance.
B. The project would draw down the groundwater table to the detriment of [Federally protected] groundwater-dependent [wetland] habitat, typically a drop of three feet or more from historical low groundwater levels.
C. The project does not include a wetland buffer adequate to protect the functions and values of existing [Federally protected] wetlands.

**Analysis of Project Effects to Federal Jurisdictional Wetlands**

*A. Guideline: Any of the following will occur to or within jurisdictional wetlands…as defined by USACE…: removal of vegetation; grading; obstruction or diversion of water flow; adverse change in velocity, siltation, volume of flow, or runoff rate; placement of fill; placement of structures; construction of a road crossing; placement of culverts or other underground piping; any disturbance of the substratum; and/or any activity that may cause an adverse change in native species composition, diversity and abundance.*

No Federally protected wetlands would be impacted. The on-site vernal pools are not currently USACE-jurisdictional wetlands. Therefore, this guideline is no longer applicable, and potential impact would be less than significant.

*B. Guideline: The project would draw down the groundwater table to the detriment of [Federally protected] groundwater-dependent [wetland] habitat, typically a drop of three feet or more from historical low groundwater levels.*

The Project would not draw down the groundwater table and no Federally protected wetlands would be impacted. Therefore, this guideline is not applicable, and potential impact would be less than significant.

*C. Guideline: The project does not include a wetland buffer adequate to protect the functions and values of existing [Federally protected] wetlands.*

No Federally protected wetlands potentially requiring a buffer would be impacted. (Wetlands formerly identified as USACE-jurisdictional are no longer classified as such because they are isolated. The Federally protected Waters of the US within Johnson Canyon in the northeastern corner of the site would be protected within the open Space Easement (Lot 20 of the proposed Tentative Map) Therefore, this guideline is not applicable, and potential impact would be less than significant.

**Guidelines for the Determination of Significance for Wildlife Movement and Nursery Sites**

The following analysis determines if the project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites.

Any of the following conditions would be considered significant:

A. The project would prevent wildlife access to foraging habitat, breeding habitat, water sources, or other areas necessary for their reproduction.
B. The project would substantially interfere with connectivity between blocks of habitat, or would potentially block or substantially interfere with a local or regional wildlife corridor or linkage.
C. The project would create artificial wildlife corridors that do not follow natural movement patterns.
D. The project would increase noise and/or nighttime lighting in a wildlife corridor or linkage to levels likely to affect the behavior of the animals identified in a site specific analysis of wildlife movement.
E. The project does not maintain an adequate width for an existing wildlife corridor or linkage and/or would further constrain an already narrow corridor through activities such as (but not limited to) reduction of corridor width, removal of available vegetative cover, placement of incompatible uses adjacent to it, and placement of barriers in the movement path.
F. The project does not maintain adequate visual continuity (*i.e.*, long lines-of-site) within wildlife corridors or linkage.

**Analysis of Project Effects for Wildlife Movement and Nursery Sites**

*A. Guideline: The project would prevent wildlife access to foraging habitat, breeding habitat, water sources, or other areas necessary for their reproduction.*

As analyzed in the BTR prepared for the EOMSP 1994 EIR, the western portion of the SPA (in which the site is located) supports poor habitat for wildlife movement because the open agricultural fields provide little topographical or vegetative cover. (County of San Diego 1993). Furthermore, the site is bordered by Otay Mesa Road and industrial development to the south, and SR-125 to the west. The only part of the site that is likely to serve as a wildlife corridor is Johnson Canyon along the northern edge of the site. Development of the Project is concentrated in the southern portion of the site, and Johnson Canyon would be protected in the Open Space Easement (Lot 20 of the proposed Tentative Map). The site is not considered a wildlife nursery per County guidelines. Therefore, Project impacts to wildlife access for these types of resources would be less than significant.

B. *Guideline: The project would substantially interfere with connectivity between blocks of habitat, or would potentially block or substantially interfere with a local or regional wildlife corridor or linkage.*

As summarized above, the site is bordered by Otay Mesa Road and industrial development to the south, and SR-125 to the west. The only part of the site that is likely to serve as a wildlife corridor is Johnson Canyon along the northern edge of the site. Development of the Project is concentrated in the southern portion of the site, and Johnson Canyon would be protected in the Open Space Easement (Lot 20 of the proposed Tentative Map) contiguous with undeveloped land to the north, northwest, and east. Therefore, Project impacts to habitat connectivity and wildlife corridors/linkages would be less than significant.

C. *Guideline: The project would create artificial wildlife corridors that do not follow natural movement patterns.*

The Project would not create any wildlife corridors. It would preserve the most likely wildlife corridor (the on-site portion of Johnson Canyon) in the Open Space Easement (Lot 20 of the proposed Tentative Map). Therefore, Project impacts pertaining to creation of artificial wildlife corridors would be less than significant.

D. *Guideline: The project would increase noise and/or nighttime lighting in a wildlife corridor or linkage to levels likely to affect the behavior of the animals identified in a site specific analysis of wildlife movemen.*

It is assumed that noise and nighttime lighting would increase near the southern edge of the Open Space Easement (Lot 20 of the proposed Tentative Map) due to Project development. However, the southern portion of the Open Space Easement (Lot 20 of the proposed Tentative Map) is on the mesa top. The fields on the mesa provide little topographical or vegetative cover and are poor habitat for wildlife movement. The most likely wildlife corridor (the on-site portion of Johnson Canyon) is located along the northern edge of the site, within the Open Space Easement (Lot 20 of the proposed Tentative Map), and would be protected from significant increases in noise and nighttime lighting by both distance and the sheltering topography of the canyon slope. Therefore,

Project noise- and lighting-related impacts to wildlife corridors or linkages would be less than significant. See Sections 2.6 *Noise* and 3.1.1 *Aesthetics* of this SEIR for more information.

E. *Guideline: The project does not maintain an adequate width for an existing wildlife corridor or linkage and/or would further constrain an already narrow corridor through activities such as (but not limited to) reduction of corridor width, removal of available vegetative cover, placement of incompatible uses adjacent to it, and placement of barriers in the movement path.*

The most likely wildlife corridor (the on-site portion of Johnson Canyon) is located along the northern edge of the site, within the Open Space Easement (Lot 20 of the proposed Tentative Map). The Open Space Easement (Lot 20 of the proposed Tentative Map) would prevent reduction in the width of, or increased constraints upon, any wildlife corridor/linkage in Johnson Canyon; therefore, Project impacts would be less than significant.

*Guideline: The project does not maintain adequate visual continuity (i.e., long lines-of-site) within wildlife corridors or linkage.*

The fields on the mesa provide little topographical or vegetative cover for wildlife movement, and the most likely wildlife corridor (the on-site portion of Johnson Canyon) is located along the northern edge of the site, within the Open Space Easement (Lot 20 of the proposed Tentative Map). Therefore, Project impacts to visual continuity within any wildlife corridor/linkage would be less than significant.

**Guidelines for the Determination of Significance**

The following analysis determines if the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and/or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or State habitat conservation plan.

Any of the following conditions would be considered significant:

A. For lands outside of the MSCP, the project would impact coastal sage scrub (CSS) vegetation in excess of the County's 5% habitat loss threshold as defined by the Southern California Coastal Sage Scrub Natural Communities Conservation Planning Process (NCCP) Guidelines.
B. The project would preclude or prevent the preparation of the subregional Natural Communities Conservation Planning Process (NCCP). For example, the project proposes development within areas that have been identified by the County or resource agencies as critical to future habitat preserves.
C. The project would impact any amount of wetlands or sensitive habitat lands as outlined in the Resource Protection Ordinance (RPO).

D. The project would not minimize and/or mitigate coastal sage scrub habitat loss in accordance with Section 4.3 of the Natural Communities Conservation Planning Process (NCCP) Guidelines.
E. The project does not conform to the goals and requirements as outlined in any applicable Habitat Conservation Plan (HCP), Habitat Management Plan (HMP), Special Area Management Plan (SAMP), Watershed Plan, or similar regional planning effort.
F. For lands within the Multiple Species Conservation Program (MSCP), the project would not minimize impacts to Biological Resource Core Areas (BRCAs), as defined in the Biological Mitigation Ordinance (BMO).
G. The project would preclude connectivity between areas of high habitat values, as defined by the Southern California Coastal Sage Scrub Natural Communities Conservation Planning Process (NCCP) Guidelines.
H. The project does not maintain existing movement corridors and/or habitat linkages as defined by the Biological Mitigation Ordinance (BMO).
I. The project does not avoid impacts to MSCP narrow endemic species and would impact core populations of narrow endemics.
J. The project would reduce the likelihood of survival and recovery of listed species in the wild.
K. The project would result in the killing of migratory birds or destruction of active migratory bird nests and/or eggs (Migratory Bird Treaty Act).
L. The project would result in the take of eagles, eagle eggs or any part of an eagle (Bald and Golden Eagle Protection Act).

**Analysis of Project Effects on Local Policies, Ordinances and Adopted Plans**

*A. Guideline: For lands outside of the MSCP, the project would impact coastal sage scrub (CSS) vegetation in excess of the County's 5% habitat loss threshold as defined by the Southern California Coastal Sage Scrub Natural Communities Conservation Planning Process (NCCP) Guidelines.*

The Project is within the MSCP and would comply with MSCP requirements, including Wildlife Agency consultation pertaining to Minor and Major Amendment areas. This guideline is not applicable, and potential impacts would be less than significant.

*B. Guideline: The project would preclude or prevent the preparation of the subregional Natural Communities Conservation Planning Process (NCCP). For example, the project proposes development within areas that have been identified by the County or resource agencies as critical to future habitat preserves.*

Because the Project is within the MSCP, and would comply with MSCP requirements including any Wildlife Agency consultation pertaining to Minor and Major Amendment areas, it would not interfere with preparation of the NCCP. The Wildlife Agenices previously provided Conditional Concurrence for a Minor Amendment for the Project site associated with the Sunroad Centrum project (TM5139RPL6R). (As stated previously, the Proposed project would grade the same area as approved for TM 5139.) As shown in

Table 2.2-5, *Conditions Associated with the Wildlife Agencies' Conditional Concurrence for Sunroad Centrum Minor Amendment to the MSCP County Subarea Plan*, all conditions associated with Conditional Concurrence will be met with implementation of the approved RCP. Additionally, the USFWS issued a Biological Opinion for the Sunroad Centrum project that contains Conservation Measures. (See Table 2.2-6, *Conservation Measures – Biological Opinion for the Sunroad Centrum Project.*) The Proposed project would be required to comply with the Conservation Measures. The Wildlife Agencies also previously concluded that there was no need to process a Major Amendment as there are no impacts to the Major Amendment area. This guideline is not applicable, and potential impacts would be less than significant.

C. *Guideline: The project will impact any amount of wetlands or sensitive habitat lands as outlined in the Resource Protection Ordinance (RPO).*

Development of the Project would impact RPO wetlands. The Project would also impact RPO sensitive habitat lands. The mima mound depression south of Lone Star Road that supported approximately 30 San Diego button-celery individuals in 2004 would be considered sensitive habitat land based on the following criterion: "Lands that include habitats of Endangered species under Section 15380 of CEQA Guidelines (State- and Federally listed species or species that would qualify for such listing)." This area would be directly impacted. Project impacts to RPO wetlands and sensitive habitat lands would be significant and require mitigation (**Impact BI-14**). Impacts to RPO wetlands would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

D. *Guideline: The project would not minimize and/or mitigate coastal sage scrub habitat loss in accordance with Section 4.3 of the Natural Communities Conservation Planning Process (NCCP) Guidelines.*

The Project would not impact any coastal sage scrub habitat. Coastal sage scrub habitat no longer occurs on-site; it was replaced by non-native grassland after the area burned between 2004 and 2015 (exact date unknownon or around May 3, 2013). This guideline is not applicable, and potential impacts would be less than significant.

E. *Guideline: The project does not conform to the goals and requirements as outlined in any applicable Habitat Conservation Plan (HCP), Habitat Management Plan (HMP), Special Area Management Plan (SAMP), Watershed Plan, or similar regional planning effort.*

The Project would conform to the goals and requirements of the MSCP, Major and Minor Amendment Areas, and EOMSP. The Project site falls within the South County segment of the MSCP. The site lies within the northwestern area of the EOMSP, which provides comprehensive development guidelines for the area. Most of the southern and western section of the site, south of the Lone Star Road alignment, is classified in the EOMSP Amendment (2015) as a Minor Amendment Area. The entire area to the north of Lone Star Road is classified as a Major Amendment Area with G Designator. That area is

designated as an open space preserve. A small area in the center of the site is classified as a Minor Amendment Area Subject to Special Consideration and with G-Designator (see Figure 2.2-2, *Project Boundary and Surrounding MSCP Amendment Areas*). The Project would comply with Multiple Species Conservation Program (MSCP) requirements, including necessary Wildlife Agency consultation pertaining to Major and Minor Amendment areas. Impacts pertaining to this guideline would be less than significant.

F. *Guideline: For lands within the Multiple Species Conservation Program (MSCP), the project would not minimize impacts to Biological Resource Core Areas (BRCAs), as defined in the Biological Mitigation Ordinance (BMO).*

The Project is within the MSCP and a portion of the project site qualifies as a BRCA. Project design minimizes impacts to the BRCA by: (a) developing the least environmentally sensitive section of the site (non-native grassland adjacent to development); and (b) preserving the higher value resources, designated as Major Amendment Area, in the Open Space Easement (Lot 20 of the proposed Tentative Map) (vernal pools, approximately half of the mima mound area, native grassland, and the wildlife corridor of Johnson Canyon). Therefore, Project impacts related to this guideline would be less than significant.

G. *Guideline: The project would preclude connectivity between areas of high habitat values, as defined by the Southern California Coastal Sage Scrub Natural Communities Conservation Planning Process (NCCP) Guidelines.*

Coastal sage scrub habitat no longer occurs on-site; it was replaced by non-native grassland after the area burned (on or around May 3, 2013). For other types of habitat, the Project would not preclude connectivity because the Project development is located in the southern portion of the site, closest to existing development. The site is bordered by Otay Mesa Road and industrial development to the south, and SR-125 to the west. Land to the east (on the south side) is rural residential with horse pasture. In the Project area, the site is located at the southern limit of undeveloped habitat, and would preserve the northern area closest to nearby preserve land. The Project would not block connectivity between areas of high value habitat, and would contribute to such connectivity by preserving the northern portion of the site, along Johnson Canyon, within the Open Space Easement (Lot 20 of the proposed Tentative Map). Therefore, Project impacts to high-value habitat connectivity would be less than significant.

H. *Guideline: The project does not maintain existing movement corridors and/or habitat linkages as defined by the Biological Mitigation Ordinance (BMO).*

As defined in the BMO, a “corridor is a specific route that is used for movement and migration of species. A corridor may be different from a ‘linkage’ because it represents a smaller or more narrow avenue for movement.” A “linkage” is defined in the BMO as “an area of land which supports or contributes to the long-term movement of wildlife and genetic material.”

As analyzed in the BTR prepared for the EOMSP 1994 EIR, the mesa in the Project area supports poor habitat for wildlife movement because the open agricultural fields provide little topographical or vegetative cover (County of San Diego 1993). Furthermore, the site is bordered by Otay Mesa Road and industrial development to the south, and SR-125 to the west. The only part of the site that is likely to serve as a wildlife corridor or linkage is Johnson Canyon along the northern edge of the site. Development of the Project is concentrated in the southern portion of the site, and Johnson Canyon would be protected in the Open Space Easement (Lot 20 of the proposed Tentative Map). Therefore, Project impacts to maintaining existing movement corridors and/or habitat linkages would be less than significant.

I. *Guideline: The project does not avoid impacts to MSCP narrow endemic species and would impact core populations of narrow endemics.*

Development of the project would impact approximately 73 of 361 MSCP Narrow Endemic variegated dudleya individuals, or approximately 20 percent of the J-22 population, based on the 1993 EOMSP BTR. The Project would impact two locations in which MSCP Narrow Endemic San Diego fairy shrimp was detected. These significant impacts would require mitigation (**Impacts BI-2** and **BI-4**). Impacts to MSCP narrow endemic variegated dudleya and San Diego fairy shrimp would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

J. *Guideline: The project would reduce the likelihood of survival and recovery of listed species in the wild.*

Development of the Project site would result in the loss of two San Diego fairy shrimp locations and one previously documented San Diego button-celery location. These impacts would reduce the likelihood of survival and recovery of these listed species in the wild and would require mitigation(**Impacts BI-1** and **BI-2**). Impacts to San Diego fairy shrimp and San Diego button-celery would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

*K. Guideline: The project would result in the killing of migratory birds or destruction of active migratory bird nests and/or eggs (Migratory Bird Treaty Act).*

The Project would include mitigation measures, such as restrictions on clearing, grading, and construction, that would prevent killing of migratory birds or destruction of active migratory bird nests/eggs; therefore, potential Project impacts would be less than significant.

*L. Guideline: The project would result in the take of eagles, eagle eggs or any part of an eagle (Bald and Golden Eagle Protection Act).*

The Project would not result in take of eagles, eagle eggs, or any part of an eagle; therefore, Project impacts would be less than significant.

## 2.2.3 Cumulative Impact Analysis

Cumulative impacts occur as a result of the additive effect of multiple or ongoing direct and indirect impacts to a resource over time. A project's direct and indirect impacts may not be individually significant, but the additive effect when viewed in the context of past, present and probable future project impacts may cause significant loss or degradation of a resource.

The geographic scope for a cumulative impact analysis includes past, present and future development projects (tentative tract maps, major use permits, etc.) within a geographic area sufficiently large to provide a reasonable basis for evaluating cumulative impacts. The geographic scope of the analysis is based on the nature of the geography surrounding the Project site and the characteristics and properties of each resource and the region to which they apply. In this case, the cumulative impact study area would be the entirety of Otay Mesa, as bounded by the Otay River Valley to the north, I-805 to the west, the US-Mexican border to the south, and the San Ysidro Mountains to the east, with limited extensions northward to Lower Otay Reservoir and eastward to Jamul. Based on this geographic scope, 60 other projects were included in the cumulative analysis list for this Project. The source of this list is an August 2013 search of the SANGIS Discretionary Permit GIS Database, (SanGIS 2012), the 2009 "Corrections Corporation of America Otay Mesa Facility Biological Technical Report" (Helix 2009), and a list provided by the County of San Diego in 2016. Cumulative projects are identified in Table 2.2-74, *Projects Included in Cumulative Impact Analysis*, and key locations are shown in Figure 2.2-5, *Cumulative Projects.*

**Cumulative Impact Analysis for Special-Status Species**

Several of the cumulative projects listed in Table 2.2-74 have or would result in loss of habitat or edge effects that significantly impact special-status plant and wildlife species. One such project is the SR-11 East Otay Mesa Point-of-Entry project, which would result in direct and indirect impacts to special-status species including small-flower bindweed, variegated dudleya, coast barrel cactus, San Diego fairy shrimp (critical habitat), burrowing owl, northern harrier, white-tailed kite, turkey vulture, loggerhead shrike, California horned lark, and San Diego black-tailed jackrabbit, as well as 171.9 acres of non-native grassland. Two other projects that have large impacts to non-native grassland are Otay Business Park (176.1 acres) and Otay Crossings Commerce Park (273.3 acres).

Due to the rarity and restricted distribution of San Diego button-celery, San Diego fairy shrimp, Riverside fairy shrimp (assumed present), coast barrel cactus, variegated dudleya, loggerhead shrike, San Diego black-tailed jackrabbit, and burrowing owl, Project impacts to these species would be considered cumulatively significant (**Impacts BI-1** though **BI-10**). The loss of 195.99 acres of non-native grassland raptor foraging habitat (**Impacts BI-11** and **BI-13**) in an area where substantial acreage of non-native grassland has already been developed would also be cumulatively significant.

**Cumulative Impact Analysis for Riparian or Sensitive Natural Communities**

The proposed Project would not directly impact any documented vernal pool, but could result in significant indirect impacts to hydrology and genetic diversity. Therefore, indirect Project impacts to vernal pools would be potentially cumulatively significant and require mitigation (**Impact BI-12**). Because recent and ongoing development on Otay Mesa is rapidly impacting and fragmenting non-native grassland habitat, loss of 195.99 acres of non-native grassland would be cumulatively significant (**Impact BI-13**). Due to the historical degree of wetland loss in San Diego County, loss of 0.11 acre of disturbed wetland would also be cumulatively significant.

**Cumulative Impact Analysis for Federal Jurisdictional Wetlands**

Because the Project does not impact any Federally protected jurisdictional wetlands (or waters), it would not contribute to cumulative impacts to these resources.

**Cumulative Impact Analysis for Wildlife Movement and Nursery Sites**

The only part of the site that is likely to serve as a wildlife corridor is Johnson Canyon along the northern edge of the site. Development of the Project is concentrated in the southern portion of the site, and Johnson Canyon would be protected in the Open Space Easement (Lot 20 of the proposed Tentative Map). The site is not a wildlife nursery per County guidelines. Therefore, cumulative Project impacts to wildlife access to these types of resources would be less than significant.

**Cumulative Impact Analysis for Local Policies, Ordinances and Adopted Plans**

The Project would impact RPO wetlands, RPO sensitive habitat lands, and a Narrow Endemic species (San Diego fairy shrimp); and potentially reduce the chance of survival and recovery for listed species San Diego Fairy Shrimp and San Diego button-celery (**Impacts BI-1**, **BI-2** and **BI-14**). Given the rarity and restricted distribution of these species, Project impacts would be cumulatively significant. Cumulative Impacts would be mitigated to below a level of significance with mitigation measures specified in Section 2.2.5, *Mitigation*, below.

## 2.2.4 Significance of Impacts Prior to Mitigation

The proposed Project would result in the following significant direct, indirect, and cumulative impacts to biological resources:

**BI-1:** Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to San Diego button-celery.

**BI-2:** Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to San Diego fairy shrimp.

**BI-3:** Implementation of the proposed Project would result in significant direct, indirect, and cumulative impacts to Riverside fairy shrimp.

**BI-4:** Implementation of the proposed Project would result in significant direct and cumulative impacts to variegated dudleya.

**BI-5:** Implementation of the proposed Project would result in significant direct and cumulative impacts to non-native grassland burrowing owl habitat.

**BI-6:** Implementation of the proposed Project would result in significant impacts to turkey vulture.

**BI-7:** Implementation of the proposed Project would result in significant impacts to northern harrier.

**BI-8:** Implementation of the proposed Project would result in significant impacts to white-tailed kite.

**BI-9:** Implementation of the proposed Project would result in significant direct and cumulative impacts to loggerhead shrike.

**BI-10:** Implementation of the proposed Project would result in significant direct and cumulative impacts to black-tailed jackrabbit.

**BI-11:** Implementation of the proposed Project would result in significant direct and cumulative impacts to raptor foraging habitat.

**BI-12:** Implementation of the proposed Project would result in significant indirect impacts to preserved land in the Biological Open Space.

**BI-13:** Implementation of the proposed Project would result in the permanent removal of 195.99 acres of naturalized non-native grassland habitat, which results in a direct and cumulative impact.

**BI-14:** Implementation of the proposed Project would result in the permanent removal of 0.11 acre of disturbed wetland habitat, which results in a direct and cumulative impact.

**BI-15:** If impacted disturbed wetlands are considered to be Waters of the ~~State~~U.S., the proposed Project would result in direct impacts to Federally-protected wetlands.

## 2.2.5 Mitigation

The following mitigation measures, which incorporate mitigation measures from the 2000 SEIR, are proposed to reduce impacts to biological resources to less than significant:

**M-BI-1:** To mitigate direct impacts to San Diego button-celery (BI-1), a pre-construction survey shall be conducted in the Project development area prior to clearing of the development area. ~~the p~~Plants located on-site shall be salvaged and translocated to a preserved vernal pool within the Open Space Easement (Lot 20 of the proposed Tentative Map), in conjunction with the approved Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved in 2012. An addendum to the Fairy Shrimp Plan shall be prepared and would specify the methods, monitoring, and success criteria for the San Diego button-celery salvage and translocation. This plan will be reviewed by the County and Wildlife Agencies; additional measures may be required by the Wildlife Agencies during Minor Amendment re-evaluation and will be incorporated into Project design. Wet season protocol surveys will be conducted prior to grading. If a focused survey in a year of adequate rainfall and vernal pool ponding should demonstrate that this group of button-celery is no longer extant, this mitigation measure for direct impacts would not be required.

**M-BI-2:** The following mitigation measures would be implemented to mitigate Project impacts to San Diego fairy shrimp (BI-2) to below a level of significance:

**M-BI-2a:** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site.

**M-BI- 2b:** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the Open Space Easement (Lot 20 of the proposed Tentative Map). The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.

**M-BI-2c~~b~~:** Impacts to San Diego Fairy Shrimp would be mitigated to a level below significant by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved in 2012.

**M-BI-3:** The following mitigation measures would mitigate Project impacts to Riverside fairy shrimp (BI-3) to below a level of significance:

**M-BI-3a:** A pre-construction survey shall be conducted in the Project development

area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site.

**M-BI-3b:** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the open space easement. The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.

**M-BI-3c~~b~~:** Impacts to Riverside fairy shrimp, which is assumed present, would be mitigated to a level below significance by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved in 2012. As required by the 2003 USFWS Biological Opinion, wet season and dry season Riverside fairy shrimp surveys shall be conducted ~~in 2016-2017~~prior to ~~devleopment~~development of the Project area. If a protocol survey (2 wet, or 1 dry and 1 wet survey) for Riverside fairy shrimp demonstrates that this species is not present in the agricultural pond, then the success criteria for Riverside fairy shrimp would be dismissed.

**M-BI-4**: The following mitigation measures would mitigate Project impacts to variegated dudleya to below a level of significance:

**M-BI-4a:** The applicant shall provide 1:1 offsite mitigation for impacted variegated dudleya plants. The potential impact area shall be surveyed for variegated dudleya plants during the blooming period (May to June) prior to grading or other ground disturbance. If variegated dudleya are found on-site and outside of the open space easement (Lot 20 of the proposed Tentative Map), the applicant shall purchase and preserve habitat supporting the same number of variegated dudleya plants to be impacted, located at a County approved location as indicated below. Variegated dudleya surveys shall be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants. If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required.

**M-BI-4b:** *Option 1:* If purchasing mitigation credit the mitigation bank shall be approved by the California Department of Fish and Wildlife. The mitigation should be located within the County MSCP. If mitigation is proposed outside

of the County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within the subarea. The evidence of purchase shall include the following information to be provided by the mitigation bank:

1. Confirmation that the habitat credits purchase support at least the same number of variegated dudleya plants found in the impact area. Surveys of the impact site and mitigation site should be conducted within the same blooming season.
2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
3. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
4. To ensure the land would be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
5. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

*Option 2:* If habitat credits cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat supporting at least the same number of variegated dudleya plants found in the impact area to the satisfaction of the Department of Planning and Development Services (PDS) as indicated below:

1. The type of habitat and the location of the proposed mitigation must be pre-approved by PDS, PCC before purchase or entering into any agreement for purchase.
2. The mitigation should be located within the South County MSCP. If mitigation is proposed outside the South County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within our subarea.
3. If an offsite mitigation property is pursued that does not have an existing management plan, then a Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by Department of Parks and Recreation (DPR), the RMP shall also be approved by the Director of DPR.
4. An open space easement over the land shall be dedicated to the County of San Diego or like agency or the land shall be protected in perpetuity by other suitable mechanism to the satisfaction of the Director of PDS.
5. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be

purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.

6. In lieu of providing a private habitat manager, the applicant may contract with a Federal, State or local government agency with the primary mission of resource management to take fee title or function as grantee under an easement and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like-functioning habitat, and (2) the land would be managed by the agency for conservation of natural resources in perpetuity.

**M-BI-5:** A pre-construction burrowing owl survey shall be conducted in the Project development area prior to clearing of the development area and a pre-construction burrowing owl survey to be conducted in the Open Space Easement (Lot 20 of the proposed Tentative Map) prior to disturbance within the Open Space Easement (Lot 20 of the proposed Tentative Map) (such as excavation of new vernal pool). A burrowing owl translocation plan shall be developed and approved by the County and Wildlife Agencies, if owls are found during pre-construction surveys.

**M-BI-6:** Implementation of mitigation measures M-BI-7 and M-BI-8, below, would reduce impacts to turkey vulture (BI-6) to below a level of significance.

**M-BI-7:** Mitigation requirements for northern harrier (BI-7) would be partially met by the preservation of foraging habitat within the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement of the habitat within the open space would further reduce impacts to this species. In addition, initial clearing of vegetation shall occur outside the nesting season (mid-April through July). If that is not possible, a raptor nesting survey shall be conducted. If an active nest is found, grading would cease in the immediate vicinity, and the monitoring biologist and County staff would determine and agree to an acceptable buffer between the nest location and grading activities. Table 3.5 in the 1996 MSCP Plan states that an acceptable buffer would be 900 feet. Once the nest becomes non-active, grading restrictions shall not~~,~~ longer apply. Mitigation in conformance with the BMO for both on- and offsite habitat preservation (as proposed above in the discussion of sage scrub and grassland habitat mitigation) would fully mitigate for the loss of foraging habitat for this species regionally.

**M-BI-8:** Mitigation requirements for the loss of foraging habitat and potential breeding habitat for white-tailed kite (BI-8) would be met by requiring a qualified biologist to monitor the construction area for suitable nesting habitat (e.g., trees) in the vicinity of construction during the breeding season. If white-tailed kite is found nesting on the Project site during pre-construction surveys, CDFW shall be notified. The RCP would require that a 'construction-free zone' be created around any identified nesting sites until fledging has occurred. The biologist would coordinate with County staff during the monitoring efforts to determine the size of any required

construction zone. This would mitigate the impacts to a level below significant.

**M-BI-9:** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to loggerhead shrike (BI-9) to below a level of significance.

**M-BI-10:** Implementation of mitigation measure M-BI-12, below, would reduce impacts to black-tailed jackrabbit (BI-10) to below a level of significance.

**M-BI-11:** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to raptor foraging habitat (BI-11) to below a level of significance.

**M-BI-12:** The following mitigation measures fully mitigate indirect Project impacts to preserved land in the Biological Open Space (BI-12) to below a level of significance:

**M-BI-12a:** Human Activities. The adverse effects on vegetation due to the increase in human activity in the area ~~can be minimized~~would be reduced by: 1) creating buffer zones adjacent to the open space easements to minimize the effects from noise and lighting; 2) limiting pedestrian and equestrian trails to existing roads or non-sensitive habitats; and 3) discouraging entry into native habitats such as the riparian and vernal pool habitats by installing fencing and barrier plantings and/or signage. In addition, the RCP would require fencing around the entire open space preserve easement to discourage trespassing and illegal dumping.

**M-BI-12b:** Construction Activities. Indirect impacts to habitats may result from construction activities, such as construction of Lone Star Road. To avoid the potential impacts, the limits of the vernal pool habitats shall be surveyed and staked prior to construction. These limits shall be clearly shown on all construction drawings as 'no impact zones.' This area would have temporary fencing prior to construction to prevent vehicular or pedestrian access, equipment storage, storage of spoils materials, and refuse disposal.

**M-BI-12c:** Introduced Species. The use of non-native, invasive plant species would be prohibited in the proposed landscaping palettes (including container stock and hydroseed material) for the streetscapes and commercial/industrial. A qualified biologist or native plant horticulturist shall review and sign all landscaping plans to determine the appropriate species to be used in landscaping associated with future projects as part of Ssite Plan review~~, prior to project approval~~. These measures would reduce the potential impacts to below significant.

**M-BI-12d:** Increased Runoff, Erosion, and Sedimentation. The proposed construction of Lone Star Road would result in the removal of vegetation on hillsides that could result in a temporary increase in runoff into the

on-site vernal pools. Increased runoff can, in turn, result in erosion and sedimentation that could adversely affect wetland vegetation or other drainages. Erosion and sedimentation impacts would be ~~can also be~~ mitigated by employing standard erosion control procedures, such as, sandbagging, diversion ditches, and stream bank stabilization. Prior to Site Plan approval for future development projects~~project approval~~, a construction erosion control plan would be reviewed and approved by the County. In addition, the project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities from the Regional Water Quality Control Board, of which would require an approved Storm Water Pollution Prevention plan. That plan would require the permit applicant to implement measures to prevent contamination of the surrounding drainages during construction. These measures would mitigate the potential for significant impacts to a level below significant.

**M-BI-12e:** Toxic Materials. Spills of toxic materials could occur during both construction and operational phases of the Project. These spills could contaminate drainages and create a significant impact to habitat and water quality. In order to prevent these impacts, a 'no fueling' zone shall be designated within 25 feet of all drainages during the construction period. In addition, all equipment used near drainages during construction shall be routinely maintained and inspected for leaks. Major leaks shall be repaired immediately. Drip pans and tarps shall be placed under minor leaks. Used drip pans and tarps shall be properly disposed of at the end of each work day. Emergency provisions (e.g. straw bales) shall be placed at all drainage crossings, prior to the onset of construction to deal with unintentional spills. All of these measures would be included in approved Storm Water Pollution Prevention Plan (SWPPP) as a part of the RWQCB-required NPDES permit for construction activities. In addition, all commercial/industrial uses that plan to store materials within the proposed commercial/industrial complex would be required to obtain a NPDES permit for operational activities from RWQCB. That permit would also require a SWPPP for each facility to prevent contamination of nearby drainages. These measures would mitigate the potential for significant impacts to a level below significant.

**M-BI-12f:** Habitat Fragmentation. Lone Star Road could potentially result in habitat fragmentation between the vernal pool complex to the north of Lone Star Road and the one vernal pool to the south of Lone Star Road. The southern vernal pool would be managed as a part of the larger vernal pool complex within the Open Space Easement (Lot 20 of the proposed Tentative Map) to the north. Integrated management of the southern pool with the rest of the vernal pool complex would ensure the long term viability of this pool and associated plant populations. The required RCP

includes a management program for the vernal pools and would mitigate the potential for impacts to below significant.

**M-BI-12g:** Provision should be made to inform the construction contractor(s) (prior to the construction process) about the biological constraints of this project. The contractor(s) would be responsible for impacts tlo biological sensitivities beyond those identified in this report and that occur as a direct result of construction activities. All sensitive habitat areas or occurrences of sensitive species to be avoided shall be clearly marked on project maps provided to the contractor. These areas shall be designated as "no construction" or "limited construction" zones. These areas would be flagged by the project biologist prior to the onset of construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts.

**M-BI-12h:** A contractor education meeting shall be conducted to ensure that contractors and all construction personnel are fully informed of the biological sensitivities associated with this project. This meeting should focus on: 1) the purpose for resource protection; 2) contractor identification of sensitive resource areas in the field (e.g., areas delineated on maps and by flags or fencing); and 3) sensitive construction practices (see nos. 4-9, on Pages 4.3-106 and 4.3-107 of the Specific Plan EIR), and protocol to resolve conflicts that may arise during the construction process. This meeting shall be conducted by a qualified biologist, and shall be a requirement for all construction personnel.

**M-BI-12i:** Heavy equipment and construction activities shall be restricted to the development area. Prohibited activities within drainages or other wetland areas (including vernal pools) include staging areas, equipment access, and disposal or temporary placement of excess fill.

**M-BI-12j:** Staging areas are prohibited within sensitive habitat areas or any habitat included in open space. Staging areas shall be delineated on the grading plans and reviewed by a qualified biologist. Likewise, vehicle access shall be prohibited in all open space areas.

**M-BI-12k:** Fueling of equipment shall not occur adjacent to drainages. …[F]ueling zones should be designated on construction maps and shall be situated a minimum distance of 7.6 meters (25 feet) from all drainages the open space limits or near storm drains that may drain into Johnson Canyon.

**M-BI-12l:** Construction in or adjacent to sensitive areas should be appropriately scheduled to minimize potential impacts to biological resources. All work in or near wetlands or other "waters of the U.S." shall take place during periods of minimum flow (i.e., summer through the first significant rain

of fall) to avoid excessive sedimentation and erosion.

**M-BI-12m:** The open space limits must be staked and flagged prior to clearing or grubbing. The limits of the open space must be fenced with a chain link fence at least five feet tall prior to clearing or grubbing. The fence location must be approved by County staff or monitoring biologist prior to receipt of grading permit and would be a permanent protection measure.

**M-BI-12n:** A Resource Conservation Plan detailing wetland enhancement, preservation, and maintenance, coastal sage scrub habitat preservation sensitive species salvaging, and transplanting as well as success standards and report requirements must be completed prior to the initiation of construction.

**M-BI-12o:** Temporary construction fencing shall be installed.

**M-BI-12p:** Installation of a sturdy fence that can prevent cutting ~~of 3-strand wire fence~~ shall be extended around the entire western, northern, and eastern edges of the northern Open Space Easement (lot 20 of the proposed Tentative Map) due to the ongoing problem of trespassing recreational off-road vehicles (this type of fence would not prevent entry and use by wildlife).

**M-BI-13:** Significant impacts to 195.99 acres of non-native grassland (BI-13) would be mitigated at a ratio of 0.5:1, as previously approved in the 2000 SEIR. The required 98.00 acres of non-native grassland mitigation would be provided through preservation of 46.76 acres of non-native grassland and 1.96 acres of native grassland within the Open Space Easement (Lot 20 of the proposed Tentative Map), and purchase of 49.28 acres in an approved offsite mitigation bank. On-site non-native grassland mitigation acreage would be within both the northern Open Space Easement (Lot 20 of the proposed Tentative Map) and the smaller vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). The northern Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve 46.39 acres of non-native grassland and 1.96 acre of native grassland (totaling 48.35 acre of grassland). The southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve of 0.37 acre of non-native grassland on-site within the southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map).

Furthermore, the applicant has satisfied the requirement for purchase of 49.28 acres in an approved off-site mitigation bank. The applicant contributed $243,450 toward the preservation of land in Hollenbeck Canyon, a preserve area in the MSCP subarea, which provided habitat value equal to 5.4 acres of native grassland and 48.6 acres of non-native grassland.

**M-BI-14:** Significant impacts to 0.11 acre of disturbed wetland (BI-14) would be mitigated at a ratio of 2:1. Mitigation, as previously approved, would consist of 1:1 creation and 1:1 enhancement, in the form of creating 0.11 acre of new wetland habitat in the northern Open Space Easement (Lot 20 of the proposed Tentative Map) (as required by the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan approved in 2012), and enhancing 0.11 acre of wetland habitat in the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement element consists of enhancing all of the vernal pools in the Open Space Easement (Lot 20 of the proposed Tentative Map) as required by the Long Term Management, Maintenance, and Monitoring Plan and will actually provide 0.21 acre of enhancement. As documented in the Project's December 2000 MSCP Findings (County of San Diego 2000), another 0.1[1] acre of wetland creation would be required to bring up the mitigation ratio to 2:1. The additional 0.11 acre of wetland mitigation should be undertaken in the Johnson Canyon drainage. As an alternative, the additional 0.11 acre of wetland creation within the mima mound vernal pool area shall be replaced with enhancement/restoration of the 0.39-acre area of non-native riparian habitat. The change from creation to enhancement/restoration would be compensated by an increase in the ratio from 1:1 to slightly over 3:1. A riparian habitat enhancement/restoration plan shall be developed and approved by the County and Wildlife Agencies.

**M-BI-15:** Mitigation for potential Project impacts to Federally protected wetlands (BI-15) shall consist of wetland creation and enhancement/ restoration as proposed for wetland habitat impacts in M-BI-4~~12~~, above.

## 2.2.6 Conclusion

With incorporation of mitigation measures M-BI-1 through M-BI-15, all impacts to biological resources (**Impacts BI-1** through **BI-15**) would be reduced to below a level of significance.

**TABLE 2.2-1. *VEGETATION/LAND COVER CATEGORIES AND ACREAGES***

| Category (County Habitat Code) | Acres On-site |
|---|---|
| **Wetlands** | |
| Disturbed Wetland (11200) | 0.11 |
| Non-Native Riparian (65000) | 0.39 |
| San Diego Mesa Claypan Vernal Pool (44322) | 0.21 |
| **Uplands** | |
| Developed Land (12000) | 2.97 |
| Disturbed Land (11300) | 7.26 |
| Native Grassland (42100) | 1.96 |
| Non-Native Grassland (42200) | 240.24 |
| **Totals** | **253.14** |

**TABLE 2.2-2. *SURVEYS CONDUCTED ON THE OTAY 250 PROJECT SITE***

| Date | Time | Temp (°F) | Sky | Wind (MPH) | Survey Type | Personnel |
|---|---|---|---|---|---|---|
| **GENERAL SURVEYS** | | | | | | |
| 04/24/1998 | Begin: 0900 End: 1200 | Begin: 70° End: 75° | Partly cloudy | Slight breeze | General, Burrowing Owl | Elyssa Robertson, Holly Boessow |
| 07/10/2001 | Begin: 0900 End: 1000 | | | | Offsite Impact Survey, Vernal Pool Status Check | Catherine MacGregor |
| 02/24/2015 | Begin: 0955 End: 1730 | Begin: 60° End: 62° | Clear | Begin: 6-9 End: 6-11 | General, Early Plant Survey | Lee BenVau |
| 06/23/2015 | Begin: 0700 End: 1000 | Begin: 67° End: 79° | Clear | Begin: 1-3 End: 0-5 | General, Summer Plant Survey | Lee BenVau |
| **FOCUSED SPECIAL-STATUS PLANT SURVEYS** | | | | | | |
| 06/12/1998 | Begin: 1200 End: 1600 | | | | Summer-blooming Species Survey | Holly Boessow, Elyssa Robertson, Robin Church |
| 08/20/1998 | Begin: 0800 End: 1200 | | | | Late Summer-blooming Species Survey | Holly Boessow, Elyssa Robertson, Robin Church |
| 05/03/2001 | Begin: 0920 End: 1200 | | | | Spring Rare Plant and Dudleya Survey | Catherine MacGregor |
| 05/10/2001 | Begin: 0800 End: 1430 | | | | Spring Rare Plant and Dudleya Survey | Catherine MacGregor |
| 05/11/2001 | Begin: 1530 End: 1730 | | | | Spring Rare Plant and Dudleya Survey | Catherine MacGregor |
| 05/25/2001 | Begin: 1300 End: 1530 | | | | Spring Rare Plant and Dudleya Survey | Catherine MacGregor |
| 06/13/2001 | Begin: 0850 End: 1245 | | | | Summer Rare Plant and Dudleya Survey | Catherine MacGregor |

| Date | Time | Temp (°F) | Sky | Wind (MPH) | Survey Type | Personnel |
|---|---|---|---|---|---|---|
| 06/14/2001 | Begin: 1050 End: 1510 | | | | Summer Rare Plant and Dudleya Survey | Catherine MacGregor |
| 06/15/2001 | Begin: 0915 End: 1015 | | | | Summer Rare Plant and Dudleya Survey | Catherine MacGregor |
| 04/02/2004 | Begin: 1115 End: 1145 | | | | Spring Rare Plant Check-up | Catherine MacGregor |
| 07/07/2005 | Begin: 0910 End: ~0945 | | | | Summer Rare Plant Check-up | Catherine MacGregor |
| 05/30/2006 | Begin: 0945 End: 1015 | | | | Spring Rare Plant Check-up | Catherine MacGregor |
| 02/24/2015 | Begin: 0955 End: 1730 | | | | Early Rare Plant Survey | Catherine MacGregor, Lee BenVau |
| 04/23/2015 | Begin: 1000 End: 1235 | | | | Spring Rare Plant and Dudleya Survey | Catherine MacGregor |
| 06/03/2015 | Begin: 0945 End: 1135 | | | | Summer Rare Plant and Dudleya Survey | Catherine MacGregor |
| 2016 | Checked | During | Other | Surveys | Spring Rare Plant | Catherine MacGregor |
| **BURROWING OWL SURVEYS** | | | | | | |
| 02/24/2015 | Begin: 0955 End: 1730 | Begin: 60° End: 62° | Clear | Begin: 6-9 End: 6-11 | BUOW Winter Season Check | Catherine MacGregor |
| 04/23/2015 | Begin: 1000 End: 1235 | Begin: 63° End: 63° | Overcast | Begin: 2-5 End: 4-8 | BUOW | Catherine MacGregor |
| 06/03/2015 | Begin: 0945 End: 1135 | Begin: 74° End: 74° | Hazy | Begin: 2-3 End: 3-9 | BUOW | Catherine MacGregor |
| 06/23/2015 | Begin: 0700 End: 1000 | Begin: 67° End: 79° | Clear | Begin: 1-3 End: 0-5 | BUOW | Catherine MacGregor, |
| 02/04/2016 | Begin: 0945 End: 1415 | Begin: 61° End: 66° | Sunny, hazy | Begin: 0-1 End: 0-2 | BUOW Habitat Assessment | Catherine MacGregor |
| 04/01/2016 | Begin: 0705 End: 1000 | Begin: 53° End: 63° | Partly cloudy to sunny, hazy | Begin: 1-2 End: 0-2 | BUOW 1a | Catherine MacGregor, Lee BenVau |
| 04/05/2016 | Begin: 0700 End: 1010 | Begin: 57° End: 64° | Hazy with light clouds | Begin: 0 End: 1-2 | BUOW 1b | Catherine MacGregor, Lee BenVau |

| Date | Time | Temp (°F) | Sky | Wind (MPH) | Survey Type | Personnel |
|---|---|---|---|---|---|---|
| 04/28/2016 | Begin: 1735 End: 1955 | Begin: 66° End: 57° | Sunny with clouds, to partly cloudy | Begin: 5-8 End: 2-5 | BUOW 2a | Catherine MacGregor, Lee BenVau |
| 04/29/2016 | Begin: 1730 End: 1955 | Begin: 64° End: 57° | Light clouds to partly cloudy | Begin: 3.5-6 End: 2-5 | BUOW 2b | Catherine MacGregor, Lee BenVau |
| 05/03/2016 | Begin: 1800 End: 1910 | Begin: 71° End: 64° | Clear with light clouds | Begin: 5-10 End: 1-3 | BUOW 2c | Catherine MacGregor |
| 05-26-2016 | Begin: 0600 End: 1005 | Begin: 57° End: 67° | Overcast | Begin: 0-3 End: 2-6 | BUOW 3b | Catherine MacGregor, Lee BenVau |
| 05/27/2016 | Begin: 0600 End: 0950 | Begin: 60.5° End: 64° | Overcast | Begin: 3-5 End: 2.5-7 | BUOW 3b | Catherine MacGregor, Lee BenVau |
| 06/21/2016 | Begin: 0615 End: 1015 | Begin: 69° End: 77° | Partly cloudy to overcast | Begin: 0 End: 3-7 | BUOW 4a | Catherine MacGregor, Lee BenVau |
| 06/22/2016 | Begin: 0625 End: 1035 | Begin: 68° End: 84° | Sunny with light clouds | Begin: 0-2 End: 0-3 | BUOW 4b | Catherine MacGregor, Lee BenVau |
| **QUINO CHECKERSPOT BUTTERFLY SURVEYS** | | | | | | |
| 03/03/1999 | Begin: 1130 End: 1315 | Begin: 64.6° End: ±70° | Clear | Begin: 4.4-10.3 End: 3-8 | Habitat Assessment / Adult Survey | Royce B. Riggan, Denise Dixon, Danielle Flynn |
| 03/2/1999 | Begin: 1230 End: 1400 | Begin: 70.4° End: ±70° | Clear | Begin: 2.7-7.9 End: 3-7 | Habitat Assessment / Adult Survey | Royce B. Riggan, Elyssa Robertson |
| 03/19/1999 | Begin: 1400 End: 1630 | Begin: 74.6° End: <70° | Clear / 2% | Begin: 5.1-10.4 End: 4-8 | Habitat Assessment / Adult Survey | Royce B. Riggan |
| 03/28/1999 | Begin: 1230 End: 1400 | Begin: 74.6° End: ±78° | Clear | Begin: 3.2-9.7 End: 3-8 | Habitat Assessment / Adult Survey | Royce B. Riggan |
| 04/04/1999 | Begin: 1345 End: 1515 | Begin: 69.9° End: 66.1° | Clear | Begin: 1.7-4.7 End: 3-7 | Habitat Assessment / Adult Survey | Royce B. Riggan |
| 04/10/1999 | Begin: 1230 End: 1345 | Begin: 71.5° End: ±75° | Clear | Begin: 3.5-7.8 End: 3-7 | Habitat Assessment / Adult Survey | Royce B. Riggan |

| Date | Time | Temp (°F) | Sky | Wind (MPH) | Survey Type | Personnel |
|---|---|---|---|---|---|---|
| 04/17/1999 | Begin: 1330 End: 1500 | Begin: 87.2° End: ±86° | Clear | Begin: 4.8-10.4 End: 4-8 | Habitat Assessment / Adult Survey | Royce B. Riggan |
| 03/14/2001 | Begin: 0845 End: 1315 | Begin: warm End: 70.7° | Clear | Begin: 0 End:1.6-3.9 | Adult Survey | Royce B. Riggan |
| 03/27/2001 | Begin: 1245 End: 1515 | Begin: 77.8° End: 70.5° | [Sunny] | Begin:2.2-4.6 End:4.2-8.7 | Adult Survey | Royce B. Riggan |
| 04/16/2001 | Begin: 1300 End: 1545 | Begin: 76.8° End: 77.2° | [Sunny] | Begin:3.7-9.0 End:3.2-8.7 | Adult Survey | Royce B. Riggan |
| 04/21/2001 | Begin: 1130 End: 1430 | Begin: 78.9° End: 80.3° | [Sunny] | Begin:0.0-5.7 End:2.3-8.6 | Adult Survey | Royce B. Riggan |
| 04/26/2001 | Begin: 1445 End: 1700 | Begin: 83.6° End: 69.7° | [Sunny] | Begin:1.5-6.3 End:0.3-3.8 | Adult Survey | Royce B. Riggan |
| 02/04/2016 | Begin: 0930 End: 1340 | Begin: 61.3° End: 73.8° | Clear | Begin: End: | Habitat assessment, initial host plant mapping | Gretchen Cummings |
| 03/01/2016 | Begin: 0900 End: 1015 | Begin: 67.5° End: 73.1° | 30% cloud cover | Begin: End: | Completion of host plant mapping | Gretchen Cummings |
| 03/01/2016 | Begin: 1015 End: 1400 | Begin: 73.1 End: 73.8 | 30% cloud cover | Begin: End: | QCB Survey 1 | Gretchen Cummings |
| 03/08/2016 | Begin: 1000 End: 1330 | Begin: 60.1° End: 65.1° | Clear | Begin: End: | QCB Survey 2 | Gretchen Cummings |
| 03/18/2016 | Begin: 1355 End: 1555 | Begin: 71.9° End: 73.4° | Clear | Begin: End: | QCB Survey 3 | Gretchen Cummings |
| 03/24/2016 | Begin: 1330 End: 1530 | Begin: 79.7° End: 79.5° | Clear | Begin: End: | QCB Survey 4 | Gretchen Cummings |
| 03/04/2015 | Begin: 1430 End: 1630 | Begin: 73.5° End: 74.2° | 20% cloud cover | Begin: End: | QCB Survey 5 | Gretchen Cummings |
| **FAIRY SHRIMP SURVEYS** | | | | | | |
| 08/20/1998 | | | | | Dry Season Sampling | Charles Black |
| 02/08/1999 | | | | | Wet Season Sampling | Charles Black |
| Spring 2016 | Attempted | After | Rain | Events | Wet Season Sampling | Greg Mason |

**Table 2.2-3. *COMPARISON OF 2017 BTR AND 2000 FSEIR VEGETATION/HABITAT IMPACTS***

| Habitat | 2016 Impacts (acres) | | | 2000 Impacts (acres) | | | Change from 2000 to 2016 (acres) |
|---|---|---|---|---|---|---|---|
| | Onsite | Offsite | Total | Onsite | Offsite | Total | |
| Disturbed Wetland | 0.11 | - | 0.11 | 0.11 | - | 0.11 | 0 |
| Non-Native Riparian | - | - | - | NA | NA | - | 0 |
| San Diego Mesa Claypan Vernal Pool | - | - | - | - | - | - | 0 |
| Southern Willow Scrub | NA | NA | | 0.20 | - | 0.20 | -0.20 |
| Coastal Sage Scrub | NA | NA | | 2.1 | - | 2.1 | -2.1 |
| Native Grassland | - | - | - | 4.2 | - | 4.2 | -4.2 |
| Non-native Grassland | 193.77 | 2.62 | 195.99 | 186.37 | 0.13 | 186.5 | +9.49 |
| Developed Land | 2.97 | - | 2.97 | NA | NA | - | +2.97 |
| Disturbed Land | 4.94 | 0.07 | 5.01 | 5.9 | - | 5.9 | -0.89 |
| Totals | 201.39 | 2.69 | 204.08 | 198.88 | 0.13 | 199.01 | +5.07 |

**TABLE 2.2-43. *DIRECT VEGETATION/HABITAT IMPACTS***

| Habitat | Existing (acres) | On-site Impacts (acres) | Offsite Impacts (acres) | Total Impacts (acres) | Remaining in Open Space Easement (lot 20 of the proposed TENTATIVE MAP) |
|---|---|---|---|---|---|
| Disturbed Wetland | 0.11 | 0.11 | - | 0.11 | - |
| Non-Native Riparian | 0.39 | - | - | - | 0.39 |
| San Diego Mesa Claypan Vernal Pool | 0.21 | - | - | - | 0.21 |
| Native Grassland | 1.96 | - | - | - | 1.96 |
| Non-native Grassland | 240.24 | 193.37 | 2.62 | 195.99 | 46.87 |
| Developed Land | 2.97 | 2.97 | - | 2.97 | - |
| Disturbed Habitat | 7.26 | 4.94 | 0.07 | 5.01 | 2.32 |
| **Totals** | **253.14** | **201.39** | **2.69** | **204.08** | **51.75** |

**TABLE 2.2-5. *CONDITIONS ASSOCIATED WITH THE WILDLIFE AGENCIES' CONCURRENCE FOR SUNROAD CENTRUM MINOR AMENDMENT TO THE MSCP COUNTY SUBAREA PLAN***

| Condition | | Reference Documentation | Status |
|---|---|---|---|
| 1 | The RCP should be modified to require three-strand fencing to be installed around the entire perimeter of the conserved area, except where the chain-link fencing is required to protect vernal pools. | Sunroad Centrum Resources Conservation Plan (December 2003) | **Complete.**<br><br>Item # 7, page 29 of the RCP. |
| 2 | The Long-term Management, Maintenance, and Monitoring Plan needs to be more specific that is covers management of the entire 51.3-acre preserve. | Sunroad Centrum Resources Conservation Plan (December 2003) | **Complete.**<br><br>Section 6.0 – Long-term Management. |
| 3 | The PAR and resulting endowment need to be modified to include costs for fence construction and the periodic repair/replacement of both the three-strand and the chain-link fencing associated with the preserve. | Sunroad Centrum Resources Conservation Plan (December 2003), Appendix G: The Property Analysis Record (06/19/2003) | **Complete.**<br><br>Installation and periodic repair/replacement costs are included in Section 8 of PAR (Initial & Capital Tasks and Costs) and Section 9 of PAR (Ongoing Tasks and Costs). |
| 4 | Either the County or the Department must hold the endowment for long-term management; the site manager cannot hold the endowment. | Sunroad Centrum Resources Conservation Plan (December 2003) | **Complete.**<br><br>Section 4.0 – Responsibilities, Perpetual Management Responsibilities. |
| 5 | The document must specify who will be holding the title to the property or be the grantee of the conservation easement. | Sunroad Centrum Resources Conservation Plan (December 2003) | **Complete.**<br><br>Section 4.0 – Responsibilities, Perpetual Management Responsibilities. |
| 6 | The Long-term Management, Maintenance, and Monitoring plan needs to be revised so that weeding requirements are not solely subject to approval by the conservation manager. The County should have authority to direct weed management. Furthermore, the plan should direct that highly invasive exotics, particularly those listed on List A of the California Exotic Pest Plant Council, be prioritized for removal. | Sunroad Centrum Resources Conservation Plan (December 2003) | **Complete.**<br><br>Section 6.0 – Long-term Management. |
| 7 | Site inspections to ensure fencing and signage is maintained should be performed on a monthly basis. | Sunroad Centrum Resources Conservation Plan (December 2003) | **Complete.**<br><br>Section 6.0 – Long-term Management. |

**TABLE 2.2-6. *STATUS OF FULFILLING CONSERVATION MEASURES FOR THE BIOLOGICAL OPINION FOR THE SUNROAD CENTRUM PROJECT***

| Conservation Measures | | Reference Documentation | Status |
|---|---|---|---|
| 1 | A final contour plan (Plan) will be submitted to the Service for approval prior to implementation of the fairy shrimp habitat creation project (J22 vernal pool complex) on Unit 6 of Tentative Map 5139RPL6R. The final Plan will include a 6-inch contour topographic map that depicts the proposed creation area. The Plan will include both the mima mounds and basins to be created and will blend in with the existing topography. Creation of berms and other structures that would disrupt the natural hydrological regime within the J22 vernal pool complex is prohibited. The margins of the basins need to avoid erosion during storm events, which may impact the water quality and shrimp viability in the created pools. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 2 | The Plan for Unit 6 of Tentative Map 5139RPL6R will specify the areas of existing native upland habitat, vernal pools and their watershed, which are to remain unaffected by restoration activities, and these areas will be protected by temporary barriers prior to implementation. The Plan will be implemented using small tracked dozers with ripping tines and slope boards, rubber-tired loaders, and sheeps-foot for mound construction. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 3 | To minimize compaction of the clay soils by equipment and impacts to existing fairy shrimp on unit 6 of Tentative Map 5139RPL6R (J22 complex), vehicular activities within the restoration site will be conducted during late summer and fall, when soil is completely dry and seeds have set. Fairy shrimp creation will be conducted during dry months (July – November). | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 4 | Soil (inoculum) will be salvaged from the impacted agricultural pond onsite. Soil will be collected during dry conditions to avoid damaging or destroying fairy shrimp cysts which are fragile when wet. A hand tool or similar instrument will be used to collect the soil, whenever possible. Should will be collected in chunks. The trowel will be used to pry up intact pieces of solid, rather than loosening the soli by raking and shoveling, which can damage cysts. In inoculum is needed form other pools, no more than one percent (1%) of the total solid surface of any one pool will be collected. Individual soil | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |

| Conservation Measures | | Reference Documentation | Status |
|---|---|---|---|
| | samples will not exceed 10 x 10 centimeters. Authorization from the Service will be required if additional pools are considered as a source for inoculum. | | |
| 5 | The inoculum used will not contain *Brachinecta lindahli*, in order to reduce the likelihood of introducing this species into the J22 complex. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 6 | The names, any permit numbers, resumes, and at least three references (of people who are familiar with the relevant qualifications of the proposed biologist), of all biologists who might need to handle fairy shrimp must be submitted to the Service for approval prior to the initiation of the proposed project. Proposed activities on the Unit 6 of Tentative Map 5139RPL6R will not begin until an authorized biologist has been approved by the Service. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 7 | The shaping of the fairy shrimp habitat creation area within the J22 complex will be conducted under the direction of an authorized biologist with three years of vernal pool restoration experience in Southern California and who has successfully restored vernal pools. Resumes will be submitted and proposed activities will not begin until an authorized biologist has been approved by the Service. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 8 | The contractor and operators will be experienced in vernal pool restoration work. The fairy shrimp habitat creation team will include a licensed surveyor to assure that the Plan is implemented as designed. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 9 | The final Fairy Shrimp Translocation and Five-Year Mitigation Monitoring Plan (Fairy Shrimp Translocation Plan) for Tentative Map 5139RPL6R will be submitted to the Service for approval prior to implementation of the Plan. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 10 | The Fairy Shrimp Translocation Plan will contain measures for controlling exotic plants and restoring upland habitat in the watershed and buffer to the created basins. The Fairy Shrimp Translocation Plan will contain a figure that delineates the areas of the upland habitat to be restored/enhanced. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 11 | The final Fairy Shrimp Translocation Plan will address specific measures for controlling exotic vegetation within the fairy shrimp | Sunroad Centrum Fairy Shrimp Translocation and Five-Year | Requirement included in Sunroad Centrum Fairy Shrimp Translocation |

| Conservation Measures | | Reference Documentation | Status |
|---|---|---|---|
| | habitation creation area and adjacent uplands. No use of herbicides will occur within the existing vernal pools basins or created basins. Service approved herbicides used to control exotic vegetation in the upland portion of the restoration areas will only be administered by a qualified biologist. Prior to any herbicide application, vernal pools basins and created basins will be delineated, flagged, and avoided. A minimum five-meter buffer between adjacent upland habitat and vernal pool basins and created basins will be established. No herbicides will be applied prior to or following 24 hours of a projected rain event, and or during winds conditions greater than one (1) on a Beauport scale. | Five-Year Monitoring Mitigation Plan (December 2003) | Five-Year Monitoring Mitigation Plan (December 2003) |
| 12 | Control ponds and upland habitat areas will be subject to approval from the Services before monitoring is set to begin. The J26 complex pools and the J23 complex upland habitat areas are pre-approved for this purpose. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 13 | Annual Reports will be provided to the Service by November 1 of each year. The final Fairy Shrimp Translocation Plan will include a scaled aerial photograph depicting the baseline status of the site. In addition, the final Fairy Shrimp Translocation Plan will include a map that clearly delineates the extant vernal pool basins and watersheds, proposed fairy shrimp habitat creation basins and watersheds, and the adjacent upland areas. The Annual Report will identify (graphically) and discuss the vegetation communities and any sensitive species occurring on the property, as well as exotic species, except for various nonnative grasses which may be widespread on-site but not a specific threat to habitats. The Annual Report will describe all on-site measures undertaken to remove exotic species during the prior year, review the effectiveness of those actions or actions performed in prior years (as appropriate), and identify measures (methods, locations, etc.) to be performed in the coming year. Photographs (i.e., before and after implementation of control measures) will be included in the Annual Report. Representative photographs will also be used to illustrate site conditions or other issues relevant to site management. A list of plant and animal species occurring on the | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |

| Conservation Measures | | Reference Documentation | Status |
|---|---|---|---|
| | property will be included as an appendix to the report. The Annual Report will also summarize the status of the endowment, funds generated, and expenses incurred in performing site management. Copies of the Annual Report will be provided to the County DPLU and the Wildlife Agencies by the end of January for the prior calendar year efforts. | | |
| 14 | By the end of the five-year monitoring program for the project, the project proponent must demonstrate that the created fairy shrimp habitat basins in the J22 complex support successfully reproducing populations of Riverside or San Diego fairy shrimp, at similar densities ($p<.05$) to that of control pools. This will be determined by measuring the density of viable cysts within the soil. Dry samples will be taken in both the control pools and created basins to determine the density and viability of the cysts. At least 0.11 acre of created basin areas will support reproducing Riverside and San Diego fairy shrimp. If a protocol survey for the Riverside fairy shrimp demonstrates that this species is no present in the impact area, then the success criteria related to this species is dismissed. Results of the protocol surveys (2 wet; or 1 dry and 1 wet) will be submitted for approval in order to remove this requirement. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 15 | If success criteria, as described in the final Fairy Shrimp Translocation Plan, are not met, the project schedule will repeat on the year that the criteria were not met. For example, if the second-year criteria are met, but the third-year criteria are not met. Then the third year will be repeated, and an additional year added to the monitoring program. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |
| 16 | Prior to commencement of work in the proposed areas, the project proponent will place a conservation easement in the preserve areas. The conservation easement will allow work described in the final Fairy Shrimp Translocation Plan to be conducted within the easement area. | TM 5538 | **Complete.**<br><br>Open Space Easement recorded over Lot 55 of TM 5538 |
| 17 | The project proponent will establish an endowment fund that ensures in perpetuity management for the created basins, and their restored watershed on Unit 6 of Tentative Map 5139RPL6R (J22 complex). | | To be established. |

| Conservation Measures | | Reference Documentation | Status |
|---|---|---|---|
| 18 | Although not required for success, native vernal pool plant species may be introduced into the created basins. | Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) | Requirement included in Sunroad Centrum Fairy Shrimp Translocation and Five-Year Monitoring Mitigation Plan (December 2003) |

## TABLE 2.2-74. *PROJECTS INCLUDED IN CUMULATIVE IMPACT ANALYSIS*

| Map Reference | Project Name | Project Number(s) | Non-native grassland | |
|---|---|---|---|---|
| | | | Impacts | Mitigation |
| 1 (Proposed Project) | Otay 250 SPA | TENTATIVE MAP 5607 | 195.99 | 98.00 |
| **County Projects** | | | | |
| 2 | Saeed TENTATIVE MAP/Airway Business Center | TENTATIVE MAP 5304 | 38.5 | 19.3 |
| 3 | Roll County LLC/ Enrico Fermi Industrial Park | TENTATIVE MAP 5394 | NA | NA |
| 4 | Otay Hills | P04-004, RP04-001, ER04-19-004 | 40.4 | 26.9 |
| 5 | Burke Minor Subdivision | TPM 20701RPL1, ZAP 99-029, STP 05-018 | 40.0 | 20.0 |
| 6 | East Otay Mesa Auto Storage/ Aaron Construction Auto Auction Park | MUP 00-012, Minor Deviation 00-012-02 | NA | NA |
| 7 | Family Motocross Park | MUP 00-024, SPA 04-006 | NA | NA |
| 8 | Otay Mesa Auto Transfer/Rowland | MUP 03-001 | NA | NA |
| 9 | Bradley/Robertson Copart Salvage Auto Auctions | MUP 88-020, STP 00-070 | NA | NA |
| 10 | National Enterprises Storage and Recycling Facility | MUP 98-001 RPL1 | 103.61 | 24.29 |
| 11 | Calpine PG&E | TPM 20570 | NA | NA |
| 12 | Otay Business Park | TENTATIVE MAP 5505 | 176.1 | NA |
| 13 | Otay Crossings Commerce Park | TENTATIVE MAP 5405 | 273.3 | NA |
| 14 | San Diego Correctional Facility/ Corrections Corporation of America | SPA 06-005, MUP 06-074, P06-074 | 36.7 | NA |
| 15 | Otay Mesa Travel Plaza | TPM 20414, MUP 98-024 and Mod-01 | NA | NA |
| 16 | Pilot Travel Center | TPM 20894, STP 05-021 | 12.9 | 6.5 |
| 17 | East Otay Temporary Fire Facility | STP 00-070 | NA | NA |
| 18 | International Industrial Park, Johnson Canyon | TENTATIVE MAP 5549 | Part of 118.4 | 35.9 |
| 19 | OMC Properties | TPM 21140 | NA | NA |
| 20 | Pio Pico Energy Center Project | 11-AFC-1C | NA | NA |
| 21 | California Crossings | P06-102, TPM 21046 | 23.4 | 15.4 |

| | | | | |
|---|---|---|---|---|
| 22 | COPART County Sales Yard Time Extension | P 88-020W1 | NA | NA |
| 23 | FEDEX Site Plan | S08-018 | NA | NA |
| 24 | Insurance Auto Auctions | P00-012TE | NA | NA |
| 25 | Sunroad Interim Uses - Sunroad Center I Harvest Ranch Nursery | P 09-009, P 09-005 | NA | NA |
| 26 | Travel Plaza | P 98-024W1, TPM 20424 | NA | NA |
| 27 | Vulcan | S 07-038 | NA | NA |
| 28 | Piper Otay Park | TENTATIVE MAP 5527 | NA | NA |
| 29 | Hawano | 10-0123176 | 79.6(?) | NA |
| 31 | Rabago | TENTATIVE MAP 3100 5568 | Part of 71.1 | NA |
| 32 | Otay Mesa Generating (Calpine) | TPM 20570 | NA | NA |
| 33 | Otay Business Park | TENTATIVE MAP 5505 | 179.9 | 179.9 |
| 34 | Otay Ranch Village 12 (Otay Ranch Preserve and Resort | GPA04-003, SP04-002, REZ04-009, TENTATIVE MAP5316A & B, ER LOG 04-19-005 | NA | Part of 1,089 acres of preserved open space |
| 35 | Simpson Farms | PDS2005-3100-YM5460, TENTATIVE MAP5200RPL | NA | NA |
| 36 | SR-11 Phase II and East Otay Mesa port of Entry | PM0.0/2.7 EA 056300 | 171.9 | NA |
| **City Projects** | | | | |
| A | Sunroad/Interstate Industrial Center | TPM 98-0759 | NA | NA |
| B | Sunroad Otay Park | TENTATIVE MAP 91-0394 | NA | NA |
| C | La Media Truck Park II | 77518 | NA | NA |
| D | Robinhood Ridge Phase I | 96580 | 9.7 | 19.4 |
| E | Semitrailer Storage Facility | Planned Development Permit 12083 | NA | NA |
| F | Airway 18 Truck Terminal/ Airway Auto Park Storage | 2246 | NA | NA |
| G | California Terraces Planning Areas 13 &14 Phase I | 4987 | NA | NA |
| H | Dennery Ranch Village 2/3 | 5091 | NA | NA |
| I | Hidden Trails | 6738 | -- | -- |
| J | Southview | 2204 | NA | NA |
| K | Candlelight Villas | 50591/40329 | -- | -- |
| L | Handler Otay Mesa Phase I | 92122 | 31.8 | 15.9 |
| M | Otay Corporate Center North | NA | NA | NA |
| N | Otay Corporate Center South | 98825 | NA | NA |

| | | | | |
|---|---|---|---|---|
| O | Las Californias Center | 4281 | NA | NA |
| P | Opus Phases I and II | 6626 | NA | NA |
| Q | Just Rite | 5751 | NA | NA |
| R | World Petrol III | 32284/97452 | NA | NA |
| S | Pardee Commercial | NA | NA | NA |
| T | Martinez Ranch Business Park | 100994/45445 | NA | NA |
| U | Siempre Viva Business Park | 102899 | NA | NA |
| V | Southwestern Community College | NA | NA | NA |
| W | Brown Field Tech Park | 208889 | Part of 33.1 | NA |
| X | Ingalls Property | NA | NA | NA |
| Y | Lonestar Ridge | 50728 | 112.7 | 56.4 |

*Second acreage reflects change in site conditions (conversion of CSS to NNG)
NA: Not available

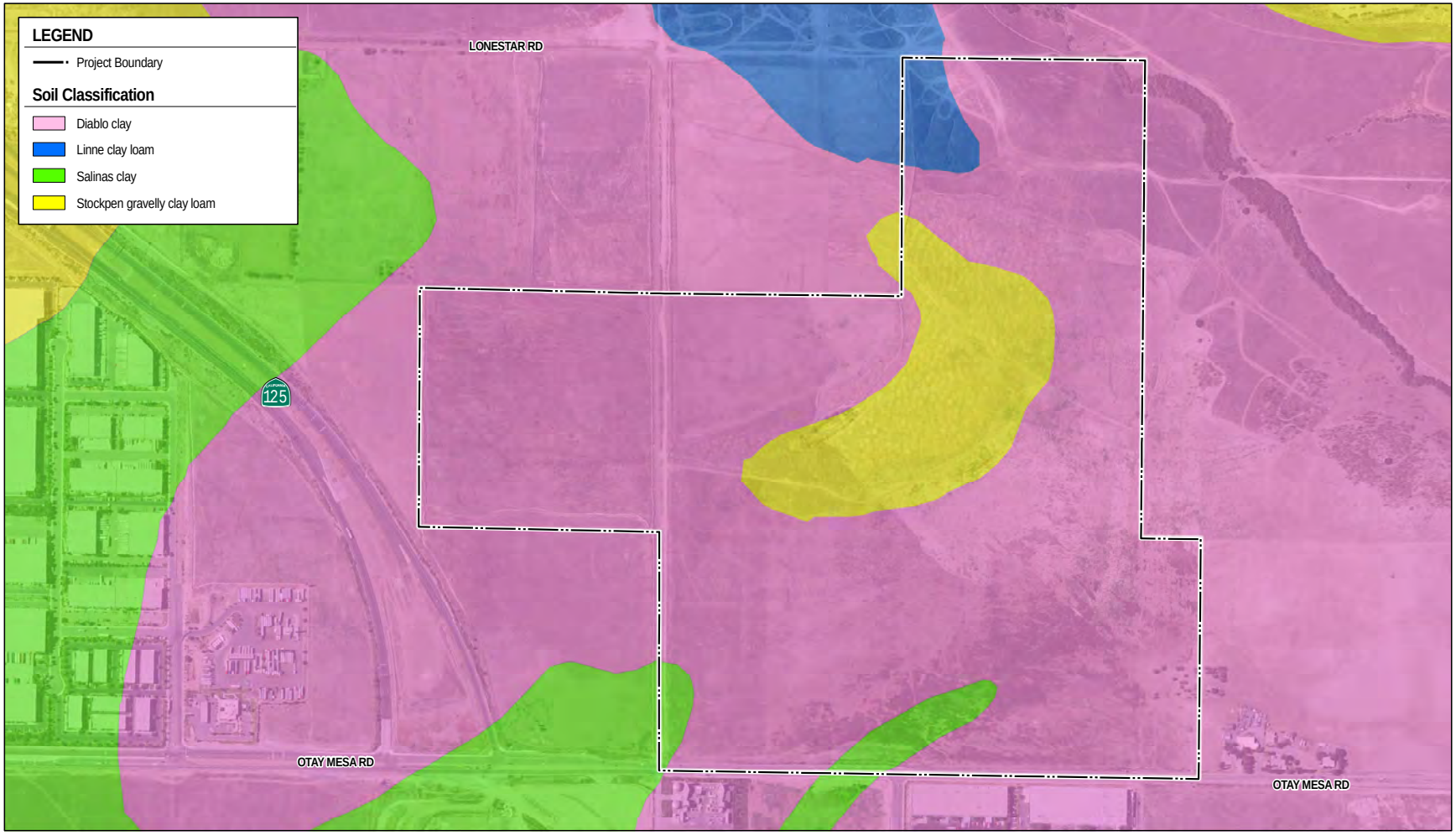



**FIGURE 2.2-1. *ON-SITE AND ADJACENT SOIL CLASSIFICATIONS***

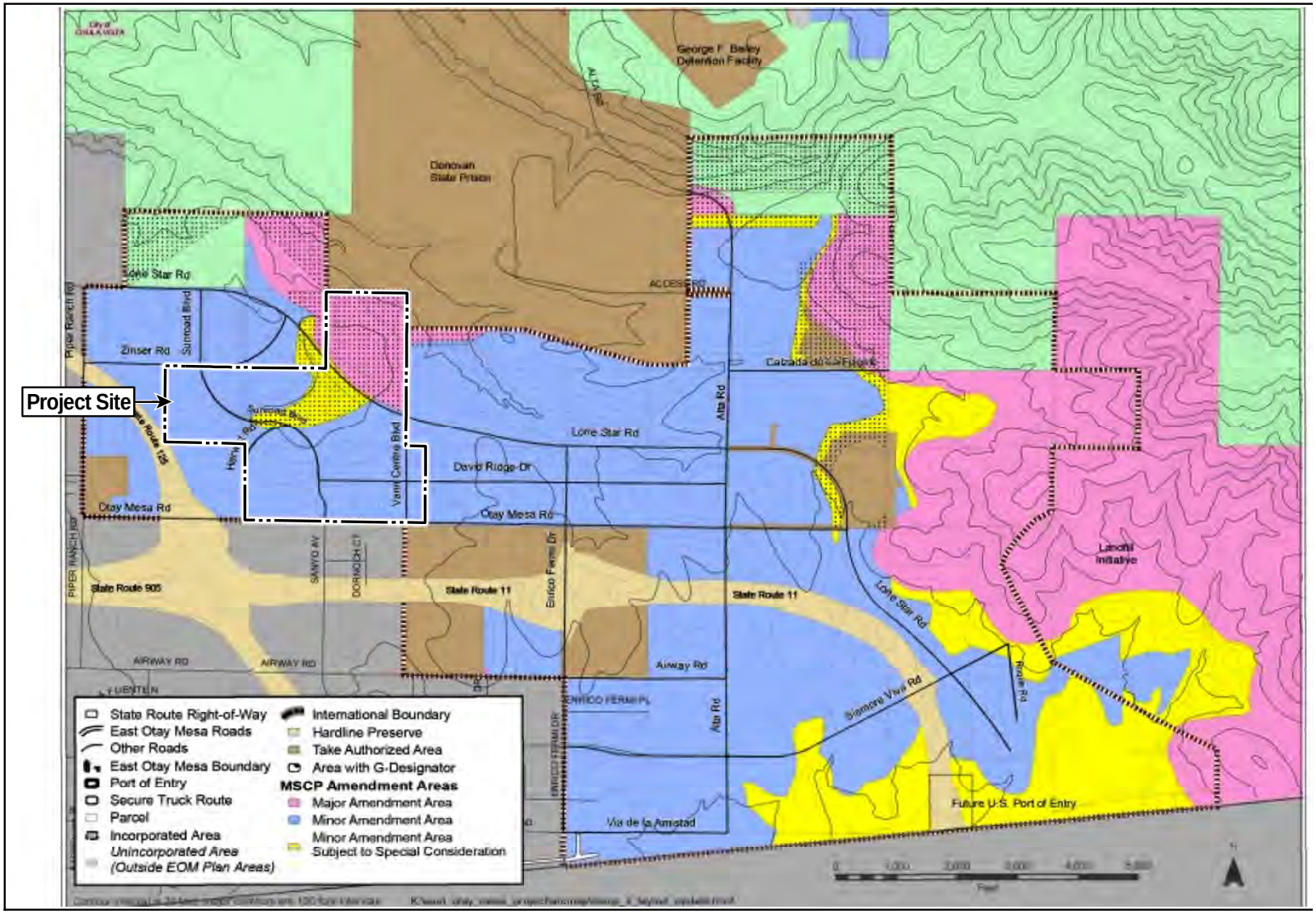



**FIGURE 2.2-2.** ***PROJECT BOUNDARY AND SURROUNDING MSCP AMENDMENT AREAS***

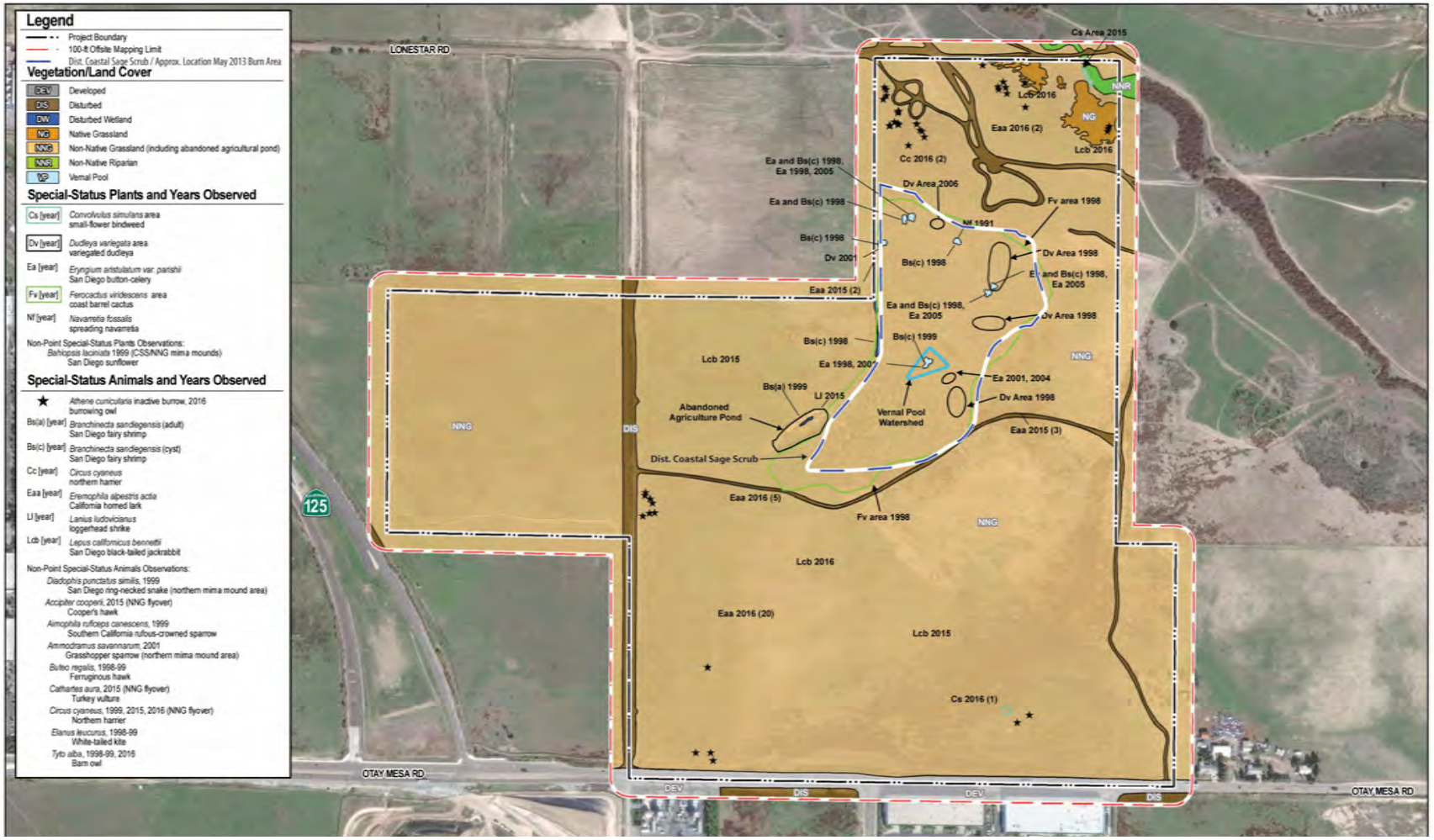
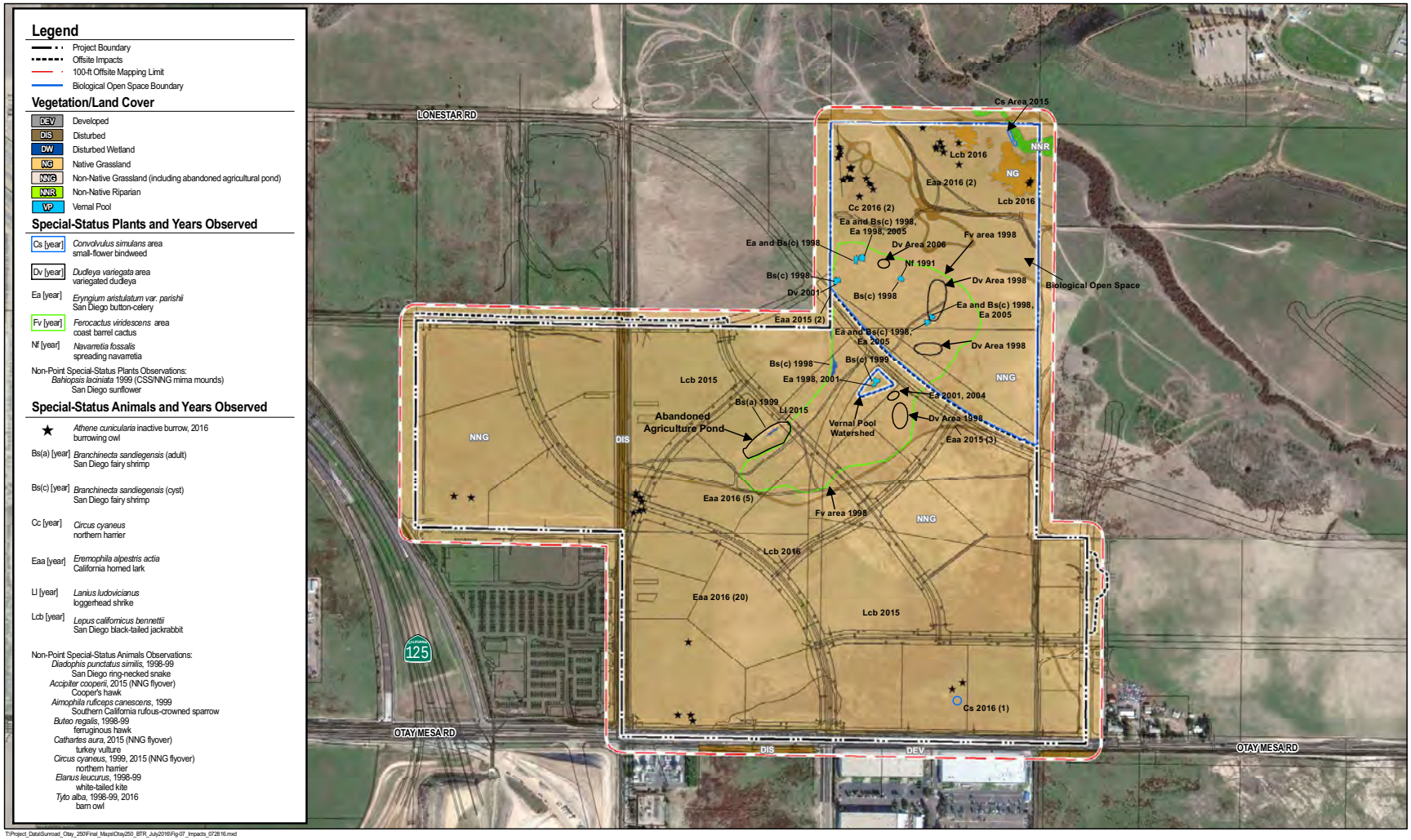



**FIGURE 2.2-3. *BIOLOGICAL RESOURCES***




T:\Project_Data\Sunroad_Otay_250\Final_Maps\Otay250_BTR_July2016\Fig-07_Impacts_072816.mxd

**FIGURE 2.2-4. *PROJECT IMPACTS***

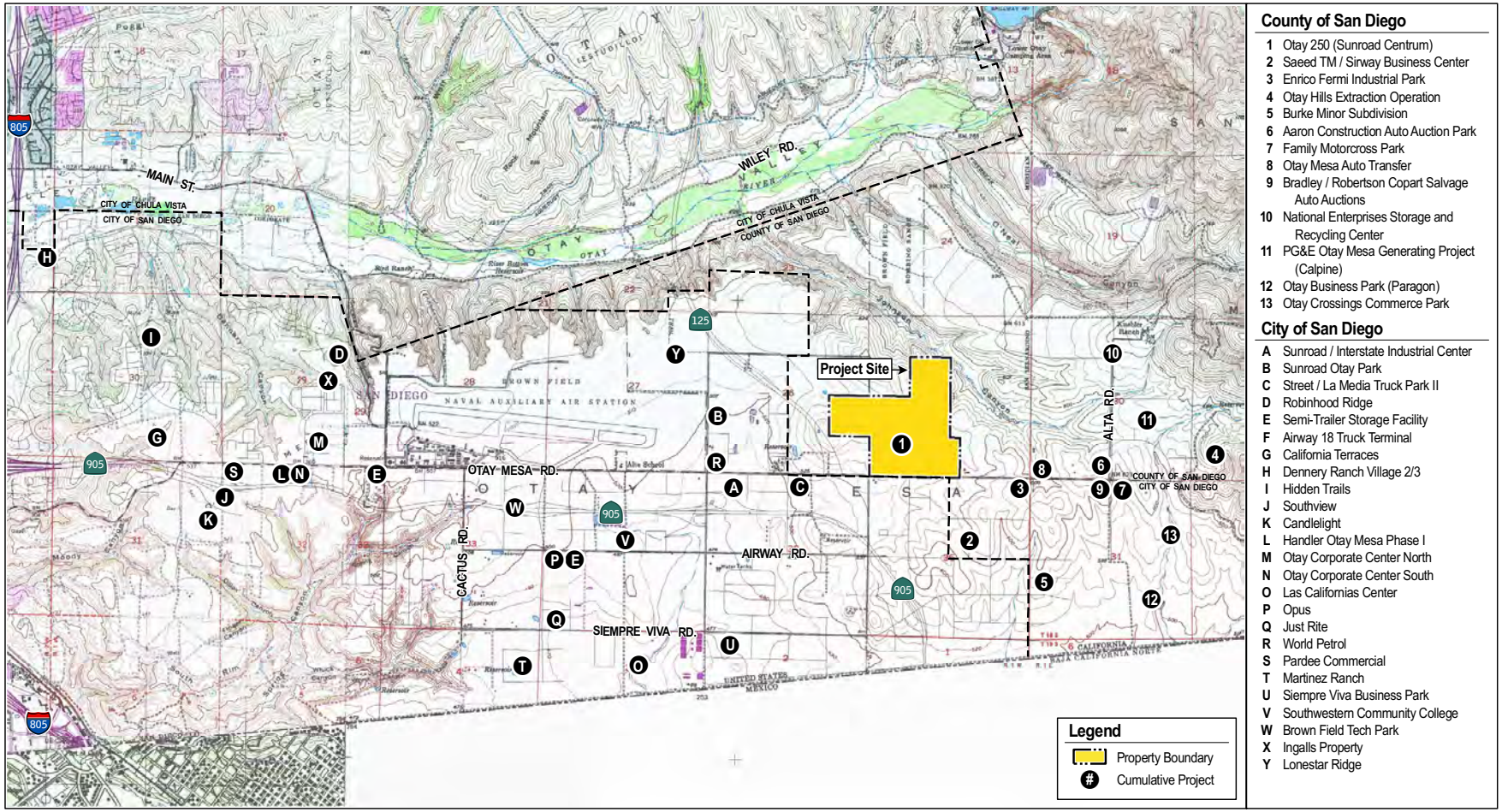



**FIGURE 2.2-5. *CUMULATIVE PROJECTS***

# 2.3 Cultural Resources

This section evaluates the existing cultural resources relative to the Project area, including proposed off-site improvements and cultural resources that occur within the preserved open space easement (Lot ~~1~~ 20 of the proposed TM), and the potential effects that implementation of the proposed Project may have on such resources. Cultural resources include historic sites, buildings, structures, objects, human remains, and tribal cultural resources.

Three comment letters were received during the NOP scoping period that addressed cultural resources (see Appendix A). These comments included the need for a recent cultural resources study (Thomas Ammon), a request from the Viejas Band of Kumeyaay Indians that a Native American Monitor be on site for ground disturbing activities, and that impacts to cultural resources located on Marathon Land and Cattle Company property be analyzed, if off-site grading would occur there (Marathon Land and Cattle Company). The Archaeological Inventory and Evaluation Report was prepared for the proposed Project by ASM Affiliates (August 2016), included in Appendix D of this SEIR. A Kumeyaay Native American Monitor will be selected prior to ground disturbance to be present during ground disturbing activities.

## 2.3.1 Existing Conditions

### 2.3.1.1 *Environmental Setting*

**Natural Environment**

The proposed Project is located on a relatively flat mesa that includes a large knoll or ridgeline that is a remnant Pleistocene terrace. This ridgeline dominates the central portion of the Project site. Areas surrounding the Pleistocene terrace include gently sloping areas away from the ridgeline, a ridgeline south of Johnson Canyon, and steep slopes leading into Johnson Canyon. Vegetation on the mesa, as well as areas located adjacent to or within canyons, includes coastal and inland sage scrub, chaparral, and grassland communities.

**Cultural Environment**

This section summarizes the existing cultural resources within the Project footprint. Cultural resources are the tangible or intangible remains or traces left by prehistoric or historical peoples who inhabited the San Diego region. Cultural resources can also include traditional cultural places, such as gathering areas, landmarks, and ethnographic locations (County of San Diego 2007).

Five cultural sites, (SDI-9975, SDI-12337, SDI-12730, P-37-031491 and Wetmore Outbuildings) were identified within the Project footprint. Site SDI-12337 consists of the combination of seven total sites (SDI-5352, SDI-9974, SDI-10072, SDI-10735, SDI-

17104, SDI-17105 and SDI-12337). Three of the sites (CA-SDI-9975, CASDI-12337 and CA-SDI-12730) are prehistoric and site types include quarries and temporary camps. P-37-031491 is historic and includes a segment of East Otay Mesa Road. Historic structures include the Whetmore Outbuildings. Based on the Sacred Lands check and consultation, no tribal cultural resources were identified.

## 2.3.1.2 *Methodology*

The presence and significance of existing cultural resources associated with the Sunroad - East Otay Mesa Specific Plan Amendment was determined using the methodologies outlined below.

- Archaeological site record and archival research was conducted at the South Coastal Information Center (SCIC) for the Project area and immediate vicinity (one mile radius). The site record and archival research consisted of reviews of archaeological site records and previous cultural studies.
- Various maps, including Proposed Project maps, United States Geological Survey (USGS) quadrangle maps, historic maps and prior reports were reviewed to identify cultural resources that had been previously recorded in the vicinity of the Proposed Project area.
- An intensive pedestrian field survey and field check was conducted for the entire Proposed Project footprint. Kumeyaay Native American monitors were present during the survey.
- A request for a Sacred Lands File search was sent to the Native American Heritage Commission (NAHC) for their consideration and input.
- Site record forms (including updates) were prepared and submitted to the SCIC Center.

The evaluation of cultural resources is in conformance with the County of San Diego RPO, Section 21083.2 of the Public Resources Code, and the CEQA. Statutory requirements of CEQA (Section 15064.5) were followed in evaluating the significance of the cultural resources.

**Records Search Result**

According to the records on file at the SCIC, there have been 133 cultural resource studies conducted within a one-mile radius of the Project site, 30 studies addressed portions of the Proposed Project site. A total of 114 cultural resources have been documented within one mile of the Project site boundary. Five (SDI-9975, SDI-12337, SDI-12730, P-37-031491 and Whetmore Outbuildings) of the previously recorded cultural resources have been identified within the Project site

**Survey Results**

The purpose of the cultural resources technical study was to relocate previously recorded resources and identify any new sites. A total of four cultural resources were encountered

during the survey and field check of the Sunroad – East Otay Mesa Specific Plan Amendment development project. Of these identified resources, one is historic and three are prehistoric. The Whetmore Outbuildings were not relocated. All of these sites had been previously recorded. Neither new sites nor tribal cultural resources were identified.

Mr. Clint Linton from Red Tail Monitoring and Research, Inc. (Kumeyaay) provided the Kumeyaay Native American monitor during the survey of the Proposed Project which included Mr. Anthony LaChappa. No concerns were raised by ~~the~~ Mr. LaChappa during the survey.

**Native American Consultation**

The proposed Project includes a Specific Plan Amendment to the East Otay Mesa Specific Plan, which triggers the requirement for Native American Consultation under Senate Bill (SB) 18 and Assembly Bill (AB) 52. County Planning Staff initiated both AB-52 and SB-18 Consultation and letters were sent to listed Tribes and organizations on October 9, 2015, May 9, 2016, July 18, 2016 and March 2, 2017. To date, the only response that was received was from Viejas Band of Kumeyaay Indians. They requested that cultural monitoring be made a part of the Project and that they be notified of inadvertent discoveries.

A Sacred Lands File (SLF) search was submitted to the NAHC on February 24, 2016, for any recorded Traditional Cultural Properties, Tribal Cultural Resources, or Native American heritage sites within the vicinity of the Project area. On February 24, 2016, Gayle Totton of the NAHC responded that the SLF search yielded negative results.

The NAHC additionally provided a list of Native American tribal representatives who might have further knowledge of such sites or other information relating to the Project area. On March 7, 2016, ASM contacted those tribal representatives by letter to solicit further information regarding known Traditional Cultural Properties, Tribal Cultural Resources, and Native American heritage sites. On March 14, 2016, Clinton Linton of the Iipay Nation of Santa Ysabel responded via email questioning if there will be a pedestrian survey of the Project and if a Kumeyaay monitor will be present. He also stated that there are multiple resources in the area, likely within the Project, which raises the concern. On March 18, 2016, the Viejas Band of Kumeyaay Indians responded via email that they have reviewed the proposed Project and have determined that the Project site has cultural significance or ties to Viejas and that they request that a Native American Cultural Monitor be on site for ground disturbing activities. To date, no additional responses have been received.

## 2.3.1.3 *Regulatory Framework*

**State**

### California Register of Historical Resources (CRHR)

California Public Resources Code Section 5024.1(a) establishes the CRHR. Section 5024.1 (c-f) provides criteria for CRHR eligibility listing. The CRHR considers a resource as "historically significant" and qualifying as a historical resource if it:

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.
2. Is associated with the lives of persons important to local, California, or national history.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

These criteria do not preclude a lead agency from determining that a resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) and 5024.1.

### California Environmental Quality Act

CEQA requires lead agencies to carefully consider the potential effects of a project on historical and unique archaeological resources. A "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript, which is historically or archaeologically significant (California Public Resources Code, Section 5020.1 (j)).

Section 15064.5 of the CEQA Guidelines specifies criteria for determining the significance of impacts to archaeological and historical resources. Section 15064.5 defines a "historical resource" as:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code 5024.1, Title 14 CCR, Section 4850 et seq.).

2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (14 CCR 4852) including the following:

    a. Is associated with events that have made a contribution to the broad patterns of California history and cultural heritage;
    b. Is associated with the lives of persons important in our past;
    c. Embodies the distinctive characteristics of a type, period, region or method construction, or represents the work of an important individual or possesses high artistic values; or
    d. Has yielded, or may be likely to yield, important information in prehistory or history.

4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1

If a cultural resource does not meet the definition of an "historic resource "under CEQA Guidelines Section 15164.5, it must be reviewed under CEQA Statutes Section 21083.2(g) that defines the significance of an archaeological site in terms of uniqueness. A unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

1. Contains information needed to answer important scientific questions and there is a demonstrable public interest in that information.
2. Has a special and particular quality, such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource indicates an archaeological artifact, object, or site that does not meet the previously listed criteria. Impacts to non-unique archaeological resources receive no further consideration under CEQA, other than the recording of its existence by the lead agency if it so elects.

Human remains require special handling and must be treated with dignity. Procedures are provided in Section 15064.5(e) of the CEQA Guidelines, Section 5097.98 of the Public Resources Code and Section 87.429 of the County's Grading Ordinance. In the event of the discovery of human remains and/or funerary items, the following procedures, as outlined by the above statutes, regulations, and ordinances, shall be followed:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

    a. The County Coroner must be contacted to determine that no investigation of the cause of death is required, and
    b. If the Coroner determines that the remains are Native American:
        i. The Coroner shall contact the NAHC within 24 hours.
        ii. The NAHC shall identify the person or persons it believes to be the most likely descended (MLD) from the deceased Native American.
        iii. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

    a. The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission;
    b. The descendent identified fails to make a recommendation; or
    c. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Similarly, Public Resources Code Section 5097.98 states that whenever the NAHC receives notification of Native American human remains from a County Coroner, the NAHC shall immediately notify the MLD. The MLD may, with permission from the owner of the land in which the human remains were found, inspect the site and recommend to the owner or the responsible party conducting the excavation work a means for treating and/or disposing of the human remains and any associated grave goods. The MLD is required to complete their site inspection and make their recommendation within 48 hours of their notification from the NAHC.

**California Health and Safety Code**

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code, Section 7050.5, requires that if

human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County Coroner has examined the remains (Section 7050.5b). If the Coroner determines or has reason to believe the remains are those of a Native American, the Coroner must contact the NAHC within 24 hours (Section 7050.5c).

## Local

### County of San Diego Local Register of Historic Resources

The criteria for listing historical resources to the Local Register (Ordinance No. 9493) are consistent with those developed by the Office of Historic Preservation (OHP) for listing resources to the CRHR, but have been modified for local use in order to include a range of historical resources which specifically reflect the history and prehistory of San Diego County. Only resources that meet the criteria set out below may be listed or formally determined eligible for listing to the Local Register.

1. Are associated with events that have made a significant contribution to the broad patterns of San Diego County's history and cultural heritage;
2. Are associated with the lives of persons important to the history of San Diego County or its communities;
3. Embody the distinctive characteristics of a type, period, San Diego region, or method of construction, or represents the work of an important creative individual, or possess high artistic values; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

### County of San Diego General Plan – Conservation and Open Space Element

The following goals and policies identified in the County of San Diego General Plan (August 2011) Conservation and Open Space Element are applicable to the Proposed Project:

1. **Goal COS-7: Protection and Preservation of Archaeological Resources.** Protection and preservation of the County's important archaeological resources for their cultural importance to local communities, as well as their research and educational potential.

    a. **Policy COS-7.1: Archaeological Protection.** Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.

    b. **Policy COS-7.2: Open Space Easements.** Require development to avoid archaeological resources whenever possible. If complete avoidance is not

possible, require development to fully mitigate impacts to archaeological resources.

c. **Policy COS-7.3: Archaeological Collections.** Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.

d. **Policy COS-7.4: Consultation with Affected Communities.** Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.

e. **Policy COS-7.5: Treatment of Human Remains.** Require human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains will be done in consultation with the Most Likely Descendant (MLD) and under the requirements of Federal, State, and County Regulations.

f. **Policy COS-7.6: Cultural Resource Data Management.** Coordinate with public agencies, tribes, and institutions in order to build and maintain a central database that includes a notation whether collections from each site are being curated, and if so, where, along with the nature and location of cultural resources throughout the County of San Diego.

2. **Goal COS-8: Protection and Conservation of the Historical Built Environment.** Protection, conservation, use, and enjoyment of the County's important historic resources.

   a. **Policy COS-8.1: Preservation and Adaptive Reuse.** Encourage the preservation and/or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historic resources as part of the discretionary application process, and encourage the preservation of historic structures identified during the ministerial application process.

   b. **Education and Interpretation.** Encourage and promote the development of educational and interpretive programs that focus on the rich multicultural heritage of the County of San Diego.

**County of San Diego Resource Protection Ordinance (RPO)**

The RPO requires that cultural resources be evaluated as part of the County's discretionary environmental review process for certain permit types. If cultural resources are found to be significant pursuant to the RPO, they must be preserved. The RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use that damages significant prehistoric or historic site sites.

Pursuant to the RPO, significant prehistoric or historic sites are sites that provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance. Such locations include, but are not limited to:

1. Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:

    a. Formally determined eligible or listed in the National Register of Historic Places by the Keeper of the National Register; or
    b. To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or

2. One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and

3. Any location of past or current sacred religious or ceremonial observances which is either:

    a. Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code §5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, or religious ground figures; or
    b. Other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

**County of San Diego Grading Ordinance**

The Grading Ordinance requires that projects involving grading, clearing, and/or removal of natural vegetation obtain a grading permit, unless the project meets one or more of the exemptions listed in Section 87.202 of the Grading Ordinance. The grading permit is discretionary and requires compliance with CEQA. In the event that human remains or Native American artifacts are encountered, Section 87.429 requires that grading operations be suspended in the affected area and the operator is required to inform the County Official. The project must comply with the requirements of Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.99.

**Traditional Cultural Properties/Tribal Cultural Resources**

*Native American Heritage Values*

Federal and state laws mandate that consideration be given to the concerns of contemporary Native Americans with regard to potentially ancestral human remains, associated funerary objects, and items of cultural patrimony. Consequently, an important element in assessing the significance of the study site has been to evaluate the likelihood

that these classes of items are present in areas that would be affected by the proposed Project.

Potentially relevant to prehistoric archaeological sites is the category termed Traditional Cultural Properties (TCP) in discussions of cultural resource management (CRM) performed under federal auspices. According to Patricia L. Parker and Thomas F. King (1998), “Traditional” in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices.

The County of San Diego Guidelines identifies that cultural resources can also include TCPs, such as gathering areas, landmarks, and ethnographic locations in addition to archaeological districts (2007). These guidelines incorporate both State and Federal definitions of TCPs. Generally, a TCP may consist of a single site, or group of associated archaeological sites (district; traditional cultural landscape), or an area of cultural/ethnographic importance.

The Traditional Tribal Cultural Places Bill of 2004 requires local governments to consult with Native American representatives during the project planning process. The intent of this legislation is to encourage consultation and assist in the preservation of “Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance” (County of San Diego 2007). It further allows for tribal cultural places to be included in open space planning. State Assembly Bill 52, in effect as of July 1, 2015, introduces the Tribal Cultural Resource (TCR) as a class of cultural resource and additional considerations relating to Native American consultation into CEQA. As a general concept, a TCR is similar to the federally-defined TCP, however incorporates consideration of local and state significance and required mitigation under CEQA. A TCR may be considered significant if included in a local or state register of historical resources; or determined by the lead agency to be significant pursuant to criteria set forth in PRC §5024.1; or is a geographically defined cultural landscape that meets one or more of these criteria; or is a historical resource described in PRC §21084.1, a unique archaeological resources described in PRC §21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

In 1990 the NPS and Advisory Council for Historic Preservation introduced the term ‘TCP’ through National Register Bulletin 38 (Parker and King 1990). A TCP may be considered eligible based on “its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (Parker and King 1990:1). Strictly speaking, Traditional Cultural Properties are both tangible and intangible; they are anchored in space by cultural values related to community-based physically defined “property referents” (Parker and King 1990:3). On the other hand, TCPs are largely ideological, a characteristic that may present substantial problems in the process of delineating specific boundaries. Such a property’s extent is based on community conceptions of how the

surrounding physical landscape interacts with existing cultural values. By its nature, a TCP need only be important to community members, and not the general outside population as a whole. In this way, a TCP boundary, as described by Bulletin 38, may be defined based on viewscape, encompassing topographic features, extent of archaeological district or use area, or a community's sense of its own geographic limits. Regardless of why a TCP is of importance to a group of people, outsider acceptance or rejection of this understanding is made inherently irrelevant by the relativistic nature of this concept.

## 2.3.2 Analysis of Project Effects and Determination as to Significance

### 2.3.2.1 *Guidelines for Determination of Significance*

Based on the County of San Diego Guidelines for Determining Significance – Cultural Resources and CEQA, the Project would result in a significant impact relative to cultural resources if the Project would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines.
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 of the State CEQA Guidelines.
3. Disturb any human remains, including those interred outside of formal cemeteries.
4. Propose activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance and fails to preserve those resources.
5. Cause a substantial adverse change in the significance of a tribal cultural resource. This shall include the destruction or disturbance of a tribal cultural resource.

The significance guidelines listed above have been selected for the following reasons:

Guidelines 1 and 2 are derived directly from CEQA. Sections 21083.2 of CEQA and 15064.5 of the State CEQA Guidelines recommend evaluating historical and archaeological resources to determine whether or not a proposed action would have a significant effect on unique historical or archaeological resources. Guideline 3 is included because human remains must be treated with dignity and respect and CEQA requires consultation with the "Most Likely Descendant" as identified by the NAHC for any project in which human remains have been identified.

Guideline 4 was selected because cultural resources are protected under the Resource Protection Ordinance. Any project that would have an adverse impact (direct, indirect, and cumulative) on significant cultural resources as defined by this Guideline would be considered a significant impact.

The fifth guideline was selected because CEQA requires that tribal cultural resources be evaluated to determine whether or not a proposed action would have a significant effect.

Any project that would have an adverse effect (direct, indirect, and cumulative) on a significant tribal cultural resource as defined by CEQA would be considered a significant impact.

### 2.3.2.2 *1994 East Otay Mesa Specific Plan EIR*

The 1994 EIR included an analysis of cultural regulations pertinent at the time of adoption, as well as existing conditions and impacts related to the East Otay Mesa Specific Plan project. The 1994 EIR identified that implementation of the Specific Plan had the potential to impact 51 archaeological sites within the East Otay Mesa Specific Plan area. As documented in the 1994 EIR, the 51 archaeological sites required a determination of importance through testing. Disturbance of important sites would result in a significant impact of the East Otay Mesa Specific Plan. Three of the sites (CA-SDI-5352, CA-SDI-9975 and CA-SDI-12730) were determined to be located within the Project site.

Mitigation for cultural resources from the 1994 EIR remains valid, where parameters of the mitigation measures fall within Project boundaries, except where superseded by supplemental environmental documents and/or mitigation included within this section. The 1994 EIR mitigation measures are located on pages 4.4-17 and 4.4-18 of the 1994 EIR. These mitigation measures would reduce Project impacts to below a level of significance.

### 2.3.2.3 *2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

Subsequent to the 1994 EIR, the 2000 SEIR was prepared for the East Otay Mesa Specific Plan Sunroad Centrum project. The 2000 SEIR analyzed impacts of the Sunroad Centrum project on cultural resources, referencing the 1999 letter report prepared by Gallegos & Associates.

As stated above, the 1994 EIR identified three cultural sites (CA-SDI-5352 [incorporated into CA-SDI-12337], CA-SDI-9975 and CA-SDI-12730) as located within the Project site. The 2000 SEIR provided additional analysis for two of those sites. CA-SDI-12730 was identified as significant; the portion of CA-SDI-5352 tested for the Gallegos report prepared for the Project was determined to be not significant.

Analysis within the 2000 SEIR concluded that no direct impacts would result to Site CA-SDI-12730, as this site is located within the open space preserve easement on the Project site. Off-site improvements to Otay Mesa Road would impact Site CA-SDI-5352. However, the 2000 SEIR contained mitigation for both cultural sites that remain relevant and applicable. The 2000 SEIR mitigation measures are located on pages 2-45 through 2-47 of the 2000 SEIR. These mitigation measures would be required for the proposed Project and reduce Project impacts to below a level of significance.

## 2.3.2.4 *2012 Sunroad Otay Tech Centre Addendum*

In 2012, an Addendum was prepared for the Sunroad Otay Tech Centre. The 2012 Addendum analyzed impacts of the Sunroad Otay Tech Centre project on cultural resources. Analysis within the 2012 Addendum depended upon the 2009 Gallegos & Associates letter report and upheld the analysis and conclusions of the 2000 SEIR. The 2012 Addendum analyzed the historic structure identified as an outbuilding from the 1940s or early 1950s associated with the Westmore family. Because of the recent age of the structure and its temporary nature, the building was not identified as significant. No new mitigation was required. The proposed Project would not change the conclusions in the 2012 Addendum. No new impacts would occur as a result of the proposed Project, and no new mitigation measures would be required.

As discussed above, all of the previous mitigation measures remain applicable.

## 2.3.2.5 *Proposed Project*

Based on the 2016 Archaeological Inventory and Evaluation Study, three cultural resources, one historic road and one historic structure have been recorded within the Project area.

Guideline for the Determination of Significance:

> *Would the proposed project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 of the State CEQA Guidelines? This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.*

**Archaeological Resources**

Site SDI-12337 is a temporary camp that includes formerly mentioned site SDI-5352, in combination with five other sites (SDI-9974, SDI-10072, SDI-10735, SDI-17104 and SDI-17105). SDI-12337 covers a large portion of the Project area. It is located both within the development area and open space. During the 2016 survey, the site was relocated and it was noted that dense grasses and other vegetation obscured the ground surface over much of the site. Where patches of cleared ground were present, artifacts were observed. The site boundary was expanded to include a number of artifacts on the east side as well as a lithic concentration of volcanic artifacts. Based on the current survey and prior work, SDI-12337 is determined to not be a significant resource pursuant to CEQA or RPO; however, it is considered an important resource under County Guidelines for its research potential. All research potential has been exhausted through current and prior investigations.

Within the Open Space Area shown in Figure 2.3-1, *Vernal Pool/Wetland Creation Area*, five basins would be created for use as vernal pools, within a portion of SDI-12337 that

was recommended as not eligible to the CRHR, Local Register and County RPO, but that is an important resource under County of San Diego guidelines for determining significance. Curation of artifacts collected during the testing programs and monitoring of all grading would reduce the impacts to this resource within the Open Space area to less than significant. If requested by the Native American monitor, repatriation of any prehistoric materials, collected by the Native American monitor during construction monitoring will be repatriated to landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance.

Direct impacts to SDI-12337 would occur to the portion of the site within the development area ~~(**Impact CR-1**). Direct impacts will be avoided for the portion of the site that is within open space; however, there is the potential for indirect impacts from construction activity, increased accessibility, and vandalism.~~ Based on the current survey and prior work, SDI-12337 is determined to not be a significant resource pursuant to CEQA or RPO; although, it is considered an important resource under County Guidelines for its research potential. All research potential has been exhausted through current and prior investigations. ~~Because SDI-12337 is not a significant resource, mitigation is not required. There is the potential for subsurface deposits. Proposed conditions of approval include the dedication of open space, temporary fencing along the open space boundary and an archaeological monitoring program.~~ Prior collections have been curated at the San Diego Archaeological Center. ~~With the implementation of these measures~~the monitoring program, iImpacts to SDI-12337 would be ~~are~~ less than significant ~~and the site is not significant~~.

SDI-9975 is a prehistoric quarry area and lithic material procurement site. Only a small portion of the south side of the site is within the current Project area. During the 2016 survey, artifacts were not observed due to steep slopes and dense and tall grasses. A data recovery program was conducted in 2003 by Gallegos to mitigate for prior discretionary approvals. Based on current and prior investigations, SDI-9975 contains high research potential; therefore, it is considered to be a significant resource pursuant to CEQA and is considered an important resource under County Guidelines. However, it is not considered RPO significant.

SDI-9975 is located outside of the area of potential effect. The site is located with the Open Space easement and would not be affected by the proposed Project.~~To avoid direct impacts, the site will be dedicated within open space (**Impact CR-1**).~~ In addition, temporary fencing along the open space boundary and an archaeological monitoring program will be made conditions of approval. Prior collections have been curated at the San Diego Archaeological Center. ~~With implementation of these measures, i~~Impacts to SDI-9975 ~~will be reduced to less than significant~~would not occur.

A portion of SDI-12730 is located within the Project area. The site has been disturbed by U.S. Border Patrol and off-highway vehicle enthusiasts' uses. Artifacts were identified during the 2016 survey. The areas immediately surrounding the southern boundary of the site were surveyed intensively; however, thick grasses following winter rains offered very little ground visibility and no other artifacts were identified. Based on current and prior

investigations, SDI-12730 contains high research potential; therefore, it is considered a significant resource pursuant to CEQA and is considered an important resource under County Guidelines. However, it is not considered RPO significant.

SDI-12730 is located outside of the area of potential effect~~. To avoid direct impacts (**Impact CR-2**), the site will be~~ and within the dedicated open space. ~~In addition, temporary fencing along the open space boundary and an archaeological monitoring program will be made conditions of approval. Prior collections have been curated at the San Diego Archaeological Center. With implementation of these measures, ili~~mpacts to SDI-12730 ~~will be reduced to less than significant~~would not occur.

Guideline for the Determination of Significance:

> *Would the proposed Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines? This shall include the destruction, disturbance or any alteration of characteristics or elements of a resource that cause it to be significant in a manner not consistent with the Secretary of Interior Standards.*

**Historic Resources**

A historic structure was previously identified in the far southeastern corner of the Project area by Gallegos (2008). ASM failed to relocate the historic structure. A small square concrete planter, approximately four feet by five feet, filled with vegetation, was present in the southeast corner. The concrete planter was not large enough to have been a foundation of the historic structure. It is presumed that the historic structure has been removed from the Project area. Based on the current survey and prior work, the historic structure (Wetmore Outbuilding) is determined to not be a significant resource pursuant to CEQA, RPO, and County Guidelines because all research potential has been exhausted through current and prior investigations.

P-37-031491 consists of historic Otay Mesa Road alignment, a segment of which is within the Project area. It was recorded by Robbins-Wade in 2010 as a paved, undivided two-lane highway, running east-west and updated by Gunderman later in 2010 in the same condition as the previous recordation. During the ASM survey, Otay Mesa Road was relocated in the same condition as its previous recordation and consisted of a modernly paved, two-lane highway, running east-west. The northern half, the west bound lane, is within the Project area.

P-37-31491 is not recommended as eligible for CRHR listing or significant under CEQA, as a modernly paved, undivided two lane highway it has not been determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California or San Diego County. Therefore, it is recommended that the site is not a significant resource pursuant to the guidelines of the CRHR, CEQA, and the Local Register, nor is the site significant under the County RPO. Under the County of San Diego's Guidelines for

Determining Significance, P-37-31491 is an important resource; however, the Project would not have an impact to the resource.

Guideline for Determination of Significance:

> *Would the proposed Project disturb any human remains, including those interred outside of formal cemeteries?*

**Human Remains**

No evidence of human remains, including those interred outside of formal cemeteries, was discovered during the records search, literature review, field survey, or site testing and evaluation. There is no indication that the project site was used by Native Americans for religious, ritual, or other special activities and therefore impacts to Native American burial sites are not expected.

Guideline for Determination of Significance:

> *Would the proposed Project propose activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance and fails to preserve those resources?*

**Tribal Cultural Resources**

No information has been obtained through Native American consultation or communication with the Native American monitors during fieldwork that any of the evaluated sites are culturally or spiritually significant. No Traditional Cultural Properties that currently serve religious or other community practices are known to exist within the Project area. During the current archaeological evaluation, no artifacts or remains were identified or recovered that could be reasonably associated with such practices. All prehistoric artifactual material consisted of common flaked stone and ground stone items, and those in very limited quantities at all sites. No Tribal Cultural Resources were identified or reported from the Native American contacts.

**Subsurface Deposits**

Within the Project footprint, there is the potential for subsurface deposits. Direct impacts **(Impact CR-~~3~~1)** would be potentially significant with the implementation of the proposed Project. Proposed conditions of approval include an archaeological monitoring program. With the implementation of this measure impacts to buried deposits are less than significant.

Only a portion of SDI-12337 (not significant), would be impacted by the proposed Project design. The balance of the site would be dedicated in open space. The historic structure is no longer present within the Project area, and the remaining two sites, SDI-9975 and SDI-12730, also would be dedicated in the open space easement and would not be

impacted. The segment of Otay Mesa Road (not significant) that is within the Project site would be directly impacted.

## 2.3.3 Cumulative Impact Analysis

According to CEQA, the importance of cultural resources comes from the research value and the information that they contain. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of that information. For sites considered less than significant, the information is preserved through recordation. Significant sites that are placed in open space easements avoid impacts to cultural resources and also preserve the data. Significant sites that are not placed within open space easements preserve the information through recordation, test excavations and data recovery programs that would be presented in reports and filed with the County of San Diego and the South Coastal Information Center. Analysis of artifact collections from any potentially significant site would also be preserved in reports and would also be available to other archaeologists for further study.

The cumulative study area includes East Otay Mesa and was selected because it represents a naturally circumscribed geographic area between the Otay River Valley to the north, the international border with Mexico to the south, the San Ysidro Mountains to the east, and the more developed western Otay Mesa to the west. The cumulative study area consists of a relatively flat mesa bounded by a steep mountainous area on the eastern edge and a major river valley to the north and a largely developed area to the west. The natural environment of the cumulative study area includes some undeveloped portions of the ancestral Kumeyaay territory and historically the flatter portions of the cumulative study area were used for agriculture. Related projects within this geographic extent are capable of collectively contributing, along with the current Project's impact area, to impacts to prehistoric resources associated with the Kumeyaay and historic sites. Prehistoric and historic settlement patterns can be very broad; therefore, it is prudent to consider a large study area when evaluating cumulative impacts.

The cumulative study area includes East Otay Mesa and was selected because of the prehistoric, ethnohistoric and historic use of the area. In general, small habitation sites and lithic procurement areas characterize the cumulative study area; however, the Otay River Valley and its tributaries contain temporary camps and villages. The ethnohistoric village of 'Utay (Otay) is located just outside of the cumulative study area, along the northern bank of the Otay River, at the confluence of the Otay River Valley and O'Neal Canyon, approximately 2.5 miles north of the Project area. Otay is recorded as a major settlement within the larger district of Santo Domingo on the edge of Otay River. The actual number and type of resources that might be adversely affected by cumulative projects is impossible to precisely define as a comprehensive inventory of each project within the cumulative study area is not available. The current Project identified 114 cultural resources within the Project area and one-mile record search radius. The vast majority of these resources were prehistoric lithic scatters. Other resource types identified within the Project area and one-mile record search radius were prehistoric quarries, habitation debris, bedrock milling features, shell scatters, and isolates, historic trash

scatters, and historic built environment resources. San Diego County CEQA Guidelines require a systematic inventory of all cultural resources as a component of permit processing, preservation of significant resources where feasible, and mitigation through data recovery for the significant resources that cannot otherwise be avoided by project redesign.

The proposed Project's impacts to cultural resources would be reduced to less than significant through mitigation measures that include archaeological monitoring, open space dedication, temporary fencing, and recordation. The proposed Project and those projects identified within the cumulative impact study area are primarily mitigated by the recordation of information and the preservation of the most important resources. This reduces the potential for cumulative effects and the proposed Project would not considerably contribute to a significant cumulative impact to cultural resources.

The 1994 EIR analyzed cumulative impacts. That analysis is applicable to the proposed Project. The 1994 EIR conducted a review of the various cultural site types present within East Otay Mesa, as well as for the surrounding area, which indicated that lithic scatters and small temporary camps are the most common site types present. These types of sites vary from small concentrations to sites that extend over several acres. As a somewhat common resource within the region, these site types are less likely to be cumulatively impacted due to their relative prevalence. Local developments within which these sites are common ~~and~~ include Otay Ranch, Rancho San Miguel, Salt Creek Ranch, and Eastlake. While small habitation sites occur within the East Otay Mesa study area, there are no known permanent villages or large residential complexes. The ethnohistoric village of Utay (Otay) is located along the northern bank of the Otay River Valley, directly to the north of the cumulative study area. Cumulative impacts to villages or residential sites within the region will be minimal because the known village locations are proposed for open space (within Otay Ranch) or are not threatened by development.

Any impacts to significant cultural resources within the cumulative study area have been or will be mitigated through preservation of sites in open space easements, redesign of the Project footprints to avoid sites, recordation of all sites within the Project footprints through survey, testing and data recovery, and/or curation or repatriation of all artifacts collected during testing and data recovery programs. Similarly, the proposed Project's impacts to cultural resources have been reduced to less than significant levels through mitigation measures that include preservation of sites in open space easements, archaeological monitoring of all earth disturbing activities, recordation of all sites within the Project footprint, temporary fencing during Project construction, and the curation or repatriation of all artifacts collected during the testing and monitoring programs. Because cultural resources impacts from the proposed Project and any ~~of~~ cumulative projects identified within the East Otay Mesa cumulative impact study area would be mitigated by the collection, recordation, curation and/or repatriation and the preservation of the most important resources, required mitigation will be implemented. Access to archived research materials of the ancestral Kumeyaay territory relative to the East Otay Mesa and historic use will be made available for future generations. This reduces the potential for cumulative effects. Therefore, any individual or incremental impacts to cultural resources

resulting from the proposed Project, when combined with the impacts from other past, present, and future projects in the cumulative study area, would not considerably contribute to cumulative impact to cultural resources.

## 2.3.4 Significance of Impacts Prior to Mitigation

A total of two cultural resources (SDI-12337 portion, P-37-031491) will be impacted with the implementation of the proposed Project. Both SDI-12337 and P-37-031491 were determined to be not significant. Historic structures are not significant and were not relocated during the current survey. The table below identifies the significance of impacts prior to mitigation.

| Site Number | Site Significance | Impact | Significance of Impact |
|---|---|---|---|
| SDI-9975 | Significant - CEQA | Avoided | Not Significant |
| SDI-12337 | Not Significant | Direct | Not Significant |
| SDI-12730 | Significant - CEQA | Avoided | Not Significant |
| Historic Structure | Not Significant | Direct | Not Significant |
| P-37-031491 | Not Significant | Direct | Not Significant |
| Buried Deposits | Potentially Significant | Direct | Potentially Significant |

~~**Impact CR-1:** Direct impacts to SDI-9975 would occur to the portion of the site within the development area~~

~~**Impact CR-2:** Direct impacts to SDI-12730 would occur to the portion of the site within the development area~~

**Impact CR-~~3~~1:** Direct impacts to subsurface deposits within the Project footprint are potentially significant.

## 2.3.5 Mitigation

Impacts to SDI-9975 and SDI-12730 are avoided through their location within the Biological Open Space Easement, which has been dedicated to the County of San Diego and incorporates cultural resources that are to be preserved.

The following mitigation measure~~s are~~ is proposed to reduce impacts to cultural resources to less than significant:

~~**M-CR-1:** To mitigate for direct impacts to SDI-9975 and SDI-12730 the following shall be implemented:~~

- ~~A Biological Open Space Easement shall be dedicated to the County of San Diego which incorporates cultural resources that are to be preserved.~~

    - ~~Prior to any ground disturbance, temporary fencing shall be installed along the southern open space boundary where earth disturbing activities are within 100 feet of the open space easement. Placement of the fencing shall be coordinated by a California licensed surveyor in consultation with the Project Archaeologist and Kumeyaay Native American monitor. If the wetland creation is within 50 feet of CA-SDI-9975 or CA-SDI-12730, temporary fencing including an adequate buffer shall be installed. The fencing shall be installed under the supervision of the Project Archaeologist and Kumeyaay Native American monitor.~~

**M-CR-~~2~~1:** To mitigate for direct impacts that could occur to unknown ~~to~~ subsurface deposits as a result of project grading and construction, an archaeological monitoring program will be implemented that consists of the following:

- Pre-Construction
    - Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.

- Construction
    - Monitoring. Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources

    - If cultural resources are identified:
        - Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
        - The Project Archaeologist shall contact the County Archaeologist.
        - The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.
        - Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
        - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native

American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.

- If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

- Human Remains.
  - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
  - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
  - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
  - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
  - Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
  - If needed any repatriation will be performed in landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance.

- Rough Grading
  - Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Costal Information Center and any culturally-affiliated tribe who requests a copy.

- Final Grading
  - A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were

encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.

- Disposition of Cultural Material.
  - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.
  - The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.
  - If requested by the Native American monitor, repatriation of any prehistoric materials ~~, collected by the Native American monitor during construction monitoring~~ will be repatriated to landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance after artifact analysis is completed.

## 2.3.6 Conclusion

The proposed Project's impacts to cultural resources have been analyzed within the 1994 EIR, the 2000 SEIR, and the 2012 Addendum. Within these documents, Project impacts have been mitigated to below a level of significance.

A Project-specific analysis was prepared to determine impacts of the proposed Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan Amendment Project. Two sites (SDI-9975 and SDI-12730) were determined significant under CEQA ~~(**Impacts CR-1 and CR-2**)~~. The Project design places both of those sites in dedicated open space; therefore, no adverse change in the site's significance will occur as a result of Project implementation. Three sites (SDI-12337, P-37-031491 and Historic Structures) were determined not significant. The Historic Structures were not relocated, P-37-031491 will be directly impacted, and only a portion of CA-SDI-12337 will be impacted with the balance of the site located within open space.

There is the potential for inadvertent disturbance during Project grading and construction (**Impact CR-1)**. Mitigation for these indirect impacts will be implemented through the requirement of temporary fencing and archaeological monitoring. Site documentation prepared during the survey and monitoring phases will be archived at a local repository. Cultural materials will either be curated at a local repository or repatriated to a culturally-affiliated tribe. With the inclusion of these mitigation measures, Project impacts will be reduced to less than significant.

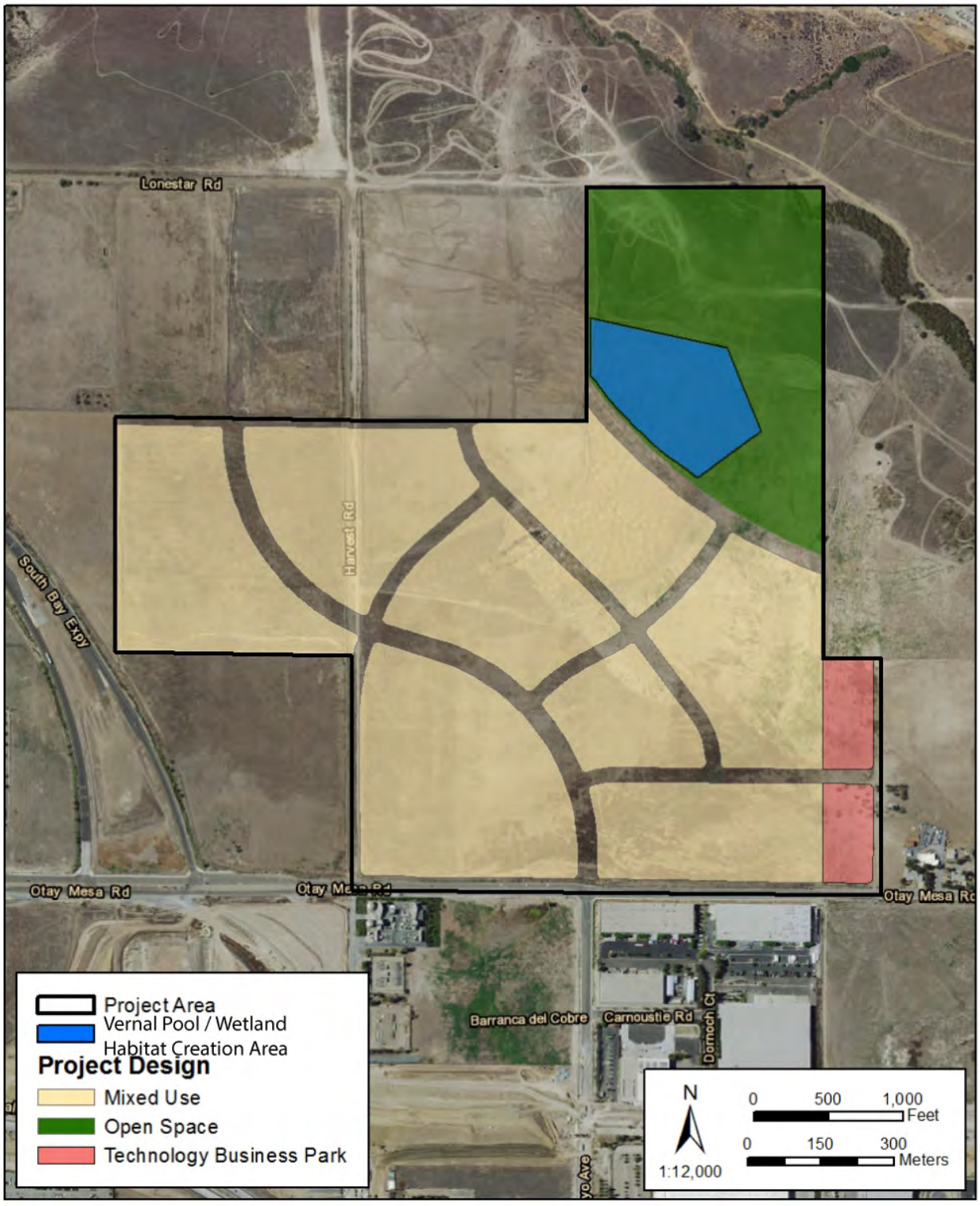



**FIGURE 2.3-1.** ***VERNAL POOL/WETLAND CREATION AREA***

# 2.4 Greenhouse Gas Emissions and Energy

This section of the SEIR summarizes information from the *Greenhouse Gas Evaluation* prepared by Scientific Resources Associated (February 3, 2017) for the proposed Project, included as Appendix E of this SEIR. By nature, greenhouse gas (GHG) and global climate change evaluations are a cumulative study, which takes into account the entirety of the immediately surrounding area. The *Greenhouse Gas Evaluation* relies on an efficiency metric based on the future statewide GHG emissions reductions goals divided by the statewide service population as a guideline for evaluating potential GHG emissions impacts. Since the time that the *Greenhouse Gas Evaluation* was prepared and the Draft SEIR was issued for public review, it has been determined that the service population efficiency metric cannot be used as the appropriate guideline. Therefore, the analysis in this section relies on CEQA's guidance as the threshold for evaluating significance of GHG emissions.

This SEIR concludes in Section 2.4.2 that the Project would result in significant GHG emissions impacts. To fully mitigate the Project's impacts relative to GHG emissions, mitigation measures include a requirement for net zero emissions from future developments within the Project area (which is the East Otay Mesa Business Park Specific Plan Amendment area). The mitigation measures are discussed in Section 2.4.5 below.

## 2.4.1 Existing Conditions

### 2.4.1.1 *Environmental Setting*

**Background**

Global climate change (GCC) refers to changes in average climatic conditions on Earth as a whole, including temperature, wind patterns, precipitation and storms. Global temperatures are moderated by naturally occurring atmospheric gases, including water vapor, carbon dioxide ($CO_2$), methane ($CH_4$), and nitrous oxide ($N_2O$), which are known as greenhouse gases (GHGs). These gases allow solar radiation (sunlight) into the Earth's atmosphere, but prevent radiative heat from escaping, thus warming the Earth's atmosphere. Gases that trap heat in the atmosphere are often called greenhouse gases, analogous to a greenhouse. The accumulation of GHGs in the atmosphere regulates the Earth's temperature. Without these natural GHGs, the Earth's temperature would be about 61 degrees Fahrenheit cooler Emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere.

GCC may result from natural factors, natural processes, and/or human activities that change the composition of the atmosphere and alter the surface and features of land. Although the conceptual existence of GCC is generally accepted, the extent to which global climate change attributable to anthropogenic (human) emissions of GHGs (mainly

$CO_2$, $CH_4$, and $N_2O$) is currently one of the most important and widely debated scientific, economic and political issues in the United States. There is consensus among scientific experts that GCC is attributable to human impacts on the earth's environment. Historical records indicate that global climate changes have occurred in the past due to natural phenomena (such as during previous ice ages). Some data indicate that the current global conditions differ from past climate changes in rate and magnitude. The State of California has been at the forefront of developing solutions to address potential anthropogenic impacts to GCC.

The United Nations Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. When accounting for GHGs, all types of GHG emissions are expressed in terms of $CO_2$ equivalents ($CO_2e$) and are typically quantified in metric tons (MT) or millions of metric tons (MMT). The IPCC concluded that a stabilization of GHGs at 400 to 450 ppm $CO_2e$ concentration is required to keep global mean warming below 3.6 degrees Fahrenheit (ºF) (2º Celsius), which is assumed to be necessary to avoid dangerous climate change (Association of Environmental Professionals 2007).

State law defines greenhouse gases as any of the following compounds: $CO_2$, $CH_4$, $N_2O$, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$) [California Health and Safety Code Section 38505(g)]. $CO_2$, followed by $CH_4$ and $N_2O$, are the most common GHGs that result from human activity.

**Sources and Global Warming Potentials of GHG**

As discussed further below, the sources of GHG emissions, global warming potential (GWP), and atmospheric lifetime of GHGs are all important variables to be considered in the process of calculating $CO_2e$ for discretionary land use projects that require a climate change analysis.

The California ARB compiled a statewide inventory of anthropogenic GHG emissions and sinks that includes estimates for $CO_2$, $CH_4$, $N_2O$, $SF_6$, HFCs, and PFCs (ARB 2015). The current inventory covers the years 1990 to 2013, and is summarized in Table 2.4-1, *State of California GHG Emissions by Sector*. Data sources used to calculate this GHG inventory include California and federal agencies, international organizations, and industry associations. The calculation methodologies are consistent with guidance from the IPCC. The 1990 emissions level is the sum total of sources and sinks from all sectors and categories in the inventory. The inventory is divided into seven broad sectors and categories in the inventory. These sectors include: Agriculture, Commercial, Electricity Generation, Forestry, Industrial, Residential, and Transportation.

GHGs have varying GWP. The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the "cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas" (USEPA 2006). The reference gas for GWP is $CO_2$; therefore, $CO_2$ has a GWP of one. The other main greenhouse gases that have been attributed to human activity include

$CH_4$, which has a GWP of 28, and $N_2O$, which has a GWP of 265 (ARB 2014). The California Emissions Estimator (CalEEMod) Model calculates $CO_2e$ emissions based on previous values for GWPs. This analysis uses the updated ARB GWP values shown above; therefore, CalEEMod Model emission estimates were adjusted based on these GWPs. Table 2.4-2, *Global Warming Potentials and Atmospheric Lifetimes of GHGs*, presents the GWP and atmospheric lifetimes of the GHGs that are regulated by the state of California.

Human-caused sources of $CO_2$ include combustion of fossil fuels (coal, oil, natural gas, gasoline, and wood). Data from ice cores indicate that $CO_2$ concentrations remained steady prior to the current period for approximately 10,000 years. Concentrations of $CO_2$ have increased in the atmosphere since the industrial revolution.

$CH_4$ is the main component of natural gas and also arises naturally from anaerobic decay of organic matter. Human-caused sources of natural gas include landfills, fermentation of manure and cattle farming. Human-caused sources of $N_2O$ include combustion of fossil fuels and industrial processes such as nylon production and production of nitric acid.

Other GHGs are present in trace amounts in the atmosphere and are generated from various industrial or other uses.

In addition to the State of California GHG Inventory, a more specific regional GHG inventory was prepared by the University of San Diego School of Law Energy Policy Initiative Center, a non-regulatory, academic and research center (University of San Diego 2008). This San Diego County Greenhouse Gas Inventory (SDCGHGI) is a detailed inventory that takes into account the unique characteristics of the region in calculating emissions. The SDCGHGI calculated GHG emissions for 1990, 2006, and projected 2020 emissions.

Areas where feasible reductions can occur and the strategies for achieving those reductions are outlined in the SDCGHGI. A summary of the various sectors that contribute GHG emissions in San Diego County for the year 2006 is provided in Table 2.4-3, *San Diego County 2006 GHG Emissions by Category*. Total GHGs in San Diego County are estimated at 34 $MMTCO_2e$.

According to the SDCGHGI, a majority of the region's emissions are attributable to on-road transportation, with the next largest source of GHG emissions attributable to electricity generation. Similarly, a majority of the emissions resulting from land development projects will be attributable to on-road transportation emissions. According to the SDCGHGI study, the emission reductions for on-road transportation will be achieved in a variety of ways, including through regulations aimed at increasing fuel efficiency standards and decreasing vehicle emissions. These regulations are outside the control of project applicants.

Similar to on-road emissions, the SDCGHGI indicated that the necessary emission reductions for electricity generation will be achieved in a variety of ways, including through

implementation of the renewable portfolio standard (RPS), cleaner electricity purchases by San Diego Gas & Electric, replacement of the Boardman Contract (which allows the purchase of electricity from coal-fired power plants), and implementation of 400 MW of photovoltaics. These measures are also outside the control of project applicants. The SDCGHGI indicates that reduction in electricity consumption of 10 percent would contribute to the required reduction in GHG emissions required to reduce emissions to 1990 levels by 2020.

**Typical Adverse Effects**

The Climate Scenarios Report (CCCC 2006), uses a range of emissions scenarios developed by the IPCC to project a series of potential warming ranges (i.e., temperature increases) that may occur in California during the 21st century. Three warming ranges were identified: Lower warming range (3.0 to 5.5 ºF); medium warming range (5.5 to 8.0 ºF); and higher warming range (8.0 to 10.5ºF). The Climate Scenarios Report then presents an analysis of the future projected climate changes in California under each warming range scenario.

According to the Climate Scenarios Report, substantial temperature increases would result in a variety of impacts to the people, economy, and environment of California. These impacts would result from a projected increase in extreme conditions, with the severity of the impacts depending upon actual future emissions of GHGs and associated warming. These impacts are described below.

**Public Health.** Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to $O_3$ formation are projected to increase by 25 to 35 percent under the lower warming range and 75 to 85 percent under the medium warming range. In addition, if global background $O_3$ levels increase as is predicted in some scenarios, it may become impossible to meet local air quality standards. An increase in wildfires could also occur, and the corresponding increase in the release of pollutants including $PM_{2.5}$ could further compromise air quality. The Climate Scenarios Report indicates that large wildfires could become up to 55 percent more frequent if GHG emissions are not significantly reduced.

Potential health effects from global climate change may arise from temperature increases, climate-sensitive diseases, extreme events, and air quality. There may be direct temperature effects through increases in average temperature leading to more extreme heat waves and less extreme cold spells. Those living in warmer climates are likely to experience more stress and heat-related problems (e.g., heat rash and heat stroke). In addition, climate sensitive diseases (such as malaria, dengue fever, yellow fever, and encephalitis) may increase, such as those spread by mosquitoes and other disease-carrying insects.

Potential public health impacts from climate change would be global in nature rather than site-specific. That being said, because the Project site is not located in an area that is

subject to climate sensitive diseases (such as the tropics), it is unlikely that risks associated with these diseases would increase substantially. It is too speculative to estimate the potential frequency of heat waves at the Project site that would be associated with global climate change.

**Water Resources.** A vast network of reservoirs and aqueducts capture and transport water throughout the State from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada mountain snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, increasing the risk of summer water shortages. In addition, if temperatures continue to rise more precipitation would fall as rain instead of snow, further reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent. The State's water resources are also at risk from rising sea levels. An influx of seawater would degrade California's estuaries, wetlands, and groundwater aquifers.

Impacts to water resources could affect the Project site through decreased availability of water in southern California overall. Decreased availability could lead to higher prices and water rationing. However, due to the scientific and factual uncertainties regarding the effects of climate change at a regional level, it is too speculative to quantify the effect of this impact.

**Agriculture.** Increased GHG and associated increases in temperature are expected to cause widespread changes to the agricultural industry, reducing the quantity and quality of agricultural products statewide. Significant reductions in available water supply to support agriculture would also impact production. Crop growth and development will change as will the intensity and frequency of pests and diseases.

This potential effect of climate change would not impact the proposed Project because the Project does not involve agricultural uses.

**Ecosystems/Habitats.** Continued global warming will likely shift the ranges of existing invasive plants and weeds, thus alternating competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Continued global warming is also likely to increase the populations of and types of pests. Continued global warming would also affect natural ecosystems and biological habitats throughout the State.

Due to the scientific and factual uncertainties regarding the effects of climate change at a regional and site-specific level, particularly as to sensitive biological resources, it is too speculative to assess the effect of this impact on the Project site.

**Wildland Fires.** Global warming is expected to increase the risk of wildfire and alter the distribution and character of natural vegetation. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55

percent, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the State.

The Project site generally has a low potential for fire risks due to the type of on-site vegetation.

**Sea Level Rising and Coastal Flooding.** Rising sea levels, more intense coastal storms, and warmer water temperatures will increasing threaten the State's coastal regions. Under the high warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. A sea level risk of this magnitude would inundate coastal areas with salt water, accelerate coastal erosion, threaten levees and inland water systems, and disrupt wetlands and natural habitats.

Due to the Project's location 12 miles inland, there is no risk to the Project site due to sea level rise and coastal flooding.

**California Climate Adaption Strategy**. As part of its climate change planning process, the California Natural Resources Agency (CNRA) prepared its California Climate Adaptation Strategy (CNRA 2009) to summarize the best known science on climate change impacts in California, with the goal of assessing vulnerability to climate change impacts. According to the ARB, some of the potential California-specific impacts of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. To protect the State's public health and safety, resources, and economy, the California Natural Resources Agency—in coordination with other state agencies—has updated the 2009 California Climate Adaptation Strategy that is titled, Safeguarding California: Reducing Climate Risk. The final Safeguarding California plan is dated July 2014, and provides policy guidance for state decision makers relative to climate risks in nine sectors: agriculture; biodiversity and habitat; emergency management; energy; forestry; ocean and coastal ecosystems and resources; public health; transportation; and water. It also identifies policies for reducing GHG emissions and accelerating the transition to a clean-energy economy through reductions in emissions, readiness, and continued research (CNRA 2014). The California Climate Adaptation Strategy takes into account the long-term, complex, and uncertain nature of climate change and establishes a proactive foundation for an ongoing adaptation process.

## Existing Site Conditions

The site is currently undeveloped and includes disturbed areas and native vegetation, consisting mainly of coastal sage scrub and grassland. Natural vegetation and soils temporarily store carbon as part of the terrestrial carbon cycle. Carbon is assimilated into plants and animals as they grow and then dispersed back into the environment when they die.

There are two existing sources of carbon storage at the Project site: natural vegetation and soils. It is difficult to assess net changes in carbon storage associated with the proposed Project, but carbon sequestration rates for native vegetation in the Otay Mesa region are relatively low in comparison to heavily vegetated areas such as forests. For example, according to the EPA (http://www.epa.gov/sequestration/rates.html), riparian areas are estimated to sequester from 0.1 to 0.3 metric tons of CO2e per acre per year in comparison to forests, which are estimated to sequester 0.6 to 2.6 metric tons of CO2e per acre per year. Native vegetation in the Otay Mesa region, which consists mainly of ~~scrub,~~ native- and non-native grassland, and disturbed areas, would be expected to provide a low level of carbon sequestration.

The key issue is the balance between the loss of natural vegetation and future carbon storage associated with landscaping. The situation is further complicated by changes in fire regime. Carbon in natural vegetation is likely to be released into the atmosphere through wildfire every 20 to 150 years. Carbon in landscaped areas would be protected from wildfire. The balance between these factors influence the long-term carbon budget on the site. As discussed in Section 2.4.2.5, the impacts of carbon sequestration loss have been evaluated in the GHG inventory.

## 2.4.1.2 *Methodology*

The Project has been evaluated on the basis of the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting. Both construction and operations emissions have been considered as part of the evaluation. Construction GHG emissions were calculated using the CalEEMod Model (CalEEMod Version 2016.3.1), based on the default assumptions within the model, which assumes a construction schedule and tempo based on the size of the development. Operational GHG emissions were calculated using the CalEEMod Model, with adjustments to account for site-specific conditions for buildout year of 2028, and include area source emissions, energy use emissions, water, solid waste, and transportation. Total GHG emissions associated with the proposed Project have been estimated and are discussed under Section 2.4.2.5, below.

~~The Project has been evaluated on the basis of an efficiency metric which assesses the annual GHG emissions per service population. Service population is defined as the residents plus full-time employees. The efficiency metric is derived based on the future statewide GHG emissions reductions goals divided by the statewide service population, derived as discussed below.~~

~~The efficiency metric assesses the GHG efficiency of a project on a "service population (SP)" basis (efficiency metric = project emissions divided by the sum of the number of jobs and the number of residents provided by a project). The metric represents the rate of emissions needed to achieve a fair share of the State's emissions mandate embodied in AB 32. The use of "fair share" in this instance indicates the GHG efficiency level that, if applied statewide, would meet the AB 32 emissions target and support efforts to reduce emissions beyond 2020.~~

~~The efficiency metric is based on the AB 32 GHG reduction target and GHG emissions inventory prepared for ARB's 2008 Scoping Plan. To develop the efficiency metric for 2020, land-use driven sectors in ARB's 1990 GHG inventory were identified and separated to tailor the inventory to land use projects. This process removes emission sources not applicable to land use projects. The land-use driven sector inventory for 1990 was divided by the service population projections for California in 2020. The efficiency metric allows the threshold to be applied evenly to most project types (residential, commercial/retail and mixed use) and employs an emissions inventory comprised only of emission sources from land-use related sectors. The efficiency metric allows lead agencies to assess whether any given project or plan would accommodate population and employment growth in a way that is consistent with the emissions limit established under AB 32.~~

~~ARB has indicated that an average statewide GHG reduction of 5.2 percent per year between 2020 and 2050 is necessary to achieve the 2030 and 2050 emissions reduction goals of Executive Orders B-30-15 and S-3-05 (ARB 2015). Efficiency metrics can be derived for each year between 2020 and 2050 based on this identified reduction downward direction, or based on other sources if supported by substantial evidence.~~

~~Because the Project will be built out by 2028, the efficiency metric is derived for 2028. The derivation of the 2028 efficiency metric is shown in Table 2.4-4. *Derivation of Efficiency Metric, 2028 Buildout*, and has been used in this analysis to evaluate significance of impacts.Based on the projections of statewide emissions and population and employment projections, the 2028 efficiency metric is 3.0 metric tons of CO2e per service population. This efficiency metric was used to evaluate the Project's impacts.~~

## 2.4.1.3 *Regulatory Framework*

All levels of government have some responsibility for the protection of air quality, and each level (Federal, State, and regional/local) has specific responsibilities relating to air quality regulation. GHG emissions and the regulation of GHGs is a relatively new component of this air quality regulatory framework.

**National and International Efforts**

In 1988, the United Nations and the World Meteorological Organization established the IPCC to assess the scientific, technical, and socioeconomic information relevant to understanding the scientific basis for human-induced climate change, its potential impacts, and options for adaptation and mitigation. The most recent reports of the IPCC have emphasized the scientific consensus that real and measurable changes to the climate are occurring, that they are caused by human activity, and that significant adverse impacts on the environment, the economy, and human health and welfare are unavoidable.

On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change. Under the

Convention, governments agreed to gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of global climate change. The U.S. Supreme Court rules in *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007), that EPA has the ability to regulate GHG emissions. In addition to the national and international efforts described above, many local jurisdictions have adopted climate change policies and programs.

On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the federal CAA:

> **Endangerment Finding:** EPA found that the current and projected concentrations of the six key well-mixed GHGs ($CO_2$, $CH_4$, $N_2O$, HFCs, PFCs, and $SF_6$) in the atmosphere threaten the public health and welfare of current and future generations.
>
> **Cause or Contribute Finding:** EPA found that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action was a prerequisite to finalizing the USEPA's proposed greenhouse gas emission standards for light-duty vehicles, which were jointly proposed by USEPA and the Department of Transportation's National Highway Safety Administration on September 15, 2009 and adopted on April 1, 2010. As finalized in April 2010, the emissions standards rule for vehicles will improve average fuel economy standards to 35.5 miles per gallon by 2016. In addition, the rule will require model year 2016 vehicles to meet an estimated combined average emission level of 250 grams of carbon dioxide per mile.

**Mandatory GHG Reporting Rule.** On March 10, 2009, in response to the FY2008 Consolidated Appropriations Act (H.R. 2764; Public Law 110–161), the USEPA proposed a rule that requires mandatory reporting of GHG emissions from large sources in the United States. On September 22, 2009, the Final Mandatory Reporting of Greenhouse Gases Rule was signed, and was published in the Federal Register on October 30, 2009. The rule became effective on December 29, 2009. The rule will collect accurate and comprehensive emissions data to inform future policy decisions.

The USEPA is requiring suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions to submit annual reports to USEPA. The gases covered by the proposed rule are $CO_2$, $CH_4$, $N_2O$, HFCs, PFCs, $SF_6$, and other fluorinated gases, including nitrogen trifluoride ($NF_3$) and hydrofluorinated ethers (HFE).

**State Regulations**

The following subsections describe regulations and standards that have been adopted by the State of California to address GCC issues.

**Senate Bill 97.** Senate Bill 97, enacted in 2007, amends the CEQA statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis. It directs OPR to develop draft CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions" by July 1, 2009, and directs the Resources Agency to certify and adopt the CEQA guidelines by January 1, 2010.

OPR published a technical advisory on CEQA and climate change on June 19, 2008. The guidance did not include a suggested threshold, but stated that the OPR had asked the ARB to "recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of greenhouse gas emissions throughout the state." The OPR technical advisory does recommend that CEQA analyses include the following components:

- Identification of greenhouse gas emissions;
- Determination of significance; and
- Mitigation of impacts, as needed and as feasible.

On December 31, 2009, the CNRA adopted the proposed amendments to the State CEQA Guidelines. ~~These amendments became effective on March 18, 2010.~~

In 2010, a series of CEQA Guidelines amendments were adopted to fulfill SB 97 requirements, including revisions to Appendix G of the CEQA Guidelines. The revisions included two questions related to GHG emissions, which were intended to satisfy the Legislative directive in Public Resources Code section 21083.05 that the effects of GHG emissions be analyzed under CEQA.

Section 15064.4 of the CEQA Guidelines was added as one of the amendments addressing GHG emissions. Section 15064.4 states that the "determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project…."

Section 15064.4(b)(1)-(3) further states that, "a lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment: (1) the extent to which a project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting; (2) whether project emissions exceed a threshold of significance that the lead agency determines applies to the project; and, (3) the extent to which the project complies with

regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions…."

Recognizing that GHG emissions contribute to the cumulative impact condition of global climate change, section 15064(h)(1) of the CEQA Guidelines is also applicable. Section 15064(h)(1) states that "the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable." A cumulative impact may be significant when the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of other past, current, and reasonably foreseeable probable future projects. Finally, Section 15064(h)(3) of the CEQA Guidelines is applicable. Section 15064(h)(3) states that: "[a] lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program…that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located."

**Senate Bill 32.** Senate Bill 32 was enacted by the California Legislature on September 8, 2016 to require the ARB to approve a statewide GHG emissions limit to reduce GHG emissions to 40 percent below 1990 levels by 2030. The bill codified the target identified in Executive Order B-30-15 and authorizes the ARB to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions and ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide GHG emissions limit no later than December 31, 2030.

**Senate Bill 375.** SB 375 finds that GHG from autos and light trucks can be substantially reduced by new vehicle technology, but even so "it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." Therefore, SB 375 requires that regions with metropolitan planning organizations adopt sustainable communities strategies, as part of their regional transportation plans, which are designed to achieve certain goals for the reduction of GHG emissions from mobile sources.

SB 375 also includes CEQA streamlining provisions for "transit priority projects" that are consistent with an adopted sustainable communities strategy. As defined in SB 375, a "transit priority project" shall: (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a maximum net density of at least 20 dwelling units per acre; and (3) be within 0.5 mile of a major transit stop or high quality transit corridor.

**Assembly Bill 32, the California Global Warming Solutions Act of 2006.** In September 2006, Governor Schwarzenegger signed California AB 32, the global warming bill, into law. AB 32 directs the ARB to do the following:

- Make publicly available a list of discrete early action GHG emission reduction measures that can be implemented prior to the adoption of the statewide GHG limit and the measures required to achieve compliance with the statewide limit.

- Make publicly available a GHG inventory for the year 1990 and determine target levels for 2020.

- On or before January 1, 2010, adopt regulations to implement the early action GHG emission reduction measures.
- On or before January 1, 2011, adopt quantifiable, verifiable, and enforceable emission reduction measures by regulation that will achieve the statewide GHG emissions limit by 2020, to become operative on January 1, 2012, at the latest. The emission reduction measures may include direct emission reduction measures, alternative compliance mechanisms, and potential monetary and non-monetary incentives that reduce GHG emissions from any sources or categories of sources that ARB finds necessary to achieve the statewide GHG emissions limit.

- Monitor compliance with and enforce any emission reduction measure adopted pursuant to AB 32.

AB 32 required that, by January 1, 2008, the ARB determine what the statewide GHG emissions level was in 1990, and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020. The ARB adopted its Scoping Plan in December 2008, which provided estimates of the 1990 GHG emissions level and identified sectors for the reduction of GHG emissions. The ARB estimated that the 1990 GHG emissions level was 427 MMT net $CO_2e$, and the projection for "business as usual" emissions for 2020 was 596 MMT net $CO_2e$. The ARB therefore estimated that a reduction of 169 MMT net $CO_2e$ emissions below "business as usual" levels would be required by 2020 to meet the 1990 level. This amounted to roughly a 28.35 percent reduction from projected business-as-usual levels in 2020. In 2011, the ARB developed a supplement to the AB 32 Scoping Plan. The Supplement updated the emissions inventory based on current projections for "business as usual" emissions for 2020 to 506.8 metric tons of $CO_2e$. The updated projection included adopted measures (Pavley 1 fuel efficiency standards, 20 percent Renewable Portfolio Standard requirement), and estimated that an additional 16 percent reduction below the estimated "business as usual" levels would be necessary to return to 1990 levels by 2020.

In 2014, the ARB published its First Update to the Climate Change Scoping Plan. The First Update indicates that the State is on target to meet the goal of reducing GHG emissions to 1990 level by 2020. The First Update tracks progress in achieving the goals of AB 32, and lays out a new set of actions that will move the State further along the path to achieving the 2050 goal of reducing emissions to 80 percent below 1990 levels. While

the Update discusses setting a mid-term target, the plan does not yet set a quantifiable target toward meeting the 2050 goal. A second update was published in January of 2017. This update establishes a proposed framework of action for California to meet the most aggressive climate change target in North America: a 40 percent reduction in greenhouse gases by 2030 compared to 1990 levels. This goal builds on California's success in establishing effective policies that are reducing emission of GHG while delivering substantial economic and environmental benefits.

**Executive Order S-3-05.** Executive Order S-3-05, signed by Governor Schwarzenegger on June 1, 2005, calls for a reduction in GHG emissions to 1990 levels by 2020 and for an 80 percent reduction in GHG emissions by 2050. Executive Order S-3-05 also calls for the California EPA (CalEPA) to prepare biennial science reports on the potential impact of continued GCC on certain sectors of the California economy. The first of these reports, *Our Changing Climate: Assessing Risks to California*, and its supporting document *Scenarios of Climate Change in California: An Overview* were published by the California Climate Change Center in 2006.

**Executive Order B-30-15.** Executive Order B-30-15 was enacted by the Governor on April 29, 2015. Executive Order B-30-15 establishes an interim GHG emission reduction goal for the state of California to reduce GHG emissions to 40 percent below 1990 levels by the year 2030. This Executive Order directs all state agencies with jurisdiction over GHG-emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the pre-existing, long-term 2050 goal identified in Executive Order S-3-05 to reduce GHG emissions to 80 percent below 1990 levels by the year 2050. The Executive Order directs ARB to update its Scoping Plan to address the 2030 goal. It is anticipated that ARB will develop statewide inventory projection data for 2030 and commence efforts to identify reduction strategies capable of securing emission reductions that allow for achievement of the new interim goal for 2030.

**Executive Order S-21-09.** Executive Order S-21-09 was enacted by Governor Schwarzenegger on September 15, 2009. Executive Order S-21-09 requires that the ARB, under its AB 32 authority, adopt a regulation by July 31, 2010, that sets a 33-percent renewable energy target as established in Executive Order S-14-08. Under Executive Order S-21-09, the ARB will work with the Public Utilities Commission and California Energy Commission to encourage the creation and use of renewable energy sources, and will regulate all California utilities. The ARB will also consult with the Independent System Operator and other load balancing authorities on the impacts on reliability, renewable integration requirements, and interactions with wholesale power markets in carrying out the provisions of the Executive Order. The order requires the ARB to establish highest priority for those resources that provide the greatest environmental benefits with the least environmental costs and impacts on public health.

**Executive Order S-01-07**. Executive Order S-01-07 was enacted by the Governor on January 18, 2007, and mandates that: 1) a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least ten percent by 2020; and 2) a Low Carbon Fuel Standard ("LCFS") for transportation fuels be established for

California. According to the SDCGHGI, the effects of the LCFS would be a ten percent reduction in GHG emissions from fuel use by 2020. On April 23, 2009, the ARB adopted regulations to implement the LCFS.

**Executive Order S-21-09; Senate Bill 350.** Executive Order S-21-09 was enacted by the Governor on September 15, 2009. Executive Order S-21-09 requires that the ARB, under its AB 32 authority, adopt a regulation by July 31, 2010 that sets a 33 percent renewable energy target as established in Executive Order S-14-08. Under Executive Order S-21-09, the ARB will work with the Public Utilities Commission and California Energy Commission to encourage the creation and use of renewable energy sources, and will regulate all California utilities. The ARB will also consult with the Independent System Operator and other load balancing authorities on the impacts on reliability, renewable integration requirements, and interactions with wholesale power markets in carrying out the provisions of the Executive Order. The order requires the ARB to establish highest priority for those resources that provide the greatest environmental benefits with the least environmental costs and impacts on public health. Senate Bill 350 codified the 33 percent Renewable Portfolio Standard by 2020 and additionally expresses the intent of the Legislature for the purposes of the RPS program that the amount of electricity generated per year from eligible renewable energy resources be increased to an amount equal to at least 50 percent by December 31, 2030. Senate Bill 350 required the PUC, by January 1, 2017, to establish the quantity of electricity products from eligible renewable energy resources be procured by each retail seller for specified compliance periods sufficient to ensure that the procurement of electricity products from eligible renewable energy resources achieves 50 percent of retail sales by December 31, 2030.

**California Code of Regulations Title 24.** Although not originally intended to reduce greenhouse gas emissions, California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings were first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The GHG emission inventory was based on Title 24 standards as of October 2005; however, Title 24 has been updated as of 2008 and standards are set to be phased in beginning in January 2010. The new Title 24 standards are anticipated to increase energy efficiency by 15 percent, thereby reducing GHG emissions from energy use by 15 percent. Energy efficient buildings require less electricity, natural gas, and other fuels. Electricity production from fossil fuels and on-site fuel combustion (typically for water heating) results in greenhouse gas emissions. Therefore, increased energy efficiency results in decreased greenhouse gas emissions.

The GHG emission inventory was based on Title 24 standards as of October 2005; however, Title 24 has been updated as of 2008, 2013, and 2016. The 2016 standards require buildings to be 28 percent more energy-efficient than 2013 standards.

**State Standards Addressing Vehicular Emissions.** California Assembly Bill 1493 (Pavley) enacted on July 22, 2002, required the ARB to develop and adopt regulations

that reduce greenhouse gases emitted by passenger vehicles and light duty trucks. Regulations adopted by ARB would apply to 2009 and later model year vehicles. ARB estimated that the regulation would reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030. Once implemented, emissions from new light- duty vehicles are expected to be reduced in San Diego County by up to 21 percent by 2020.

The ARB has adopted amendments to the Pavley regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The amendments, approved by the ARB Board on September 24, 2009, are part of California's commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016, and prepare California to harmonize its rules with the federal rules for passenger vehicles. Implementation of the Pavley II standards will commence in 2017 and cover vehicles manufactured from 2017 through 2025. Based on information from the ARB (ARB 2011), the Pavley II program (now referred to as the "Advanced Clean Cars" program) would reduce GHG emissions from the fleet by three percent by 2020, and by 12 percent by 2025, with continuing reductions in emissions of 27 percent by 2035 and 33 percent by 2050.

**Local Regulations and Standards**

The County has adopted its General Plan Update (County of San Diego 2010), which provides smart growth and land use planning principles designed to reduce VMT and result in a reduction in GHG emissions. As discussed in the General Plan Update, climate change and GHG reduction policies are addressed in plans and programs in multiple elements of the General Plan. The strategies for reduction of GHG emissions in the General Plan Update are as follows:

- Strategy A-1: Reduce vehicle trips generated, gasoline/energy consumption, and greenhouse gas emissions.
- Strategy A-2: Reduce non-renewable electrical and natural gas energy consumption and generation (energy efficiency).
- Strategy A-3: Increase generation and use of renewable energy sources.
- Strategy A-4: Reduce water consumption.
- Strategy A-5: Reduce and maximize reuse of solid wastes.
- Strategy A-6: Promote carbon dioxide consuming landscapes.
- Strategy A-7: Maximize preservation of open spaces, natural areas, and agricultural lands.

The General Plan Update also includes climate adaptation strategies to deal with potential adverse effects of climate change. The climate adaptation strategies include the following:

- Strategy B-1: Reduce risk from wildfire, flooding, and other hazards resulting from climate change.

- Strategy B-2: Conserve and improve water supply due to shortages from climate change.
- Strategy B-3: Promote agricultural lands for local food production.
- Strategy B-4: Provide education and leadership.

The County has also implemented a number of outreach programs such as the Green Building Program, lawn mower trade-in program, and reduction of solid waste by recycling to reduce air quality impacts as well as GHG emissions.

On February 14, 2018, the County's Board of Supervisors adopted the Climate Action Plan (CAP), which included a threshold of significance for GHG emissions and revised Guidelines for Determining Significance for Climate Change (Guidelines).~~The County is working on developing a Climate Action Plan that will include a baseline GHG Inventory; GHG reduction targets and an analysis of the gap that would need to be filled to meet statewide goals set forth in State legislation; GHG reduction measures; and a recommended method(s) for analysis of projects subject to CEQA.~~

## 2.4.2 Analysis of Project Effects and Determination as to Significance

### 2.4.2.1 *Guidelines for Determination of Significance*

According to the California Natural Resources Agency, "due to the global nature of GHG emissions and their potential effects, GHG emissions would typically be addressed in a cumulative impacts analysis." According to Appendix G of the CEQA Guidelines, the following criteria may be considered to establish the significance of GCC emissions:

Would the project:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

### 2.4.2.2 *1994 East Otay Mesa Specific Plan EIR*

The 1994 EIR did not include an analysis of greenhouse gas emissions.

### 2.4.2.3 *2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

The 2000 SEIR did not include an analysis of greenhouse gas emissions.

### 2.4.2.4 *2012 Sunroad Otay Tech Centre Addendum*

In 2012, an Addendum was prepared for the Sunroad Otay Tech Centre project. A Global Climate Change Evaluation was prepared for the Sunroad Otay Tech Centre project by Scientific Resources Associated (November 16, 2010). The analysis in the report concluded that greenhouse gas emissions impacts would be less than significant. Additionally, the project would reduce emissions of GHGs by 34.7 percent and would be consistent with the goals of AB 32, as the project reduced emissions above 33 percent business-as-usual. Therefore, no new mitigation was identified in the 2012 Addendum.

### 2.4.2.5 *Proposed Project*

GHG emissions associated with the proposed Project were estimated separately for six categories of emissions: (1) construction; (2) area sources; (3) energy use, including electricity and natural gas usage; (4) water consumption; (5) solid waste handling; and (6) transportation.

The Project site is currently undeveloped and includes disturbed areas and native vegetation. Natural vegetation and soils temporarily store carbon as part of the terrestrial carbon cycle. Minor amounts of GHG emissions may be associated with intermittent on-site activities (e.g., vehicle use). The carbon sequestration loss calculations are based on the biological survey report for the Project site. Table 2.4-5, *East Otay Mesa Specific Plan Amendment On-site Vegetation*, presents a summary of the existing on-site vegetation, and the classification within the CalEEMod model to calculate sequestration loss. Based on the Project site's current conditions and the absence of development, existing site GHG emissions are negligible.

**Conformance with Greenhouse Gas Thresholds**

Guideline for the Determination of Significance:

> *Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

As described in Section 15064.4(b) of the State CEQA Guidelines, when determining the significance of impacts from GHG emissions on the environment, the following factors should be considered:

(1) The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting;

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

***(1) CEQA Guideline 15064.4(b)(1) – The extent to which the project may increase or reduce GHG emissions as compared to existing environmental setting.***

GHG impacts associated with the proposed project are related to emissions from short-term construction and long-term operations. Construction may generate GHG emissions because of construction equipment emissions and emissions from vehicles driven to/from the project site by construction workers and material and water delivery trucks. Construction emissions may be amortized over the expected (long-term) operational life of a project, which can conservatively be estimated at 20 years. It should be noted that the County requires payment of carbon off-sets over the project life, which is considered to be 30 years per the South Coast Air Quality Management District (SCAMD) (2008). The calculation using a 20-year amortization instead of 30 years provides a conservative (higher) estimate of construction emissions which is carried through as part of the total GHG emissions associated with the project and corresponding mitigation requirements.

Operational emissions would result primarily from both direct and indirect sources. Direct emissions refer to emissions produced from onsite combustion of energy, such as natural gas used in furnaces and boilers, emissions from industrial processes, and fuel combustion from mobile sources. Indirect emissions are emissions produced offsite from energy production and water conveyance due to a project's energy use and water consumption. Operational GHG emissions should include energy use (including electricity, natural gas and water and wastewater), transportation VMT, area sources, and solid waste.

**Construction Greenhouse Gas Emissions**

Construction GHG emissions include emissions from heavy construction equipment, truck traffic, and worker trips. Specific information on construction schedule and activities is not known at this time. Therefore, emissions were calculated using the CalEEMod Model (CalEEMod Version 2016.3.1), based on the default assumptions within the model, which assumes a construction schedule and tempo based on the size of the development. Table 2.4-6, *Assumed Construction Schedule*, presents the assumed construction schedule for the Project.

The total construction emissions were estimated to be 17,485 metric tons of $CO_2e$. This analysis follows recommendations by the SCAQMD for purposes of evaluating construction-related GHGs under CEQA. Specifically, emissions are amortized over 20 years and added to operational emissions, as appropriate. Amortized over 20 years, construction would contribute 874 metric tons per year of $CO_2e$ emissions. These emissions were added to the operational GHG emissions to evaluate their significance.

### Operational Greenhouse Gas Emissions

Operational GHG emissions were calculated using the CalEEMod Model, with adjustments to account for site-specific conditions for buildout year of 2028.

**Area Source Emissions**. The CalEEMod Model calculates emissions associated with area sources, including landscaping equipment and hearth (fireplace) use. For this analysis, it was assumed that 1,000 residential units would include a natural gas fireplace, with the remaining 2,158 units to be constructed without fireplaces.

**Energy Use Emissions.** Energy use generates GHGs through emissions from power plants that generate electricity as well as emissions from natural gas usage at the facility itself. The CalEEMod model includes energy intensity factors for utilities that are based on emission factors for electricity based on Power Utility Protocol reports submitted to the California Climate Action Registry (CCAR) with the most recent years around 2006-2008 or from the Local Government Organizations Protocol. Implementation of the RPS will affect indirect GHG emissions associated with electricity use for the proposed Project because electricity will be purchased from San Diego Gas and Electric. Based on implementation of RPS mandates, it was assumed that the state of California would meet a goal of 46.6 percent RPS by 2028, the buildout year. At a minimum, buildings would meet the energy efficiency requirements of Title 24 as of 2013, which results in a 21.8 percent decrease in electricity use over Title 24 as of 2008 and 16.8 percent decrease in natural gas use over Title 24 as of 2008 for non-residential uses, and a 23.3 percent decrease in electricity use over Title 24 as of 2008 and 3.8 percent decrease in natural gas use over Title 24 as of 2008 for multi-family residential units. These decreases in energy use were accounted for in the model. The buildings would be constructed post-2016 and would therefore be required to meet the requirements of Title 24 as of 2016. According to the California Energy Commission (CEC 2015), Title 24 as of 2016 would improve residential energy efficiency by 28 percent and non-residential energy efficiency by five percent.

It was also assumed that the residences would be equipped with EnergyStar appliances. The reductions for EnergyStar appliances was accounted for within the CalEEMod model under Energy Mitigation.

**Water.** Water use and energy use are often closely linked. The provision of potable water to residential and commercial users consumes large amounts of energy associated with five stages: source and conveyance, treatment, distribution, end use, and wastewater treatment. Water use is calculated based on the CalEEMod model defaults. Emission factors for electricity are adjusted within the CalEEMod Model to account for implementation of the RPS, because the default CalEEMod model emission factors for electricity are not adjusted for the RPS. GHG emissions assume that low-flow fixtures would be used, and that

water-efficient irrigation systems would be employed that would reduce outdoor water use by 6.1 percent (CalEEMod default mitigation measure).

**Solid Waste.** The disposal of solid waste produces GHG emissions from anaerobic decomposition in landfills, incineration, transportation of waste, and disposal. Solid waste generation rates were estimated from CalEEMod Model, and GHG emissions from solid waste management were estimated using the model, assuming landfilling of solid waste with flaring. AB 341 sets forth a legislative declaration that it is the policy goal of the state that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020. The County achieves a high diversion rate currently and is working on developing a high diversion plan to meet the 75 percent goal. Jurisdictions were required to meet 50 percent reduction goal under AB 75 by the year 2000. Solid waste generation rates reflect current solid waste generation rates and diversion rates and are adjusted to account for 75 diversion rates. [If the current solid waste diversion rate is 50 percent within CalEEMod, adjusting the remaining solid waste disposal rates within the model by 50 percent accounts for 75 percent diversion (50 percent baseline diversion + 25 percent additional diversion = 75 percent diversion)].

**Transportation.** Several regulatory initiatives have been passed to reduce emissions from on-road vehicles, as discussed in 2.4.1.4. The Emissions Factors (EMFAC) 2014 emission factors, which are included in CalEEMod Version 2016.3.1 were used in the analysis. The EMFAC2014 emission factors include reductions in GHG emissions for the Pavley I and Advanced Clean Cars programs.

Trip generation rates from the Traffic Impact Analysis – East Otay Mesa Specific Plan Amendment were used to calculate emissions associated with vehicle trips generated by the proposed Project. VMT were calculated based on the CalEEMod Model assumptions. To account for the mix of uses at the site, which is a Project design feature, the reduction in VMT was calculated based on the land use index as recommended by the California Association of Air Pollution Control Officers Association (CAPCOA). The land use index indicates that the mix of uses results in a reduction in VMT of 15.04 percent. The 15.04 percent reduction was applied to the emissions for both the unmitigated and mitigated conditions, because the mix of uses is a feature of the Project. Table 2.4-7, *Proposed Project Design Features to Reduce GHG Emissions*, presents a summary of the Project design features that were included in this analysis to reduce GHG emissions. Based on CalEEMod default values, for the unmitigated emissions, $CO_2$ emissions from vehicles total 31,462 metric tons/year and $CH_4$ emissions from vehicles total 1.5400 metric tons/year. Applying the 15.04 percent reduction to both emission estimates, the $CO_2$ emissions total 26,730 metric tons/year and the $CH_4$ emissions from vehicles total 1.3084 metric tons/year.

~~**Service Population.** The site residential service population was calculated based on the SANDAG population projections for residential population in the Otay Community Plan~~

~~Area for 2030, for an average of 2.87 residents per dwelling unit for a total of 9,063 residents. The occupational service population was calculated based on the City of San Diego's Jobs-Housing Nexus Study (Keyser Marston 2013). While the analysis evaluated jobs and housing within the City of San Diego, it represents the most recent regional data on employment by land use. Based on the City of San Diego's Jobs-Housing Nexus study, Research and Development/Manufacturing/Industrial land uses such as that proposed for the Technology Park portion of the Project would generate 1 job per 500 square feet for a total of 1,530 jobs. Retail uses would generate 1 job per 350 square feet for a total of 223 jobs. No data were available for employees for the park uses; therefore, park employees were not considered in the service population calculation. The total service population for the Otay 250 Sunroad - East Otay Mesa Business Park Specific Plan Amendment Project is 10,816.~~

The Project has been evaluated on the basis of a buildout year of 2028. Based on the above factors, the total emissions inventory assumed for the project is presented in Table 2.4-8, *Summary of Proposed Project's Estimated Greenhouse Gas Emissions with Project Design Features – Buildout 2028*, the project would result in ~~a total of efficiency metric of 3.0 metric tons per service population with a total of~~ 37,554 $CO_2$ metric tons equivalent emissions with the incorporation of project design features. ~~As shown in Table 2.4-8 *Summary of Project's Estimated Greenhouse Gas Emissions with GHG Reduction Measures - Buildout 2028,* the~~ The Project would ~~not meet this efficiency metric and would~~ result in an increase of GHG emissions compared to the existing environmental setting. ~~emit 3.5 metric tons per service population.~~ GHG impacts would, therefore, be significant and mitigation is required.

***(2) CEQA Guideline 15064.4(b)(2) - Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.***

***(3) CEQA Guideline 15064.4(b)(3) - The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.***

As previously described, the County's Board of Supervisors adopted the CAP on February 14, 2018, which included a threshold of significance for GHG emissions and revised Guidelines. As described in the Guidelines, the threshold is: "A proposed project would have a less than significant cumulatively considerable contribution to climate change impacts if it is found to be consistent with the County's Climate Action Plan; and, would normally have a cumulatively considerable contribution to climate change impacts if it is found to be inconsistent with the County's Climate Action Plan." The project requires a GPA and increases the density allocations of the site. As the proposed project is not consistent with the underlying land use assumptions of the General Plan (which was used to develop the CAP baseline inventory and projections), the project cannot use the CAP to tier or streamline GHG analysis. Nonetheless, the project has implemented all relevant measures in the CAP Checklist for New Development, plus all feasible on-site design features and mitigation measures. The project provides a standalone analysis and

substantial evidence to support the conclusion of less than significant GHG impacts (in accordance with the Guidelines).

Mitigation Measures GHG-1 and GHG-2 require the applicant to provide all feasible on-site GHG design features/mitigation measures, which results in no net new GHG emissions (i.e., carbon neutrality). Because the project would achieve no net GHG emissions, the project would not interfere with the County's ability to meet the GHG reduction targets for 2020 an 2030 established in the County's CAP. This mitigation is consistent with CEQA Guidelines section 15126.4(c) and as set forth in the SEIR for the CAP to reduce cumulative GHG impacts.

**Conformance with Applicable Plans, Policies, or Regulations**

Guideline for the Determination of Significance:

*Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

**Consistency with Applicable Plans**

The proposed project would increase GHG emissions as compared to the existing environmental setting. Currently, the project site is vacant and no GHG emissions are generated under existing conditions. As stated above, the proposed Project would generate 37,554 $CO_2$ metric tons equivalent, which is more than occur under existing conditions.~~emit 3.5 metric tons per service population and, therefore, would not meet the efficiency metric of 3.0 metric tons per service population~~. Therefore, w~~W~~ithout mitigation, the Project would not be consistent with the following applicable plans.

- ARB Scoping Plan – Because the proposed Project would increase GHG emissions as compared to the existing environmental setting, ~~not meet the efficiency metric without implementation of mitigation measures,~~ the Project would not be in compliance with applicable regulations adopted by the ARB and other regulatory agencies to implement the Scoping Plan pursuant to AB 32.

- Executive Order B-30-15 and SB 32 – The proposed Project would achieve substantial progress toward meeting the targets of Executive Order B-30-15 and S-3-05 for milestone years 2030 and 2050 and SB 32 by further reducing GHG emissions from the Project site through the Project design features. However, the proposed Project would not reduce GHG emissions as compared to the existing environmental setting ~~would not meet the efficiency metric~~ without implementation of mitigation~~s~~ measures.

Without implementation of mitigation measures (later discussed in Section 2.4.5), the Project would ~~not meet the efficiency metric of 3.0 metric tons $CO_2$e per service population, would~~ not be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by

2030, and would not be consistent with the ARB Scoping Plan. This impact would be significant.

The Project would be consistent with the following applicable plans.

- Executive Order S-3-05 – The proposed Project, through implementation of Project design features and compliance with vehicle standards, would enable achievement of the statewide goal of reducing GHG emissions to 1990 levels by 2020, and 80 percent below 1990 levels by 2050.

- Executive Order S-21-09 and SB 350 – The proposed Project would purchase power from San Diego Gas and Electric, which is developing its renewable portfolio standard in accordance with state mandates.

- California Code of Regulations Title 24 – The proposed Project would comply with the then-applicable Title 24 standards, thereby demonstrating a commitment to the energy efficient design, construction and operation of residential and non-residential structures.

- State Vehicle Standards – Vehicles operating within the proposed Project would meet Pavley and LCFS standards to the extent required by law.
  Senate Bill 375 – The proposed Project is part of a master-planned community that provides a mix of uses serving the community, consistent with the general objectives of SB 375, as discussed below.

  SANDAG's inclusion of the proposed land use development on the Project site in the Sustainable Communities Strategy's forecasted development pattern for the region (see Gov. Code, §65080(b)(2)(B)(vii)) is consistent with the fact that SANDAG was required to utilize the "most recent planning assumptions considering local general plans and other factors" when preparing the Sustainable Communities Strategy (Gov. Code, §65080(b)(2)(B)). The Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan Amendment project (i.e., the proposed Project) is part of the Otay Subregional Plan, as adopted in 2011. The County and other regional planning agencies (i.e., SANDAG) have been anticipating development on the Project site since that time.

  Additionally, for purposes of SB 375's underlying policy goals, it is important to recognize that the proposed Project is part of the planned and approved East Otay Mesa Business Park Specific Plan community, which contains a mix of residential, commercial, civic, recreational, and public facilities, all of which – when viewed from an integrated perspective – reduce the amount of vehicle miles traveled and corresponding GHG emissions. The proposed Project would further reduce the amount of vehicle miles traveled by incorporating into the Specific Plan an increase in residential units at high densities mixed with supporting retail and employment uses, adding to what was previously a primarily light industrial/technology center to create a mixed-use village setting.

In addition to being part of a larger Specific Plan area, the proposed Project itself contributes a more integrated and balanced mix of uses, including community-serving commercial, light industrial employment uses, a 50.3-acre open space preserve, and trail amenities. The Project's mix of uses allows for the Project to internally capture approximately 15.04 percent of all vehicle trips (i.e., these trips remain within the boundaries of the Project site). Further, the Project's mix of land uses, including residential in conjunction with the retail and employment, is coupled with an integrated pathway and trail plan and traffic calming features along internal streets and roads that promote a pedestrian experience for the Project's residents and visitors and facilitate non-vehicular travel, consistent with SB 375.

- County General Plan Policies: Policy COS-14.1 (Land Use Development), Policy COS-14.2 (Villages and Rural Villages), Policy COS-14.3 (Sustainable Development), Policy COS-15.1 (Design and Construction of New Buildings), COS-15.4 (Title 24 Energy Standards), and COS-19.1 (Sustainable Water Supply – Sustainable Development Practices) – The Project would be consistent with the County's General Plan policies that are designed to reduce GHG emissions (Policies COS-14.1, COS-14.2, COS-14.3, COS-15.1, COS-15.4, and COS-19-1) through implementation of the Project design features described above and detailed in Chapter 1, *Project Description*, of this EIR. With implementation of the identified design features and mitigation measures identified in Section 2.4.4 below, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**Comparison with Existing Entitlement**

If constructed as currently approved, the East Otay Mesa Business Park Specific Plan's ~~Area's~~ existing entitlement would result in emissions of GHGs. The existing entitlement includes 27.37 acres of approved commercial uses (383,180 square feet) and 130.18 acres of approved technology park uses (1,562,200 square feet) for the Project site. ~~The service population is based on the employment of the existing entitlement and was calculated as 4,219.~~ Table 2.4-9, *Summary of Existing Entitlement's Estimated Greenhouse Gas Emissions with GHG Reduction Measures-Buildout 2028,* presents a summary of the emission from the existing entitlement for the Project site and ~~the~~ that existing entitlement's efficiency, assuming buildout in 2028. As shown in Table 2.4-9, ~~the~~ GHG emissions resulting from ~~$CO_2e$ per service population of~~ the existing entitlement for the Project site are estimated at 24,411 total $CO_2$ equivalent emissions ~~is far higher than the $CO_2e$ per service population of the proposed Project~~and would also increase GHG emissions as compared to the existing environmental setting, although to a lesser degree. However, the existing entitled project would have GHG project design features and mitigation measures to reduce GHG emissions to below a level of significance. Additionally, t~~T~~he proposed Project includes a mix of uses and would also site residential uses in an area that is an employment center, reducing VMT within the Otay Mesa area by providing housing to serve the emerging work force, thereby reducing trips associated with home-to-work commutes.~~ Therefore, the Project represents an increase in efficiency relative to GHG emissions per service population over the existing entitlement.~~

## 2.4.3 Cumulative Impact Analysis

Table 1-6, *Cumulative Projects List*, provides a summary of all the cumulative projects along with their identified impacts to each of the environmental issue areas addressed by this SEIR. By nature, greenhouse gas and global climate change evaluations are a cumulative study, which takes into account the entirety of the immediately surrounding area and the region as a whole. Therefore, the preceding analysis analyzes cumulative impacts associated with greenhouse gas emissions.

## 2.4.4 Significance of Impacts Prior to Mitigation

The proposed Project would result in a net increase in emissions of GHGs from construction and operations compared to the existing environmental setting and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases ~~that would exceed the 2028 efficiency metric of 3.0 metric tons $CO_2$e per service population. The proposed Project would emit 3.5 metric tons per service population and, therefore, would not meet the efficiency metric of 3.0 metric tons per service population~~ (**Impact GHG-1**). Thus, the following significant impact related to greenhouse gas emissions would occur with Project implementation:

**Impact GHG-1:** Emissions of GHGs would ~~exceed the efficiency metric~~result in a significant impact.

## 2.4.5 Mitigation

CARB recommends that lead agencies prioritize on-site design features and direct investments in GHG reductions in the vicinity of the project. CARB also recommends that where further project design or regional investments are infeasible or not proved to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry. Examples of off-site mitigation can include, among other mechanisms, the purchase of verifiable carbon "offsets" from a carbon registry that will undertake mitigation.

Table 2.4-7 lists the proposed project's on-site project design features to reduce GHG emissions. Based on the emissions inventory data presented in Table 2.4-8, the project will result in 37,554 MT CO2E with the incorporation of project design features. Note that this calculation under-represents the percentage of GHG emissions reductions that will be achieved through on-site features and measures because, as provided in Table 2.4-7, many of the features and measures conservatively were not assigned quantitative emissions reductions values.

Because the project would result in a significant impact, the following mitigation measures are proposed to reduce the potential for GHG impacts. Each phase of the project (i.e.,

implementing site plans) would be required to undergo a site plan review, and at that time, shall require the development to have net zero emissions.

~~**Energy Efficiency**~~

**M-GHG-1a:** The Project buildings will exceed Title 24 as of 2016 by 20 percent. This measure was included in the mitigation measures in the CalEEMod Model.

**M-GHG-~~2~~1b:** Each Site Development Plan of the Specific Plan ~~The Project will~~shall include photovoltaic solar panels (or their equivalent, as approved by the Planning and Development Services Director) designed to provide 50 percent of the Project's commercial use electricity needs, and 50 percent of the residential dwelling units shall include photovoltaic solar panels (or their equivalent, as approved by the Planning and Development Services Director) to provide those residential dwelling units' entire electricity needs. This measure was included in the CalEEMod model under Renewable Energy.

Table 2.4-10 presents the results of the GHG calculations with mitigation measures included as described above. With incorporation of these mitigation measures, the project would result in 32,786 MT CO2E. Therefore, the following mitigation measures are required.

**M-GHG-1c:** Each Site Development Plan of the Specific Plan shall be conditioned to require its development to have net zero emissions. If on-site net zero emissions cannot be attained through development-specific measures with each Site Development Plan, then off-site mitigation shall be required pursuant to M-GHG-2.

At the Site Development Plan stage, the applicant shall perform an analysis of the GHG emissions associated with the development and any related requirements pursuant to CEQA. The analysis shall be subject to the review of County PDS, and shall ultimately require the approval of the Director of PDS.

The GHG analysis shall evaluate on-site design features (in addition to the measures set forth in M-GHG-1a and M-GHG-1b that are already required). Many local, regional, and State agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for future Site Development Plans implemented in accordance with the project, including, but not limited to:

- Governor's Office of Planning and Research CEQA and Climate Change. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA)

Review. See Attachment 3, "Examples of GHG Reduction Measures." Available: http://opr.ca.gov/docs/june08-ceqa.pdf.

- California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG." Available:http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White- Paper.pdf.

- California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures. Available: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.

- Attorney General of the State of California. 2008 (December) [revised January 2010]. The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

However, as specific development plans are not and cannot be known at this time, it cannot be ensured that each subsequent site plan will be able to implement all on-site project design measures to reduce GHG emissions to net zero. Therefore, in accordance with CEQA Guidelines Section 15126.4(c), the County has determined that additional off-site mitigation can further reduce impacts from GHG emissions to a less-than-significant level through the purchase of carbon offsets.

The utilization of carbon offsets to mitigate GHG emissions is expressly authorized by CEQA Guidelines sections 15126.4(c)(3)–(c)(4), and would reduce impacts associated with GHG emissions to less than significant. To be acceptable for credit, the reductions must be in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that might otherwise occur.

As such, mitigation measures M-GHG-2 is provided, which would require the project to offset 100 percent of its annual GHG emissions, for a 30-year period, in order to achieve carbon neutrality (i.e., net zero emissions level).

**M-GHG-2:** The County will consider, to the satisfaction of the Director of Planning and Development Services (PDS), the following geographic priorities for GHG reduction projects and programs: 1) off-site within the unincorporated areas of the County of San Diego; 2) off-site within the County of San Diego; 3) off-

site within the State of California; 4) off-site within the United States; and 5) off-site internationally.

Geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide co-benefits. Depending on the carbon offset project utilized, co-benefits may include reductions in criteria air pollutants, toxic air contaminants, energy demand, water consumption, health benefits, social benefits, and economic benefits. The applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such direct investment projects and programs are available and are financially feasible, as reasonably determined by the Director of PDS.

If carbon offset credits are provided as mitigation, the applicant, or its designee, shall purchase and retire carbon offsets in a quantity sufficient to offset all GHG emissions from each implementing site plan. This includes all GHG emissions from construction (including sequestration loss from vegetation removal) and operations.

For each implementing site plan, prior to the County's issuance of the project's first grading permit (for construction GHG emissions) or first building permit (for operations GHG emissions) the applicant, or its designee, shall provide evidence to the satisfaction of the Director PDS that the project applicant or its designee has purchased and retired carbon offsets in a quantity sufficient to offset the net increase of construction and operations GHG emissions generated by the project. Operations emissions may be offset in phases, commensurate with the overall phasing of the project.

Carbon offset credits must be purchased through any of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the state's cap-and-trade program, (iii) through the CAPCOA GHG Rx and the SDAPCD, or (iv) if no registry is in existence as identified in options (i), (ii), or (iii), above, then any other reputable registry or entity that issues carbon offsets consistent with Cal. Health & Saf. Code section 38562(d)(1)), to the satisfaction of the Director of PDS.

## 2.4.6 Conclusion

Pursuant to Section 15064.4(b) of the State CEQA Guidelines, when determining the significance of impacts from GHG emissions on the environment, the following factors ~~should be~~were considered:

(1) The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting;
(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

As previously stated, ~~T~~the County cannot consider factors (2) or (3). Therefore, when determining the significance of GHG emissions, only factor (1) is utilized: the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.

The proposed Project would result in a net increase in emissions of greenhouse gases during both the construction phase and operational phase of the Project (**Impact GHG-1**) and therefore would generate greenhouse gas emissions that may have a significant impact on the environment. The Project would implement Mitigation Measures GHG-1, and GHG-2 that would reduce GHG emissions to ~~the extent feasible~~ net zero. Certain features of the Project have been considered mitigation measures, as those items go above and beyond what is calculated in CalEEMod and, with implementation, would reduce GHG emissions generated by the Project. ~~Table 2.4-10, *Summary of Proposed Project's Estimated Greenhouse Gas Emissions with Project Design Features and Mitigation Measures – Buildout 2028,* presents the results of the GHG calculations with mitigation measures included as described above. As shown in Table 2.4-10, with mitigation, the Project would meet the efficiency metric of 3.0 metric tons per service population.~~ The ~~GHG efficiency of the~~ Project would therefore reduce its GHG emissions to below a level of significance. ~~meet the efficiency metric of 3.0 metric tons per service population, and GHG impacts would be less than significant.~~

Because, with mitigation, the proposed Project is consistent with the applicable plans, policies, and regulations adopted for regulation of GHG emissions, the Project would not:

- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

~~Because~~With mitigation, the Project would ~~meet the efficiency metric of 3.0 metric tons $CO_2e$ per service population with mitigation~~result in net zero GHG emissions and, therefore, ~~the Project~~ would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by 2030. ~~This impact is less than significant~~Thus, GHG emissions impacts would be reduced to below a level of significance.

**TABLE 2.4-1.** ***STATE OF CALIFORNIA GHG EMISSIONS BY SECTOR***

| Sector | Total 1990 Emissions ($MMTCO_2e$) | Percent of Total 1990 Emissions | Total 2013 Emissions ($MMTCO_2e$) | Percent of Total 2013 Emissions |
|---|---|---|---|---|
| Agriculture | 23.4 | 5% | 36.21 | 8% |
| Commercial | 14.4 | 3% | 15.43 | 3% |
| Electricity Generation | 110.6 | 26% | 90.45 | 20% |
| Forestry (excluding sinks) | 0.2 | <1% | Not reported | |
| Industrial | 103.0 | 24% | 92.68 | 20% |
| Residential | 29.7 | 7% | 28.11 | 6% |
| Transportation | 150.7 | 35% | 169.02 | 37% |
| Recycling and Waste | | | 8.87 | 2% |
| High GWP Gases | | | 18.50 | 4% |
| Forestry Sinks | (6.7) | | Not reported | |

**TABLE 2.4-2. *GLOBAL WARMING POTENTIALS AND ATMOSPHERIC LIFETIMES OF GHGS***

| GHG | Formula | 100-Year Global Warming Potential | Atmospheric Lifetime (Years) |
|---|---|---|---|
| Carbon Dioxide | $CO_2$ | 1 | Variable |
| Methane | $CH_4$ | 28 | 12 |
| Nitrous Oxide | $N_2O$ | 265 | 121 |
| Sulfur Hexafluoride | $SF_6$ | 23,500 | 3,200 |
| Hydrofluorocarbons | HFCs | 100 to 12,000 | 1 to 100 |
| Perfluorocarbons | PFCs | 7,000 to 11,000 | 3.000 to 50,000 |
| Nitrogen Trifluoride | $NF_3$ | 16,100 | 500 |
| *Source*: First Update to the Climate Change Scoping Plan, ARB 2014 | | | |

**TABLE 2.4-3. *SAN DIEGO COUNTY 2006 GHG EMISSIONS BY CATEGORY***

| Sector | Total Emissions ($MMTCO_2e$) | Percent of Total Emissions |
|---|---|---|
| On-Road Transportation | 16 | 46% |
| Electricity | 9 | 25% |
| Natural Gas Consumption | 3 | 9% |
| Civil Aviation | 1.7 | 5% |
| Industrial Processes & Products | 1.6 | 5% |
| Other Fuels/Other | 1.1 | 4% |
| Off-Road Equipment & Vehicles | 1.3 | 4% |
| Waste | 0.7 | 2% |
| Agriculture/Forestry/Land Use | 0.7 | 2% |
| Rail | 0.3 | 1% |
| Water-Born Navigation | 0.13 | 0.4% |

*Source*: EPIC's SDCGHGI, 2008.

**~~TABLE 2.4-4. *DERIVATION OF EFFICIENCY METRIC, 2028 BUILDOUT*~~**

| | |
|---|---|
| ~~Emissions, MT/yr[a]~~ | ~~187.02~~ |
| ~~Population~~ | ~~43,424,440~~ |
| ~~Employment (assuming 1.491% change as from 2012-2022)[c]~~ | ~~19,738,382~~ |
| ~~Total~~ | ~~63,162,822~~ |
| ~~Metric Tons/Service Population~~ | ~~3.0~~ |

**[a] ~~Assuming 5.2% reduction per year from 2020 baseline levels of 286.70 MT CO2e~~**

**[b] ~~California Department of Finance, Demographic Research Unit Report P-2, State and County Population Projections by Race/Ethnicity and Age (5-year groups) 2010 through 2060 (as of July 1); December 15, 2014~~**

**[c] ~~California Department of Finance, Employment Development Department Industry Employment~~ Projections, Labor Market Information Division, 2010-2020; May 23, 2012, assuming 1.491% growth in employment**

**TABLE 2.4-5. *EAST OTAY MESA SPECIFIC PLAN AMENDMENT ON-SITE VEGETATION***

| Habitat | Acres On Site | CalEEMod Category |
|---|---|---|
| Wetland Habitat Types | | |
| Disturbed Wetland[1] | 0.83 | Wetlands |
| Non-Native Riparian | 0.51 | Scrub |
| Upland Habitat Types | | |
| Native Grassland | 1.65 | Grassland |
| Non-Native Grassland[1] | 239.91 | Grassland |
| Other Upland Habitats/Land Cover | | |
| Developed Land | 2.97 | Others |
| Disturbed Habitat | 7.26 | Others |
| **Total** | **253.13** | |

[1]The project would preserve 0.3 acres of wetlands and 51.33 acres of grassland.

**TABLE 2.4-6. *ASSUMED CONSTRUCTION SCHEDULE*[1]**

| Project Element | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Technology Park (square feet) | | 95,625 | 95,625 | 95,625 | 95,625 | 95,625 | 95,625 | 95,625 | 47,813 | 47,812 | 765,000 sq ft |
| Residential (units) | 875 | 697 | 337 | 837 | 312 | 100 | | | | | 3,158 units |
| Retail (square feet) | | | | | | 78,000 | | | | | 78,000 sq ft |
| Park (acres) | 8 | 10 | | 9 | | | | | | | 27 acres |

**TABLE 2.4-7. *PROPOSED PROJECT DESIGN FEATURES TO REDUCE GHG EMISSIONS***

| Strategy to Reduce GHG Emissions | Description | Emission Reduction | Basis for Emission Reduction |
|---|---|---|---|
| **Land Use and Community Design** | | | |
| Mixed Use Development | The East Otay Mesa Specific Plan Amendment provides a mix of uses at the site, including residential, retail, and industrial/employment uses. | Based on CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, the land use index for the Project projects a 15.04% reduction in VMT. | CAPCOA |
| Electric Vehicle Parking | Non-residential and multi-residential units will be conditioned to provide electric vehicle parking. The electric vehicle parking will conform with applicable building code requirements in place at the time of construction. | Because EMFAC2014, which is included in CalEEMod 2016, accounts for penetration of electric vehicles into the fleet, no additional reductions were taken. | |
| Provide Bike Parking in Non-residential and Multi-Unit Residential Projects | Non-residential and multi-residential units will be conditioned to include bicycle parking. The bicycle parking will conform with applicable building code requirements in place at the time of construction. | Because the reduction in VMT is not quantifiable at this time, no additional reductions were taken. | |
| Provide Pedestrian Network Improvements | The project will be designed with non-contiguous sidewalks to provide a pedestrian network throughout. | No credit was taken for this measure in the GHG calculations for the mitigated emission calculations. | |
| Increase Transit Accessibility | The project will provide a new MTS bus stop. The project is within 0.5 miles of MTS bus route 905, which currently provides hourly service to the project area. | CalEEMod model reductions | CalEEMod Model |
| Traffic Calming Measures | The project will include traffic calming measures on a minimum of 25% of internal streets and 25% of internal intersections. | This measure was accounted for by reducing GHG emissions from vehicles by 0.25% per CAPCOA | CAPCOA 2010 |
| **Energy Efficiency** | | | |

| Strategy to Reduce GHG Emissions | Description | Emission Reduction | Basis for Emission Reduction |
|---|---|---|---|
| Limited Outdoor Lighting | The project will limit outdoor lighting requirements. Outdoor lighting will be limited in accordance with the dark skies policy, consistent with applicable code requirements in place at the time of construction | Because the reduction in GHGs is not quantifiable, no additional reductions were taken. | |
| ENERGYSTAR Appliances | Indoor residential appliances will meet the requirements of Title 24 at the time of construction, which is assumed to be EnergyStar for residential units. | CalEEMod model reductions | CalEEMod Model |
| High Efficiency Lighting | The project will be equipped with high efficiency public street and area lighting that will reduce energy requirements for lighting by 5 percent. | CalEEMod model reductions | CalEEMod Model |
| LED Traffic Lights | Traffic lights installed by the project will be LED traffic lights. | Because the reduction in GHGs is not quantifiable, no additional reductions were taken. | |
| Programmable Thermostat Timers | The project will include installation of programmable thermostat timers in all buildings. | Because the reduction in GHGs is not quantifiable, no additional reductions were taken. | |
| **Water Conservation** | | | |
| Low-Flow Fixtures | Indoor plumbing would include low-flow fixtures as required by Title 24 building codes in effect at the time of construction. | CalEEMod model reductions | CalEEMod Model |
| Water-Efficient Irrigation Systems | The project will install water-efficient irrigation systems that meet at least 6.1% reduction in outdoor water use. | CalEEMod model reductions | CalEEMod Model |
| Plant Native or Drought-Resistant Trees and Vegetation | All public areas will be planted with native or drought-resistant trees and vegetation. | Because the reduction in GHGs is not quantifiable, no additional reductions were taken. | |
| Water-Efficient Landscapes | The project will be designed to use water-efficient landscapes. | Because the reduction in GHGs is not quantifiable, no additional reductions were taken. | |
| **Building and Site Design** | | | |
| California 2013 Title 24 Building Energy Efficiency Standards | All buildings would be designed to meet the California 2013 Title 24 Building Energy Efficiency Standards | CalEEMod 2016.3.1 included | CalEEMod model |

| Strategy to Reduce GHG Emissions | Description | Emission Reduction | Basis for Emission Reduction |
|---|---|---|---|
| | at a minimum. By the time buildings are constructed, it is likely that updated, more stringent energy efficiency standards would be adopted. | Title 24 as of 2013. | |
| Fireplaces | The residences will be constructed either with no fireplace or with natural gas fireplaces, 1,000 of the units will include natural gas fireplaces, with the remaining 2,158 units to be constructed without fireplaces. | CalEEMod Model reductions | CallEEMod Model |
| Solid Waste Diversion | The project would include solid waste diversion practices in accordance with AB 341, which requires 75% solid waste diversion by 2030. Current solid waste diversion rates of 52.6% for multifamily dwellings and 50% for non-residential uses were assumed in the analysis. | 75% diversion rates resulting in associated GHG emissions reductions. | AB 341 requirements |

**TABLE 2.4-8. *SUMMARY OF PROPOSED PROJECT'S ESTIMATED GREENHOUSE GAS EMISSIONS WITH PROJECT DESIGN FEATURES- BUILDOUT 2028***

| Emission Source | Annual Emissions (Metric tons/year) | | | |
|---|---|---|---|---|
| | $CO_2$ | $CH_4$ | $N_2O$ | $CO_2e$ |
| **Operational Emissions** | | | | |
| Area Sources | 326 | 0.0417 | 0.0053 | 329 |
| Electricity Use | 4,463 | 0.1858 | 0.0372 | 4,478 |
| Natural Gas Use | 3,075 | 0.0589 | 0.0564 | 3,092 |
| Water Consumption | 987 | 10.1619 | 0.2463 | 1,337 |
| Solid Waste Handling | 245 | 14.4607 | 0.0000 | 650 |
| Vehicles | 26,730 | 1.3084 | 0.0000 | 26,767 |
| Amortized Construction | 874 | 0.0000 | 0.0000 | 874 |
| Amortized Land Use Change | 28 | 0.0000 | 0.0000 | 28 |
| **Total** | **36,728** | **26.2174** | **0.40.3452** | **37,554** |
| Global Warming Potential Factor | **1** | **28** | **265** | |
| $CO_2$ Equivalent Emissions | 36,728 | 734 | 92 | 37,554 |
| **TOTAL $CO_2$ Equivalent Emissions** | **37,554** | | | |
| ~~**Service Population**~~ | ~~**10,816**~~ | | | |
| ~~**Metric Tons per Service Population**~~ | ~~**3.5**~~ | | | |
| ~~**2028 Efficiency Metric**~~ | ~~**3.0**~~ | | | |

**TABLE 2.4-9. *SUMMARY OF EXISTING ENTITLEMENT'S ESTIMATED GREENHOUSE GAS EMISSIONS WITH GHG REDUCTION MEASURES- BUILDOUT 2028***

| Emission Source | Annual Emissions (Metric tons/year) | | | |
|---|---|---|---|---|
| | $CO_2$ | $CH_4$ | $N_2O$ | $CO_2e$ |
| **Operational Emissions** | | | | |
| Area Sources | 0.0343 | 0.0001 | 0.0000 | 0 |
| Electricity Use | 4,320 | 0.1799 | 0.0360 | 4,750 |
| Natural Gas Use | 1,736 | 0.0333 | 0.0318 | 1,568 |
| Water Consumption | 792 | 10.1860 | 0.2456 | 1,206 |
| Solid Waste Handling | 237 | 14.0326 | 0.0000 | 315 |
| Vehicles | 19,881 | 1.0089 | 0 | 19,909 |
| Amortized Construction | 622 | 0.0000 | 0.0000 | 622 |
| Amortized Land Use Change | 28 | 0.0000 | 0.0000 | 28 |
| **Total** | **27,615** | **25.4408** | **0.3134** | **28,411** |
| Global Warming Potential Factor | **1** | **28** | **265** | |
| $CO_2$ Equivalent Emissions | 27,615 | 712 | 83 | 28,411 |
| **TOTAL $CO_2$ Equivalent Emissions** | **28,411** | | | |
| ~~**Service Population**~~ | ~~**4,219**~~ | | | |
| ~~**Metric Tons per Service Population**~~ | ~~**6.73**~~ | | | |
| ~~**2028 Efficiency Metric**~~ | ~~**3.0**~~ | | | |

**TABLE 2.4-10.** ***SUMMARY OF PROPOSED PROJECT'S ESTIMATED GREENHOUSE GAS EMISSIONS WITH PROJECT DESIGN FEATURES AND MITIGATION MEASURES - BUILDOUT 2028***

| Emission Source | Annual Emissions (Metric tons/year) | | | |
|---|---|---|---|---|
| | $CO_2$ | $CH_4$ | $N_2O$ | $CO_2e$ |
| **Operational Emissions** | | | | |
| Area Sources | 326 | 0.0417 | 0.0053 | 329 |
| Electricity Use | 2,160 | 0.0899 | 0.0180 | 2,167 |
| Natural Gas Use | 2,636 | 0.0505 | 0.0483 | 2,650 |
| Water Consumption | 987 | 10.1629 | 0.2465 | 1,337 |
| Solid Waste Handling | 245 | 14.4607 | 0.0000 | 650 |
| Vehicles | 24,717 | 1.2216 | 0.0000 | 24,751 |
| Amortized Construction | 874 | 0.0000 | 0.0000 | 874 |
| Amortized Land Use Change | 28 | 0.0000 | 0.0000 | 28 |
| **Total** | **31,973** | **26.0273** | **0.3181** | **32,786** |
| Global Warming Potential Factor | **1** | **28** | **265** | |
| $CO_2$ Equivalent Emissions | 31,973 | 729 | 84 | 32,786 |
| **SUBTOTAL $CO_2$ Equivalent Emissions** | **32,786** | | | |
| Reduction in Emissions to Net Zero Associated with Additional Mitigation Measaures Required at Site Development Plan Review | **32,786** | | | |
| **TOTAL $CO_2$ Equivelent Emissions~~Service Population~~** | **0~~10,816~~** | | | |
| **~~Metric Tons per Service Population~~** | **~~3.0~~** | | | |
| **~~2028 Efficiency Metric~~** | **~~3.0~~** | | | |

# 2.5 Hazards and Hazardous Materials

This section evaluates existing conditions for hazardous materials, airports, wildland fire potential, emergency response and evacuation plans, and vectors within the County, relative to the Project site addressed in this SEIR, and the potential effects that implementation of the proposed Project may have on these conditions. Analysis in this section is based, in part, on the results of the *Phase I Site Assessment*, prepared by SCS Engineers (July 24, 2015), included within Appendix M of this SEIR, the *Phase II Soil Sampling*, prepared by SCS Engineers (March 2, 2016), included within Appendix N of this SEIR; and the *Fire Protection Plan*, prepared by Jensen Hughes (October 19, 2015), included within Appendix H of this SEIR.

## 2.5.1 Existing Conditions

### 2.5.1.1 *Environmental Setting*

**Hazardous Materials**

The Project site is characterized by a mixture of reclaimed agricultural fields mainly to the south and west, a central mesa area, and hillslopes descending into Johnson Canyon to the north. The reclaimed agricultural fields are characterized by gently rolling topography with low-lying grasses, forbs, and shrubs. Minor surface debris is scattered throughout these areas and consists mainly of tires and rusted, abandoned equipment, and construction waste. Historical aerial photographs show that these areas had agricultural activities for varying durations between 1953 and 1989. The agricultural activity is interpreted to have taken place at the time when organochlorine pesticides such as dichlorodiphenyltrichloroethane (DDT), chlordane, and metal-based pesticides, such as arsenic, were in general use for pest control. The central mesa portion of the Project site is characterized by hummocky terrain in rolling grasslands. This area does not appear to have ever been developed with agricultural uses. The northern hillslopes are characterized by moderate to steep slopes with grasses and forbs descending into Johnson Canyon to the north and northeast. Several all-terrain vehicle trails are located in this portion of the site. Several soil berms occur throughout the Project site. Soils imported from off-site may have been used to create portions of the on-site berms.

**Fire Protection and Emergency Response**

The proposed site is typical of a Mediterranean climate. The summers are dry and warm with average high temperatures of 92 degrees Fahrenheit and average humidity levels at 73 percent. The area receives rainfall in the winter that occurs between December and March. The prevailing wind is an onshore flow with gusts of 20 mph. Santa Ana winds occur in the fall from the east that may gust to greater than 50 mph and humidity can fall below 10 percent.

Relative to the potential for wildland fires, the existing fuel load is consistent across the Project site. The fuel load consists of native grass and shrubs, dominated by native grasses

up to approximately three feet in height and smaller trees and shrubs up to eight feet in height. A lower valley topography occurs to the northeast of the Project site with slopes averaging approximately 20 percent vegetated in native grasses. The bottom of the valley consists of a dry wash with intermittent shrubs and small trees in the bottom area.

A portion of the proposed project is located within the Very High Fire Hazard Severity Zone (VHFHSZ) created by the City of San Diego Fire-Rescue Department, Figure 2.5- 1, *City of San Diego Very High Fire Hazard Severity Zone Map*, shows the location of the project relative to the VHFHSZ. The majority of the site is located within the High Fire Hazard Severity Zone (HFHSZ) in the State Responsibility Area (SRA). (See Figure 2.5-2. *Fire Hazard Severity Zones*.)

The Project site would be served by the San Diego Rural Fire Department. The San Diego Rural Fire Protection District serves approximately 26,500 people living in an area of 720 square miles and operate out of 14 stations that protect a primarily rural area. Located just to the east of the City of San Diego with the southern boundaries being the City of San Diego itself and approximately 50 miles of the Country of Mexico. The District is an all risk agency and works closely with CALFIRE, the United States Forest Service, United States Fish and Wildlife Service, US Bureau of Land Management, San Diego County Sheriff's Department, California Fish and Wildlife, as well as auto and mutual aid fire agencies bordering our Fire District. Additionally, the San Diego County Fire District, in conjunction with CAL FIRE and the San Diego Sheriff, would provide full-time fire and emergency medical services to the Project area.

## Airport Safety

The Brown Field Airport is located approximately one mile west of the site, north of Otay Mesa Road and generally between Heritage Road and Lonestar Road within the City of San Diego. Brown Field functions as a general aviation airport and reliever airport for the San Diego International Airport. The Project site is located within Review Area 1 of Brown Field Municipal Airport. (See Figure 2.5-3, *Brown Field Airport Influence Area.*) The western portion of the Project site is located within three safety zones for Brown Field: Zone 2: Inner Approach/Departure Zone, Zone 4: Outer Approach/Departure Zone, and Zone 6: Traffic Pattern Zone. (See Figure 2.5-4, *Brown Field Airport Safety Zones.*)

## Vectors

As with any rural area, the Project site has the potential to harbor vectors – an animal or insect capable of transmitting the causative agent of human disease. Some examples of vectors in San Diego County are mosquitoes, ticks, and rodents.

The San Diego County Vector Control Program (VCP), a branch within the Department of Environmental Health (DEH), is responsible for developing and conducting programs for the prevention and control of vectors; surveillance of vectors and vector-borne diseases; coordinating and conducting emergency vector control, as required; training and certifying government agency vector control technicians, and disseminating information to the public regarding protection from vectors and vector-borne diseases.

The VCP monitors vectors and the diseases that they carry. The VCP has been reducing and controlling mosquitoes since the 1930's.

### *2.5.1.2 Methodology*

A Phase I Environmental Assessment was conducted for the proposed Project by SCS~~s~~ Engineers. This Assessment focused on potential sources of hazardous substances and petroleum products that could be considered either a recognized environmental condition,[1] controlled recognized environmental condition[2], or historical recognized environmental condition[3], and potentially a liability due to their presence in significant concentrations (e.g., above acceptable limits set by the federal, state, or local government) or due to the potential for exposure and risk due to contaminant migration and complete exposure pathways (e.g., soil vapor inhalation or groundwater ingestion). Materials that contain substances that are not currently deemed hazardous by the EPA or the California Environmental Protection Agency were not considered as part of this Assessment. Hazardous substances occurring naturally in plants, soils, and rocks (e.g., heavy metals, naturally occurring asbestos, and radon) are not typically considered in these investigations. Similarly, construction debris (e.g., discarded concrete, asphalt) is not considered, unless obvious indications suggest that hazardous substances are likely to be present in significant concentrations or likely to migrate.

SCS personnel conducted a Site reconnaissance on July 16, 2015, to observe and document existing Site conditions. Site research for the Project included records searches of the September 2010 DEH HE-17 database of facilities storing hazardous materials, generating hazardous wastes, and discharging unauthorized releases, review of the SWRCB Geotracker Website, California Division of Oil and Gas (CDOG) map, and interview with past and present owners and occupants of the Project site. The assessment also included historical site research of aerial photographs, City directories, Sanborn fire insurance and maps. Site vicinity research was also conducted for those properties judged to be adjacent to the Project site by SCS. Lastly, a Radius Map was prepared by Environmental Date Resources (EDR) for the Project site.

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1 *Recognized environmental conditions*, as defined by ASTM, include the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. However, the term is not intended to include *de minimis* conditions (a condition that generally does not present a threat to human health or the environment and that generally would not be subject to an enforcement action if brought to the attention of appropriate governmental agencies). A condition considered de minimis is not a recognized environmental condition.

2 *Controlled recognized environmental condition*, as defined by ASTM, is a *recognized environmental condition* resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity use limitations, institutional controls, or engineering controls).

3 *Historical recognized environmental condition,* as defined by ASTM, is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

The Fire Protection Plan (FPP) was prepared for the Project to identify and prioritize areas for hazardous fuel reduction treatments and to recommend the types and method of treatment and measures that a property owner would take to reduce the probability of ignition of structures throughout the Project site. Information from this report was utilized to determine the risk of wildfires of the Project site. The Unified San Diego County Emergency Services Organizational Area Emergency Plan and the Brown Field ALUCP were consulted regarding information for emergency response and airport safety. The County's Guidelines for Determining Significance were then consulted to determine where significant impacts may occur.

## 2.5.1.3 *Regulatory Framework*

**Federal**

**Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984**

Federal hazardous waste laws are generally stated under RCRA. These laws provide for the "cradle to grave" regulation of hazardous wastes. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed.

**U.S. Environmental Protection Agency Region 9, Preliminary Remediation Goals**

Region 9 is the Pacific Southwest Division of the EPA, which includes California. Preliminary remediation goals (PRGs) are tools for evaluating and cleaning up contaminated sites. PRGs for the Superfund/RCRA programs are risk-based concentrations, derived from standardized equations combining exposure information assumptions with EPA toxicity data. They are considered to be protective for humans (including sensitive groups) over a lifetime. However, PRGs are not always applicable to a particular site and do not address non-human health issues such as ecological impacts. Region 9's PRGs are viewed as agency guidelines, not legally enforceable standards.

**State**

**Public Utilities Code §21670, Aeronautics Act**

Requirements for creation of Airport Land Use Commissions (ALUCs) were first established in 1967 under the California State Aeronautics Act (Pub. Util. Code §21670 *et seq*.). Although the law has been amended numerous times since its enactment, the fundamental purpose of ALUCs has remained unchanged. The ALUC has the responsibility to "assist local agencies in ensuring compatible land uses in the vicinity of ... airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses..." The ALUC is also empowered to "coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare"

(Pub. Util. Code §21674).

The law defines the powers and duties of ALUCs in terms that parallel the ALUC's purpose:

- To assist local agencies in ensuring compatible land uses in the vicinity of airports to the extent that land is not already devoted to incompatible uses.
- To prepare and adopt an airport land use compatibility plan for each airport within its jurisdiction.
- To review the plans, regulations, and certain other actions of local agencies and airport operators for consistency with that plan.
- To coordinate planning at the state, regional and local levels, so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare (Pub. Util. Code §21674).

**Government Code Section 65962.5(a), Cortese List**

The Hazardous Waste and Substance Sites Cortese List is a planning document used by the state, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the CalEPA to develop at least annually an updated Cortese List. The California Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the Cortese List.

**California Health & Safety Code, Hazardous Materials Release Response Plans and Inventory**

Two programs found in the California Health & Safety Code (H&SC) Chapter 6.95 are directly applicable to the CEQA issue of risk due to hazardous substance release. In San Diego County, these two programs are referred to as the Hazardous Materials Business Program and the California Accidental Release Program (CalARP). The County's DEH is responsible for the implementation of the Hazardous Materials Business Program and CalARP in San Diego County.

**Hazardous Materials Business Plans**

Article 1 of Chapter 6.95 of the California Health and Safety Code (Sections 25500–25520) requires that any business that handles, stores, or disposes of a hazardous substance at a given threshold quantity must prepare a hazardous materials business plan (HMBP). HMBPs are intended to minimize hazards to human health and the environment from fires, explosions, or an unplanned release of hazardous substances into air, soil, or surface water. The HMBP must be carried out immediately whenever a fire, explosion, or unplanned chemical release occurs. An HMBP includes three sections: (1) an inventory of hazardous materials, including a site map, which details their location;

(2) an emergency response plan; and (3) an employee-training program. HMBPs serve as an aid to employers and employees in managing emergencies at a given facility. They also help better prepare emergency response personnel for handling a wide range of emergencies that might occur at the facility.

HMBPs are submitted to the Department of Environmental Health Hazardous Materials Division. The plans must be resubmitted, reviewed, revised, or amended as necessary every year. The HMBP must also be amended within 30 days whenever there are changes in the amount or location of stored hazardous chemicals on a site. The Hazardous Materials Division conducts routine inspections at businesses required to submit business plans. The purpose of these inspections is to (1) ensure compliance with existing laws and regulations concerning HMBP requirements; (2) identify existing safety hazards that could cause or contribute to an accidental spill or release; and (3) suggest preventative measures designed to minimize the risk of a spill or release of hazardous materials. After initial submission of an HMBP, the business must review and recertify the HMBP every year.

**Risk Management Plans**

Article 2 of Chapter 6.95 of the California Health and Safety Code (Sections 25531–25543.3) requires the owner or operator of a stationary source (non-transportation) with more than a threshold quantity of a regulated substance to prepare a risk management plan (RMP). The state statutes and regulations combine federal and state program requirements for the prevention of accidental releases of listed substances into the atmosphere. The incorporation of the federal and state requirements have been designated the CalARP program. CalARP requires that a risk management plan include a hazard assessment program, an accidental release prevention program, and an emergency response plan. The risk management plan must be revised every 5 years or as necessary. The majority of facilities or businesses in the County that have prepared risk management plans are ammonia refrigeration facilities, water treatment and wastewater treatment plants that handle chlorine gas and facilities that store flammable chemicals such as methane and propane.

**Hazard Assessment Program**

The Hazard Assessment Program identifies regulated substances and quantities on-site, includes a five-year accident history, and assesses a worst-case release scenario analysis (based on realistic parameters). The main purpose of the release scenario analysis is to identify vulnerable public receptors, such as residences, schools, child day care facilities, hospitals, businesses, prisons, and other facilities, as well as vulnerable environmental receptors, such as wildlife preserves, parks, and other natural areas. The analysis identifies the scope and needs of the vulnerable receptors in order to plan for a community response to accidents. Worst-case scenarios assume the total quantity of the regulated substance is quickly released, atmospheric conditions will maximize the effect of the event, and no mitigation or response actions are taken. Worst-case scenarios can predict long distance effects that represent a highly unlikely chain of events.

Alternative release scenarios are based on more credible and predicable factors. The scenario can assume, for example, that mitigation measures operate as designed and atmospheric conditions are typical, rather than worst-case.

### Accidental Release Prevention Program

In addition to requiring facilities to identify and assess hazards, CalARP requires facilities to develop accident prevention programs. RMPs management plans must contain summary information about major hazards identified, safety features and process controls to prevent releases, mitigation systems (e.g., dikes, shut-off valves, scrubbers) used to lessen the effect of any release, monitoring and detection systems, worker training, and maintenance records. Facilities must also include a summary of their five-year accident history for relevant chemical processes. The frequency and extent of past releases provides a measure of the facilities effectiveness in controlling chemical hazards.

### Emergency Response Plan

The RMP must also describe emergency response procedures that are in place in the event of a release of a regulated substance. The emergency response plan must detail the actions taken by employees and other individuals on-site over the entire course of the release event. It must address the alarm system; the evacuation, assembly, and return procedures; emergency first aid; and the use of response equipment and personnel cleanup and decontamination procedures. The emergency response plan must describe the type of off-site response assistance that will be needed in the event of a release, including firefighting, security, and public notification.

### California Health & Safety Code, Vector Control

Sections 116110 through 116112 of the California H&SC establishes mosquito abatement and vector control districts, which are charged to protect Californians and their communities against the threats of vector borne diseases. Locally, this is the San Diego County Vector Control Program, a branch within the DEH. These districts are responsible for developing and conducting programs for the prevention and control of vectors; surveillance of vectors and vector-borne diseases; coordinating and conducting emergency vector control, as required; training and certifying government agency vector control technicians, and disseminating information to the public regarding protection from vectors and vector-borne diseases.

### Title 14 Division 1.5 of the California Code of Regulations

CCR Title 14 Division 1.5 establishes the regulations for the California Department of Forestry and Fire Protection (CAL FIRE) and is applicable in all SRAs where CAL FIRE is responsible for wildfire protection. Most of the unincorporated area of San Diego County is an SRA, and any development in these areas must comply with these regulations. Among other things, Title 14 establishes minimum standards for emergency access, fuel modification, setback to property line, signage, and water supply.

### Title 22 of the California Code of Regulations & Hazardous Waste Control Law, Chapter 6.5

DTSC is responsible for implementing the RCRA program as well as California's own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law. Under the Certified Unified Program Agency (CUPA) program, Cal EPA has in turn delegated enforcement authority to the County of San Diego for State law regulating hazardous waste producers or generators. The DTSC regulates the generation, transportation, treatment, storage and disposal of hazardous waste under RCRA and the California Hazardous Waste Control Law. Like RCRA, Title 22 imposes "cradle to grave" regulatory systems for handling hazardous waste in a manner that protects human health and the environment. Cal EPA has delegated some of its authority under the Hazardous Waste Control Law to county health departments and other CUPAs, including the County of San Diego DEH.

### California Human Health Screening Levels

The California Human Health Screening Levels (CHHSLs) or "Chisels" are concentrations of 54 hazardous chemicals in soil or soil gas that Cal EPA considers to be below thresholds of concern for risks to human health. The CHHSLs were developed by the Office of Environmental Health Hazard Assessment on behalf of Cal EPA. The CHHSLs were developed using standard exposure assumptions and chemical toxicity values published by the EPA and Cal EPA. The CHHSLs can be used to screen sites for potential human health concerns where releases of hazardous chemicals to soils have occurred. Under most circumstances, the presence of a chemical in soil, soil gas, or indoor air at concentrations below the corresponding CHHSL can be assumed to not pose a significant health risk to people who may live or work at the site. There are separate CHHSLs for residential and commercial or industrial sites.

### Emergency Response to Hazardous Materials Incidents

California has developed an Emergency Response Plan to coordinate emergency services provided by federal, state, and local government, and private agencies. The plan is administered by the California Emergency Management Agency (Cal EMA) and includes responses to hazardous materials incidents. Cal EMA coordinates the response of other agencies, including Cal EPA, California Highway Patrol (CHP), CDFW, RWQCB, SDAPCD, the City of San Diego Fire Department, and the DEH Hazardous Incident Response Team (HIRT).

## Local

### Brown Field Municipal Airport Land Use Compatibility Plan

The basic function of airport land use compatibility plans (ALUCP) is to promote compatibility between airports and the land uses that surround them "to the extent that these areas are not already devoted to incompatible uses" (Pub. Util. Code §21674(a)).

With limited exception, California law requires preparation of compatibility plans for each public-use and military airport in the state. Most counties have established an ALUC, as provided for by law, to prepare compatibility plans for the airports in that county and to review land use plans, development proposals, and certain airport development plans for consistency with the compatibility plans. In San Diego County, the ALUC function rests with the Board of the San Diego County Regional Airport Authority (SDCRAA), in accordance with section 21670.3 of the California Public Utilities Code.

The Brown Field ALUCP (County of San Diego Airport Land Use Commission 2010) is the fundamental tool used by the SDCRAA, acting in its capacity as the San Diego County ALUC, in fulfilling its purpose of promoting airport land use compatibility. Specifically, the ALUCP: (1) provides for the orderly growth of the Airport and the area surrounding the Airport; and (2) safeguards the general welfare of the inhabitants within the vicinity of the Airport and the public in general (Pub. Util. Code §21675(a)). In essence, the ALUCP serves as a tool for the ALUC to use in fulfilling its duty to review land use plans and development proposals within the Airport Influence Area (AIA) at the Airport. In addition, the ALUCP provides compatibility policies and criteria applicable to local agencies in their preparation or amendment of general plans and to landowners in their design of new development.

**County of San Diego, Site Assessment and Mitigation Program**

The County of San Diego DEH maintains the Site Assessment and Mitigation (SAM) list of contaminated sites that have previously or are currently undergoing environmental investigations or remedial actions. San Diego County SAM Program, within the Land and Water Quality Division of the DEH, has a primary purpose to protect human health, water resources, and the environment within San Diego County by providing oversight of assessments and cleanups in accordance with the California H&SC and the CCR. The SAM's Voluntary Assistance Program (VAP) also provides staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

**County of San Diego, Underground Storage Tank Program**

The underground storage tank monitoring and response program is required under Chapter 6.7 of the California Health and Safety Code and Title 23 of the California Code of Regulations. The program was developed to ensure that the facilities meet regulatory requirements for design, monitoring, maintenance, and emergency response in operating or owning underground storage tanks. The DEH Hazardous Materials Division (HMD) Underground Storage Tank (UST) Program administers and enforces federal and State laws and regulations and local ordinances for the construction/installation, modification, upgrade, and removal of USTs in San Diego County. If contamination is discovered or likely to be present, owners or operators of USTs are required by law to report the contamination to the DEH HMD and SAM Programs and to take corrective action.

### County of San Diego Code of Regulatory Ordinances Sections 68.401-68.406, Defensible Space for Fire Protection Ordinance

This ordinance addresses the accumulation of weeds, rubbish, and other materials on a private property found to create a fire hazard and be injurious to the health, safety, and general welfare of the public. The ordinance makes the presence of such weeds, rubbish, and other materials as a public nuisance, which must be abated in accordance with the provisions of this section. This ordinance is enforced within all County Service Areas, and in the unincorporated areas of the County outside of a fire protection district. All fire protection districts have a combustible vegetation abatement program, and many fire protection districts have adopted and enforce the County's ordinance.

### County of San Diego Code of Regulatory Ordinances Sections 96.1.005 and 96.1.202, Removal of Fire Hazards

The San Diego County Fire Authority, in partnership with CAL FIRE, the Bureau of Land Management, and the U.S. Forest Service, is responsible for the enforcement of defensible space inspections. Inspectors from the fire district are responsible to ensure an adequate defensible space has been created and maintained around structures. If violations of the program requirements are noted, inspectors provide a list of required corrective measures and provide a reasonable timeframe to complete the task. If the violations still exist upon re-inspection, the local fire inspector will forward a complaint to the County for further enforcement action.

### County of San Diego Consolidated Fire Code

The County of San Diego, in collaboration with the local fire protection districts, created the first Consolidated Fire Code in 2001. The Consolidated Fire Code contains the County and fire protection districts amendments to the California Fire Code. The purpose of consolidation of the County and local fire districts adoptive ordinances is to promote consistency in the interpretation and enforcement of the Consolidated Fire Code for the protection of the public health and safety, which includes permit requirements for the installation, alteration, or repair of new and existing fire protection systems, and penalties for violations of the code. The Consolidated Fire Code provides the minimum requirements for access, water supply and distribution, construction type, fire protection systems, and vegetation management. Additionally, the fire code regulates hazardous materials and associated measures to ensure that public health and safety are protected from incidents relating to hazardous substance releases.

### County Department of Planning and Land Use Fire Prevention in Project Design Standards

Following the October 2003 wildfires, the County incorporated a number of fire prevention strategies into the discretionary project review process for CEQA projects. One of the more significant changes is the requirement that the majority of discretionary permits (e.g., subdivision and use permits) in wildland urban interface areas prepare a FPP for review

and approval. An FPP is a technical report that considers the topography, geology, combustible vegetation (fuel types), climatic conditions, and fire history of the project site. The plan addresses the following in terms of compliance with applicable codes and regulations including but not limited to: water supply, primary and secondary access, travel time to the nearest fire station, structure setback from property lines, ignition-resistant building features, fire protection systems and equipment, impacts to existing emergency services, defensible space, and vegetation management. Following the 2007 wildfires, in February 2008, the County amended the Fire Code and Building Code to include strengthened ignition-resistive construction requirements, modifying the previous two-tiered system and requiring "enhanced" standards for all new construction.

**County of San Diego General Plan – Safety Element**

The purpose of the Safety Element is to include safety considerations in the planning and decision- making process by establishing policies related to future development that will minimize the risk of personal injury, loss of life, property damage, and environmental damage associated with hazards, including hazardous materials and wildfires. As stated in the Safety Element, hazardous materials are generally associated with select commercial, industrial, and agricultural operations, and their use is highly regulated by Federal and State law.

**Emergency Response and Evacuation**

Emergency response plans are maintained at the federal, state, and local level for all types of disasters, including human-made and natural. Emergency response plans include elements to maintain continuity of government, emergency functions of governmental agencies, mobilization, and application of resources, mutual aid, and public information. The Unified San Diego County Emergency Services Organization has the primary responsibility for preparedness and response activities, and addresses disasters and emergency situations within the unincorporated area of San Diego County. The County of San Diego Office of Emergency Services (OES) serves as staff to the Unified Disaster Council (UDC), the governing body of the Unified San Diego County Emergency Services Organization. Emergency response and preparedness plans include the Operational Area Emergency Response Plan and the San Diego County Multi-Jurisdictional Hazard Mitigation Plan.

**Operational Area Emergency Plan**

The comprehensive emergency plan, known as the Operational Area Emergency Plan, would provide the framework for emergency response at the project site, in the case of an emergency. Numerous stand-alone emergency plans for the Operational Area exist, such as the HMBP, RMP and the Multi-Jurisdictional Hazard Mitigation Plan.

**Multi-Jurisdictional Hazard Mitigation Plan**

This plan includes an overview of the risk assessment process, vulnerability assessments, and identifies hazards present in each jurisdiction of San Diego County. Hazards profiled in the plan include wildfire, structure fire, flood, coastal storms, erosion, tsunami, earthquakes, liquefaction, rain induced landslide, dam failure, hazardous materials, incidents, nuclear materials release, and terrorism. The plan sets forth a variety of objectives and actions based on a set of broad goals including: (1) promoting disaster-resistant future development; (2) increased public understanding and support for effective hazard mitigation; (3) building support of local capacity and commitment to become less vulnerable to hazards; (4) enhancement of hazard mitigation coordination and communication with federal, state, local and tribal governments; and (5) reducing the possibility of damage and losses to existing assets, particularly people, critical facilities or infrastructure, and County-owned facilities, due to dam failure, earthquake, coastal storm, erosion, tsunami, landslides, floods, structural fire/wildfire, and manmade hazards.

**San Diego County Air Pollution Control District**

The San Diego County Air Pollution Control District (SDAPCD) maintains air quality and develops and implements cost-effective programs meeting state and federal mandates. The Asbestos NESHAP, 40 Code of Federal Regulations (CFR) 61, Subpart M is enforced locally under San Diego Air Pollution Control District Regulation XI, (Subpart M – Rule 361.145). This regulation requires the owner or operator of a demolition or renovation to submit surveys for asbestos containing materials (ACMs) and lead based paint (LBP) prior to issuance of any demolition permit and an Asbestos Demolition or Renovation Operational Plan at least 10 working days before any asbestos stripping or removal work begins (such as, site preparation that would break up, dislodge, or similarly disturb asbestos containing material).

## 2.5.2 Analysis of Project Effects and Determination as to Significance

### 2.5.2.1 *Guidelines for Determination of Significance*

Based on the County of San Diego Guidelines for Determining Significance, the Project could result in a significant impact relative to hazards and hazardous materials if the Project would:

**Hazardous Materials and Existing Contamination:**

a) Handle regulated substances subject to CalARP RMP requirements that, in the event of a release, could adversely affect children's health due to the presence of a school or day within one-quarter mile of the facility.
b) Be located on or within one-quarter mile from a site identified in one of the regulatory databases compiled pursuant to Government Code Section 65962.5

or is otherwise known to have been subject to a release of hazardous substances.

**Airport Safety:**

c) Located within an established AIA for a public or public use airport and proposes a development intensity, flight obstruction, or other land use that conflicts with the ALUCP.

**Risk of Wildfire:**

d) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

**Emergency Response:**

e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Vectors:**

f) Propose a vector breeding source, including but not limited to, sources of standing water for more than 72 hours (e.g. ponds, stormwater management facilities, constructed wetlands).
g) Propose a substantial increase in the number of residents located within one-quarter mile of a significant existing offsite vector breeding source.

### 2.5.2.2 *1994 East Otay Mesa Specific Plan EIR*

The 1994 EIR included an analysis of health and safety regulations pertinent at the time of adoption, as well as existing conditions and impacts related to the EOMSP project. The 1994 EIR identified that development of the Specific Plan could result in potential impacts relative to exposure of people living or working within the Specific Plan Area to hazardous substances due to potential use of hazardous materials and potential exposure of people to hazardous substances due to the transport of hazardous materials.

The 1994 EIR determined that no hazardous materials or petroleum products were observed at the site. Additionally, no hazardous wastes were observed and there were no obvious indications that a release of hazardous materials/wastes or petroleum products had occurred at the Project site.

Mitigation for hazardous resources from the 1994 EIR apply to the proposed Project, because industrial uses could occur on the Project site. The 1994 EIR mitigation measures are located on page 4.10-3 of the 1994 EIR. Additional mitigation measures would be

required, as presented in Section 2.5.5, *Mitigation*, relative to potential toxic soils that occur on the Project site.

### 2.5.2.3 *2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

Subsequent to the 1994 EIR, the 2000 SEIR was prepared for the East Otay Mesa Specific Plan Sunroad Centrum project. The 2000 SEIR included Hazards in Section 6.2, *Effects Found Not to be Significant During Initial Study*. Therefore, no new impacts were identified within the 2000 SEIR document, and no new mitigation measures were required.

### 2.5.2.4 *2012 Sunroad Otay Tech Centre Addendum*

In 2012, an Addendum was prepared for the Sunroad Otay Tech Centre. It was determined that since the approval of previous environmental document, changes in circumstances under which the project was undertaken hads occurred relative to Hazards because the Project site is located within an Urban-Wildland Interface (UWI) area of a Hazardous Fire Area. A FFP was prepared by Hunt Research Corporation (dated June 2010) and was approved by the Rural Fire Protection District (RFPD) and the County of San Diego. The approved FFP details the adequacy of the water supply, proposed access, building ignition and fire resistance, fire protection systems, and equipment, Fuel Modification Zones, and vegetation management. The FPP concluded that fire service for the Sunroad Otay Tech Centre project would be provided from Station 22. Further, the FPP required that access roads and internal roads comply with the fire code and that an adequate water supply be provided by the Otay Water District providing adequate fire flow and pressure. Fuel modification was required for a distance of 100 feet around all structures, 30 feet on either side of a newly constructed road or driveway, and 20 feet on each side of an existing road. During the discretionary review of the site plan, the layout of each lot, onsite access roads, water supply, fire sprinklers, structures, and operations were required to comply with the RFPD, the County Fire Code, requirements of the PDS Fire Marshall, the County Building Code, and the California Building Code. A Project-specific FFP has been prepared for the proposed Project (see Appendix H of this SEIR), which supersedes the adopted Fire Protection Plan of the 2012 Addendum.

### 2.5.2.5 *Proposed Project*

Since the EOMSP Final EIR was certified in 1994, there have been changes in the circumstances under which the project is undertaken related to Hazards and Hazardous Materials. The Project proposes the introduction of residential development in an area of the Specific Plan where residential uses had not been anticipated, resulting in the potential for residents to be exposed to hazardous materials associated with prior agricultural activities that occurred on the Project site. Additionally, the Project site is surrounded by existing and planned industrial uses and is located within the Brown Field Municipal AIA.

A portion of the proposed Project is located within the VHFHSZ created by the City of San Diego Fire-Rescue Department, and the majority of the site is located within the HFHSZ in the SRA. A FPP has been prepared by the Project applicant to assess potential fire safety issues, including water supply, access, building ignition and fire resistance, fire protection systems and equipment, defensible space, and vegetation management.

In addition, the County of San Diego has implemented hydromodification requirements to limit the discharge and duration of stormwater runoff. The Project has been designed in conformance with the hydromodification standards, and as a result there is the potential for standing water to be present in proposed detention basins following storm events. The presence of standing water on-site could result in vector (mosquito) breeding, which may adversely affect human health.

Therefore, based on the potential for impacts to occur from potential hazards that were not previously disclosed and the Project's proposed change in land uses, the County of San Diego has determined that a supplemental analysis of impacts due to hazards is required in order to identify, disclose, and mitigate for any previously undisclosed impacts that could result from Project implementation.

**Hazards and Hazardous Materials**

Guidelines for the Determination of Significance:

> *Would the proposed Project handle regulated substances subject to CalARP RMP requirements that, in the event of a release, could adversely affect children's health due to the presence of a school or day care center within one- quarter mile of the facility?*
>
> *Would the proposed Project be located on or within one-quarter mile from a site identified in one of the regulatory databases compiled pursuant to Government Code Section 65962.5 or is otherwise known to have been subject to a release of hazardous substances?*

Although hazardous materials can be found in all types of land uses, those that are more likely to regularly use high quantities of hazardous materials include limited impact industrial, medium impact industrial, high impact industrial, general commercial, and rural commercial. With future development of the proposed commercial and light industrial land use designations, the number of facilities that transport, use and dispose of hazardous materials would increase under the proposed Project. Because the proposed Project requires compliance with the programs, policies and regulations described above, future development of the Project site addressed in this SEIR would not result in significant direct impacts related to the routine transport, use, or disposal of hazardous materials. Therefore, mitigation would not be required.

Implementation of the proposed Project would have the potential to result in adverse impacts to the public and environment from an unplanned or accidental release of hazardous materials. The Specific Plan Amendment would allow future development of the Project site with light industrial and commercial land use designations, which could use and store hazardous materials and have the potential to result in a reasonably foreseeable upset or accident condition involving the release of hazardous materials. Because future uses would be required to comply with the same combination of Federal, State, and local regulations; existing County regulatory processes; and, the 2011 General Plan goals and policies, future development of the Project site that could occur with the Specific Plan Amendment would not result in significant direct impacts related to the accidental release of hazardous materials. Therefore, mitigation would not be required.

The Project site is located within the San Ysidro Elementary School District and the Sweetwater Union High School District. There are currently no schools located or planned for the Project vicinity. If a school were to be located within the Project vicinity, the Project would result in less than significant direct and cumulative impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school due to the implementation of a combination of Federal, State, and local regulations; existing County regulatory processes; and, the 2011 General Plan goals and policies. Therefore, mitigation would not be required.

Relative to hazardous materials sites, potential pathways of exposure to contaminants from existing contamination includes direct ingestion of contaminated soils and/or ground water, inhalation of volatiles and fugitive dusts, potential explosion hazards associated with landfill gas, ingestion of contaminated ground water caused by migration of chemicals through soil to an underlying potable aquifer, dermal absorption, ingestion of homegrown produce that has been contaminated via plant uptake, and migration of volatiles into basements and slabs. The proposed Specific Plan Amendment would increase the potential for development on sites such as areas of historic or current agriculture uses. The residential land uses that would be allowed under the proposed Specific Plan Amendment would have the potential to introduce human populations into or near areas with a history of contamination from agricultural use. In addition, construction activities could uncover buried underground storage tanks or other buried hazards.

The Project site is not listed as a Cortese Site. A *Phase I Site Assessment* (July 24, 2015), included in Appendix M, and a *Phase II Soil Sampling*, (March 2, 2016), included in Appendix N, were prepared for the proposed Project by SCS Engineers in order to determine if future land uses could be exposed to contaminated soils and/or groundwater associated with the Project site. This section includes a summary of the results of those studies.

The Phase I Assessment identified soil suspected to have been imported from off-site, including a berm of soil and woodchips running parallel to Harvest Road and a pile of reddish-brown soil with asphalt pieces at the west entrance to the central mesa area off of

Harvest Road. In order to determine if these imported soils contain elevated concentrations of constituents of concerns (CoCs), soil samples were collected and analyzed. Soil samples were taken in two locations along the berm. Pesticides, dichlorodiphenyltrichloroethane (DDD), dichlorodiphenyldichloroethylene (DDE), and dichlorodiphenyltrichloroethane (DDT) were detected above the laboratory reporting limit in sample SP2; none of these values are above their respective residential Regional Screening Level (RSL) limits. These analytes (the substance or chemical constituent of interest) were not detected above the laboratory reporting limit in sample SP1. Toxaphene was detected above the laboratory reporting limit in both samples but were below the residential RSL screening value. Total petroleum hydrocarbons as oil (TPHo) were detected above the laboratory reporting limit in sample SP1; TPHo was not detected above the laboratory reporting limit in sample SP2. Total petroleum hydrocarbons as diesel (TPHd) and as gasoline (TPHg) were not detected above the laboratory limit in either sample.

Agricultural activity has occurred at various locations on the Project site from 1953 to 1989, partially during a time when organochlorine pesticides such as DDT, chlordane, and metal-based pesticides, such as arsenic, were in general use for pest control. These classes of pesticides are known to have the potential to remain detectable in the subsurface soil for extended periods of time. Due to agricultural activities occurring on portions of the Project site, it is assumed that residual concentrations of organochlorine and/or metal-based pesticides are present in the soil at the Project site and site vicinity. Trace concentrations are likely to be present even after mass grading and earth movement. Assuming the legal and permitted application of these pesticides, it is considered a de minimis condition as defined by ASTM, and no exposure pathways currently exist to pose a potential human health risk at the site.

The EPA lists toxaphene as a probable carcinogen and as a toxic substance; toxaphene is present in the shallow subsurface at the Project site at concentrations that exceed the residential RSL. Based on the Proposed Land Use Plan and taking into account the distribution of toxaphene concentrations observed at the site as part of the Phase II analysis, the following parcels contain toxaphene concentrations above their applicable RSL: A, C, D, E, F, G, and H. Therefore, based on the proposed redevelopment and future occupation of the site, contaminated soil, if encountered, could pose a potentially significant impact to occupants and/or visitors of the site (**Impact HZ-1**). Mitigation measures would be required as part of future development activities to ensure adequate protection of human health and environment.

Additional sampling may be warranted to verify the areas of pesticide-bearing soil, particularly once building and/or development pads are better known. If soil sampling indicates the presence of pesticide-bearing soil, future development for planning areas A, C, D, E, F, G, and H would require mitigation for soils as part of grading operations. Mitigation can occur by relocating contaminated soils under proposed hardscape areas or moving contaminated soils to proposed landscape areas and capping with a clean soil buffer, which effectively eliminates exposure pathways and health risk at the site.

Alternative methods of mitigation such as in-situ bioremediation or "dig-and-haul" may also be utilized at the site, if volumes of toxaphene-bearing soil prove too large to practically bury under hardscape. If soil export or dig-and-haul methods are needed during mitigation activities, where toxaphene-bearing soil needs to be excavated and transported to an approved disposal facility, waste-based criteria would be required to ensure proper handling and disposal of soil containing a toxic substance and subject to waste regulations.

**Airports and Airport Safety**

Guideline for the Determination of Significance:

> *Would the project be located within an established AIA for a public or public use airport and proposes a development intensity, flight obstruction, or other land use that conflicts with the ALUCP?*

Airport hazards involve uncertain events that may occur occasionally as part of regular aircraft operations. This is quite different than predictable events (such as noise) that occur with every aircraft operation. On the ground, aircraft hazards are generally produced by aircraft mishaps, either incident or accidents, which are associated with the operation of an aircraft. The Project site is located within Review Area 1 of Brown Field Municipal Airport (see Figure 2.5-3). The western portion of the Project site is located within three safety zones for Brown Field: Zone 2: Inner Approach/Departure Zone, Zone 4: Outer Approach/Departure Zone, and Zone 6: Traffic Pattern Zone (see Figure 2.5-4).

Impacts have the potential to occur with future development of the Project site addressed in this SEIR. The Brown Field Airport is located north of Otay Mesa Road, generally between Heritage Road and Lonestar Road within the City of San Diego. Brown Field is located approximately one mile west of the site and functions as a general aviation airport and reliever airport for the San Diego International Airport. The proposed Specific Plan Amendment complies with the development regulations outlined in the Brown Field ALUCP. A small portion of the site falls within Zone 2 and, per the compatibility guidelines, residential uses would not be permitted in that area. The portion of the site within Zone 4 would be limited to a maximum of 20 dwelling units per acre consistent with the ALUCP. Future site plan review would be required to ensure that individual development proposals comply with the requirements of the Brown Field ALUCP, including restrictions relative to building heights. Therefore, with consistency with the regulations of the Brown Field ALUCP and 2011 General Plan goals/policies related to airport hazards, impacts would be less than significant. No mitigation measures would be required.

The Project is not within the vicinity of a private airstrip, and therefore would not result in impacts related to safety hazards for people residing or working in the project area.

**Wildland Fire Risk**

Guideline for the Determination of Significance:

> *Would the proposed Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The San Diego County Fire District, in conjunction with CAL FIRE and the San Diego County Sheriff, is in the process of implementing full-time fire and emergency medical services in the East Otay Mesa Specific Plan Area. As projects develop, developers will be required to annex into the existing Public Safety CFD 09-1 to augment District revenues for ongoing operational costs. At build-out, a permanent facility will be co-located with a sheriff's station at the northwestern corner of Enrico Fermi Drive and Lone Star Road. This new fire station would serve the proposed Project, and the proposed Project would be conditioned to fund the additional increment related to residential uses for the construction, equipment, and ongoing operations and maintenance of the new fire station.

As previously described, a *FPP* has been prepared for the Project by Jensen Hughes (October 19, 2015). The Fire Protection Plan is included within Appendix H of this SEIR. The FPP for the proposed Project is a based on the conceptual plan for the East Otay Mesa Specific Plan Amendment Project described in Chapter 1. The Project-specific FPP supersedes the previously approved FPP for the site. The Project-specific FPP addresses the introduction of residential land uses in the Specific Plan area. The FPP concluded that the proposed Project would have no significant adverse impact on protecting residents from wildfires. The existing site is currently a vegetated area so developing the site and maintaining adequate fuel modification zones would reduce the amount of fuel in and around the proposed Project area, reducing fire hazard to other developments in the vicinity. The proposed Project would create a large firebreak in the vegetation and provide firefighters with fire access roads and fire hydrants, which combined would create a defensible space that can even be used to help fight a wildfire. Developing this area would attract more people to live, work, and shop, at this location, which would increase the potential for a greater number of people to be exposed to a wildfire, but this risk would be greatly reduced by the fire protection features of the buildings and the potential benefit of having a developed and defensible space against wildfires. The proposed Project would use the FPP as a basis of design and, once a detailed design has been completed, the detailed plans would be submitted to the County of San Diego as part of future Site Plan review for approval. The proposed Project would be designed to be in compliance with wildland fire regulations.

The greatest threat of wildfires for the Project site is during summer and fall, when humidity is lowest and temperatures are highest. During the fall, Santa Ana winds can occur, which are strong winds that further increase temperature and lower humidity. The fire behavior modeling program BehavePlus was used to evaluate these conditions.

Review of the climate and previous wildfire events demonstrations show that wildfires will likely occur on or near the Project site again.

The FPP determined that the proposed Project would not result in significant adverse impact on protecting residents from wildfires and the Project would result in potential benefits for the wildfire protection of the surrounding area. The proposed Project would potentially increase the number of people exposed to a wildfire but would be designed to minimize wildfire exposure risks. Table 1-3 *Project Design Considerations* for a list of measures that would be implemented as a part of the proposed Project. Future development of the Project site would provide additional emergency services to the community, fire access roads would provide improved access to the Project site and the wildland-urban interface, and proposed fire hydrants would provide firefighters with adequate water resources to fight structure and wildland fires. Future buildings would have reduced flammability due to ignition-resistant construction and automatic fire sprinkler installation. Any fuel modification zones required as part of future Site Plans would reduce the intensity of an approaching fire and help to reduce the likelihood of both a structure fire spreading into naturally vegetated areas and a wildfire spreading to a structure. In addition, development of the Project site would provide a fire break and defensible space, from which a wildfire can be more easily fought by firefighters. Property owners would be responsible to maintain their property and structures in accordance with the San Diego County Building and Fire Codes.

As described in the FPP, the results of the fire behavior modeling show that the current County of San Diego wildland fire regulations would be adequate and additional requirements or mitigation measures would not be needed for the Specific Plan Amendment. The fuel modification zones, construction methods, and other requirements in the San Diego County Consolidated Code outlined in the report and the addition of the fire station would provide suitable protection for the proposed Project.

Based on the aforementioned, the Specific Plan Amendment would not result in significant impacts associated with wildland fires. Future Site Plan review would ensure that future development occurs in a manner that adheres to all relevant codes. No mitigation is required.

**Emergency Response**

Guideline for the Determination of Significance:

> *Would the proposed Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Project site is bound to the south by Otay Mesa Road, which connects to regional circulation facilities, such as SR-125, which are both identified in the Unified San Diego County Emergency Services Organizational Operational Area Emergency Plan (2010). The Unified San

Diego County Emergency Services Organizational Operational Area Emergency Plan contains transportation strategies for evacuation in the event of an emergency such as contra-flow operations, traffic signal coordination and timing, closure of on- and off-ramps, and intelligent transportation systems. Implementation of the proposed Project would not interfere with any of these strategies. Therefore, no impact would result and no mitigation is required.

**Vectors**

Guidelines for the Determination of Significance:

> *Does the Project propose a vector breeding source, including but not limited to, sources of standing water for more than 72 hours (e.g. ponds, stormwater management facilities, constructed wetlands)?*
>
> *Would the prosed Project result in a substantial increase in the number of residents located within one-quarter mile of a significant existing offsite vector breeding source?*

Vectors can cause potentially significant public health risks due to the transmission of disease to human and animal populations and can also create a nuisance for the residents of the County. A project that proposes a source of vector breeding habitat could result in an unnecessary increase in vector populations. When the vector breeding source is located near a substantial human population, a potentially adverse environmental effect could occur.

The proposed Project would result in grading the entire Project site. As such, there would be minimal potential for areas that could contain standing water for long enough periods of time to provide suitable breeding habitat for mosquitoes.

In accordance with the County of San Diego Watershed Protection, Storm Water Management, and Discharge Ordinance (WPO), a Major Storm Management Plan has been prepared for the Project to describe how the Project will minimize the short- and long-term impacts on receiving water quality. The Project would require detention basins to adequately control stormwater runoff volumes generated on-site. Proposed detention basins would have the potential to be suitable habitat for mosquito breeding when conditions allow standing water for more than 72 hours.

However, as part of the Major Storm Management Plan, the Project would implement a number of design and maintenance BMPs to prevent and control vectors (mosquitoes) from breeding in the on-site detention basins. For example, the Project would regularly remove trash and debris from on-site detention basins, which would prevent obstruction of the outlet structure and facilitate drainage. The Project would also regularly remove vegetation from on-site detention basins, which would minimize suitable habitat for mosquito larvae and would allow for faster drainage of the detention basins. Also, the

drawdown time of each detention basin would be monitored after significant rain events (i.e., consistent rainfall over a period of 12 hours or longer). In the event the drawdown time exceeds 96 hours, corrective measures would be taken, such as adjusting irrigation systems, removing obstructions of debris or invasive vegetation clearing underdrains, or repairing/replacing clogged or compacted soils. Implementation of these design and maintenance BMPs would ensure that human exposure to vectors would not substantially increase. See Table 1-3 *Project Design Considerations* for a list of measures that would be implemented as a part of the proposed Project. Accordingly, the Project would minimize the amount of suitable vector breeding habitat on-site, and impacts associated with vectors (mosquitoes) would be less than significant.

## 2.5.3 Cumulative Impact Analysis

**Hazards and Hazardous Materials**

The majority of projects in the immediate vicinity of the Project site are industrial in nature. Potential cumulative public health hazards do not extend beyond a project's boundaries, since such impacts are typically confined to specific locations and site-specific hazards and do not generally create a cumulative impact. Nonetheless, the mitigation measure included below would reduce potential hazards and hazardous materials impacts to below a level of significance. Applications of standard health and safety measures to other projects in the area would reduce the cumulative risk of adverse public health effects associated with the use, storage, and transport of hazardous materials. The cumulative health and safety impacts would not be significant with the implementation of mitigation measures identified below and adherence to applicable laws and regulations.

**Airports and Airport Safety**

The Project site is located within the AIA for Brown Field. Several projects considered as part of the cumulative impacts evaluation in this SEIR are also located within the AIA for Brown Field. Similar to the proposed Project, all development projects within the Brown Field AIA would be required to comply with the Brown Field ALUCP. Therefore, potentially cumulative impacts would be less than significant.

**Wildland Fire Risk**

The proposed Project would have no significant adverse impact on the ability to protect residents from wildfires. The existing site is currently a vegetated area; developing the site and maintaining adequate fuel modification zones would reduce the amount of fuel in and around the proposed Project area, reducing fire hazard to other developments in the vicinity. The proposed Project would function as large fire break in the vegetation and would provide firefighters with fire access roads and fire hydrants, which combined will create a defensible space that can even be used to help fight a wildfire. While developing the Project site would attract more people to live, work, and shop at this location, which will increase the potential for a greater number of people to be exposed to

a wildfire, this risk would be greatly reduced by the fire protection features of the buildings and the potential benefit of having a developed and defensible space against wildfires.

**Emergency Response**

The Unified San Diego County Emergency Services Organizational Operational Area Emergency Plan contains transportation strategies for evacuation in the event of an emergency, such as contra-flow operations, traffic signal coordination and timing, closure of on- and off-ramps, and intelligent transportation systems. These measures are directed at facilitating response to emergencies and allow optimal ability to evacuate affected areas. The County's response and evacuation plans would be implemented on a regional level. The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Cumulative projects evaluated as part of this SEIR would similarly not have the potential to impair or interfere with the County's emergency response efforts.

**Vectors**

With respect to vector hazards, all development would be required to comply with the vector control requirements of the County of San Diego DEH, and would be subject to monitoring by the DEH's Vector Control Program. Additionally, projects which propose a major development would be required to comply with the WPO. Accordingly, all projects within the cumulative study area would minimize the amount of suitable vector breeding habitat to ensure that human exposure to vectors would not increase. As such, implementation of the Project would result in a less than significant cumulative impact due to vector hazards.

## 2.5.4 Significance of Impacts Prior to Mitigation

**Impact HZ-1:** Future occupants of and/or visitors to the Project site may be exposed to contaminated soil, if encountered.

## 2.5.5 Mitigation

**M-HZ-1:** As part of Site Plan review, soil sampling shall occur for planning areas A, C, D, E, F, G, and H. If constituents of concern (CoC)-bearing soils are encountered, following County DEH standards, ~~then~~ a Soil Management Plan (SMP) shall be prepared. The SMP shall identify remedial and cost-effective strategies, integrate environmental issues into the site development process, and provide the means and methods for identifying, segregating, and properly handling CoC-bearing soils at the site.

## 2.5.6 Conclusion

The proposed Project would result in no significant hazards and hazardous materials impacts, with the exception of creating the potential exposure to contaminated soils (**Impact HZ-1**). However, impacts are mitigated fully with implementation of mitigation measure M-HZ-1, above. All Project impacts would be reduced to below a level of significance.

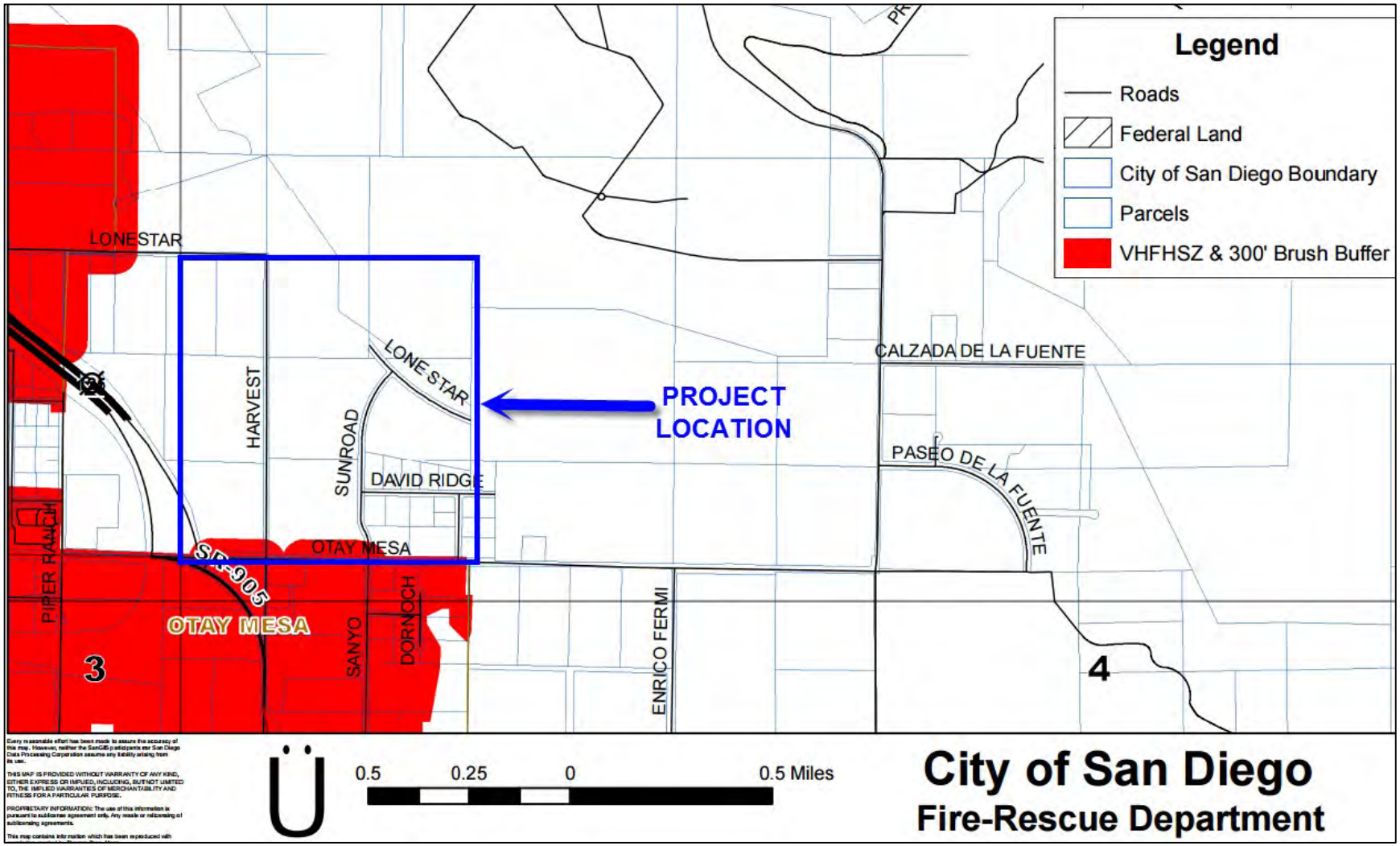



**FIGURE 2.5-1.** ***CITY OF SAN DIEGO VERY HIGH FIRE HAZARD SEVERITY ZONE MAP***

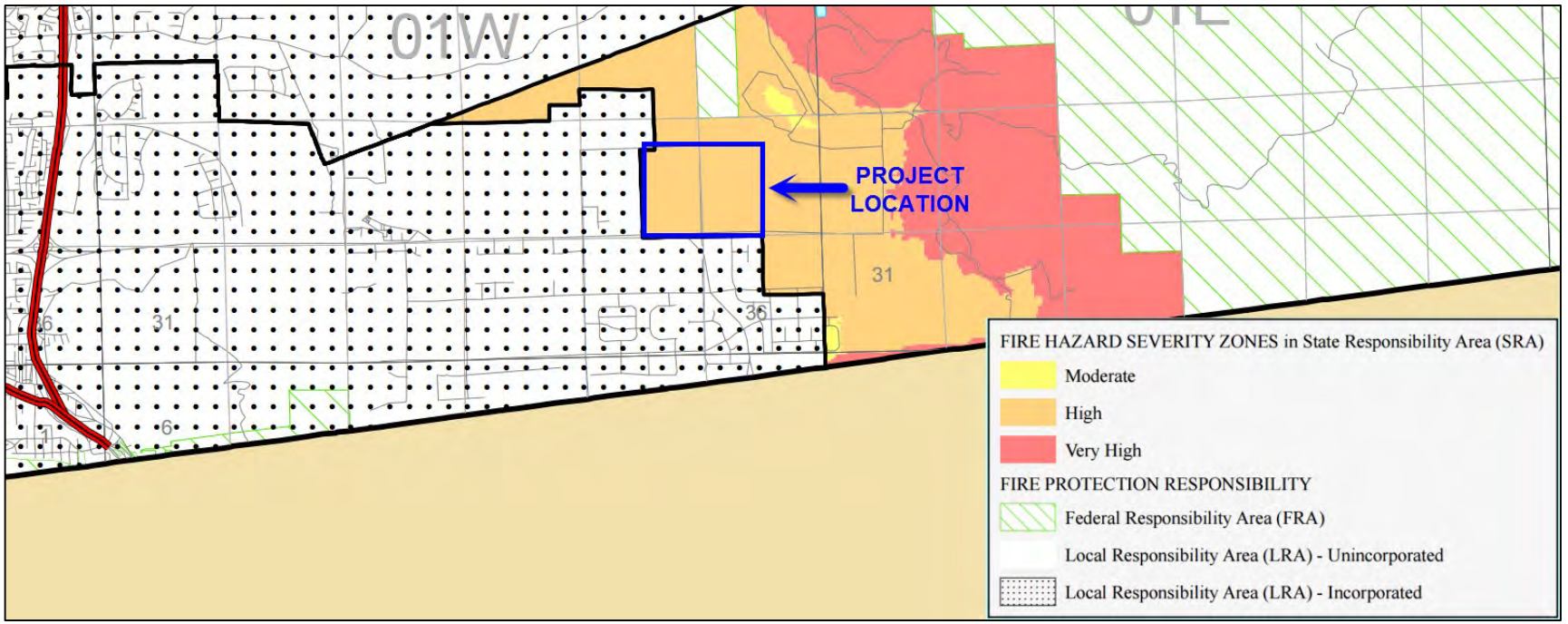



**FIGURE 2.5-2.** ***FIRE HAZARD SEVERITY ZONES***

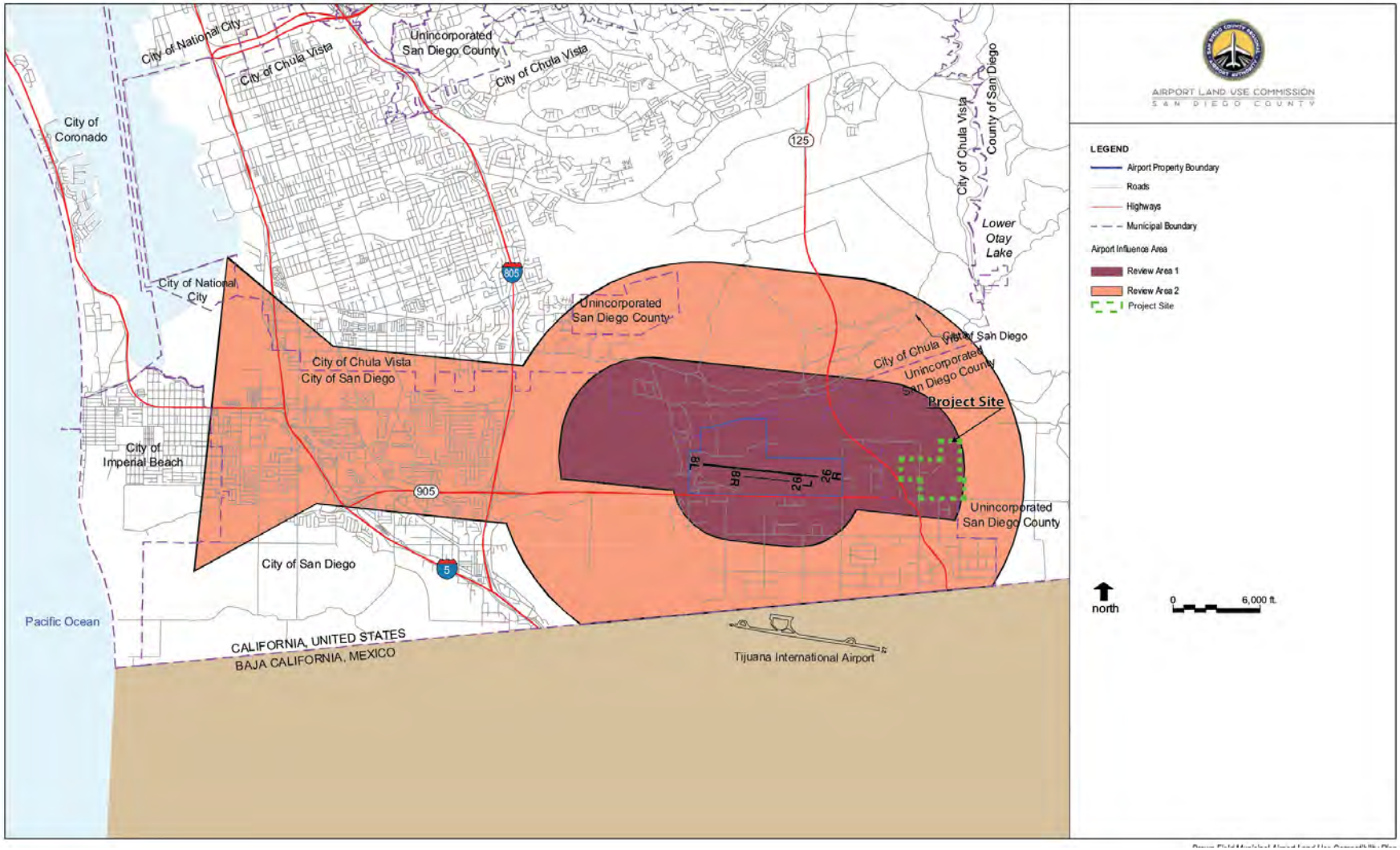



**FIGURE 2.5-3.** ***BROWN FIELD AIRPORT INFLUENCE AREA***

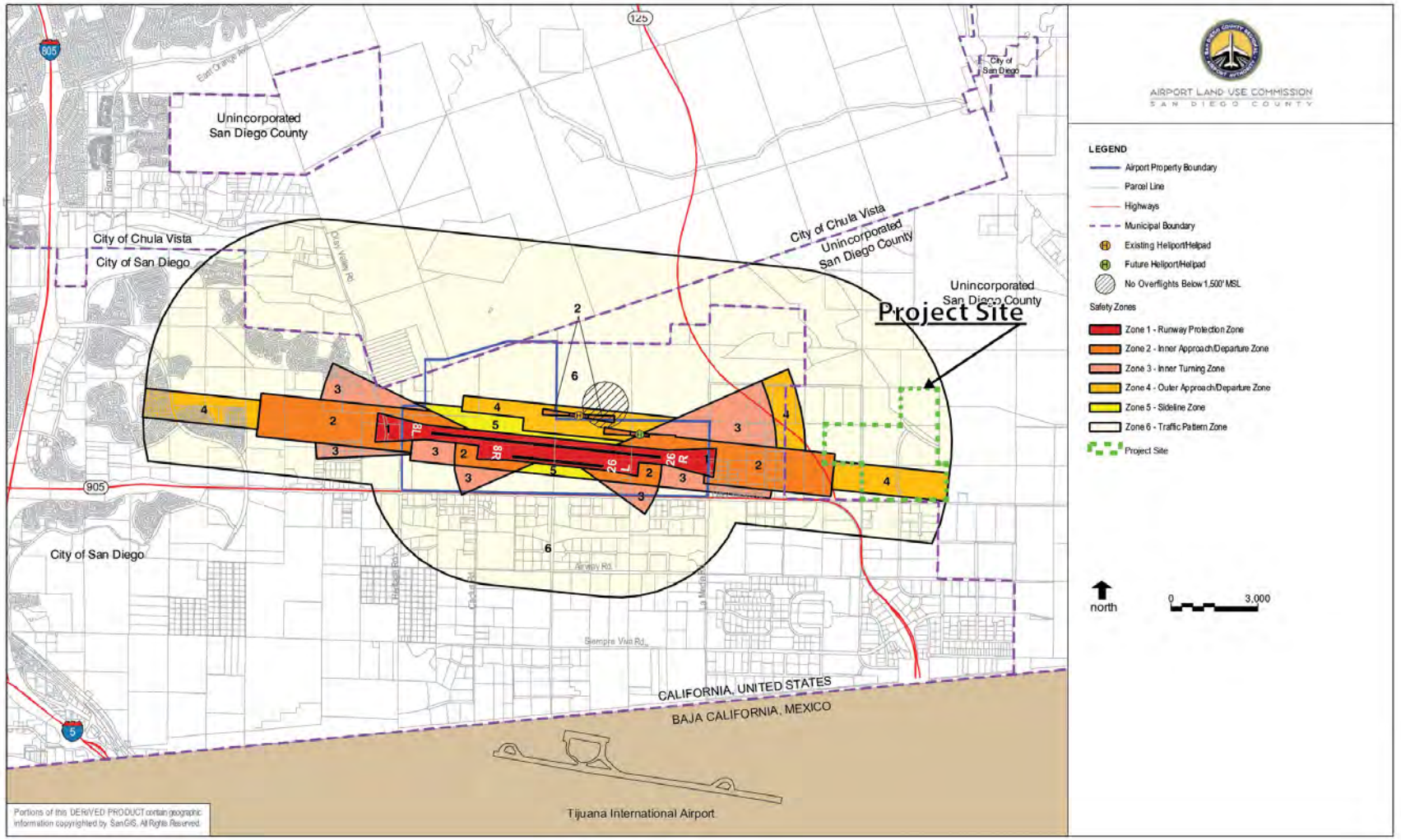



**FIGURE 2.5-4. *BROWN FIELD AIRPORT SAFETY ZONES***

# 2.6 Noise

This section provides a summary of potential noise impacts associated with development in the proposed Specific Plan area based on the previous environmental analysis (1994 EIR, 2000 SEIR, and 2012 Addendum). This section also summarizes information from the *Noise Analysis Report* prepared by dBF Associates, Inc. (March 2, 2017) for the proposed Project, included as Appendix F of this SEIR, and analyzes the noise impacts generated by the Project, including short-term construction impacts, ground vibration and long-term operational impacts, and determines whether the Project would result in perceptible or significant increases in noise levels. Additionally, this section analyzes the noise compatibility of the Project site with surrounding land uses for any potential impacts.

One comment letter was received during the NOP scoping period that addressed noise (see Appendix A). This letter from Marathon Land and Cattle Company requested that the EIR analyze impacts to setbacks and restriction that would be opposed on neighboring properties due to proximity of residential receptors to the adjoining residential properties. It is outside the scope of the EIR to address development regulations of off-site properties. *The Noise Analysis Report* prepared for the proposed Project by dBF Associates (March 2, 2017) addresses Project-generated noise impacts on off-site noise sensitive land uses.

## 2.6.1 Existing Conditions

### 2.6.1.1 *Environmental Setting*

**Environmental Noise Background**

Noise is generally defined as loud, unpleasant, unexpected, or undesired sound typically associated with human activity and that interferes with or disrupts normal activities. The human environment is characterized by a certain consistent noise level which varies with each area. This is called ambient noise. Although exposure to high noise levels has been demonstrated to cause hearing loss, the principal human response to environmental noise is annoyance. The response of individuals to similar noise events is diverse and influenced by the type of noise, perceived importance of the noise and its appropriateness in the setting, time of day and type of activity during which the noise occurs, and sensitivity of the individual.

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air, and are sensed by the human ear. Sound is generally characterized by several variables, including frequency and intensity. Frequency describes the sound's pitch and is measured in cycles per second, or hertz (Hz), whereas intensity describes the sound's loudness and is measured in decibels (dB). Decibels are measured using a logarithmic scale. A sound level of 0 dB is approximately the threshold of human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 dB. Sound levels above about 120 dB begin to be felt

inside the human ear as discomfort and eventually as pain at still higher levels. The minimum change in the sound level of individual events that an average human ear can detect is about 3 dB. The average person perceives a change in sound level of about 10 dB as a doubling (or halving) of the sound's loudness; this relation holds true for sounds of any loudness. Sound levels of typical noise sources and environments are provided in Table 2.6-1, *Sound Levels of Typical Noise Sources and Noise Environments*.

Because of the logarithmic nature of the decibel unit, sound levels cannot be added or subtracted directly and are somewhat cumbersome to handle mathematically. A simple rule is useful, however, in dealing with sound levels. If a sound's intensity is doubled, the sound level increases by 3 dB, regardless of the initial sound level. Thus, for example, 60 dB + 60 dB = 63 dB, and 80 dB + 80 dB = 83 dB.

The normal human ear can detect sounds that range in frequency from about 20 Hz to 20,000 Hz. However, all sounds in this wide range of frequencies are not heard equally well by the human ear, which is most sensitive to frequencies in the range of 1,000 Hz to 4,000 Hz. This frequency dependence can be taken into account by applying a correction to each frequency range to approximate the human ear's sensitivity within each range. This is called A-weighting and is commonly used in measurements of community environmental noise. The A-weighted sound pressure level (abbreviated as dBA) is the sound level with the "A-weighting" frequency correction. In practice, the level of a noise source is conveniently measured using a sound level meter that includes a filter corresponding to the dBA curve.

Because community noise fluctuates over time, a single measure called the Equivalent Sound Level (Leq) is often used to describe the time-varying character of community noise. The Leq is the energy-averaged A-weighted sound level during a measured time interval, and is equal to the level of a continuous steady sound containing the same total acoustical energy over the averaging time period as the actual time- varying sound. Additionally, it is often desirable to know the acoustic range of the noise source being measured. This is accomplished through the Lmax and Lmin indicators, which represent the root-mean- square maximum and minimum noise levels obtained during the measurement interval. The Lmin value obtained for a particular monitoring location is often called the "acoustic floor" for that location.

To describe the time-varying character of environmental noise, the statistical noise descriptors L10, L50, and L90 are commonly used. They are the noise levels equaled or exceeded during 10, 50, and 90 percent of a stated time, respectively. Sound levels associated with L10 typically describe transient or short-term events, whereas levels associated with L90 describe the steady-state (or most prevalent) noise conditions.

Community Noise Equivalent Level (CNEL) is an adjusted average A-weighted sound level for a 24-hour day. It is calculated by adding a 5-dB adjustment to sound levels during evening hours (7:00 p.m. to 10:00 p.m.) and a 10-dB adjustment to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.). These adjustments compensate for the increased sensitivity to noise during the typically quieter evening and nighttime hours.

The CNEL is used by the State of California and the County of San Diego to evaluate land-use compatibility with regard to noise.

**Existing Conditions**

Many land uses are considered sensitive to noise. Noise sensitive land uses (NSLUs) are land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise, such as residential dwellings, mobile homes, hotels, motels, hospitals, nursing homes, educational facilities, and libraries. Industrial and commercial land uses are generally not considered sensitive to noise. The existing sound level at any given location depends on the distance to a roadway, proximity to commercial and neighborhood noise sources, and intervening structures and topography.

The Project site consists of undeveloped vacant land. Noise sources in the Project area consist of vehicular traffic on Otay Mesa Road and SR-125, and aircraft associated with Brown Field Municipal Airport. The Tijuana International Airport (TIJ) is located in Tijuana, Mexico, at least two miles southwest of the site. The Project site is located outside of the 60-dBA CNEL noise contour of TIJ.

In the Project vicinity, Otay Mesa Road is a two-way 4-5-lane Major roadway carrying an existing (year 2015) Average Daily Traffic (ADT) volume of approximately 10,500 vehicles at a posted speed limit of 55 miles per hour (mph). SR-125, or the South Bay Expressway, is a two-way 4-lane toll road originating/terminating at Otay Mesa Road. The northbound onramp and southbound off-ramp carry an existing (year 2012) ADT volume of approximately 2,850/3,000 vehicles, respectively. The ramps are assumed to operate at the 65 mph speed limit posted at the toll road entrance.

Brown Field Municipal Airport is a general aviation airport in the City of San Diego, approximately one mile ~~3,600 to 4,600 feet~~ west of the Project. A portion of the Project site is located within the 60 to 65 dBA CNEL noise contour, as shown on Figure 2.6-1, *Brown Field Municipal Airport Noise Compatibility Map*.

Existing noise sensitive land uses in the Project vicinity include multiple residences located approximately 1,000 to 1,500 feet north/northwest of the northern Project boundary, and three residences – 6940, 6944, and 6948 Otay Mesa Road – along the north side of Otay Mesa Road, just east of the southeast boundary of the Project.

Non-noise-sensitive land uses in the Project vicinity include the Larkspur Energy Facility at the southeast corner of Otay Mesa Road and Harvest Road, the San Diego Business Park commercial land uses at the southeast corner of Otay Mesa Road and Sanyo Avenue, the Richard J. Donovan Correctional Facility (RJDCF) to the northeast, and the vacant parcels adjacent to the Project site on the north, east, west, and across Otay Mesa Road to the south. The vacant parcels adjacent to the Project site are generally designated for Technology Business Park use in the East Otay Mesa Business Park Specific Plan.

## 2.6.1.2 *Methodology*

**Noise Measuring Methodology and Procedures**

Two sound level measurements were conducted during the afternoon peak traffic period to quantify the existing acoustical environment on the Project site. A RION Model NA-28 American National Standards Institute (ANSI) Type 1 Integrating Sound Level Meter (SLM) was used as the data-collection device. The meter was mounted on a tripod roughly five feet above ground to simulate the average height of the human ear. The microphone was fitted with a windscreen. Weather conditions during the measurements were approximately 80 degrees Fahrenheit (°F), 65 percent relative humidity, 8 mph wind speed, and 50 percent cloud cover. The measurements were performed on Wednesday, July 15, 2015. The sound level meter was calibrated before the measurement period. Simultaneous traffic counts were conducted during the measurement periods. The measurement results are summarized in Table 2.6-2, *Sound Level Measurements,* and correspond to the locations depicted on Figure 2.6-1.

**Noise Modeling Software**

The Federal Highway Administration (FHWA) Traffic Noise Model (TNM) version 2.6 was used to estimate traffic noise levels. The modeling effort considered the peak-hour traffic volume, average estimated vehicle speed, and estimated vehicle mix, i.e., percentage of cars, medium trucks, heavy trucks, buses, and motorcycles. Sound levels caused by line sources (i.e., variable or moving sound sources such as traffic) generally decrease at a rate of 3 to 4.5 dBA when the distance from the road is doubled, depending on the ground surface hardness between the source and the receiving property. The model assumed "hard soil" propagation conditions, which corresponds to a drop-off rate of 3 dBA per doubling of distance. The actual sound level at any receptor location is dependent upon such factors as the source- to-receptor distance and the presence of intervening structures (walls and buildings), barriers, and topography. The noise attenuating effects of changes in elevation, topography, and intervening structures were not included in the model. Therefore, the modeling effort is considered a worst-case representation of the roadway noise.

## 2.6.1.3 *Regulatory Framework*

Due to the human health and quality of life concerns related to noise and noise pollution, Federal, State, and local agencies have established limits for community noise and occupational noise. These allowable sound level limits are based on psycho-acoustical and health considerations as well as socioeconomic and technical considerations. The County of San Diego has two principal noise regulations, the Noise Element of the General Plan and the Noise Ordinance. The following summarizes the salient aspects of these regulations and other regulations that apply to the proposed Project.

## Federal

### Federal Aviation Administration Standards

The Federal Aviation Association (FAA) establishes 65 dB CNEL as the noise standard associated with aircraft noise.

## State

### California Environmental Quality Act

CEQA requires lead agencies to consider noise impacts. Under CEQA, lead agencies are directed to assess conformance to locally established noise standards or other agencies' noise standards; measure and identify the potentially significant exposure of people to or generation of excessive ground borne vibration or noise levels; measure and identify potentially significant permanent or temporary increases in ambient noise levels; and measure and identify potentially significant impacts associated with air traffic.

### California Noise Control Act

This section of the California Health and Safety Code finds that excessive noise is a serious hazard to the public health and welfare and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. It also finds that there is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas. The California Noise Control Act declares that the State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the policy of the State to provide an environment for all Californians free from noise that jeopardizes their health or welfare.

### California Noise Insulation Standards

In 1974, the California Commission on Housing and Community Development adopted noise insulation standards for multi-family residential buildings (Title 24, Part 2, California Code of Regulations). Title 24 establishes standards for interior room noise (attributable to outside noise sources). The regulations also specify that acoustical studies must be prepared whenever a residential building or structure is proposed to be located near an existing or adopted freeway route, expressway, parkway, major street, thoroughfare, rail line, rapid transit line, or industrial noise source, and where such noise source or sources create an exterior CNEL (or Ldn) of 60 dB or greater. Such acoustical analysis must demonstrate that the residence has been designed to limit intruding noise to an interior CNEL (or Ldn) of at least 45 dB.

## Local

### San Diego County General Plan, Noise Element, (Chapter 8)

The Noise Element of the County of San Diego General Plan establishes limitations on sound levels to be received by NSLUs. New development may cause an existing NSLU to be affected by noise caused by the new development, or it may create or locate a NSLU in such a place that it is affected by noise. The Noise Element identifies airports and traffic on public roadways as the major sources of noise.

The Noise Element states that an acoustical study is required if it appears that a NSLU would be subject to noise levels of CNEL equal to 60 decibels (A) or greater. If that study confirms that greater than 60 dB CNEL would be experienced, modifications that reduce the exterior noise level to less than 60 dB CNEL and the interior noise levels to below 45 dB CNEL must be made to the development. If these modifications are not made, the development shall not be approved unless a finding is made that specific social or economic considerations warrant project approval; provided, that if the noise level would exceed 75 dB CNEL(A) even with such modifications, the development shall not be approved irrespective of such social or economic considerations.

"CNEL" is the Community Noise Equivalent Level, which is a 24-hour averaged measurement based upon the "(A)" or A-weighted sound levels, with certain penalties assigned to evening and nighttime noise, as described in Chapter 2 of the Noise Element. "Development" is defined as any physical development including but not limited to residences, commercial or industrial facilities, roads, civic buildings, hospitals, schools and airports. A "NSLU" is defined as any residence, hospital, school, hotel, resort, library, or any other facility where quiet is an important attribute of the environment. "Exterior Noise" means noise measured at an outdoor living area that meets specified minimum area requirements for single family detached dwelling projects, and for other projects it means noise measured at all exterior areas which are provided for group or private usable open space.

The Noise Element also contains policies relative to land use compatibility (N-1) and protection of noise-sensitive users (N-2). Land use compatibility goal N-1 states “A noise environment throughout the unincorporated County that is compatible with the land uses.” Policies that support this goal include the use of the Noise Compatibility Guidelines (Table N-1 of the General Plan) and the Noise Standards (Table N-2 of the General Plan) as a guide in determining the acceptability of exterior and interior noise for proposed land uses; the use of noise management strategies as higher priorities than construction of conventional noise barriers where noise abatement is necessary; a discouraging of the use of noise walls; incorporation of the noise standards of an adjacent jurisdiction into the evaluation of a proposed project when it has the potential to impact the noise environment of that jurisdiction; and to work with local and regional transit agencies and/or other jurisdictions, as appropriate, to provide services or facilities to minimize regional traffic noise and other sources of noise in the County.

Protection of noise sensitive uses goal N-2 states "A noise environment that minimizes exposure of noise sensitive land uses to excessive, unsafe, or otherwise disruptive noise levels." Policies that support this goal include requiring an acoustical study to identify inappropriate noise level where development may directly result in any existing or future noise sensitive land uses being subject to noise levels equal to or greater than 60 CNEL and require mitigation for sensitive uses in compliance with the noise standards listed in Table N-2 of the General Plan; and assure that in developments where the exterior noise level on patios or balconies for multi-family residences or mixed-use developments exceed 65 CNEL, a solid noise barrier is incorporated into the building design of the balconies and patios while still maintaining the openness of the patio or balcony.

The Noise Element includes special provisions for County road construction projects and interior noise levels in rooms that are usually occupied only a part of the day (schools, libraries, etc.).

### County of San Diego Noise Ordinance

The County of San Diego Noise Ordinance establishes prohibitions for disturbing, excessive, or offensive noise, and provisions such as sound level limits for the purpose of securing and promoting the public health, comfort, safety, peace, and quiet for its citizens (Section 36.401 et. seq.). Planned compliance with sound level limits and other specific parts of the ordinance allows presumption that the noise is not disturbing, excessive, or offensive. Limits are specified depending on the zoning placed on a property (e.g., varying densities and intensities of residential, industrial and commercial zones). Where two adjacent properties have different zones, the sound level limit at a location on a boundary between two properties is the arithmetic mean of the respective limits for the two zones, except for extractive industries. It is unlawful for any person to cause or allow the creation of any noise that exceeds the applicable limits of the Noise Ordinance at any point on or beyond the boundaries of the property on which the sound is produced. Furthermore, the Noise Ordinance allows the County to grant variances from the noise limitations for temporary on-site noise sources, subject to terms and conditions intended to achieve compliance. Finally, the Noise Ordinance establishes additional noise limitations for operation of construction equipment.

## Significance Thresholds

### Noise Sensitive Land Uses

Project implementation will result in the exposure of any on- or off-site, existing or reasonably foreseeable future NSLU to exterior or interior noise (including noise generated from the Project, together with noise from roads [existing and planned], railroads, airports, heliports and all other noise sources) in excess of any of the following:

A. Exterior Locations:
   i. 60 dB (CNEL) †; or
   ii. An increase of 10 dB (CNEL) over pre-existing noise.

In the case of single-family residential detached NSLUs, exterior noise shall be measured at an outdoor living area which adjoins and is on the same lot as the dwelling, and which contains at least the following minimum area:
(1) Net lot area up to 4,000 square feet: 400 square feet
(2) Net lot area 4,000 square feet to 10 acres: 10% of net lot area
(3) Net lot area over 10 acres: 1 acre

For all other projects, exterior noise shall be measured at all exterior areas provided for group or private usable open space.

B. Interior Locations:
45 dB (CNEL) except for the following cases:
i. Rooms which are usually occupied only a part of the day (schools, libraries, or similar facilities), the interior one-hour average sound level due to noise outside should not exceed 50 decibels (A).
ii. Corridors, hallways, stairwells, closets, bathrooms, or any room with a volume less than 490 cubic feet.

*† If any adopted community noise standard is more stringent than the exterior criterion of 60 decibels CNEL, the analysis of any related impacts due to this standard shall be considered a potential land use impact. The criteria listed in this document are still applicable in all environmental acoustical studies for compliance to CEQA.*

*San Diego County General Plan*

The County of San Diego General Plan Noise Element was updated subsequent to the Guidelines for the Determination of Significance presented above. In the updated Noise Element, Table N-1 (of the General Plan) indicates that exterior noise levels up to 65 dBA CNEL are Acceptable at mixed-use (commercial / residential) land uses.

**Project-Generated Airborne Noise**

*San Diego County Code Noise Ordinance*

It shall be unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property exceeds the applicable limits in Table 2.6-3, *San Diego County Code Section 36.404, Sound Level Limits in Decibels*.

Section 36.408 Hours of Operation of Construction Equipment

Except for emergency work, it shall be unlawful for any person to operate or cause to be operated construction equipment:

(a) Between 7 p.m. and 7 a.m.

(b) On a Sunday or a holiday. For purposes of this section, a holiday means January

1st, the last Monday in May, July 4th, the first Monday in September, the fourth Thursday in November, and December 25th. A person may, however, operate construction equipment on a Sunday or holiday between the hours of 10 a.m. and 5 p.m. at the person's residence or for the purpose of constructing a residence for himself or herself, provided that the operation of construction equipment is not carried out for financial consideration or other consideration of any kind and does not violate the limitations of sections 36.404 and 36.410.

Section 36.409: Sound Level Limitations on Construction Equipment

Except for emergency work, it shall be unlawful for any person to operate construction equipment or cause construction equipment to be operated, that exceeds an average sound level of 75 decibels for an eight-hour period, between 7 a.m. and 7 p.m., when measured at the boundary line of the property where the noise source is located or on any occupied property where the noise is being received.

## 2.6.2 Analysis of Project Effects and Determination as to Significance

### 2.6.2.1 *Guidelines for Determination of Significance*

Based on Appendix G of the CEQA Guideline, the Project would result in a significant impact to noise if the Project would result in:

a) The exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
b) The exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
e) The exposure of people residing or working in the project area to excessive noise levels (for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport).
f) The exposure of people residing or working in the project area to excessive noise levels (for a project within the vicinity of a private airstrip).

### 2.6.2.2 *1994 East Otay Mesa Specific Plan EIR*

The 1994 EIR included an analysis of noise regulations and legislation pertinent at the time of adoption, as well as existing conditions and impacts related to the East Otay Mesa Specific Plan project. The 1994 EIR identified the following ~~air quality~~noise impacts:

- Transportation noise
- Industrial/Commercial noise
- Other noise sources (landfill)
- Noise from interim land uses

Transportation noise sources included traffic, light rail transit (LRT) noise, and aircraft noise. Although traffic and aircraft noise remains applicable, LRT has not been constructed in the Project area. Interim land uses considered in the 1994 EIR were a State off-highway vehicle (OHV) park and the San Diego International Raceway. Neither of these uses currently exists in the Project area and are therefore not applicable.

Mitigation for transportation noise was general, with site-specific studies recommended for future projects. Aircraft noise mitigation avoided locating residential development where the projected CNEL noise contour for Brown Field exceeds 60 dB. Industrial/Commercial noise mitigation generally required thoughtful locating of uses based on compatibility, with site-specific studies recommended for future projects. Because the interim land uses do not exist, their mitigation is not applicable. Construction noise mitigation involves adherence to the San Diego County Noise Ordinance and special considerations where construction would occur within 1,500 feet of California gnatcatcher habitat. Due to the general nature of the majority of these mitigation measures and their broad application to the entire Specific Plan area, they are superseded by mitigation included within this section and are not applicable to the Project. The 1994 EIR mitigation measures are located on pages 4.8-31 through 4.8-33 of the 1994 EIR.

### 2.6.2.3 *2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

Subsequent to adoption of the 1994 EIR, the 2000 SEIR was prepared for the Sunroad Centrum project. Because the Sunroad Centrum project would not propose any noise sensitive uses within the areas that exceed the County's noise standards and wildlife species expected to occur within traffic-related noise areas would not be considered noise sensitive, no noise-related impacts would occur. No mitigation measures were required with the 2000 SEIR.

### 2.6.2.4 *2012 Sunroad Otay Tech Centre Addendum*

In 2012, an Addendum was prepared for the Sunroad Otay Tech Centre. A project-specific noise study was prepared by Kimley-Horn and Associates (November 17, 2010). The noise analysis concluded that, although noise sensitive land uses were proposed with the Sunroad Otay Tech Centre project, future projects would conduct site-specific noise analyses to determine mitigation necessary, if any, to make the noise levels consistent with the County Noise Element, Policy 4b, and County Noise Ordinance Section 36.404. Off-site direct and cumulative noise impacts to existing residences were considered less than significant. Relative to temporary construction noise, the Tentative

Map for the project would be conditioned to require the installation of the 24-foot-high temporary construction noise barrier or another acceptable noise reduction method as determined by a new noise analysis prepared at that time. No significant impacts would result and no mitigation is required.

## 2.6.2.5 *Proposed Project*

Guideline for the Determination of Significance:

> *Would the proposed Project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
>
> *Would the proposed Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Potential Noise Impacts to On-site NSLUs**

**On-site Vehicular Traffic**

The Noise Element of the General Plan states that an acoustical study is required if it appears that a NSLU would be subject to noise levels of CNEL equal to 60 decibels (A) or greater. If that study confirms that greater than 60 dB CNEL would be experienced, modifications that reduce the exterior noise level to less than 60 dB CNEL and the interior noise levels to below 45 dB CNEL must be made to the development and in developments where the exterior noise level on patios or balconies for multi-family residences or mixed-use developments exceed 65 CNEL, a solid noise barrier is incorporated into the building design of the balconies and patios while still maintaining the openness of the patio or balcony.

The proposed Project would potentially involve the creation of patios, playgrounds, outdoor dining areas, or other NSLUs. Because the site plans of the individual lots have not been prepared, these NSLUs could be located at any area of the Project site.

TNM was used to estimate traffic noise levels on the Project site. The future (year 2020) ADT volumes on Project roadway segments were obtained from the Traffic Impact Analysis (TIA) prepared for the proposed Project by LLG (provided as Appendix K of this SEIR) and supplemental documentation provided by the traffic engineer. The peak-hour volume was assumed to be ten percent of the ADT. Roadway speeds were obtained from the County of San Diego – Public Road Standards, Table 2A or from a field survey. The vehicle mix on Otay Mesa Road was based on the traffic classification counts performed during the sound level measurements; on all other roadways, the vehicle mix was estimated based on past experience with similar projects. Table 2.6-4, *On-site Vehicular Traffic Sound Levels*, shows the modeled roadway parameters and the noise levels from each roadway segment adjacent to or through the Project site. Without mitigation, traffic noise levels could exceed 60 dBA CNEL at the façades of on-site NSLUs and 65 dBA

CNEL at proposed exterior NSLUs (**Impact N-1**) without mitigation, traffic noise levels could exceed the interior noise levels of 45 dBA CNEL (**Impact N-2**).

**Off-site Vehicular Traffic**

Sound level variations of less than 3 dBA are not detectable by the typical human ear. Therefore, sounds level increases of more than 3 dBA would be considered a significant impact.

The proposed Project would generate additional traffic along existing roads in the Project area. An analysis was conducted of the Project's effect on traffic noise conditions. Existing-without-project traffic noise levels were compared to existing-with-Project traffic noise levels. TNM was used to estimate sound levels at a general reference distance of 50 feet from the centerline of the nearest roadway. The existing and project-generated ADT volumes on Project roadway segments were obtained from the Project TIA. It was assumed the existing roadway parameters would be unchanged. Table 2.6-5, *Off-site Traffic Noise Levels*, shows the traffic noise levels along Project roadways, without and with the Project, respectively. As shown in Table 2.6-5, the addition of Project traffic would increase existing noise levels by less than **3 d**BA CNEL along 12 of the 18 roadway segments assessed. Sound level variations of less than 3 dBA are not detectable by the typical human ear. The addition of Project traffic would increase existing noise levels by 3 dBA CNEL or more along Otay Mesa Road between Piper Ranch Road and Vann Centre Boulevard, and along Enrico Fermi Drive between Otay Mesa Road and Siempre Viva Road. There are no NSLUs along Otay Mesa Road between Piper Ranch Road and Vann Centre Boulevard, or along Enrico Fermi Drive between Otay Mesa Road and Siempre Viva Road. An increase of 3 dBA CNEL or more would not occur along any roadway segment with an adjacent NSLU.

The only existing NSLUs in the Project vicinity are the three residences – 6940, 6944, and 6948 Otay Mesa Road – along the north side of Otay Mesa Road, just east of the southeast boundary of the Project. The addition of Project traffic would increase existing noise levels by approximately 1.7 dBA CNEL at these residences. Because Project traffic would not increase noise levels by 3 dBA or more at these residences, there would be no impact from off-site Project vehicular traffic.

**Potential Operational Noise Impacts**

The proposed Project would establish new mixed-use land use categories within the Specific Plan area, which would allow for employment, retail, and residential emphasis within the Specific Plan area. The Project would designate land use areas:

- Areas A, B, C, D: Mixed Use;
- Area E: Technology Business Park;
- Area G: Open Space Easement.

(Area F – Technology Business Park – is not a part of the proposed Project.)

In general, noise sources associated with these land use typically includes truck deliveries, loading dock activities (including trash compactors), outdoor mechanical equipment (such as air compressors, pumps, fans and cooling towers) and maintenance activities such as parking lot sweepers and trash collection trucks. Other noise sources associated with these uses may include shop tools and forklifts.

Mechanical equipment plans, layouts, and operations have not been developed for this Project. An analysis of potential impacts and mitigation measures would be performed when building plans and noise sources are sited. The noise levels generated by the Project parcels would vary depending upon the specific use. Variables include: size of equipment, location and orientation of equipment, and number and location of loading docks, parking areas, etc. Although the exact noise level generated cannot be specifically quantified at this time because of many variables involved, typical noise levels associated with these land uses range from approximately 50 to 75 dBA Leq at 50 feet from the source. Development within the Specific Plan Amendment area would require project-specific Site Plan review as individual development proposals come forward. Details regarding use and sound level information would be analyzed as part of site-specific noise analyses to determine if noise impacts would occur that require mitigation measures.~~,~~ Mitigation measures such as mechanical equipment enclosures, parapet walls, noise barriers, etc., would be implemented in accordance with the site-specific noise study conclusions (**Impact N-3**).

**Potential Operational Noise Restrictions on Adjacent Properties**

The Project site is currently zoned S-88.~~ and for agricultural use; thus,~~ The existing land uses adjacent to the Project site are currently restricted to noise level limits of 50 dBA Leq from 7:00 a.m. to 10:00 p.m. and 45 dBA Leq from 10:00 p.m. to 7:00 a.m. at property lines.

The S88 zone is based on the existing use, which is agricultural. As stated above, agriculture is subject to the most restrictive 45 dBA requirement, the same requirement for residences. With and without the Project, the 45 dBA requirement would continue to apply to site.

The Project would retain the S-88 zoning and would establish mixed-use, technology, and open space land uses. Each of these proposed land uses have equal or higher allowable noise limits than the existing land use. The Project would not require neighboring land uses to adopt a more restrictive property line noise standard.

Guideline for the Determination of Significance:

> *Would the proposed Project result in the substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Potential General Construction Noise Impacts**

A grading plan and construction phasing plan has not been developed at this time; therefore, only a general estimate of construction noise levels can be provided. The primary noise from Project construction would be from site preparation. Grading would require the use of heavy equipment such as bulldozers, loaders, and scrapers. No blasting would be necessary.

Construction of the Project would generate a temporary increase in noise in the Project area. The increase in noise level would be primarily experienced close to the noise source. The magnitude of the impact would depend on the type of construction activity, noise level generated by various pieces of construction equipment, duration of the construction phase, acoustical shielding and distance between the noise source and receiver. Construction activity and delivery of construction materials and equipment would be limited to daytime hours (between 7:00 a.m. and 7:00 p.m.), Monday through Saturday. This Project would implement conventional construction techniques and equipment. Standard equipment such as scrapers, graders, backhoes, loaders, tractors, cranes, and miscellaneous trucks would be used for construction of most Project facilities. Sound levels of typical construction equipment range from approximately 65 dBA to 95 dBA at 50 feet from the source (USEPA 1971). Worst-case noise levels are typically associated with grading. Noise sources associated with grading of the proposed Project, and associated noise levels, are shown in Table 2.6-6, *Grading Noise Source Levels*.

Acoustical calculations were performed to estimate worst-case noise from construction activity. The closest occupied property is the Larkspur Energy Facility approximately 1,300 feet south of the centroid of the site. The closest NSLU is the residential area approximately 1,000 feet northwest of the Project site. It was assumed that one bulldozer, one scraper, one backhoe, one water truck, and one roller would operate continuously throughout the Project site. No correction was applied for downtime associated with equipment maintenance, breaks, or similar situations. The calculations assumed point source acoustical characteristics. Using standard point source calculations, a combined level of 91 dBA Leq at 50 feet would attenuate to approximately 65 dBA Leq at 1,000 feet.

Because construction noise levels would be less than 75 dBA Leq (8 hours) at all occupied properties, there would be no significant impact from Project construction. However, to minimize disturbances from construction activity, the following measures should be considered:

- Select equipment capable of performing the necessary tasks with the lowest sound level and the lowest acoustic height possible.
- Implement alternatives to the standard backup beepers as feasible. These alternatives include strobe lights or products such as the Brigade Electronics, Inc. Broadband Sound system, which is equally effective while generating a lower noise level.
- Use specially-quieted equipment, such as quieted and enclosed air compressors and properly-working manufacturer-recommended mufflers on all engines.

- Construct enclosures around noise-producing stationary sources such as generators used for night lighting.
- Perform construction vehicle maintenance off site or between 7:00 a.m. and 7:00 p.m.
- Place the laydown area as far as possible from the closest noise sensitive receptors.
- Limit the delivery of material (with the exception of concrete) to the hours between 7:00 a.m. and 7:00 p.m.

Guideline for the Determination of Significance:

> *Would the proposed Project result in the exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels?*

The proposed Project includes amendments to land use policy documents, a rezone, and a tentative map. No physical development proposals are included within this Project, beyond site grading and infrastructure/roadway installation. As such, no development that could result in groundbourne vibration or noise would occur. Future development projects would implement construction of the proposed Project, which would require site-specific analysis of project noise impacts, including vibration and groundbourne noise.

Guideline for the Determination of Significance:

> *Would the proposed Project result in the exposure of people residing or working in the project area to excessive noise levels (for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport)?*
>
> *Would the proposed Project result in the exposure of people residing or working in the project area to excessive noise levels (for a project within the vicinity of a private airstrip)?*

The proposed Project is not located within the vicinity of a private airstrip. Brown Field Municipal Airport is a general aviation airport in the City of San Diego located west of the Project. The Brown Field Municipal Airport 60 to 65 dBA CNEL noise contour extends into portions of Areas A, B, D, and F, as shown in Figure 2.6-2, *60 to 65 dBA CNEL Noise Contour from Brown Field Municipal Airport*. Aircraft noise levels would not exceed 65 dBA CNEL at on-site NSLUs; therefore, impacts relative to a public airport would be less than significant.

## 2.6.3 Cumulative Impact Analysis

The only NSLUs in the Project vicinity that may be affected by cumulative off-site vehicular traffic are the three residences – 6940, 6944, and 6948 Otay Mesa Road – along the north side of Otay Mesa Road, just east of the southeast boundary of the Project. The existing-with-Project ADT on Otay Mesa Road, east of Vann Centre Boulevard, adjacent

to the three residences, is 14,867 vehicles. The cumulative (year 2020 + Project) ADT forecast is 5,943 vehicles (LLG 2016). The 8,924 reduction in ADT is the result of changes in the transportation pattern in the Project vicinity.

The decrease in vehicular traffic would reduce the sound level at the three residences by approximately 4 dBA CNEL. No cumulative off-site noise impact would result from Project vehicular traffic.

## 2.6.4 Significance of Impacts Prior to Mitigation

The following significant impacts related to noise would occur with Project implementation:

**Impact N-1:** Implementation of the proposed Project may result in traffic noise levels that could exceed 60 dBA CNEL at the façade of on-site NSLUs and the traffic could exceed 65 dBA CNEL at exterior NSLUs.

**Impact N-2:** Implementation of the proposed Project may result in traffic noise levels exceeding the interior noise level of 45dBA CNEL.

**Impact N-3:** Implementation of the proposed Project may result in on-going operational noise levels exceeding the County Code Noise Ordinance, Section 36.404.

## 2.6.5 Mitigation

In order to mitigate potential Project impacts to on-site NSLUs (Impact N-1), the following mitigation is required:

**M-N-1:** Proper site planning to reduce noise impacts should be considered for all NSLUs. Buildings can be oriented on a site in such a way as to exploit the site's noise attenuating features. By consideration of a site's natural topography, size and shape, it is often possible to reduce and possibly eliminate noise impacts from vehicular traffic and railroads. Site planning techniques include the following:

- Increasing the distance from the noise source to sensitive receptors by creation of setbacks;
- Placing non-noise sensitive uses such as parking lots and utility areas between the noise source and receiver;
- Orienting usable outdoor living space such as balconies, patios, and child play areas away from roadways and aircraft overflight contours;
- Construction of a noise barrier between the noise source and the receptor. The effectiveness of a barrier depends upon factors such as the relative height of the barrier relative to the line-of-sight from the source to the receiver, the distance from the barrier to the source and to the receiver and the reflections of sound. To be effective, a barrier must block the line-of-sight from the source to the receiver. A barrier must also be of solid construction (i.e., masonry)

without holes or gaps and be long enough to prevent sound from passing around the ends.

Because noise levels would exceed 60 dBA CNEL, the dedication of a Noise Restriction Easement would be required. This Noise Restriction Easement would require future noise analysis with subsequent discretionary permits. to demonstrate compliance with County noise regulations or implementation of measures that would reduce noise levels to comply with noise regulations.

In order to mitigate potential traffic noise level impacts where interior noise levels would exceed 45 dBA (Impact N-2), the following mitigation is required:

**M-N-2:** An interior noise analysis shall be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis shall evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels will not exceed 45 dBA CNEL. The analysis shall be performed prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements.

The location of a building on its site, the arrangement of rooms, and the location of doors and windows all have a bearing on interior noise control. The sides of a building which face a roadway or other noise source should house those activities that can tolerate the greatest amount of noise. Noise-sensitive areas include bedrooms, living rooms and dens. Less noise sensitive areas may include kitchens and bathrooms. Hallways, closets and storage rooms are generally not noise-sensitive.

Indoor noise levels are controlled by the noise reduction characteristics of the building shell. In general, doors and windows are the acoustical weak link in a building. Therefore, careful consideration should be given to their placement. By limiting the number and size of these openings on the sides of the building exposed to noise, interior noise levels will be reduced.

Often it is necessary to allow for a closed window condition to control interior noise. When this occurs, an alternative means of ventilation such as heat pumps or forced air units is required to meet the California Building Code requirements. Heavy-pane or double-pane windows are frequently required to increase the sound insulation within a room. Doors facing a noise source should be solid-core and should be equipped with an appropriate gasket.

An interior noise analysis will be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis should evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels will not exceed 45 dBA CNEL. The

analysis should be performed prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements. The Project would result in a less than significant interior noise impact with Project features incorporated in accordance with the interior noise analysis.

In order to mitigate the potential on-going operational noise impacts (Impact N-3), the following mitigation is required:

**M-N-3:** A use-specific noise analysis shall occur when individual lots seek approval of site and building plans as part of future site plan reviews. This may include noise measures consisting of:

- Limiting size of equipment;
- Specific equipment location, orientation and layout design to increase screening;
- Mechanical equipment enclosures, parapet walls, noise barriers; and
- Any other similar noise reducing noise design and features.

## 2.6.6 Conclusion

No building locations or outdoor use areas have been determined. However, the Project could result in the construction of NSLUs on the Project site. If any NSLU structure is located within the 60 dBA CNEL contour and/or any exterior NSLU is located within the 65 dBA CNEL contour, the area must undergo a site-specific analysis to determine mitigation necessary to reduce the noise level at the exterior area to 65 dBA CNEL or below. Additionally, the analysis would determine measures necessary to reduce the interior noise level to 45 dBA CNEL. Because noise levels would exceed 60 dBA CNEL (**Impact N-1**), the dedication of a Noise Protection Easement would be required. This Noise Protection Easement would require future noise analysis with subsequent discretionary permits. Additionally, mitigation M-N-1 would reduce these impacts to below a level of significance.

Off-site Project-generated traffic noise increases would not result in a significant impact. No mitigation is necessary.

In order to comply with General Plan Goal N-2, mitigation measure M-N-3 includes the requirement of use-specific noise analyses for site-specific developments proposed in the future as a result of the SPA. This General Plan goal and resultant mitigation measure include examples of measures that would meet this goal, including limiting size or equipment, specific equipment location and orientation, noise barriers, and other similar noise reducing design elements and features. The proposed Project would be consistent with this General Plan goal and no additional mitigation is required.

Construction noise would not result in a significant impact. No mitigation is necessary.

## TABLE 2.6-1. *SOUND LEVELS OF TYPICAL NOISE SOURCES AND NOISE ENVIRONMENTS*

| Noise Source (at Given Distance) | Noise Environment | A-Weighted Sound Level | Human Judgment of Noise Loudness (Relative to Reference Loudness of 70 Decibels*) |
|---|---|---|---|
| Military Jet Takeoff with Afterburner (50 ft) | Carrier Flight Deck | 140 Decibels | 128 times as loud |
| Civil Defense Siren (100 ft) | | 130 | 64 times as loud |
| Commercial Jet Take-off (200 ft) | | 120 | 32 times as loud<br>Threshold of Pain |
| Pile Driver (50 ft) | Rock Music Concert<br>Inside Subway Station (New York) | 110 | 16 times as loud |
| Ambulance Siren (100 ft)<br>Newspaper Press (5 ft)<br>Gas Lawn Mower (3 ft) | | 100 | 8 times as loud<br>Very Loud |
| Food Blender (3 ft)<br>Propeller Plane Flyover (1,000 ft)<br>Diesel Truck (150 ft) | Boiler Room<br>Printing Press Plant | 90 | 4 times as loud |
| Garbage Disposal (3 ft) | Noisy Urban Daytime | 80 | 2 times as loud |
| Passenger Car, 65 mph (25 ft)<br>Living Room Stereo (15 ft)<br>Vacuum Cleaner (10 ft) | Commercial Areas | 70 | Reference Loudness<br>Moderately Loud |
| Normal Speech (5 ft)<br>Air Conditioning Unit (100 ft) | Data Processing Center<br>Department Store | 60 | 1/2 as loud |
| Light Traffic (100 ft) | Large Business Office<br>Quiet Urban Daytime | 50 | 1/4 as loud |
| Bird Calls (distant) | Quiet Urban Nighttime | 40 | 1/8 as loud<br>Quiet |
| Soft Whisper (5 ft) | Library and Bedroom at Night<br>Quiet Rural Nighttime | 30 | 1/16 as loud |
| | Broadcast and Recording Studio | 20 | 1/32 as loud<br>Just Audible |
| | | 0 | 1/64 as loud<br>Threshold of Hearing |

Source: Compiled by dBF Associates, Inc.

**TABLE 2.6-2. *SOUND LEVEL MEASUREMENTS (dBA)***

| Measurement Location | | Time | Leq | Lmin | Lmax | L10 | L50 | L90 | Traffic (C / MT / HT / MC) |
|---|---|---|---|---|---|---|---|---|---|
| ML1 | Southwest project site corner | 3:30 p.m. – 3:50 p.m. | 67.7 | 47.2 | 79.4 | 71.5 | 65.5 | 55.6 | 486 / 29 / 88 / 14 |
| ML2 | Southeast project site corner | 4:00 p.m. – 4:20 p.m. | 68.5 | 47.5 | 81.2 | 71.9 | 66.1 | 54.4 | 512 / 20 / 91 / 7 |

Notes:

Measurements conducted Wednesday, July 15, 2015.

C = cars, MT = medium trucks, HT = heavy trucks, MC = Motorcycles.

Additional noise sources included periodic aircraft to the north.

Measurements taken at approximately 75 feet from the centerline of Otay Mesa Road.

**TABLE 2.6-3. *SAN DIEGO COUNTY CODE SECTION 36404, SOUND LEVEL LIMITS IN DECIBLES (dBA)***

| ZONE | TIME | ONE-HOUR AVERAGE SOUND LEVEL LIMITS (dBA) |
|---|---|---|
| (1) RS, RD, RR, RMH, A70, A72, S80, S81, S90, S92, RV, and RU with a General Plan Land Use Designation density of less than 10.9 dwelling units per acre. | 7 a.m. to 10 p.m. | 50 |
| | 10 p.m. to 7 a.m. | 45 |
| (2) RRO, RC, RM, S86, FB-V5, RV and RU with a General Plan land Use Designation density of 10.9 or more dwelling units per acre. | 7 a.m. to 10 p.m. | 55 |
| | 10 p.m. to 7 a.m. | 50 |
| (3) S94, FB-V4, AL-V2, AL-V1, AL-CD, RM-V5, RM-V4, RM-V3, RM-CD, and all commercial zones. | 7 a.m. to 10 p.m. | 60 |
| | 10 p.m. to 7 a.m. | 55 |
| (4) FB-V1, FB-V2, RM-V1, RM-V2 | 7 a.m. to 7 p.m. | 60 |
| | 7 p.m. to 10 p.m. | 55 |
| FB-V1, RM-V2 | 10 p.m. to 7 a.m. | 55 |
| FB-V2, RM-V1 | 10 p.m. to 7 a.m. | 50 |
| FB-V3 | 7 a.m. to 10 p.m. | 70 |
| | 10 p.m. to 7 a.m. | 65 |
| (5) M50, M52 and M54 | Anytime | 70 |
| (6) S82, M56, and M58 | Anytime | 75 |
| (7) S88 (see subsection (c) below) | | |

(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 36.404 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 36.404, subsection (1) apply to property with a residential, agricultural or civic use. The limits in subsection (3) apply to property with a commercial use. The limits in subsection (5) apply to property with an industrial use that would only be allowed in an M50, M52 or M54 zone. The limits in subsection (6) apply to all property with an extractive use or a use that would only be allowed in an M56 or M58 zone.

## TABLE 2.6-4. *ON-SITE VEHICULAR TRAFFIC SOUND LEVELS*

| Roadway Segment | Future ADT Volume (vehicles) | Roadway Classification | Design Speed (mph) | Distance in Feet | |
|---|---|---|---|---|---|
| | | | | 65 dBA CNEL | 60 dBA CNEL |
| **Harvest Road** (vehicle mix: 96 / 2 / 2 / 0 / 0) | | | | | |
| Otay Mesa Road to Sunroad Boulevard | 27,000 | 4-Lane Collector | 40 | 195 | 615 |
| Sunroad Boulevard to Street A | 13,500 | 4-Lane Collector | 40 | 110 | 315 |
| **Sunroad Boulevard** (vehicle mix: 96 / 2 / 2 / 0 / 0) | | | | | |
| Otay Mesa Road to Lone Star Road | 33,400 | 4-Lane Major | 55 | 540 | 1615 |
| **Zinzer Road** (vehicle mix: 96 / 2 / 2 / 0 / 0) | | | | | |
| West of Sunroad Boulevard | 27,000 | 4-Lane Collector | 40 | 195 | 615 |
| Sunroad Boulevard to Lone Star Road | 13,500 | 2-Lane Collector | 40 | 100 | 265 |
| **Street A** (vehicle mix: 98 / 1 / 1 / 0 / 0) | | | | | |
| David Ridge Road to Zinser Road | 13,500 | 2-Lane Collector | 40 | 100 | 265 |
| **David Ridge Road** (vehicle mix: 98 / 1 / 1 / 0 / 0) | | | | | |
| Sunroad Boulevard to Vann Centre Boulevard | 13,500 | 2-Lane Collector | 40 | 100 | 265 |
| **Vann Centre Boulevard** (vehicle mix: 98 / 1 / 1 / 0 / 0) | | | | | |
| Otay Mesa Road to Lone Star Road | 27,000 | 4-Lane Collector | 40 | 195 | 515 |
| **Tech Centre Way** (vehicle mix: 98 / 1 / 1 / 0 / 0) | | | | | |
| Sunroad Boulevard to Lone Star Road | 13,500 | 2-Lane Collector | 40 | 100 | 265 |
| **Lone Star Road** (vehicle mix: 96 / 2 / 2 / 0 / 0) | | | | | |
| Vann Centre Boulevard to Sunroad Boulevard | 33,400 | 4-Lane Major | 55 | 540 | 1,615 |
| East of Sunroad Boulevard | 50,000 | 4-Lane Major | 55 | 815 | 2,530 |
| **Otay Mesa Road** (vehicle mix: 79 / 5 / 14 / 2 / 0) | | | | | |
| SR 125 Ramps to Harvest Road | 36,009 | 5-Lane Major | 55 | 590 | 2,315 |
| Harvest Road to Sanyo Avenue | 14,258 | 4-Lane Major | 55 | 305 | 915 |
| Sanyo Avenue to Vann Centre Boulevard | 16,200 | 2- Lane Local Collector | 40 | 235 | 580 |

Note: Assumed vehicle mixes, reported in cars / medium trucks / heavy trucks / buses / motorcycles.

**TABLE 2.6-5. *OFF-SITE TRAFFIC NOISE LEVELS (DIRECT IMPACTS)***

| Roadway Segment | Existing ADT (vehicles) | Existing + Project ADT (vehicles) | Project-Generated Noise Level Increase (dBA CNEL) |
|---|---|---|---|
| **Otay Mesa Road** | | | |
| West of Heritage Road | 9,670 | 11,717 | + 0.8 |
| Heritage Road to Cactus Road | 8,260 | 10,990 | + 1.5 |
| Cactus Road to Britannia Boulevard | 8,710 | 11,781 | + 1.4 |
| Britannia Boulevard to La Media Road | 8,600 | 14,401 | + 2.2 |
| La Media Road to Piper Ranch Road | 15,560 | 30,575 | + 2.9 |
| Piper Ranch Road to SR-125 Ramps | 13,110 | 29,148 | + 3.5 |
| SR-125 Ramps to Harvest Road | 10,510 | 37,468 | + 5.8 |
| Harvest Road to Sanyo Avenue | 10,410 | 28,154 | + 4.3 |
| Sanyo Avenue to Vann Centre Boulevard | 10,410 | 20,647 | + 3.0 |
| Vann Centre Boulevard to Enrico Fermi Drive | 10,090 | 14,867 | + 1.7 |
| **Britannia Boulevard** | | | |
| Otay Mesa Road to SR-905 Ramps | 10,800 | 13,530 | + 1.0 |
| **Sanyo Avenue** | | | |
| Otay Mesa Road to Airway Road | 5,600 | 7,989 | + 1.5 |
| **Enrico Fermi Drive** | | | |
| Otay Mesa Road to Airway Drive | 4,180 | 8,275 | + 3.0 |
| Airway Drive to Siempre Viva Road | 3,200 | 6,954 | + 3.4 |
| **Airway Road** | | | |
| Sanyo Avenue to Paseo del Las Americas | 2,810 | 4,175 | + 1.7 |
| **La Media Road** | | | |
| Otay Mesa Road to SR-905 Ramps | 15,700 | 24,572 | + 1.9 |
| **Siempre Viva Road** | | | |
| SR-905 Ramps to Paseo del Las Americas | 18,800 | 23,577 | + 1.0 |
| Paseo del Las Americas to Enrico Fermi Drive | 11,400 | 14,812 | +1.1 |

**TABLE 2.6-6. *GRADING NOISE SOURCE LEVELS***

| Noise Source | Noise Level | Number |
|---|---|---|
| Bulldozer | 85 dBA at 50 feet | 1 |
| Scraper | 85 dBA at 50 feet | 1 |
| Backhoe | 85 dBA at 50 feet | 1 |
| Water Truck | 85 dBA at 50 feet | 1 |
| Roller | 75 dBA at 50 feet | 1 |

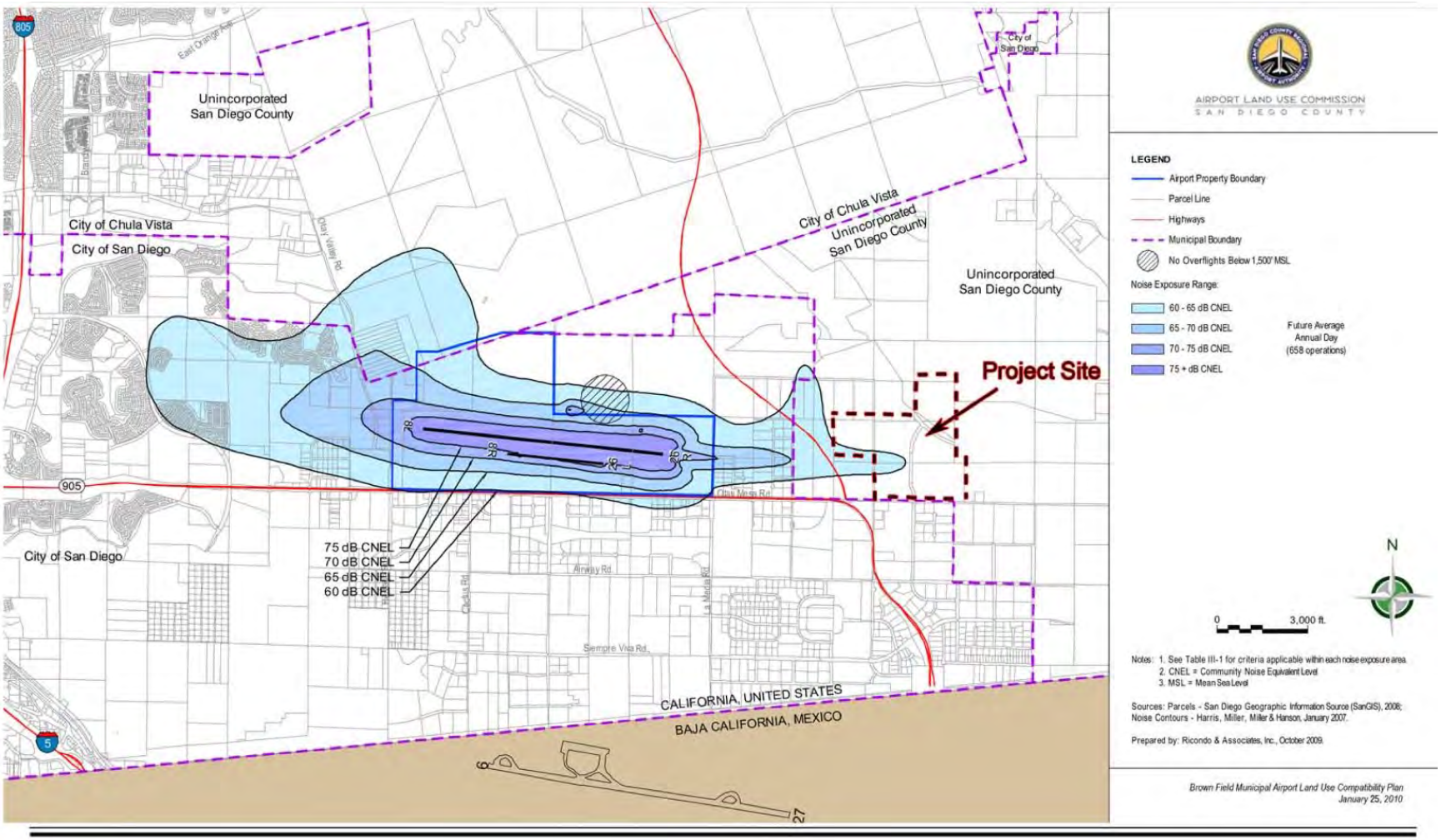



**FIGURE 2.6-1.** ***BROWN FIELD MUNICIPAL AIRPORT NOISE COMPATIBILITY MAP***

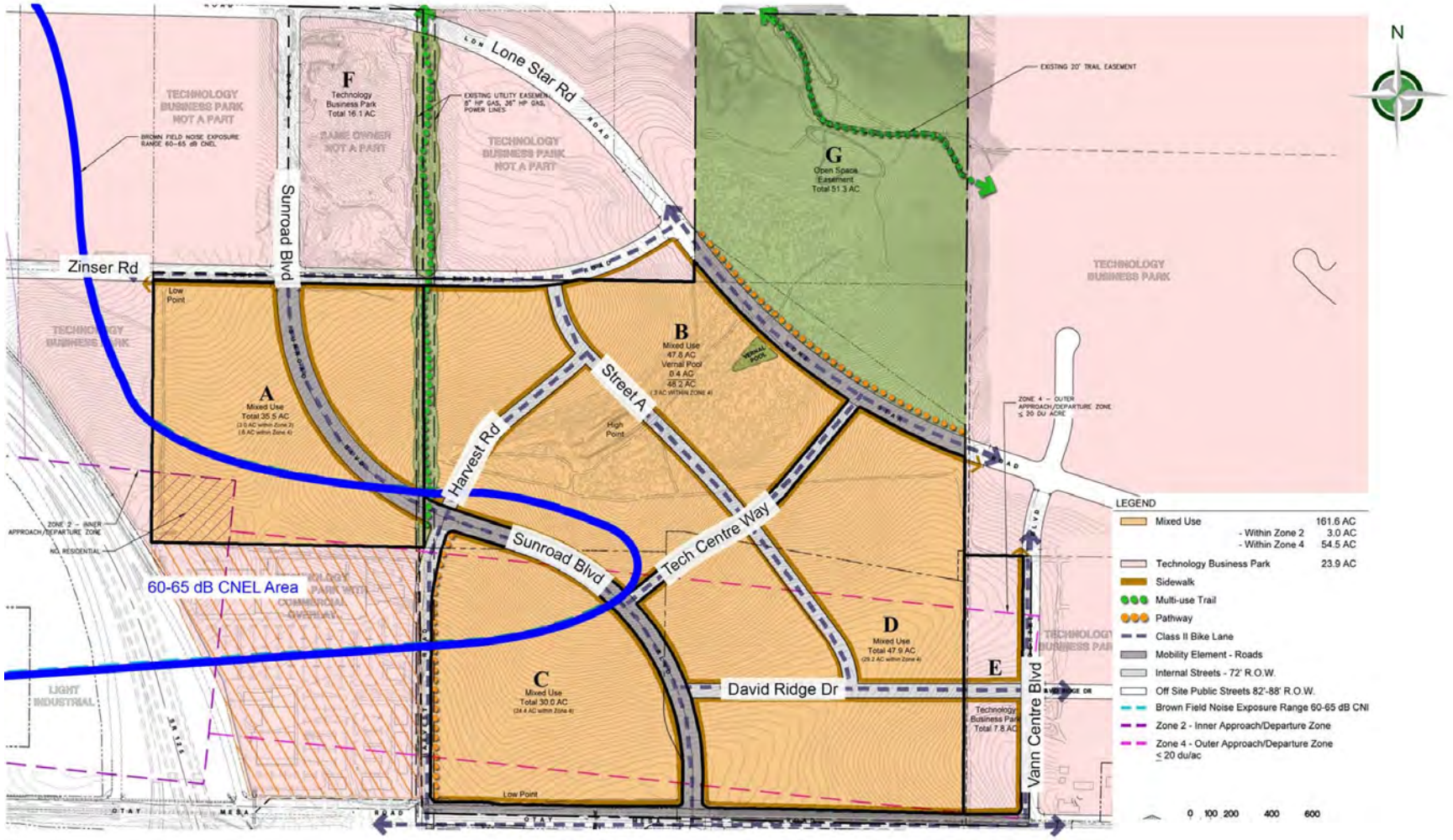



**FIGURE 2.6-2.** ***60 TO 65 DBA CNEL NOISE CONTOUR FROM BROWN FIELD MUNICIPAL AIRPORT***

# 2.7 Paleontological Resources

The analysis presented in this section evaluates the potential for impacts to paleontological resources based on existing geologic formations that underlay the Project site. Refer to Section 3.2.3, *Geology and Soils*, for a discussion of the geologic formations that could be affected by the Project.

## 2.7.1 Existing Conditions

### 2.7.1.1 *Environmental Setting*

Paleontological resources are the remains and/or traces of prehistoric life, exclusive of human remains, and include the localities where fossils were collected and the sedimentary rock formations from which they were obtained/derived. The defining character of fossils is their geologic age. Fossils or fossil deposits are generally regarded as older than 10,000 years, the generally accepted temporal boundary marking the end of the last Late Pleistocene glacial event and the beginning of the current period of climatic amelioration of the Holocene (County of San Diego 2009).

A unique paleontological resource is any fossil or assemblage of fossils, or paleontological resource site or formation that meets any one of the following criteria (County of San Diego 2009):

- The best example of its kind locally or regionally;
- Illustrates a paleontological or evolutionary principle (e.g., faunal succession; plant or animal relationships);
- Provides a critical piece of paleobiological data (illustrates a portion of geologic history or provides evolutionary, paleoclimatic, paleoecological, paleoenvironmental, or biochronological data);
- Encompasses any part of a “type locality” of a fossil or formation;
- Contains a unique or particularly unusual assemblage of fossils;
- Occupies a unique position stratigraphically within a formation; or
- Occupies a unique position, proximally, distally or laterally within a formation’s extent or distribution.

Per the County of San Diego (County) Guidelines, paleontological sensitivity is defined as follows:

- **High Sensitivity -** High sensitivity is assigned to geologic formations known to contain paleontological localities with rare, well-preserved, critical fossil materials for stratigraphic or paleoenvironmental interpretation, and fossils providing important information about the paleobiology and evolutionary history (phylogeny) of animal and plant groups. Generally speaking, highly sensitive formations produce vertebrate fossil remains or are considered to have the potential to produce such remains.

- **Moderate Sensitivity -** Moderate sensitivity is assigned to geologic formations known to contain paleontological localities with poorly preserved, common elsewhere, or stratigraphically unimportant fossil material. The moderate sensitivity category is also applied to geologic formations that are judged to have a strong, but unproven potential for producing important fossil remains (Bay Point Formation).

- **Low Sensitivity -** Low sensitivity is assigned to geologic formations that, based on their relatively youthful age and/or high-energy depositional history, are judged unlikely to produce important fossil remains. Typically, low sensitivity formations produce poorly-preserved invertebrate fossil remains in low abundance (Quaternary Alluvium).

- **Zero Sensitivity -** Zero sensitivity is assigned to geologic formations that are entirely igneous in origin and therefore have no potential for producing fossil remains. Artificial fill materials are also placed in this category.

## Underlying Geology

As described in the Geotechnical Investigation prepared by Geocon Incorporated (July 20, 2016), the Project area is underlain by undocumented fill soil, topsoil, alluvium/colluvium, Old Terrace Deposits, and the Otay Formation. The sensitivity for each of these geologic formations that may contain important paleontological resources is described below.

### Undocumented Fill Soils (Qudf)

Undocumented fill soils were observed throughout the north-central portion of the site. The undocumented fill soils contain considerable amounts of vegetation and debris. Undocumented Fill is not a native geologic unit and, therefore, has no potential for paleontological resources.

### Topsoil (Unmapped)

Soft clayey topsoil overlies the majority of the site and has a somewhat uniform thickness of two to three feet. The topsoil generally consists of silty to sandy clays and clayey sands. Residual Soil is not a native geologic unit and, therefore, has no potential for paleontological resources.

### Alluvium/Colluvium (Qal/Qc)

Undifferentiated alluvial/colluvial soils are composed primarily of compressible silty and sandy clays. The thickness of these soils range from three to seven feet with an average of five feet. Alluvium deposits are considered to have a “low” sensitivity for paleontological resources.

**Old Terrace Deposits (Qt)**

Quaternary-age Old Terrace Deposits consist of very dense, weakly-cemented to cohesionless sand, cobble, and boulders that cap the broad knoll in the central portion of the property and the southwestern corner of the site. Metavolcanic rock clasts are abundant and indicate that the Old Terrace Deposits probably originated from the nearby Otay Mountains. These terrace deposits are assigned a high paleontological resource sensitivity rating. Quaternary terrace deposits and Eocene Santiago Formation are considered to have a "high" sensitivity for paleontological resources

**Otay Formation (To)**

The Oligocene-age Otay Formation consists of very dense, light gray-brown to light brown, silty to clayey sandstones and hard, sandy claystones and siltstones. The Otay Formation is a fluvial sedimentary rock and numerous fossil localities have been discovered throughout San Diego County in this formation. Based on recent discoveries, the Otay Formation is considered to be a rich source of late Oligocene terrestrial vertebrates in California. Due to its potential to contain important, well-preserved fossils, the Otay Formation is assigned a "high" paleontological resource sensitivity rating.

## 2.7.1.2 *Methodology*

Geologic maps (at scales of 1:24,000, 1:100,000, etc.) of areas of San Diego County show the distribution of various geologic formations. Based on these maps and information on previously recorded fossil finds, geologic formations in San Diego County have been characterized as having High, Moderate, Low, Marginal, or No Potential for paleontological resource (Deméré and Walsh 1993). Because paleontological resources usually are irregularly dispersed throughout a geologic formation, both vertically as well as laterally, the location of fossils within a particular formation cannot be pre-determined. Comparing the Project site to a resource map showing the potential of formations to produce fossils is the first step in assessing the potential for paleontological resources to be present on a project site. More precise determinations of the potential presence of paleontological resources can be made by studying more detailed geologic maps.

In order to determine the occurrence of potentially significant paleontological resources, an evaluation of existing geological resources was undertaken by GEOCON, Inc. (Updated Geotechnical Investigation; July 20, 2015). Information from this investigation was utilized to determine the underlying soils and geologic formations of the Project site. The County's Guidelines for Determining Significance were then consulted to determine where significant impacts may occur.

## 2.7.1.3 *Regulatory Framework*

### State

#### California Environmental Quality Act

Under CEQA, lead agencies are required to consider impacts to unique paleontological resources. CEQA requires an assessment of impacts associated with the direct or indirect destruction of unique paleontological resources or sites that are of value to the region or State.

### Local

#### County of San Diego General Plan – Conservation and Open Space Element

The following goals and policies identified in the county General Plan Conservation and Open Space Element are applicable to the proposed project (County of San Diego 2011):

- **Goal COS-9: Education and Scientific Uses.** Paleontological resources and unique geologic features conserved for educational and/or scientific purposes.

- **Policy COS-9.1: Preservation.** Require the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes.

- **Policy COS-9.2: Impacts of Development.** Require development to minimize impacts to unique geological features from human related destruction, damage or loss.

#### County of San Diego Grading Ordinance

The County Grading Ordinance requires that projects involving grading, clearing, and/or removal of natural vegetation obtain a grading permit, unless the project meets one or more of the exemptions listed in Section 87.202 of the Grading Ordinance. The grading permit is discretionary and requires compliance with CEQA. Section 87.430 of the Grading Ordinance provides that the County official (e.g., permit compliance coordinator) may require a paleontological monitor during all or selected grading operations, to monitor for the presence of paleontological resources. If fossils greater than 12 inches in any dimension are encountered, then all grading operations in the area of discovery must be suspended immediately and not resumed until authorized by the County official. The Ordinance also requires immediate notification of the County official regarding the discovery. The County official must determine the appropriate resource recovery operation, which the permittee must carry out prior to the County official's authorization to resume normal grading operations (County of San Diego 2012).

## 2.7.2 Analysis of Project Effects and Determination as to Significance

### 2.7.2.1 *Guidelines for Determination of Significance*

For the purposes of this SEIR, the Project would result in a significant impact to Paleontological Resources if it:

a) Proposes activities directly or indirectly damaging to a unique paleontological resource or site. A significant impact to paleontological resources may occur as a result of the Project if Project-related grading or excavation would disturb the substratum or parent material below the major soil horizons in any paleontologically sensitive area of the County, as shown on the San Diego County Paleontological Resources Potential and Sensitivity Map.

This guideline is derived from CEQA (Appendix G). It requires the evaluation of paleontological resources to determine whether a proposed action will have a significant effect upon paleontological resources.

### 2.7.2.2 *1994 East Otay Mesa Specific Plan EIR*

The East Otay Mesa Specific Plan EIR did not address impacts to paleontological resources. As such, the County of San Diego has determined that the current SEIR must evaluate the potential for site-specific impacts to previously undisclosed sensitive paleontological resources.

### 2.7.2.3 *2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

The East Otay Mesa Specific Plan Sunroad Centrum SEIR did not address impacts to paleontological resources. As such, the County of San Diego has determined that the current SEIR must evaluate the potential for site-specific impacts to previously undisclosed sensitive paleontological resources.

### 2.7.2.4 *2012 Sunroad Otay Tech Centre Addendum*

The 2012 Sunroad Otay Tech Centre Addendum did not address impacts to paleontological resources. As such, the County of San Diego has determined that the current SEIR must evaluate the potential for site-specific impacts to previously undisclosed sensitive paleontological resources.

### 2.7.2.5 *Proposed Project*

Guidelines for the Determination of Significance:

> *Would the proposed Project result in activities directly or indirectly that have the potential to damage a unique paleontological resource or site?*

The Project site is located within a "High" paleontological sensitive area of the County, as shown on the County Paleontological Resources Potential and Sensitivity Map (County of San Diego 2009). The upper sandstone/mudstone member of the Otay Formation is considered to have "high paleontological resource sensitivity" and the middle gritstone and lower fanglomerate members of the Otay Formation are considered to have "moderate paleontological resource sensitivity." Both of these members occur within the Project site. Furthermore, the Otay Formation is considered the richest source of Late Oligocene terrestrial vertebrates in California. The Project would result in 1,350,000 cubic yards of cut (utilized as fill elsewhere on the site), which may occur in part within areas of Otay Formation. This volume of excavation would exceed the County's threshold of 2,500 cubic yards in areas of high or moderate paleontological sensitivity and, therefore, implementation of the proposed Project could result in potentially significant impacts to these paleontological resources (**Impact PR-1**). According to the County Guidelines for Determining Significance for Paleontological Resources, monitoring of excavation activities during grading is required and unearthed fossil remains are to be salvaged, identified, and prepared for curation.

## 2.7.3 Cumulative Impact Analysis

Cumulative projects which affect the same underlying geologic formation as the proposed Project could have the potential to result in similar impacts to important paleontological resources, particularly if the Otay Formation would be affected by grading for those projects. Table 1-6, *Cumulative Projects List*, provides a summary of all the cumulative projects along with their identified impacts to each of the environmental issue areas addressed by this SEIR. Specifically identified in Table 1-6, four projects contain paleontologically sensitive geologic formations that have the potential to result in significant impacts to paleontological resources. Together with the proposed Project, cumulatively significant impacts to paleontological resources could result (**Impact PR-2).**

It should be noted that the City of San Diego has similar thresholds of significance and monitoring requirements for paleontological resources. As such, impacts to paleontological resources within the City and County portions of Otay Mesa would be subject to similar mitigation requirements. As required mitigation, all of these projects would provide paleontological monitors during grading and earthwork activities. In the event that fossils were uncovered during earthwork and grading activities, a fossil data recovery program would be implemented for each project, which would consist of collecting, cleaning, and cataloguing significant discovered fossils.

Although cumulatively significant impacts to paleontological resource deposits could occur as a result of grading activities associated with the proposed Project when considered with other development on Otay Mesa, the proposed Project and other projects that result in grading within the Otay Formation would be required to implement measures to mitigate those impacts. Thus, cumulative effects associated with paleontological resources would be mitigated to below a level of significance.

## 2.7.4 Significance of Impacts Prior to Mitigation

The following significant impacts were identified in the analysis of the Project's effect on paleontological resources:

**PR-1** Potential impacts to paleontological resources within the upper sandstone/mudstone, middle gritstone, and lower fanglomerate members of the Otay Formation. (Potentially significant direct impact.)

**PR-2** Contribution to cumulative paleontological resources impacts within the cumulative project area. (Potentially significant cumulative impact.)

## 2.7.5 Mitigation

**M-PR-1** Paleontological monitoring shall be conducted during all mass grading and excavation activities in surface exposures of the Otay Formation to mitigate any adverse impacts (i.e., loss or destruction) to potential nonrenewable paleontological resources. A mitigation monitoring and reporting program consistent with County and CEQA guidelines and requirements shall be implemented prior to any mass grading and/or excavation-related activities, including utility trenching, within the Otay Formation. The mitigation monitoring and reporting program shall be conducted in accordance with the following procedures:

A. A Qualified Paleontologist or Paleontological Resources Monitor (under the supervision of the Qualified Paleontologist) shall be on-site during all excavation operations within geologic formations that may contain paleontological resources (i.e., the Otay Formation). The Qualified Project Paleontologist is a person with a Ph.D. or master's degree in paleontology or related field, and who has knowledge of San Diego County paleontology, and documented experience in professional paleontological procedures and techniques. A Paleontological Monitor is defined as an individual with at least 1 year of experience in field identification and collection of fossil materials. The Paleontological Monitor shall work under the direct supervision of the Qualified Paleontologist. The applicant shall authorize the Qualified Paleontologist and/or Paleontological Monitor to direct, divert, or halt any grading activity, and to perform all other acts required by the provisions listed below.

B. The Qualified Paleontologist and/or Paleontological Monitor shall monitor all grading and excavation activities of undisturbed formations of sedimentary rock;

C. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall do the following:

1. Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined and the appropriate recovery implemented.

2. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.

3. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the Project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting.

4. Prepare collected fossil remains for curation to include cleaning the fossils by removing the enclosing rock material; stabilizing fragile specimens using glues and other hardeners, if necessary; and repairing broken specimens.

5. Curate, catalog, and identify all fossil remains to the lowest taxon possible; inventory specimens; assign catalog numbers; and enter the appropriate specimen and locality data into a collection database.

6. Transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display. The transfer shall include copies of relevant field notes, maps, stratigraphic sections, and photographs.

D. The Qualified Paleontologist shall prepare a final Paleontological Resources Mitigation Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

E. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the report according to the County PDS Electronic Submittal Format Guidelines.

## 2.7.6 Conclusion

The proposed Project would result in potentially significant direct and cumulative impacts to paleontological resources (Impacts **PR-1** and **PR-2**, respectively). Mitigation measure **M-PR-1** for paleontological monitoring and salvage of fossils during all mass grading and excavation activities requires mitigation of any adverse impacts from loss or destruction of paleontological resources. Implementation of the mitigation measure would reduce the potentially significant impacts (direct, cumulative) to paleontological resources to a less than significant level.

# 2.8 Transportation and Traffic

This section of the SEIR analyzes the transportation and traffic-related environmental effects evaluated in the previous environmental documents (the 1994 EIR, the 2000 SEIR, and the 2012 Addendum). Additionally, this section summarizes information from the *Traffic Impact Analysis* prepared by Linscott Law and Greenspan (December 8, 2016) for the proposed Project, included as Appendix K of this SEIR, and evaluates existing conditions for the transportation facilities within the Project area addressed in this SEIR, as well as the potential traffic impacts that could result from implementation of the proposed Project.

One comment letter was received during the NOP scoping period that addressed transportation and traffic (see Appendix A). This comment, from Marathon Land and Cattle Company, requested that the EIR analyze alternative alignments of Zinser Road and Harvest Road. The Project has been designed to accommodate the County's approved alignments for those roadways. Furthermore, the alignments are consistent with what has been approved for TM ~~5538~~5139.

## 2.8.1 Existing Conditions

### 2.8.1.1 *Environmental Setting*

**Study Area**

Effective evaluation of the traffic impacts associated with the proposed development requires an understanding of the existing transportation system in the Project study area. Existing transportation conditions in the study area include roadway geometry, traffic control, and peak period/daily traffic flow. The principal roadways in the Project study area are described briefly below. Figure 2.8-1, *Existing Conditions Diagram*, depicts the existing conditions on the ground today.

The study area was determined in accordance with the County of San Diego and City of San Diego's published traffic impact analysis requirement guidelines. The study area includes the following 23 intersections, 18 street segments, and three freeway mainline segments. These locations were chosen because they would carry the majority of Project traffic.

**Intersections**

1. Otay Mesa Road/Heritage Road
2. Otay Mesa Road/Cactus Road
3. Otay Mesa Road/Britannia Boulevard
4. Otay Mesa Road/La Media Road
5. Otay Mesa Road/Piper Ranch Road
6. Otay Mesa Road/SR-125 SB Off-Ramp

7. Otay Mesa Road/SR-125 NB On-Ramp
8. Otay Mesa Road/Harvest Road
9. Otay Mesa Road/Sanyo Avenue
10. Otay Mesa Road/Vann Centere Boulevard
11. Otay Mesa Road/Enrico Fermi Drive
12. Britannia Boulevard/SR-905 WB Ramps
13. Britannia Boulevard/SR-905 EB Ramps
14. La Media Road/SR-905 WB Ramps/St. Andrews Avenue
15. La Media Road/SR-905 EB Ramps
16. Airway Road/Sanyo Avenue
17. Airway Road/Paseo de las Americas
18. Airway Road/Enrico Fermi Drive
19. Siempre Viva Road EB/SR-905 SB Ramps
20. Siempre Viva Road WB/SR-905 SB Off-Ramp
21. Siempre Viva Road/SR-905 NB Ramps
22. Siempre Viva Road/Paseo de las Americas
23. Siempre Viva Road/Enrico Fermi Drive

**Street Segments**

Otay Mesa Road:
- West of Heritage Road
- Heritage Road to Cactus Road
- Cactus Road to Britannia Boulevard
- Britannia Boulevard to La Media Road
- La Media Road to Piper Ranch Road
- Piper Ranch Road to SR-125
- SR-125 to Harvest Road
- Harvest Road to Sanyo Avenue
- Sanyo Avenue to Vann Centre Drive
- Vann Centre Drive to Enrico Fermi Drive

Britannia Boulevard:
- Otay Mesa Road to SR-905

Sanyo Avenue:
- Otay Mesa Road to Airway Road

Enrico Fermi Drive:
- Otay Mesa Road to Airway Road
- Airway Road to Siempre Viva Road

Airway Road:
- Sanyo Avenue to Paseo de las Americas

La Media Road:
- Otay Mesa Road to SR-905 WB Ramps/St. Andrews Avenue

Siempre Viva Road:
- SR-905 to Paseo de las Americas
- Paseo de las Americas to Enrico Fermi Drive

**Freeway Mainline Segments**

SR-905:

- Heritage Road to Britannia Boulevard
- Britannia Boulevard to La Media Road
- La Media Road to Siempre Viva Road

**Existing Roadway Network**

The following is a description of the surrounding roadway network:

*SR-905* is a six-lane freeway, opened in July 2012, that provides a direct east-west connection from I-805 to the Otay Mesa Port of Entry (POE). The posted speed limit is 55 mph. SR-905 is part of an ongoing effort to construct a transportation facility from I-805 to the Otay Mesa POE at the US - Mexico Border to provide for more efficient transportation of people, goods, and services within the Otay Mesa region of San Diego. The corridor is being built in multiple phases with Phases 1A and 1B, the mainlines of the freeway, already constructed and open to traffic. Phase 2 improvements to the I-805/SR-905 interchange have also been completed. Phase 3A will construct the northbound connectors between SR-905 and SR-125. Funding from the Trade Corridor Improvement Fund (TCIF) has been allocated for the construction of Phase 3A. Based on the most current information available from Caltrans, funding for the subsequent Phase 3B, which will construct the southbound connectors between SR-905 and SR-125, and Phase 4, which will construct an interchange at Heritage Road, has not yet been secured.

*Otay Mesa Road* falls under the jurisdiction of the City of San Diego west of Piper Ranch Road and under the jurisdiction of the County of San Diego east of Piper Ranch Road. Within the study area, Otay Mesa Road west of Piper Ranch Road is classified as a six-lane Prime Arterial with Class II bike lanes in the City's *Otay Mesa Community Plan Mobility Element* (City of San Diego 2014). In the County's General Plan *Otay Mobility Element* (County of San Diego 2011), Otay Mesa Road is classified as a Prime Arterial with Class II bike lanes between Piper Ranch Road and Enrico Fermi Drive, and as a Major Road with Class II bike lanes east of Enrico Fermi Drive. Otay Mesa Road is currently constructed as a six-lane Prime Arterial between west of Heritage Road and La Media Road, as a five-lane Major Road between La Media Road and Piper Ranch Road, as a six-lane Prime Arterial between Piper Ranch Road and SR-125, as a five-lane Major Road between SR-125 and Harvest Road, as a four-lane Major Road between Harvest Road and Sanyo Avenue and as a two-lane Collector east of Sanyo Avenue. Curbside parking is generally prohibited and bike lanes are provided east of SR-125.

*Airway Road* primarily falls under the jurisdiction of the City of San Diego. Airway Road is classified as a four-lane Major Road with a Class I bike path and Class II bike lanes from Sanyo Avenue to Paseo De Las Americas in the City's *Otay Mesa Community Plan Mobility Element*. Airway Road is currently a four-lane Major Road. Curbside parking is prohibited, and bike lanes are not currently provided.

*Siempre Viva Road* primarily falls under the jurisdiction of the City of San Diego. Siempre Viva Road is classified as a six-lane Prime Arterial with Class II bike lanes from west of the SR-905 to Enrico Fermi Drive on the City's *Otay Mesa Community Plan Mobility Element*. Siempre Viva Road is currently a six-lane Prime Arterial. Curbside parking is generally prohibited and bike lanes are currently provided east of La Media Road.

*Britannia Boulevard* falls under the jurisdiction of the City of San Diego. Britannia Boulevard is classified as a six-lane Prime Arterial with Class II bike lanes from Otay Mesa Road to SR-905 on the City's *Otay Mesa Community Plan Mobility Element*. Britannia Boulevard is currently a six-lane Prime Arterial between Otay Mesa Road and SR-905. Curbside parking is prohibited and bike lanes are not currently provided.

*La Media Road* falls under the jurisdiction of the City of San Diego. La Media Road is classified as a six-lane Prime Arterial with Class II bike lanes from Otay Mesa Road to SR-905 on the City's *Otay Mesa Community Plan Mobility Element*. La Media Road is currently a five-lane Major Road between Otay Mesa Road and SR-905. Curbside parking is prohibited and bike lanes are not currently provided.

*Harvest Road* falls under the jurisdiction of the City of San Diego south of Otay Mesa Road and under the jurisdiction of the County of San Diego north of Otay Mesa Road. Harvest Road north of Otay Mesa Road is unclassified on the County's General Plan *Otay Mobility Element*, but is classified as a four-lane Road in the *East Otay Mesa Business Park Specific Plan.* Harvest Road north of Otay Road is currently a two-lane undivided roadway. Harvest Road north of Otay Mesa Road is proposed to be improved by the Project and would serve as one of the Project's main access points.

*Sanyo Avenue* falls under the jurisdiction of the City of San Diego south of Otay Mesa Road and is classified as a four-lane Collector with Class II bike lanes on the City's *Otay Mesa Community Plan Mobility Element*. Sanyo Road is currently a four-lane Collector. Parking is prohibited and bike lanes are not currently provided. Sanyo Avenue north of Otay Mesa Road is proposed to be constructed by the Project and would serve as one of the Project's main access points.

*Enrico Fermi Drive* falls under the jurisdiction of the County of San Diego. It is classified as a four-lane Major Road with Class II bike lanes on the County's General Plan *Otay Mobility Element*. Enrico Fermi Drive is currently a two-lane Collector with a reduced shoulder between Otay Mesa Road and Airway Road, and as a four-lane Major Road south of Airway Road.

**Existing Traffic Volumes**

Peak hour freeway volumes were obtained from data collected during May 2015, as described in Section 2.8.1.2, *Methodology* below. Figure 2.8-2, *Existing Traffic Volumes*, graphically depicts existing traffic volumes in the Project vicinity.

**Existing Levels of Service**

### Intersection Operations

Table 2.8-1, *Existing Intersection Operations*, summarizes the intersection operations under existing conditions. As seen in Table 2.8-1, the study intersections are calculated to currently operate at acceptable levels of service with the exception of the following:

4. Otay Mesa Road / La Media Road (LOS F during the AM peak hour and LOS E during the PM peak hour)
8. Otay Mesa Road / Harvest Road (LOS E during the AM peak hour)

### Daily Street Segment Operations

Table 2.8-2, *Existing Segment Operations*, summarizes the roadway segment operations under Existing conditions. As seen in Table 2.8-2, the study area segments are calculated to currently operate at acceptable levels of service.

### Freeway Mainline Operations

Table 2.8-3, *Existing Freeway Segment Operations*, summarizes the freeway mainline operations along SR-905 under Existing conditions. As seen in Table 6–3, the study area freeway mainline segments are calculated to currently operate at acceptable levels of service during the AM and PM peak hours.

## 2.8.1.2 Methodology

As described above, the study area was determined in accordance with the County of San Diego and City of San Diego's published traffic impact analysis requirement guidelines. Existing weekday AM and PM peak hour (7:00-9:00 AM and 4:00-6:00 PM) turning movement counts at the study intersections and 24-hour ADT volumes along the study area street segment were conducted on Thursday, May 14, 2015 while area schools in the area were in session. Freeway volumes were obtained from the Performance Measurement System (PeMS). The PeMS software distributes real-time peak hour and average daily traffic volumes and provides a graphical representation of volumes at each PeMS station location. Peak hour freeway volumes were obtained from data collected during May 2015. Figure 2.8-2, *Existing Traffic Volumes*, graphically depicts existing traffic volumes in the Project vicinity.

### Level of Service

LOS is a professional industry standard by which the operating conditions of a given street segment or intersection is measured. Level of Service is defined on a scale of A to F; where LOS A represents the best operating conditions and LOS F represents the worst operating conditions. LOS A facilities are characterized as having free flowing traffic

conditions with no restrictions on maneuvering or operating speeds; traffic volumes are low and travel speeds are high. LOS F facilities are characterized as having forced flow with many stoppages and low operating speeds. In general, the region-wide goal for an acceptable Level of Service on all street segments and intersections is "D".

### Intersections

***Signalized intersections*** were analyzed under AM and PM peak hour conditions. Average vehicle delay was determined utilizing the methodology found in Chapter 18 of the *2010 Highway Capacity Manual (HCM),* with the assistance of the *Synchro* (version 8 computer software. The delay values (represented in seconds) were qualified with a corresponding intersection LOS.

***Unsignalized intersections*** were analyzed under AM and PM peak hour conditions. Average vehicle delay and LOS was determined based upon the procedures found in Chapter 19 of the *2010 HCM.* Synchro version 8 was utilized to analyze the AM and PM peak hour conditions of the intersections in the Project vicinity.

### Street Segments

Even though the proposed Project lies within the County of San Diego, the street segments in the vicinity of the proposed Project are located in both the jurisdictions of the County and City of San Diego. Therefore, for the purpose of this report, the daily traffic volumes of the street segments in the vicinity of the Project were compared to the County or City of San Diego Level of Service classification thresholds, depending on whether the street segment is located within the County's or City's jurisdiction.

### Freeway Mainline

Freeway segments were analyzed during the AM and PM peak hours based on the methodologies developed by Caltrans District 11. Freeway segment LOS is based on the volume to capacity ratio on the freeway.

The analysis of freeway segment LOS is based on the procedures developed by Caltrans District 11 as described in the Highway Capacity Manual. The procedure involves comparing the peak hour volume of the mainline segment to the theoretical capacity of the roadway (V/C). The procedure for calculating freeway LOS involves the estimation of volume to capacity (V/C) ratio using the following equation:

V/C = Peak Hour Volume / Capacity

The resulting V/C is then compared to accepted ranges of V/C values corresponding to the various LOS for each facility classification. The corresponding Level of Service represents an approximation of existing or anticipated future freeway operating condition in the peak direction of travel during the peak hour.

## *2.8.1.3 Regulatory Framework*

**Local**

### County of San Diego Guidelines for Determining Significance

The following criteria was utilized to evaluate potential significant impacts, based on the County's document, *Guidelines for Determining Significance*, August 24, 2011, for study area facilities within the County of San Diego. For study area facilities located in the City of San Diego, the City of San Diego's guidelines were used.

*Intersections*

*Signalized Intersections*—Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic volume or LOS traffic impact on a signalized intersection:

- The additional or redistributed ADT generated by the proposed project will significantly increase congestion on a signalized intersection currently operating at LOS E or LOS F, or will cause a signalized intersection to operate at a LOS E or LOS F as identified in Table 2.8-4.
- Based upon an evaluation of existing accident rates, the signal priority list, intersection geometrics, proximity of adjacent driveways, sight distance, or other factors, the project would significantly impact the operations of the intersection.

*Unsignalized Intersections*—The operating parameters and conditions for unsignalized intersections differ dramatically from those of signalized intersections. Very small volume increases on one leg or turn and/or through movement of an unsignalized intersection can substantially affect the calculated delay for the entire intersection. Significance criteria for unsignalized intersections are based upon a minimum number of trips added to a critical movement at an unsignalized intersection.

Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic impact on an unsignalized intersection as listed in Table 2.8-4 and described as text below:

- The additional or redistributed ADT generated by the proposed project will add 21 or more peak hour trips to a critical movement of an unsignalized intersection, and cause an unsignalized intersection to operate below LOS D, or
- The additional or redistributed ADT generated by the proposed project will add 21 or more peak hour trips to a critical movement of an unsignalized intersection currently operating at LOS E, or

- The additional or redistributed ADT generated by the proposed project will add six or more peak hour trips to a critical movement of an unsignalized intersection, and cause the unsignalized intersection to operate at LOS F, or
- The additional or redistributed ADT generated by the proposed project will add six or more peak hour trips to a critical movement of an unsignalized intersection currently operating at LOS F, or
- Based upon an evaluation of existing accident rates, the signal priority list, intersection geometrics, proximity of adjacent driveways, sight distance, or other factors, the project would significantly impact the operations of the intersection.

Using County of San Diego guidelines, impacts calculated in the Existing + Project scenario are considered "direct" and impacts calculated in the Existing + Project + Cumulative Projects time frame are considered "cumulative".

**County of San Diego General Plan Mobility Element**

*Street Segments*

Pursuant to the County's *General Plan Mobility Element*, new development must provide improvements or other measures to mitigate traffic impacts to avoid:

- Reduction in LOS below "C" for on-site Mobility Element roads;
- Reduction in LOS below "D" for off-site and on-site abutting *Mobility Element* roads; and
- "Significantly impacting congestion" on roads that operate at LOS "E" or "F". If impacts cannot be mitigated, the project cannot be approved unless a statement of overriding findings is made pursuant to the State CEQA Guidelines. The *Mobility Element*, however, does not include specific guidelines for determining the amount of additional traffic that would "significantly impact congestion" on such roads.

The County has created the following guidelines to evaluate likely traffic impacts of a proposed project for road segments and intersections serving that project site, for purposes of determining whether the development would "significantly impact congestion" on the referenced LOS E and F roads. The guidelines are summarized in Table 2.8-5, *Measures of Significant Project Impacts to Congestion on Mobility Element Road Segments/Allowable Increases on Congested Road Segment.* The thresholds in Table 2.8-5 are based upon average operating conditions on County roadways. It should be noted that these thresholds only establish general guidelines, and that the specific project location must be taken into account in conducting an analysis of traffic impact from new development.

*On-site Mobility Element Roads*—The *General Plan Mobility Element* Policy 2.1 (ME Policy 2.1) states that "new development shall provide needed roadway expansion and improvements on-site to meet demand created by the development, and to maintain LOS

C on Mobility Element Roads during peak traffic hours". Pursuant to this policy, a significant traffic impact would result if:

> The additional or redistributed ADT generated by the proposed land development project will cause on-site *Mobility Element* Roads to operate below LOS C during peak traffic hours except within the Otay Ranch and Harmony Grove Village plans as specified in the previously adopted G*eneral Plan's* PFE, Implementation Measure 1.1.2.

*Off-site Circulation Element Roads*— ME Policy 2.1 also addresses off-site *Mobility Element* roads. It states that "new development shall provide off-site improvements designed to contribute to the overall achievement of LOS D on *Mobility Element* Roads." ME Policy 2.1 addressed projects that would significantly impact congestion on roads operating at LOS E or F. It states, "new development that would significantly impact congestion on roads operating at LOS E or F, either currently or as a result of the project, will be denied unless improvements are scheduled to attain a LOS to D or better or appropriate mitigation is provided." In circumstances in which appropriate mitigation is not feasible, the project can only be approved if "a specific statement of overriding findings is made pursuant to" the State CEQA Guidelines. The following significance guidelines define a method for evaluating whether or not increased traffic volumes generated or redistributed from a proposed project will "significantly impact congestion" on County roads, operating at LOS E or F, either currently or as a result of the project.

Traffic volume increases from public or private projects that result in one or more of the following criteria will have a significant traffic volume or LOS impact on a road segment:

> The additional or redistributed ADT generated by the proposed project will significantly increase congestion on a Mobility Element Road or State Highway currently operating at LOS E or LOS F, or will cause a Mobility Element Road or State Highway to operate at a LOS E or LOS F as a result of the proposed project as identified in Table 2.8-5, or t~~T~~he additional or redistributed ADT generated by the proposed project will cause a residential street to exceed its design capacity.

**City of San Diego Significance Criteria**

The proposed project could result in impacts to intersections located in the City of San Diego Otay Mesa Community Plan area, which is situated west of the County's Otay Subregional Plan area. Therefore, for intersections located in the City of San Diego, the City's thresholds for determining significance apply and are utilized as such below.

According to the City of San Diego's *Significance Determination Thresholds* dated January 2011, a project is considered to have a significant impact if project traffic would decrease the operations of surrounding roadways by a defined threshold. For projects deemed complete on or after January 1, 2007, the City defined thresholds are shown in Table 2.8-6, *City of San Diego Traffic Impact Significance Thresholds.*

The impact is designated either a "direct" or "cumulative" impact. According to the City's *Significance Determination Thresholds*:

> *"Direct* traffic impacts are those projected to occur at the time a proposed development becomes operational, including other developments not presently operational but which are anticipated to be operational at that time (opening day)."
>
> *"Cumulative* traffic impacts are those projected to occur at some point after a proposed development becomes operational, such as during subsequent phases of a project and when additional proposed developments in the area become operational (short-term cumulative) or when affected community plan area reaches full planned buildout (long-term cumulative)."
>
> It is possible that a project's opening day (direct) impacts may be reduced in the long term, as future projects develop and provide additional roadway improvements (for instance, through implementation of traffic phasing plans). In such a case, the project may have direct impacts but not contribute considerably to a cumulative impact."
>
> For intersections and roadway segments affected by a project, level of service (LOS) D or better is considered acceptable under both direct and cumulative conditions."

If the project exceeds the thresholds in Table 2.8-6, then the project is considered to have a significant "direct" or "cumulative" project impact. A significant impact can also occur if a project causes the Level of Service to degrade from D to E, even if the allowable increases in Table 2.8-6 are not exceeded. A feasible mitigation measure will need to be identified to return the impact within the City thresholds, or the impact will be considered significant and unmitigated.

## 2.8.2 Analysis of Project Effects and Determination as to Significance

### 2.8.2.1 *Guidelines for Determination of Significance*

Based on Appendix G of the CEQA Guidelines, the Project would result in a significant impact to transportation and traffic if the Project would:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
e) Result in inadequate emergency access.
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Guideline (b) is not addressed further as it is no longer applicable for the San Diego region. California State Proposition 111, passed by voters in 1990, established a requirement that urbanized areas prepare and regularly update a Congestion Management Program (CMP). The requirements within the State CMP were developed to monitor the performance of the transportation system, develop programs to address near-term and long-term congestion, and better integrate transportation and land use planning. SANDAG provided regular updates for the state CMP from 1991 through 2008. In October 2009, the San Diego region elected to be exempt from the State CMP and, since this decision, SANDAG has been abiding by 23 CFR 450.320 to ensure the region's continued compliance with the federal congestion management process.

### *2.8.2.2 1994 East Otay Mesa Specific Plan EIR*

The 1994 EIR included an analysis of transportation regulations pertinent at the time of adoption, as well as existing conditions and impacts related to the East Otay Mesa Specific Plan project. The 1994 EIR identified the following transportation and circulation impact:

- Interjurisdictional inconsistencies in future roadway designations

Mitigation for transportation impacts was general and required interjurisdictional coordination for future roadway designations. Due to the general nature of these mitigation measures and the fact that all applicable interjurisdictional roadways have been constructed, the mitigation measures included in the 1994 EIR are superseded by mitigation included within this section and are not applicable to the Project. The 1994 EIR mitigation measures are located on page 4.7-28 of the 1994 EIR.

### *2.8.2.3 2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR*

The 2000 SEIR also addressed transportation/traffic and contained new mitigation for new impacts (due to the extension of Otay Mesa Road to SR-905), in addition to carrying

over previous mitigation that remained applicable to the Sunroad Centrum project. That mitigation is also superseded by the Project-specific mitigation included within this section ~~due to its broad and general nature~~. The 2000 SEIR mitigation measures are located on pages 2-62 through 2-66 of the 2000 SEIR.

## *2.8.2.4 2012 Sunroad Otay Tech Centre Addendum*

A project-specific traffic study was prepared for the Sunroad Otay Tech Centre project (LLG Engineers, December 2, 2011). The traffic study found that the project would result in significant direct impacts to Otay Mesa Road between Sanyo Avenue and Vann Centre Boulevard; Otay Mesa Road between Heritage Road and SR-125 northbound ramp; and intersections of Otay Mesa Road/Harvest Road, Otay Mesa Road/Sanyo Avenue., and Otay Mesa Road/Heritage Road. The project would have cumulative impacts to intersections of Otay Mesa Road/Vann Centre ~~Blvd~~Boulevard., Airway Road/Sanyo Avenue., and Airway/Paseo De La Americas. Mitigation measures were required to reduce impacts to less than significant. The 2012 Addendum mitigation measures are located on pages 24 through 26 of the 2012 Addendum. Mitigation measures are required for the proposed Project, which supersede applicable measures included in the 2012 Addendum.

## *2.8.2.5 Proposed Project*

**Circulation System Operations ~~and Congestion Management~~**

Guideline for the Determination of Significance:

> *Would the proposed Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*
>
> ~~*Would the proposed Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*~~

**Project Trip Generation**

The Project proposes to develop up to 3,158 residential dwelling units, 47.7 acres of Technology Park land uses, a 6.8-acre Neighborhood Shopping Center, and 1.0 acre of Specialty Retail land uses. Trip generation rates for the Project were obtained from the *(Not So) Brief Guide of Traffic Generators for the San Diego Region* published by the SANDAG in April 2002. The trip generation for all of the residential land uses was

conservatively calculated using SANDAG's "Condominium" rate of 8 ADT/DU despite the fact that a portion of the 3,158 proposed dwelling units will likely serve as apartments (SANDAG rate of 6 ADT/DU).

The trip generation for the proposed 47.7 acres of technology park land uses was calculated using SANDAG's industrial trip rate of 120 ADT/acre. This is consistent with the methodology used in the previously approved December 2011 study prepared for a previous processing of the Project.

The trip generation for the proposed 6.8-acre Neighborhood Shopping Center within the Mixed-Use Retail Emphasis area of the Project was calculated using SANDAG's "Neighborhood Shopping Center" rate of 1,200 ADT/acre. This is the highest retail shopping center trip rate provided by SANDAG and is considered conservative. This component of the Project is expected to be widely used by the surrounding residential and employment uses both within the proposed Project and by surrounding developments. SANDAG indicates pass-by reductions of 22 percent for retail based shopping centers on a daily basis and 40 percent during the PM peak hour. In order to provide a conservative analysis, a 20 percent pass-by rate was applied to the ADT and AM and PM peak hour trip rates for this specific land use. Per SANDAG, pass-by reductions can be taken to account for trips that are already on the street network whether the Project is built or not.

The trip generation rate for the proposed Specialty Retail land uses within the Mixed-Use Residential Emphasis area of the Project was calculated using SANDAG's "Specialty Retail/Strip Commercial" rate of 400 ADT/acre.

Based on the trip generation rates summarized above, the Project was calculated to generate 37,916 ADT with 3,095 AM peak hour trips and 3,860 PM peak hour trips. Due to the nature of the Project, which proposes a mixed-use community with a variety of complimentary land uses, a ten-percent mixed-use credit was applied to the aforementioned volumes, as supported by footnote "T, [2]" of the SANDAG trip generation table.

Table 2.8-7, *Project Trip Generation*, shows the trip generation for the total Project. As shown in Table 2.8-7, the total Project is calculated to generate 34,124 ADT with a total of 2,785 trips during the AM peak hour (1,090 inbound/1,695 outbound trips) and 3,474 total trips during PM peak hour (2,000 inbound/1,474 outbound trips).

### Existing Plus Project Conditions

This scenario analyzes the traffic impacts of the total Project under Existing conditions. Figure 2.8-3, *Existing Year + Project Traffic Volumes*, illustrates the Existing + Project traffic volumes.

### *Intersection Operations*

Table 2.8-8, *Existing + Project Intersection Operations*, summarizes the intersection operations under Existing + Project conditions. As seen in Table 2.8-8, with the addition of Project traffic, the study intersections are calculated to operate at acceptable levels of service with the exception of the following:

4. Otay Mesa Road / La Media Road (LOS F during the AM peak hour and PM peak hours)
8. Otay Mesa Road / Harvest Road (LOS F during the AM and PM peak hours)
9. Otay Mesa Road / Sanyo Avenue (LOS F during the AM and PM peak hours)
10. Otay Mesa Road / Vann Centre Boulevard (LOS F during the AM and PM peak hours)

A Project related significant direct impact is calculated at the following intersection, which falls within the City of San Diego's jurisdiction, based on the City's significance criteria:

4. Otay Mesa Road / La Media Road **(Impact TR-1)**

Project related significant direct impacts are calculated at the following intersections, which fall within the County of San Diego's jurisdiction, based on the County's significance criteria:

8. Otay Mesa Road / Harvest Road **(Impact TR-2)**
9. Otay Mesa Road / Sanyo Avenue **(Impact TR-3)**
10. Otay Mesa Road / Vann Centre Boulevard **(Impact TR-4)**

### *Daily Street Segment Operations*

Table 2.8-9, *Existing + Project Street Segment Operations*, summarizes the roadway segment operations under Existing + Project conditions. As seen in Table 2.8-9, with the addition of Project traffic, the study area segments are calculated to operate at acceptable levels of service with the exception of the following:

- Otay Mesa Road: Sanyo Avenue to Vann Centre Boulevard (LOS F) **(Impact TR-5)**
- Otay Mesa Road: Vann Centre Boulevard to Enrico Fermi Drive (LOS E) **(Impact TR-6)**

Project related significant direct impacts are calculated along the above listed street segments, which fall within the County of San Diego's jurisdiction, based on the County's significance criteria:

### *Freeway Mainline Operations*

Table 2.8-10, *Existing + Project Freeway Mainline Operations*, summarizes the freeway mainline operations along SR-905 under Existing + Project conditions. As seen in Table 2.8-10, with the addition of Project traffic, the study area freeway mainline segments are calculated to operate at acceptable levels of service during the AM and PM peak hours.

## Project Access

The Project would be primarily served by three access points at Harvest Road, Sanyo Avenue, and Vann Centre Boulevard, north of Otay Mesa Road. The existing north leg of Harvest Road at Otay Mesa Road is currently constructed as a two-lane undivided roadway that provides access to Lone Star Road to the north, serving very limited land uses. The north legs of Sanyo Avenue and Vann Centre Boulevard do not exist under Existing Conditions.

Analysis of the Project's access points at Sanyo Avenue and Vann Centre Boulevard was conducted assuming construction of only the most rudimentary lane configurations north of Otay Mesa Road. The Project access point at Harvest Road was analyzed under Existing Conditions. Significant direct and cumulative impacts are calculated at all three Project access points prior to implementation of the mitigation measure improvements detailed in Section 2.8.6 of this SEIR. Under post-mitigation conditions, the Project access points are calculated to operate at an acceptable LOS according to County standards. In addition, pavement widening along the Otay Mesa Road Project frontage should be provided to County Prime Arterial Standards as part of the direct impact mitigation. However, the striping of 6-lanes on Otay Mesa Road would not be provided since six-lanes are not currently provided off site.

The recommended Ultimate Improvements at the Project's access points are shown on Figure 2.8-4, *Ultimate Project Access Improvements*. Implementation of these improvements will provide acceptable operations under cumulative conditions and are recommended to be provided when Otay Mesa Road is ultimately constructed to its sixsix Prime Arterial classification. The ultimate Improvements are not needed to mitigate the Project's significant impacts.

## On-Site Circulation

The Project would construct a number of roadways within the Project site to facilitate internal circulation and comply with the existing East Otay Mesa Specific Plan. All on-site roadways would be designed and constructed per County of San Diego Public Road Standards. In addition, all classified Mobility Element roadways within the Project site would be constructed to conform to the roadway classifications outlined in Table 2.2-1 of the *East Otay Mesa Specific Plan Circulation Element*. The on-site Mobility Element roadways and their corresponding classifications are summarized below in Table 2.8-11, *On-Site Circulation Element Roadways*. The Project would also be responsible for making half-width frontage improvements along Otay Mesa Road between Harvest Road and

Vann Centre Boulevard to improve the roadway to six-lane Prime Arterial standards per the County's Centerline Ordinance.

The proposed Project would not result in a significant transportation hazard. Although the Project results in a change in the roadway network, these roadway improvements are anticipated in the East Otay Business Park Mesa Specific Plan. The Project would not include design features that would affect traffic safety, nor would it cause incompatible uses on local roads. Therefore, the Project would not result in an increase in hazards associated with a design feature.

**Air Traffic Patterns**

Guideline for the Determination of Significance:

> *Would the proposed Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?*

The Brown Field Airport is located north of Otay Mesa Road, generally between Heritage Road and Lonestar Road within the City of San Diego. Brown Field is located approximately one mile west of the site and functions as a general aviation airport and reliever airport for the San Diego International Airport. As discussed in Section 2.4, the Project site is located within Review Area 1 of Brown Field Municipal Airport (see Figure 2.4-3). The western portion of the Project site is located within three safety zones for Brown Field: Zone 2: Inner Approach/Departure Zone, Zone 4: Outer Approach/Departure Zone, and Zone 6: Traffic Pattern Zone (see Figure 2.4-4).

~~The Brown Field Airport is located north of Otay Mesa Road, generally between Heritage Road and Lonestar Road within the City of San Diego. Brown Field is located approximately one mile west of the site and functions as a general aviation airport and reliever airport for the San Diego International Airport.~~ The proposed Specific Plan Amendment complies with the development regulations outlined in the Brown Field ALUCP. A small portion of the site falls within Zone 2 and, per the compatibility guidelines, residential uses would not be permitted in that area. The portion of the site within Zone 4 would be limited to a maximum of 20 dwelling units per acre consistent with the ALUCP. Future Site Plan review would be required to ensure that individual development proposals comply with the requirements of the Brown Field ALUCP, including restrictions relative to building heights. Additionally, t~~Therefore, t~~he proposed Project would not result in the need to alter ~~a change to~~ air traffic patterns. The Project does not result in an increase in air traffic levels or location. Therefore, the Project would not result in substantial safety risk associated with air traffic.

**Circulation Hazards and Emergency Access**

Guideline for the Determination of Significance:

> *Would the proposed Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection or incompatible uses (e.g., farm equipment)?*
>
> *Would the proposed Project result in inadequate emergency access?*

The Project would be primarily served by three access points: Harvest Road; Sanyo Avenue; and Vann Centre Boulevard, north of Otay Mesa Road. The existing north leg of Harvest Road at Otay Mesa Road is currently constructed as a two-lane undivided roadway that provides access to Lone Star Road to the north, serving very limited land uses. The north legs of Sanyo Avenue and Vann Centre Boulevard do not exist under existing conditions.

The Project would construct a number of roadways within the Project site to facilitate internal circulation and comply with the existing EOMSP. All on-site roadways would be designed and constructed per County of San Diego Public Road Standards. In addition, all classified Mobility Element roadways within the Project site would be constructed to conform to the roadway classifications outlined in the EOMSP Circulation Element. The Project will also be responsible for making half-width frontage improvements along Otay Mesa Road between Harvest Road and Vann Centre Boulevard to improve the roadway to six-lane Prime Arterial standards per the County's Centerline Ordinance.

Because the proposed Project would be consistent with all County of San Diego Public Road Standards and regulations, the proposed Project would not result in a substantial increase in hazards due to a roadway design feature. Additionally, because of this compliance with standards and regulations, the proposed Project would not result in inadequate emergency access.

**Potential Conflict with Public Transit, Bicycle, and Pedestrian Facilities**

Guideline for Determination of Significance:

> *Would the proposed Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

The proposed Project facilitates multi-modal transportation. The Project includes pedestrian facilities along all Project roadways, as well as a trail connection to the Otay River Valley Regional Park. Bike routes would be located along all internal Project streets. Additionally, a transit stop would be provided at Otay Mesa Road and Harvest Road, to be serviced by Bus Route 905. As such, the proposed Project would promote multi-modal

and active transportation plans and programs for the region and would contribute to the performance and safety of these facilities.

## 2.8.3 Cumulative Impact Analysis

**Cumulative (Year 2020) with Project Traffic Volumes**

The Otay Mesa area, in which the proposed Project is located, is planned to be developed within the coming years, with a large number of forthcoming cumulative projects planned. Cumulative projects are other projects in the study area that will add traffic to the local circulation system in the near future.

"Year 2020 with Project" traffic model, which was developed for use in the previously approved December 2011 study for the Sunroad Otay Tech Centre project, was used to analyze the cumulative condition. The model assumes the addition of the proposed Project, forthcoming cumulative projects and planned roadway network improvements. The previously approved study calculated the project to generate peak hour traffic equal to or greater than the calculated peak hour traffic for the currently proposed Project (2,785/3,687 AM/PM peak hour volumes calculated in the previously approved study as compared to 2,785/3,474 AM/PM peak hour volumes calculated for the currently proposed Project), and therefore use of the Year 2020 peak hour volumes from the previous study represents a conservative approach. However, the currently proposed Project is calculated to generate 3,558 additional ADT as compared to the previously approved study (30,566 ADT from the previously approved study vs. 34,124 ADT for the currently proposed Project). This difference was manually added to the Year 2020 ADT volumes.

Figure 2.8-5, *Cumulative (Year 2020) with Project Traffic Volumes*, shows the Year 2020 (with Project) cumulative traffic volumes. Some changes to the existing travel patterns are reflected in the traffic volumes under Year 2020 with Project conditions as a result of the proposed forthcoming network changes, as discussed further in the following section.

**Cumulative (Year 2020) Scheduled Network Improvement Projects**

There are currently two major network improvement projects in the Otay Mesa area that are expected to be complete by Year 2020: the SR-905/SR-125 Northbound Connectors project and the SR-11/Otay Mesa East project. These projects were taken into account in the Year 2020 with Project model and the resulting Year 2020 with Project analysis presented in this study. These network changes account for some relatively large-scale differences in the traffic volumes as compared to Existing Conditions, due to a greater variety of travel options and the opportunities for regional travel. The following summarizes the project description and schedule for each of these projects.

***State Route 905 -*** The SR-905 project is an ongoing effort to construct a transportation facility from I-805 to the Otay Mesa POE at the US-Mexico Border to provide for more efficient transpo~~i~~rtation of people, goods, and services within the Otay Mesa region of

San Diego. The corridor is being built in multiple phases with Phases 1A and 1B, the mainlines of the freeway, already constructed and open to traffic. Phase 2 improvements to the I-805/SR-905 interchange have also been completed. Phase 3A will construct the northbound connectors between SR-905 and SR-125. Funding from the TCIF has been allocated for the construction of Phase 3A. Construction of the freeway-to-freeway northbound connectors is expected to begin in 2016. Based on the most current information available from Caltrans, funding for the subsequent Phase 3B, which will construct the southbound connectors between SR-905 and SR-125, and Phase 4, which will construct an interchange at Heritage Road, has yet to be secured, and therefore the associated improvements were not assumed under Year 2020 conditions.

***State Route 11 -*** The SR-11 project will ultimately consist of constructing a four-lane freeway facility from the proposed SR-905/SR-125 junction to the future Federal POE at east Otay Mesa in San Diego County. The project is proposed to be constructed in three segments. The construction of Segment 1, an approximately 1.2-mile stretch between the SR-905/SR-125 junction and Enrico Fermi Drive opened to traffic in March 2016. Based on the most current information available from SANDAG and Caltrans, funding for the subsequent Segment 2 and Segment 3 phases of the project, which will construct the remainder of the freeway between Enrico Fermi and the future Federal POE at East Otay Mesa, has yet to be secured, and therefore the associated improvements were not assumed under Year 2020 conditions.

## Year 2020 Cumulative Conditions Analysis

### Intersection Operations

Table 2.8-12, *Year 2020 Cumulative Intersection Operations*, summarizes the intersection operations under Year 2020 conditions. As seen in Table 2.8-12, the study intersections are calculated to operate at acceptable levels of service with the exception of the following:

4. Otay Mesa Road / La Media Road (LOS E during the AM peak hour and PM peak hours)
8. Otay Mesa Road / Harvest Road (LOS F during the AM and PM peak hours)
9. Otay Mesa Road / Sanyo Avenue (LOS F during the AM and PM peak hours)
10. Otay Mesa Road / Vann Centre Boulevard (LOS F during the AM and PM peak hours)
16. Airway Road / Sanyo Avenue (LOS F during the AM and PM peak hours)
17. Airway Road / Paseo de las Americas (LOS F during the AM and PM peak hours)
22. Siempre Viva Road / Paseo de las Americas (LOS F during the AM and PM peak hours)
23. Siempre Viva Road / Enrico Fermi Drive (LOS F during the AM peak hour)

Project related significant cumulative impacts are calculated at the following intersections, which fall within the City of San Diego's jurisdiction, based on the City's significance criteria:

4. Otay Mesa Road / La Media Road **(Impact TR-7)**
16. Airway Road / Sanyo Avenue **(Impact TR-8)**
22. Siempre Viva Road / Paseo de las Americas **(Impact TR-9)**

Project related significant cumulative impacts are calculated at the following intersections, which fall within the County of San Diego's jurisdiction, based on the County's significance criteria:

8. Otay Mesa Road / Harvest Road **(Impact TR-10)**
9. Otay Mesa Road / Sanyo Avenue **(Impact TR-11)**
10. Otay Mesa Road / Vann Centre Boulevard **(Impact TR-12)**
17. Airway Road / Paseo de las Americas **(Impact TR-13)**
23. Siempre Viva Road / Enrico Fermi Drive **(Impact TR-14)**

**Daily Street Segment Operations**

Table 2.8-13, *Year 2020 Cumulative Segment Operations*, summarizes the roadway segment operations under Year 2020 conditions. As seen in Table 2.8-13, the study area segments are calculated to operate at acceptable levels of service with the exception of the following:

Enrico Fermi Drive: Otay Mesa Road to Airway Road (LOS F) **(Impact TR-15)**

A Project related significant cumulative impact is calculated along the above listed street segment, which falls within the County of San Diego's jurisdiction, based on the County's significance criteria.

**Freeway Mainline Operations**

Table 2.8-14, *Year 2020 Cumulative Freeway Mainline Operations*, summarizes the freeway mainline operations along SR 905 under Year 2020 conditions. As seen in Table 2.8-14, the study area freeway mainline segments are calculated to operate at acceptable levels of service during the AM and PM peak hours.

## 2.8.4 Significance of Impacts Prior to Mitigation

The following significant impacts related to transportation and traffic would occur with Project implementation:

**Impact TR-1/TR-7:** A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/La Media Road.

**Impact TR-2/TR-10:** A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Harvest Road.

**Impact TR-3/TR-11:** A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Sanyo Avenue.

**Impact TR-4/TR-12:** A Project related significant direct and cumulative impact (respectively) to the intersection of Otay Mesa Road/Vann Centre Boulevard.

**Impact TR-5:** A Project related significant direct impact to the street segment of Otay Mesa Road from Sanyo Avenue to Vann Centre Boulevard.

**Impact TR-6:** A Project related significant direct impact to the street segment of Otay Mesa Road from Vann Centre Boulevard to Enrico Fermi Drive.

**Impact TR-8:** A Project related significant cumulative impact to the intersection of Airway Road and Sanyo Avenue.

**Impact TR-9:** A Project related significant cumulative impact to the intersection of Siempre Viva Road and Paseo de las Americas.

**Impact TR-13:** A Project related significant cumulative impact to the intersection of Airway Road and Paseo de las Americas.

**Impact TR-14:** A Project related significant cumulative impact to the intersection of Siempre Viva Road and Enrico Fermi Drive.

**Impact TR-15:** A Project related significant cumulative impact to the street segment of Enreicro Fermi Drive from Otay Mesa Road to Airway Road.

## 2.8.5 Mitigation

Table 2.8-15, *Summary of Significant Impacts and Mitigation Measures*, provides a summary of the Project impacts and corresponding mitigation measures. Tables 2.8-16, *Intersection Post-Mitigation Analysis*, and 2.8-~~16~~17, *Segment Post-Mitigation Analysis*, provide an analysis of post-mitigation conditions for intersections and street segments, respectively. Table 2.8-18, *Project Mitigation Phasing Summary*, summarizes the number of EDUs that may be built before each mitigation measure is required.

## 2.8.6 Conclusion

As shown in Tables 2.8-16 and 2.8-17, with the incorporation of mitigation measures, all Project impacts (**Impacts TR-1** through **TR-15**) are reduced to below a level of significance.

## TABLE 2.8-1. *EXISTING INTERSECTION OPERATIONS*

| Intersection | Jurisdiction | Control Type | Peak Hour | Existing | |
|---|---|---|---|---|---|
| | | | | Delay [a] | LOS [b] |
| 1. Otay Mesa Road / Heritage Road | City | Signal | AM | 37.9 | D |
| | | | PM | 35.7 | D |
| 2. Otay Mesa Road / Cactus Road | City | Signal | AM | 17.8 | B |
| | | | PM | 16.1 | B |
| 3. Otay Mesa Road / Britannia Boulevard | City | Signal | AM | 28.5 | C |
| | | | PM | 27.9 | C |
| 4. Otay Mesa Road / La Media Road | City | Signal | AM | **178.8** | **F** |
| | | | PM | **61.4** | **E** |
| 5. Otay Mesa Road / Piper Ranch Road | County | Signal | AM | 14.7 | B |
| | | | PM | 19.7 | B |
| 6. Otay Mesa Road / SR-125 SB Off-Ramp | County | Signal | AM | 18.4 | B |
| | | | PM | 8.4 | A |
| 7. Otay Mesa Road / SR-125 NB On-Ramp | County | Signal | AM | 1.9 | A |
| | | | PM | 4.5 | A |
| 8. Otay Mesa Road / Harvest Road | County | TWSC [c] | AM | **48.0** | **E** |
| | | | PM | 11.8 | B |
| 9. Otay Mesa Road / Sanyo Avenue | County | Signal | AM | 12.2 | B |
| | | | PM | 17.6 | B |
| 10. Otay Mesa Road / Vann Centre Boulevard | County | *DNE*[f] | AM | *DNE* | - |
| | | | PM | *DNE* | - |
| 11. Otay Mesa Road / Enrico Fermi Drive | County | Signal | AM | 11.0 | B |
| | | | PM | 8.8 | A |
| 12. SR-905 WB Ramps / Britannia Boulevard | City | Signal | AM | 22.8 | C |
| | | | PM | 22.8 | C |
| 13. SR-905 EB Ramps / Britannia Boulevard | City | Signal | AM | 23.1 | C |
| | | | PM | 18.4 | B |
| 14. SR-905 WB Ramps / La Media Road | City | Signal | AM | 13.4 | B |
| | | | PM | 12.3 | B |
| 15. SR-905 EB Ramps / La Media Road | City | Signal | AM | 28.7 | C |
| | | | PM | 17.0 | B |
| 16. Airway Road / Sanyo Avenue | City | AWSC [d] | AM | 10.4 | B |
| | | | PM | 11.1 | B |
| 17. Airway Road / Paseo de las Americas | County | TWSC | AM | 11.1 | B |
| | | | PM | 13.3 | B |
| 18. Airway Road / Enrico Fermi Drive | County | Signal | AM | 12.0 | B |
| | | | PM | 12.1 | B |
| 19. Siempre Viva Road EB / SR-905 SB Off-Ramp | City | Signal | AM | 21.9 | C |
| | | | PM | 16.2 | B |
| 20. Siempre Viva Road WB / SR-905 SB Off-Ramp | City | OWSC [e] | AM | 19.8 | C |
| | | | PM | 15.7 | C |
| 21. Siempre Viva Road / SR-905 NB Ramps | City | Signal | AM | 22.4 | C |
| | | | PM | 20.3 | C |
| 22. Siempre Viva Road / Paseo de las Americas | City | Signal | AM | 25.6 | C |
| | | | PM | 35.2 | C |
| 23. Siempre Viva Road / Enrico Fermi Drive | County | Signal | AM | 49.1 | D |

**Footnotes:**

a. Average Intersection delay per vehicle in seconds.
b. Level of Service
c. TWSC: Two-Way-Stop-Controlled Intersection. Minor Street left-turn delay and LOS reported.
d. AWSC: All-Way-Stop-Controlled Intersection
e. OWSC: One-Way-Stop-Controlled intersection. Minor Street left-turn delay and LOS reported.
f. Intersection does not exist under Existing conditions

| SIGNALIZED | | UNSIGNALIZED | |
|---|---|---|---|
| Delay | LOS | Delay | LOS |
| 0.0 ≤ 10.0 | A | 0.0 ≤ 10.0 | A |
| 10.1 to 20.0 | B | 10.1 to 15.0 | B |
| 20.1 to 35.0 | C | 15.1 to 25.0 | C |
| 35.1 to 55.0 | D | 25.1 to 35.0 | D |
| 55.1 to 80.0 | E | 35.1 to 50.0 | E |
| > 80.1 | F | > 50.1 | F |

**TABLE 2.8-2. *EXISTING SEGMENT OPERATIONS***

| Roadway Segment | Jurisdiction | Functional Classification | Capacity (LOS E)[a] | ADT [b] | V/C [c] | LOS [d] |
|---|---|---|---|---|---|---|
| **Otay Mesa Road** | | | | | | |
| West of Heritage Rd | City | Six-Lane Prime | 60,000 | 9,670 | 0.161 | A |
| Heritage Rd to Cactus Rd | City | Six-Lane Prime | 60,000 | 8,260 | 0.138 | A |
| Cactus Rd to Britannia Blvd | City | Six-Lane Prime | 60,000 | 8,710 | 0.145 | A |
| Britannia Blvd to La Media Rd | City | Six-Lane Prime | 60,000 | 8,600 | 0.143 | A |
| La Media Rd to Piper Ranch Rd | City | Five-Lane Major | 45,000 | 15,560 | 0.346 | A |
| Piper Ranch Rd to SR 125 Ramps | County | Six-Lane Prime | 57,000 | 13,110 | 0.230 | A |
| SR 125 Ramps to Harvest Rd | County | Five-Lane Major | 47,000 | 10,510 | 0.224 | A |
| Harvest Rd to Sanyo Ave | County | Four-Lane Major | 37,000 | 10,410 | 0.281 | A |
| Sanyo Ave to Vann Centre Blvd | County | Local Collector | 16,200 | 10,410 | 0.643 | D |
| Vann Centre Blvd to Enrico Fermi Dr | County | Local Collector | 16,200 | 10,090 | 0.623 | D |
| **Britannia Boulevard** | | | | | | |
| Otay Mesa Rd to SR 905 Ramps | City | Six-Lane Prime | 60,000 | 10,800 | 0.180 | A |
| **Sanyo Avenue** | | | | | | |
| Otay Mesa Rd to Airway Rd | City | Four-Lane Collector | 30,000 | 5,600 | 0.187 | A |
| **Enrico Fermi Drive** | | | | | | |
| Otay Mesa Rd to Airway Rd | County | Two-Lane Collector | 9,700 | 4,180 | 0.431 | A |
| Airway Rd to Siempre Viva Rd | County | Four-Lane Major | 37,000 | 3,200 | 0.086 | A |
| **Airway Road** | | | | | | |
| Sanyo Ave to Paseo delLas Americas | City | Four-Lane Major | 40,000 | 2,810 | 0.070 | A |
| **La Media Road** | | | | | | |
| Otay Mesa Rd to SR 905 Ramps | City | Five-Lane Major | 45,000 | 15,700 | 0.349 | A |
| **Siempre Viva Road** | | | | | | |
| SR 905 Ramps to Paseo de las Americas | City | Six-Lane Prime | 60,000 | 18,800 | 0.313 | A |
| Paseo de las Americas to Enrico Fermi Dr | City | Six-Lane Prime | 60,000 | 11,400 | 0.190 | A |

***Footnotes:***

a. Capacity from City / County LOS threshold tables
b. Average Daily Traffic
c. Volume / Capacity
d. Level of Service

**TABLE 2.8-3. *EXISTING FREEWAY SEGMENT OPERATIONS***

| Freeway and Segment | Direction, Number of Lanes [a] & Capacity [b] | | | ADT [c] | Peak Hour Volume | | V/C [d] | | LOS[e] | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | AM | PM | AM | PM | AM | PM |
| **SR 905** | | | | | | | | | | |
| Heritage Road to Britannia Blvd | WB Mainline | 3M | 6,000 | 72,100 | 2,160 | 3,690 | 0.360 | 0.615 | B | B |
| | EB Mainline | 3M | 6,000 | 72,100 | 2,080 | 1,510 | 0.347 | 0.252 | B | B |
| Britannia Blvd to La Media Rd | WB Mainline | 3M | 6,000 | 58,800 | 1,700 | 2,340 | 0.283 | 0.390 | B | B |
| | EB Mainline | 3M + 1A | 7,200 | 58,800 | 1,970 | 1,730 | 0.274 | 0.240 | B | B |
| La Media Rd to Siempre Viva Rd | NB Mainline | 3M | 6,000 | 60,600 | 1,610 | 1,940 | 0.268 | 0.323 | B | B |
| | SB Mainline | 3M | 6,000 | 60,600 | 1,670 | 1,720 | 0.278 | 0.287 | B | B |

***Footnotes:***

a. "M" = Mainline, "A" = Auxiliary Lane
b. Capacity = 2,000 vehicles per hour per lane (mainline), 1,200 vehicles per hour per lane (auxiliary).
c. Existing ADT Volumes were obtained directly from the freeway Performance Measurement System (PeMS) website.
d. Volume to Capacity ratio.
e. Level of Service

| LOS | V/C |
|---|---|
| A | <0.41 |
| B | 0.62 |
| C | 0.8 |
| D | 0.92 |
| E | 1 |
| F(0) | 1.25 |
| F(1) | 1.35 |
| F(2) | 1.45 |
| F(3) | >1.46 |

## TABLE 2.8-4. *MEASURES OF SIGNIFICANT PROJECT IMPACTS TO CONGESTION ON INTERSECTIONS/ALLOWABLE INCREASES ON CONGESTED INTERSECTIONS*

| Level of service | Signalized | Unsignalized |
|---|---|---|
| LOS E | Delay of 2 seconds or less | 20 or less peak hour trips on a critical movement |
| LOS F | Either a Delay of 1 second, or 5 peak hour trips or less on a critical movement | 5 or less peak hour trips on a critical movement |

***General Notes:***

1. A critical movement is an intersection movement (right-turn, left-turn, through-movement) that experiences excessive queues, which typically operate at LOS F.
2. By adding proposed project trips to all other trips from a list of projects, these same tables are used to determine if total cumulative impacts are significant. If cumulative impacts are found to be significant, each project is responsible for mitigating its share of the cumulative impact.
3. The County may also determine impacts have occurred on roads even when a project's traffic or cumulative impacts do not trigger an unacceptable level of service, when such traffic uses a significant amount of remaining road capacity.
4. For determining significance at signalized intersections with LOS F conditions, the analysis must evaluate both the delay ***and*** the number of trips on a critical movement, exceedance of either criteria result in a significant impact.

## TABLE 2.8-5. *MEASURES OF SIGNIFICANT PROJECT IMPACTS TO CONGESTION ON MOBILITY ELEMENT ROAD SEGMENTS ALLOWABLE INCREASES ON CONGESTED ROAD SEGMENTS*

| Level of Service | Two-Lane Road | Four-Lane Road | Six-Lane Road |
|---|---|---|---|
| LOS E | 200 ADT | 400 ADT | 600 ADT |
| LOS F | 100 ADT | 200 ADT | 300 ADT |

***General Notes:***

1. By adding proposed project trips to all other trips from a list of projects, this same table must be used to determine if total cumulative impacts are significant. If cumulative impacts are found to be significant, each project that contributes additional trips must mitigate a share of the cumulative impacts.
2. The County may also determine impacts have occurred on roads even when a project's traffic or cumulative impacts do not trigger an unacceptable level of service, when such traffic uses a significant amount of remaining road capacity.

## TABLE 2.8-6. *CITY OF SAN DIEGO TRAFFIC IMPACT SIGNIFICANT THRESHOLDS*

| Level of Service with Project[b] | Allowable Increase Due to Project Impacts[a] | | | | | |
|---|---|---|---|---|---|---|
| | Freeways | | Roadway Segments | | Intersections | Ramp Metering[c] |
| | V/C | Speed (mph) | V/C | Speed (mph) | Delay (sec.) | Delay (min.) |
| E | 0.010 | 1.0 | 0.02 | 1.0 | 2.0 | 2.0 |
| F | 0.005 | 0.5 | 0.01 | 0.5 | 1.0 | 1.0 |

***Footnotes:***

a. If a proposed project's traffic causes the values shown in the table to be exceeded, the impacts are determined to be significant. The project applicant shall then identify feasible improvements (within the Traffic Impact Study) that will restore/and maintain the traffic facility at an acceptable LOS.

b. All LOS measurements are based upon Highway Capacity Manual procedures for peak-hour conditions. However, V/C ratios for roadway segments are estimated on an ADT/24-hour traffic volume basis (using Table 2 of the City's Traffic Impact Study Manual). The acceptable LOS for freeways, roadways, and intersections is generally "D" ("C" for undeveloped locations). For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

c. The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS E is 2 minutes. The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS F is 1 minute.

***General Notes:***

1. Delay = Average control delay per vehicle measured in seconds for intersections or minutes for ramp meters
2. LOS = Level of Service
3. V/C = Volume to Capacity ratio
4. Speed = Arterial speed measured in miles per hour

## TABLE 2.8-7. *PROJECT TRIP GENERATION*

| Land Use | Quantity | Daily Trip Ends (ADT) | | AM Peak Hour | | | | | PM Peak Hour | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Rate [a] | Volume | % of ADT | In:Out Split | Volume In | Volume Out | Volume Total | % of ADT | In:Out Split | Volume In | Volume Out | Volume Total |
| **Mixed-Use Emphasis** | | | | | | | | | | | | | |
| ***Planning Area A*** | | | | | | | | | | | | | |
| Residential (6-20 DU/Acre) | 596 Units | 8 /Unit | 4,768 | 8% | 20 : 80 | 76 | 305 | 381 | 9% | 70 : 30 | 300 | 129 | 429 |
| Tech Park[b] | 13.5 Acres | 120 /Acre | 1,620 | 14% | 80 : 20 | 182 | 45 | 227 | 15% | 30 : 70 | 73 | 170 | 243 |
| *Subtotal* | - | - | *6,388* | - | - | *258* | *350* | *608* | - | - | *373* | *299* | *672* |
| ***Planning Area B*** | | | | | | | | | | | | | |
| Residential (6-20 DU/Acre) | 1,381 Units | 8 /Unit | 11,084 | 8% | 20 : 80 | 177 | 707 | 884 | 9% | 70 : 30 | 697 | 298 | 995 |
| Tech Park[b] | 1.9 Acres | 120 /Acre | 228 | 14% | 80 : 20 | 26 | 6 | 32 | 15% | 30 : 70 | 10 | 24 | 34 |
| Specialty Retail | 0.5 Acres | 400 /Acre | 200 | 3% | 60 : 40 | 4 | 2 | 6 | 9% | 50 : 50 | 9 | 9 | 18 |
| *Subtotal* | - | - | *11,476* | - | - | *207* | *715* | *922* | - | - | *716* | *331* | *1,047* |
| ***Planning Area C*** | | | | | | | | | | | | | |
| Residential (6-20 DU/Acre) | 227 Units | 8 /Unit | 1,816 | 8% | 20 : 80 | 29 | 116 | 145 | 9% | 70 : 30 | 114 | 49 | 163 |
| Tech Park[b] | 10.4 Acres | 120 /Acre | 1,248 | 14% | 80 : 20 | 140 | 35 | 175 | 15% | 30 : 70 | 56 | 131 | 187 |
| Neighborhood Shopping Center | 6.8 Acres | 960 /Acre[c] | 6,528 | 4% | 60 : 40 | 157 | 104 | 261 | 10% | 50 : 50 | 327 | 327 | 654 |
| *Subtotal* | - | - | *9,592* | - | - | *326* | *255* | *581* | - | - | *497* | *507* | *1,004* |
| ***Planning Area D*** | | | | | | | | | | | | | |
| Residential (6-20 DU/Acre) | 954 Units | 8 /Unit | 7,632 | 8% | 20 : 80 | 121 | 489 | 610 | 9% | 70 : 30 | 509 | 216 | 725 |
| Tech Park | 14.1 Acres | 120 /Acre | 1,692 | 14% | 80 : 20 | 190 | 47 | 237 | 15% | 30 : 70 | 76 | 178 | 254 |
| Specialty Retail | 0.5 Acres | 400 /Acre | 200 | 3% | 60 : 40 | 4 | 2 | 6 | 9% | 50 : 50 | 9 | 9 | 18 |
| *Subtotal* | - | - | *9,524* | - | - | *315* | *538* | *853* | - | - | *594* | *403* | *997* |
| **Technology Business Park** | | | | | | | | | | | | | |
| ***Planning Area IE*** | | | | | | | | | | | | | |
| Tech Park | 7.8 Acres | 120 /Acre | 936 | 14% | 80 : 20 | 105 | 26 | 131 | 15% | 30 : 70 | 42 | 98 | 140 |
| *Subtotal* | - | - | *936* | - | - | *105* | *26* | *131* | - | - | *42* | *98* | *140* |
| ***Total*** | - | - | ***37,916*** | - | | ***1,211*** | ***1,884*** | ***3,095*** | - | | ***2,222*** | ***1,638*** | ***3,860*** |
| *Mixed Use Credit (10%)* | - | - | *(3,792)* | - | | *(121)* | *(189)* | *(310)* | - | | *(222)* | *(164)* | *(386)* |
| ***Net Total*** | - | - | ***34,124*** | - | | ***1,090*** | ***1,695*** | ***2,785*** | - | | ***2,000*** | ***1,474*** | ***3,474*** |

***Footnotes:***

a. Rates from SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002.

b. Industrial Plant Land Use trip generation rate used, as used in the Otay Tech Center Project TIA.

c. 20% pass-by reduction applied to the Neighborhood Shopping Center trip generation rate of 1,200 ADT / Acre.

**TABLE 2.8-8. *EXISTING + PROJECT INTERSECTION OPERATIONS***

| Intersection | Jurisdiction | Control Type | Peak Hour | Existing | | Existing + Project | | Δ[c] | Impact |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Delay [a] | LOS [b] | Delay | LOS | | |
| 1. Otay Mesa Road / Heritage Road | City | Signal | AM | 37.9 | D | 38.8 | D | 0.9 | None |
| | | | PM | 35.7 | D | 37.1 | D | 1.4 | None |
| 2. Otay Mesa Road / Cactus Road | City | Signal | AM | 17.8 | B | 17.9 | B | 0.1 | None |
| | | | PM | 16.1 | B | 16.2 | B | 0.1 | None |
| 3. Otay Mesa Road / Britannia Boulevard | City | Signal | AM | 28.5 | C | 34.9 | C | 6.4 | None |
| | | | PM | 27.9 | C | 44.6 | D | 16.7 | None |
| 4. Otay Mesa Road / La Media Road | City | Signal | AM | 178.8 | F | **322.9** | **F** | **144.1** | **Direct** |
| | | | PM | 61.4 | E | **237.8** | **F** | **176.4** | **Direct** |
| 5. Otay Mesa Road / Piper Ranch Road | County | Signal | AM | 14.7 | B | 18.2 | B | 3.5 | None |
| | | | PM | 19.7 | B | 19.8 | B | 0.1 | None |
| 6. Otay Mesa Road / SR-125 SB Off-Ramp | County | Signal | AM | 18.4 | B | 20.2 | C | 1.8 | None |
| | | | PM | 8.4 | A | 13.8 | B | 5.4 | None |
| 7. Otay Mesa Road / SR-125 NB On-Ramp | County | Signal | AM | 1.9 | A | 2.0 | A | 0.1 | None |
| | | | PM | 4.5 | A | 4.6 | A | 0.1 | None |
| 8. Otay Mesa Road / Harvest Road | County | TWSC [d] | AM | 48.0 | E | **>300** | **F** | **68[c]** | **Direct** |
| | | | PM | 11.8 | B | **>300** | **F** | **59[c]** | **Direct** |
| 9. Otay Mesa Road / Sanyo Avenue | County | Signal | AM | 12.2 | B | **178.2** | **F** | **166.0** | **Direct** |
| | | | PM | 17.6 | B | **170.4** | **F** | **152.8** | **Direct** |
| 10. Otay Mesa Road / Vann Centre Boulevard | County | OWSC [e] | AM | *DNE*[g] | - | **>300** | **F** | **119[c]** | **Direct** |
| | | | PM | *DNE* | - | **>300** | **F** | **103[c]** | **Direct** |
| 11. Otay Mesa Road / Enrico Fermi Drive | County | Signal | AM | 11.0 | B | 46.7 | D | 35.7 | None |
| | | | PM | 8.6 | A | 15.7 | B | 6.9 | None |
| 12. SR-905 WB Ramps / Britannia Boulevard | City | Signal | AM | 22.8 | C | 22.9 | C | 0.1 | None |
| | | | PM | 22.8 | C | 23.8 | C | 1.0 | None |
| 13. SR-905 EB Ramps / Britannia Boulevard | City | Signal | AM | 23.1 | C | 23.6 | C | 0.5 | None |
| | | | PM | 18.4 | B | 22.4 | C | 4.0 | None |
| 14. SR-905 WB Ramps / La Media Road | City | Signal | AM | 13.4 | B | 13.5 | B | 0.1 | None |
| | | | PM | 12.3 | B | 12.4 | B | 0.1 | None |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 15. SR-905 EB Ramps / La Media Road | City | Signal | AM | 28.7 | C | 30.4 | C | 1.7 | None |
| | | | PM | 17.0 | B | 35.7 | C | 18.7 | None |
| 16. Airway Road / Sanyo Avenue | City | AWSC [f] | AM | 10.4 | B | 12.8 | B | 2.3 | None |
| | | | PM | 11.1 | B | 14.9 | B | 3.8 | None |
| 17. Airway Road / Paseo de las Americas | County | TWSC | AM | 11.2 | B | 12.1 | B | 68[c] | None |
| | | | PM | 13.3 | B | 16.9 | C | 80[c] | None |
| 18. Airway Road / Enrico Fermi Drive | County | Signal | AM | 12.1 | B | 12.2 | B | 0.1 | None |
| | | | PM | 12.8 | B | 12.9 | B | 0.1 | None |
| 19. Siempre Viva Road EB / SR-905 SB Ramps | City | Signal | AM | 21.0 | C | 24.5 | C | 3.5 | None |
| | | | PM | 16.2 | B | 19.2 | B | 3.0 | None |
| 20. Siempre Viva Road WB / SR-905 SB Off-Ramp | City | OWSC | AM | 19.8 | C | 29.7 | C | 9.9 | None |
| | | | PM | 15.7 | C | 19.3 | B | 3.6 | None |
| 21. Siempre Viva Road / SR-905 NB Ramps | City | Signal | AM | 22.4 | C | 23.9 | C | 1.5 | None |
| | | | PM | 20.3 | C | 28.2 | C | 7.9 | None |
| 22. Siempre Viva Road / Paseo de las Americas | City | Signal | AM | 25.6 | C | 31.4 | C | 5.8 | None |
| | | | PM | 35.2 | D | 51.9 | D | 19.7 | None |
| 23. Siempre Viva Road / Enrico Fermi Drive | County | Signal | AM | 49.1 | D | 49.4 | D | 0.3 | None |
| | | | PM | 50.4 | D | 50.5 | D | 0.1 | None |

*Footnotes:*

a. Average intersection delay per vehicle in seconds
b. Level of Service
c. Increase in delay due to Project traffic. For unsignalized intersections in the County, "Δ" denotes the increase in volume due to Project related traffic on the critical movement.
d. TWSC: Two-Way-Stop-Controlled intersection. Minor Street left-turn delay and LOS reported.
e. OWSC: One-Way-Stop-Controlled intersection. Minor Street left-turn delay and LOS reported.
f. AWSC: All-Way-Stop-Controlled intersection.
g. Intersection does not exist under Existing conditions.

| SIGNALIZED | | UNSIGNALIZED | |
|---|---|---|---|
| Delay | LOS | Delay | LOS |
| 0.0 ≤ 10.0 | A | 0.0 ≤ 10.0 | A |
| 10.1 to 20.0 | B | 10.1 to 15.0 | B |
| 20.1 to 35.0 | C | 15.1 to 25.0 | C |
| 35.1 to 55.0 | D | 25.1 to 35.0 | D |
| 55.1 to 80.0 | E | 35.1 to 50.0 | E |
| ≥ 80.1 | F | ≥ 50.1 | F |

*General Notes:*

**Bold** indicates potential significant impact.

## TABLE 2.8-9. *EXISTING + PROJECT SEGMENT OPERATIONS*

| Roadway Segment | Jurisdiction | Functional Classification | Capacity (LOS E)[a] | Existing | | | Existing + Project | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | ADT[b] | V/C[c] | LOS[d] | ADT | V/C | LOS | Δ[e] | Sig |
| **Otay Mesa Road** | | | | | | | | | | | |
| West of Heritage Rd | City | Six-Lane Prime | 60,000 | 9,670 | 0.161 | A | 11,717 | 0.195 | A | 0.034 | None |
| Heritage Rd to Cactus Rd | City | Six-Lane Prime | 60,000 | 8,260 | 0.138 | A | 10,990 | 0.183 | A | 0.046 | None |
| Cactus Rd to Britannia Blvd | City | Six-Lane Prime | 60,000 | 8,710 | 0.145 | A | 11,781 | 0.196 | A | 0.051 | None |
| Britannia Blvd to La Media Rd | City | Six-Lane Prime | 60,000 | 8,600 | 0.143 | A | 14,401 | 0.240 | A | 0.097 | None |
| La Media Rd to Piper Ranch Rd | City | Five-Lane Major | 45,000 | 15,560 | 0.346 | A | 30,575 | 0.679 | C | 0.334 | None |
| Piper Ranch Rd to SR 125 Ramps | County | Six-Lane Prime | 57,000 | 13,110 | 0.230 | A | 29,148 | 0.511 | B | >600[c] | None |
| SR 125 Ramps to Harvest Rd | County | Five-Lane Major | 47,000 | 10,510 | 0.224 | A | 37,468 | 0.797 | D | >600[c] | None |
| Harvest Rd to Sanyo Ave | County | Four-Lane Major | 37,000 | 10,410 | 0.281 | A | 28,154 | 0.761 | C | >400[c] | None |
| Sanyo Ave to Vann Centre Blvd | County | Local Collector | 16,200 | 10,410 | 0.643 | D | **20,647** | **1.275** | **F** | **>100[c]** | **Direct** |
| Vann Centre Blvd to Enrico Fermi Dr | County | Local Collector | 16,200 | 10,090 | 0.623 | D | **14,867** | **0.918** | **E** | **>200[c]** | **Direct** |
| **Britannia Boulevard** | | | | | | | | | | | |
| Otay Mesa Rd to SR 905 | City | Six-Lane Prime | 60,000 | 10,800 | 0.180 | A | 13,530 | 0.226 | A | 0.046 | None |
| **Sanyo Avenue** | | | | | | | | | | | |
| Otay Mesa Rd to Airway Rd | City | Four-Lane Collector | 30,000 | 5,600 | 0.187 | A | 7,989 | 0.266 | A | 0.080 | None |
| **Enrico Fermi Drive** | | | | | | | | | | | |
| Otay Mesa Rd to Airway Rd | County | Two-Lane Collector | 9,700 | 4,180 | 0.431 | A | 8,275 | 0.853 | D | >200[c] | None |
| Airway Rd to Siempre Viva Rd | County | Four-Lane Major | 37,000 | 3,200 | 0.086 | A | 6,954 | 0.188 | A | >400[c] | None |
| **Airway Road** | | | | | | | | | | | |
| Sanyo Ave to Paseo De Las Americas | City | Four-Lane Major | 40,000 | 2,810 | 0.070 | A | 4,175 | 0.104 | A | 0.034 | None |

## TABLE 2.8-9. *EXISTING + PROJECT SEGMENT OPERATIONS*

| Roadway Segment | Jurisdiction | Functional Classification | Capacity (LOS E)[a] | Existing | | | Existing + Project | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | ADT[b] | V/C[c] | LOS[d] | ADT | V/C | LOS | Δ[e] | Sig |
| **La Media Road** | | | | | | | | | | | |
| Otay Mesa Rd to SR-905 | City | Five-Lane Major | 45,000 | 15,700 | 0.349 | A | 24,572 | 0.546 | C | 0.197 | None |
| **Siempre Viva Road** | | | | | | | | | | | |
| SR 905 to Paseo De Las Americas | City | Six-Lane Prime | 60,000 | 18,800 | 0.313 | A | 23,577 | 0.393 | A | 0.080 | None |
| Paseo De Las Americas to Enrico Fermi Dr | City | Six-Lane Prime | 60,000 | 11,400 | 0.190 | A | 14,812 | 0.247 | A | 0.057 | None |

***Footnotes:***

a. Capacity from City / County LOS threshold tables
b. Average Daily Traffic
c. Volume / Capacity
d. Level of Service
e. "Δ" denotes the Project induced increase in V/C. For segments in the County, "Δ" denotes the increase in volume due to Project related traffic.

***General Notes:***

**BOLD** indicates a potential significant Project impact

## TABLE 2.8-10. *EXISTING + PROJECT FREEWAY MAINLINE OPERATIONS*

| Freeway and Segment | Direction | Number of Lanes [a] | Capacity [b] | Existing | | | | | | Existing + Project | | | | | | Δ [d] | | Significant Impact? | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Peak Hour Volume | | V/C [c] | | LOS [e] | | Peak Hour Volume | | V/C | | LOS | | | | | |
| | | | | AM | PM | AM | PM | AM | PM | AM | PM | AM | PM | AM | PM | AM | PM | AM | PM |
| **SR-905** | | | | | | | | | | | | | | | | | | | |
| Heritage Road to Britannia Blvd | WB | 3M | 6,000 | 2,160 | 3,690 | 0.360 | 0.615 | B | B | 2,669 | 4,132 | 0.445 | 0.689 | B | C | 0.085 | 0.074 | No | No |
| | EB | 3M | 6,000 | 2,080 | 1,510 | 0.347 | 0.252 | B | B | 2,407 | 2,110 | 0.401 | 0.352 | B | B | 0.055 | 0.100 | No | No |
| Britannia Blvd to La Media Rd | WB | 3M | 6,000 | 1,700 | 2,340 | 0.283 | 0.390 | B | B | 2,107 | 2,694 | 0.351 | 0.449 | B | B | 0.068 | 0.059 | No | No |
| | EB | 3M + 1A | 7,200 | 1,970 | 1,730 | 0.274 | 0.240 | B | B | 2,232 | 2,210 | 0.310 | 0.307 | B | B | 0.036 | 0.067 | No | No |
| La Media Rd to Siempre Viva Rd | NB | 3M | 6,000 | 1,610 | 1,940 | 0.268 | 0.323 | B | B | 1,610 | 1,940 | 0.268 | 0.323 | B | B | 0.000 | 0.000 | No | No |
| | SB | 3M | 6,000 | 1,670 | 1,720 | 0.278 | 0.287 | B | B | 1,670 | 1,720 | 0.278 | 0.287 | B | B | 0.000 | 0.000 | No | No |

***Footnotes:***

a. "M" = Mainline, "A" = Auxiliary Lane
b. Capacity = 2,000 vehicles per hour per lane (mainline), 1,200 vehicles per hour per lane (auxiliary).
c. Volume to Capacity ratio.
d. "Δ" denotes the Project-induced increase in Volume to Capacity ratio.
e. Level of Service

| LOS | V/C |
|---|---|
| A | <0.41 |
| B | 0.62 |
| C | 0.8 |
| D | 0.92 |
| E | 1 |
| F(0) | 1.25 |
| F(1) | 1.35 |
| F(2) | 1.45 |
| F(3) | >1.46 |

**TABLE 2.8-11. *ON-SITE CIRCULATION ELEMENT ROADWAYS***

| On-Site Roadway | Classification[a] |
|---|---|
| David Ridge Drive: Sunroad Boulevard (Sanyo Avenue) to Alta Road | Two-lane Collector with Bike Route |
| Harvest Road: Sunroad Boulevard (Sanyo Avenue) to Otay Mesa Road | Four-lane Collector with Bike Route |
| Sunroad Boulevard (Sanyo Avenue): Lone Star Road to Otay Mesa Road | Four-lane Major Road with Bike Route |
| Vann Centre Boulevard: Otay Mesa Road to Lone Star Road | Four-lane Collector with Bike Route south of Lone Star Road |
| Zinser Road: west of Sunroad Boulevard (Sanyo Avenue) | Four-lane Collector with Bike Route |
| Zinser Road: Sunroad Boulevard (Sanyo Avenue) to Lone Star Road | Two-lane Collector with Bike Route |

***Footnotes:***

a. As classified in the *East Otay Mesa Specific Plan Circulation Element*

## TABLE 2.8-12. *YEAR 2020 CUMULATIVE INTERSECTION OPERATIONS*

| Intersection | Jurisdiction | Control Type | Peak Hour | Year 2020+ Project | | Impact |
|---|---|---|---|---|---|---|
| | | | | Delay [a] | LOS [b] | |
| 1. Otay Mesa Road / Heritage Road | City | Signal | AM | 42.8 | D | None |
| | | | PM | 40.2 | D | |
| 2. Otay Mesa Road / Cactus Road | City | Signal | AM | 21.6 | C | None |
| | | | PM | 28.4 | C | |
| 3. Otay Mesa Road / Britannia Boulevard | City | Signal | AM | 43.9 | D | None |
| | | | PM | 23.7 | C | |
| 4. Otay Mesa Road / La Media Road | City | Signal | AM | **61.4** | **E** | **Cumulative** |
| | | | PM | **65.8** | **E** | |
| 5. Otay Mesa Road / Piper Ranch Road | County | Signal | AM | 13.5 | B | None |
| | | | PM | 23.7 | C | |
| 6. Otay Mesa Road / SR-125 SB Off-Ramp | County | Signal | AM | 13.8 | B | None |
| | | | PM | 6.0 | A | |
| 7. Otay Mesa Road / SR-125 NB On-Ramp | County | Signal | AM | 0.2 | A | None |
| | | | PM | 0.5 | A | |
| 8. Otay Mesa Road / Harvest Road | County | TWSC [c] | AM | **>300** | **F** | **Cumulative** |
| | | | PM | **>300** | **F** | |
| 9. Otay Mesa Road / Sanyo Avenue | County | Signal | AM | **195.3** | **F** | **Cumulative** |
| | | | PM | **191.2** | **F** | |
| 10. Otay Mesa Road / Vann Centre Boulevard | County | OWSC [d] | AM | **>300** | **F** | **Cumulative** |
| | | | PM | **>300** | **F** | |
| 11. Otay Mesa Road / Enrico Fermi Drive | County | Signal | AM | 23.8 | C | None |
| | | | PM | 54.1 | D | |
| 12. SR-905 WB Ramps / Britannia Boulevard | City | Signal | AM | 26.2 | C | None |
| | | | PM | 23.3 | C | |
| 13. SR-905 EB Ramps / Britannia Boulevard | City | Signal | AM | 54.4 | D | None |
| | | | PM | 19.8 | B | |
| 14. SR-905 WB Ramps / La Media Road | City | Signal | AM | 10.7 | B | None |
| | | | PM | 12.8 | B | |
| 15. SR-905 EB Ramps / La Media Road | City | Signal | AM | 32.1 | C | None |
| | | | PM | 17.1 | B | |
| 16. Airway Road / Sanyo Avenue | City | AWSC [e] | AM | **69.7** | **F** | **Cumulative** |
| | | | PM | **64.3** | **F** | |
| 17. Airway Road / Paseo De Las Americas | County | TWSC | AM | **>300** | **F** | **Cumulative** |
| | | | PM | **>300** | **F** | |
| 18. Airway Road / Enrico Fermi Drive | County | Signal | AM | 29.9 | C | None |
| | | | PM | 26.8 | C | |
| 19. Siempre Viva Road EB / SR-905 SB Ramps | City | Signal | AM | 50.6 | D | None |
| | | | PM | 48.7 | D | |
| | City | OWSC | AM | 25.0 | D | None |

## TABLE 2.8-12. *YEAR 2020 CUMULATIVE INTERSECTION OPERATIONS*

| Intersection | Jurisdiction | Control Type | Peak Hour | Year 2020+ Project | | Impact |
|---|---|---|---|---|---|---|
| | | | | Delay [a] | LOS [b] | |
| 20. Siempre Viva Road WB / SR-905 SB Off-Ramp | | | PM | 20.1 | C | |
| 21. Siempre Viva Road / SR-905 NB Ramps | City | Signal | AM | 23.7 | C | None |
| | | | PM | 36.1 | D | |
| 22. Siempre Viva Road / Paseo de las Americas | City | Signal | AM | **247.0** | **F** | **Cumulative** |
| | | | PM | **219.4** | **F** | |
| 23. Siempre Viva Road / Enrico Fermi Drive | County | Signal | AM | **244.5** | **F** | **Cumulative** |
| | | | PM | 54.1 | D | |

***Footnotes:***

a. Average intersection delay per vehicle in seconds
b. Level of Service
c. TWSC: Two-Way-Stop-Controlled intersection. Minor Street left-turn delay and LOS reported
d. OWSC: One-Way-Stop-Controlled intersection. Minor Street left-turn delay and LOS reported
e. AWSC: All-Way-Stop-Controlled intersection

***General Notes:***

**Bold** indicates potential significant Project impact.

| SIGNALIZED | | UNSIGNALIZED | |
|---|---|---|---|
| Delay | LOS | Delay | LOS |
| 0.0 ≤ 10.0 | A | 0.0 ≤ 10.0 | A |
| 10.1 to 20.0 | B | 10.1 to 15.0 | B |
| 20.1 to 35.0 | C | 15.1 to 25.0 | C |
| 35.1 to 55.0 | D | 25.1 to 35.0 | D |
| 55.1 to 80.0 | E | 35.1 to 50.0 | E |
| ≥ 80.1 | F | ≥ 50.1 | F |

**TABLE 2.8-13. *YEAR 2020 CUMULATIVE SEGMENT OPERATIONS***

| Roadway Segment | Jurisdiction | Functional Classification | Capacity (LOS E)[a] | ADT [b] | V/C [c] | LOS [d] | Sig |
|---|---|---|---|---|---|---|---|
| **Otay Mesa Road** | | | | | | | |
| West of Heritage Rd | City | Six-Lane Prime | 60,000 | 32,313 | 0.539 | B | None |
| Heritage Rd to Cactus Rd | City | Six-Lane Prime | 60,000 | 30,145 | 0.502 | B | None |
| Cactus Rd to Britannia Blvd | City | Six-Lane Prime | 60,000 | 33,150 | 0.553 | B | None |
| Britannia Blvd to La Media Rd | City | Six-Lane Prime | 60,000 | 22,675 | 0.378 | A | None |
| La Media Rd to Piper Ranch Rd | City | Five-Lane Major | 45,000 | 33,166 | 0.737 | C | None |
| Piper Ranch Road to SR 125 Ramps | County | Six-Lane Prime | 57,000 | 29,422 | 0.516 | B | None |
| SR 125 Ramps to Harvest Rd | County | Five-Lane Major | 47,000 | 36,009 | 0.766 | C | None |
| Harvest Rd to Sanyo Ave | County | Four-Lane Major | 37,000 | 14,258 | 0.385 | A | None |
| Sanyo Ave to Vann Centre Blvd | County | Local Collector | 16,200 | 5,519 | 0.341 | C | None |
| Vann Centre Blvd to Enrico Fermi Dr | County | Local Collector | 16,200 | 5,943 | 0.367 | C | None |
| **Britannia Boulevard** | | | | | | | |
| Otay Mesa Rd to SR 905 Ramps | City | Six-Lane Prime | 60,000 | 16,384 | 0.273 | A | None |
| **Sanyo Avenue** | | | | | | | |
| Otay Mesa Rd to Airway Rd | City | Four-Lane Collector | 30,000 | 16,647 | 0.555 | C | None |
| **Enrico Fermi Drive** | | | | | | | |
| Otay Mesa Rd to Airway Rd | County | Two-Lane Collector | 9,700 | **17,221** | **1.775** | **F** | **Cumulative** |
| Airway Rd to Siempre Viva Rd | County | Four-Lane Major | 37,000 | 13,756 | 0.372 | A | None |
| **Airway Road** | | | | | | | |
| Sanyo Ave to Paseo De Las Americas | City | Four-Lane Major | 40,000 | 16,350 | 0.409 | B | None |

**TABLE 2.8-13. *YEAR 2020 CUMULATIVE SEGMENT OPERATIONS***

| Roadway Segment | Jurisdiction | Functional Classification | Capacity (LOS E)[a] | ADT [b] | V/C [c] | LOS [d] | Sig |
|---|---|---|---|---|---|---|---|
| **La Media Road** | | | | | | | |
| Otay Mesa Rd to SR 905 Ramps | City of San Diego | Five-Lane Major | 45,000 | 29,135 | 0.647 | C | None |
| **Siempre Viva Road** | | | | | | | |
| SR 905 Ramps to Paseo de las Americas | City of San Diego | Six-Lane Prime | 60,000 | 44,260 | 0.738 | C | None |
| Paseo de las Americas to Enrico Fermi Dr | City of San Diego | Six-Lane Prime | 60,000 | 22,500 | 0.375 | A | None |

***Footnotes:***

a. Capacity from City / County LOS threshold tables
b. Average Daily Traffic
c. Volume / Capacity
d. Level of Service

***General Notes:***

**BOLD** indicates a potential significant Project impact.

## TABLE 2.8-14. *YEAR 2020 CUMULATIVE FREEWAY MAINLINE OPERATIONS*

| Freeway and Segment | Direction, Number of Lanes [a] & Capacity [b] | | | ADT | Peak Hour Volume | | V/C [c] | | LOS[d] | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | AM | PM | AM | PM | AM | PM |
| **SR 905** | | | | | | | | | | |
| Heritage Road to Britannia Blvd | WB Mainline | 3M | 6,000 | 116,500 | 2,936 | 4,545 | 0.489 | 0.758 | B | C |
| | EB Mainline | 3M | 6,000 | 116,500 | 2,648 | 2,321 | 0.441 | 0.387 | B | B |
| Britannia Blvd to La Media Rd S | WB Mainline | 3M | 6,000 | 103,500 | 2,318 | 2,963 | 0.386 | 0.494 | B | B |
| | EB Mainline | 3M + 1A | 7,200 | 103,500 | 2,455 | 2,431 | 0.341 | 0.338 | B | B |
| La Media Rd to Siempre Viva Rd S | NB Mainline | 3M | 6,000 | 91,020 | 1,771 | 2,134 | 0.295 | 0.356 | B | B |
| | SB Mainline | 3M | 6,000 | 91,020 | 1,837 | 1,892 | 0.306 | 0.315 | B | B |

***Footnotes:***

a. "M" = Mainline, "A" = Auxiliary Lane
b. Capacity = 2,000 vehicles per hour per lane (mainline), 1,200 vehicles per hour per lane (auxiliary)
c. Volume to Capacity ratio
d. Level of Service

| LOS | V/C |
|---|---|
| A | <0.41 |
| B | 0.62 |
| C | 0.8 |
| D | 0.92 |
| E | 1 |
| F(0) | 1.25 |
| F(1) | 1.35 |
| F(2) | 1.45 |
| F(3) | >1.46 |

## TABLE 2.8-15. *SUMMARY OF SIGNIFICANT TRAFFIC IMPACTS & MITIGATION MEASURES*

| Location | Impact Type | Mitigation Measure | Mitigated to Below a Significant Level? Yes/No? |
|---|---|---|---|
| **Intersections** | | | |
| #4. Otay Mesa Road / La Media Road *(City of San Diego)* (**Impact TR-1, TR-7)** | Direct & Cumulative | **M-TR-1:** In order to mitigate the Project's direct and cumulative impacts to this intersection, ~~it is recommended that~~ the Project would contribute a fairshare towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends providing the following lane configurations at the intersection:<br>• Southbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.<br>• Westbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.<br>• Northbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.<br>• Eastbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.<br>Payment of the Project's fairshare towards these improvements would reduce this direct and cumulative impact to below a level of significance. | Yes |
| #8. Otay Mesa Road / Harvest Road (*County of San Diego*) (**Impact TR-2, TR-10)** ~~)~~ | Direct & Cumulative | **M-TR-2:** In order to mitigate the Project's direct impacts to this Project access intersection, ~~it is recommended that~~ the Project would signalize the intersection and provide the following lane configurations:<br>• Southbound movement: one dedicated right turn lane with overlap phasing and a shared thru / left turn lane.<br>• Westbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.<br>• Northbound movement: one shared thru/right turn/left turn lane.<br>• Eastbound movement: one shared thru/right turn lane, one dedicated thru lane, and two dedicated left turn lanes.<br>Since this intersection falls under Caltrans jurisdiction, a signal warrant was conducted to ensure the installation of a signal at the intersection is warranted. Based on the signal warrant included in ***Appendix K*** a signal is warranted at the intersection under Existing + Project conditions. | Yes |

## TABLE 2.8-15. *SUMMARY OF SIGNIFICANT TRAFFIC IMPACTS & MITIGATION MEASURES*

| Location | Impact Type | Mitigation Measure | Mitigated to Below a Significant Level? Yes/No? |
|---|---|---|---|
| | | In addition, the Project would ~~should~~ pay the appropriate TIF amount toward the County TIF Program to mitigate the Project's cumulative impact.<br><br>Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance. | |
| #9. Otay Mesa Road / Sanyo Road (*County of San Diego*) (**Impact TR-3, TR-11)** | Direct & Cumulative | **M-TR-3:** In order to mitigate the Project's direct impacts to this Project access intersection, ~~it is recommended that~~ the Project would provide the following lane configurations:<br><br>• Southbound movement: two dedicated right turn lanes with overlap phasing, one thru lane and one dedicated left turn lane.<br>• Westbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.<br>• Northbound movement: one shared thru/right turn lane, one dedicated thru lane, and one dedicated left turn lane.<br>• Eastbound movement: one shared thru/right turn lane, one dedicated thru lane, and two dedicated left turn lanes.<br><br>The Project should also pay the appropriate TIF amount toward the County TIF Program to mitigate the Project's cumulative impact.<br><br>Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance. | Yes |

## TABLE 2.8-15. *SUMMARY OF SIGNIFICANT TRAFFIC IMPACTS & MITIGATION MEASURES*

| Location | Impact Type | Mitigation Measure | Mitigated to Below a Significant Level? Yes/No? |
|---|---|---|---|
| #10. Otay Mesa Road / Vann Centre Boulevard (*County of San Diego*) (**Impact TR-4, TR-12)** | Direct & Cumulative | **M-TR-4:** In order to mitigate the Project's direct impacts to this Project access intersection, ~~it is recommended that~~ the Project would signalize the intersection and provide the following lane configurations:<br>• Southbound movement: one dedicated right turn lane with overlap phasing and one dedicated left turn lane.<br>• Westbound movement: one shared thru/right turn lane.<br>• Eastbound movement: one thru lane and one dedicated left turn lane.<br>The Project should also pay the appropriate TIF amount toward the County TIF Program to mitigate the Project's cumulative impact.<br>Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance. | Yes |
| #16. Airway Road / Sanyo Avenue *(City of San Diego)* (**Impact TR-8)** | Cumulative | **M-TR-5:** In order to mitigate the Project's cumulative impact to this intersection, ~~it is recommended that~~ the Project would contribute a fairshare towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends signalizing the intersection and providing the following lane configurations:<br>• Southbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.<br>• Westbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.<br>• Northbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.<br>• Eastbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.<br>Payment of the Project's fairshare towards these improvements would reduce this cumulative impact to below a level of significance. | Yes |
| #17. Airway Road / Paseo de las Americas *(County of San Diego)* (**Impact TR-13)** | Cumulative | **M-TR-6:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance. | Yes |

## TABLE 2.8-15. *SUMMARY OF SIGNIFICANT TRAFFIC IMPACTS & MITIGATION MEASURES*

| Location | Impact Type | Mitigation Measure | Mitigated to Below a Significant Level? Yes/No? |
|---|---|---|---|
| #22. Siempre Viva Road / Paseo de las Americas (*City of San Diego*) (**Impact TR-9, TR-14)** | Cumulative | **M-TR-7:** In order to mitigate the Project's cumulative impact to this intersection, ~~it is recommended that~~ the Project would contribute a fairshare towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends providing the following lane configurations:<br>• Southbound movement: two dedicated right turn lanes, one thru lane and one dedicated left turn lane.<br>• Westbound movement: one dedicated right turn lane, two thru lanes and one dedicated left turn lane.<br>• Northbound movement: one dedicated right turn lane, one shared thru / left turn lane and one dedicated left turn lane.<br>• Eastbound movement: one dedicated right turn lane, three thru lanes and two dedicated left turn lanes.<br>Payment of the Project's fairshare towards these improvements would reduce this cumulative impact to below a level of significance. | Yes |
| #23. Siempre Viva Road / Enrico Fermi Drive *(County of San Diego)* (**Impact TR-14)** | Cumulative | **M-TR-8:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance. | Yes |
| **Street Segments** | | | |
| Otay Mesa Road: Sanyo Avenue to Vann Centre Boulevard *(County of San Diego)* (**Impact TR-5)** | Direct | **M-TR-9:** Widening this segment of Otay Mesa Road between Sanyo Avenue and Vann Centre Boulevard along the Project frontage to Four-lanes would reduce this direct impact to below a level of significance.<br>The Project will also be responsible for making ½ width frontage improvements along Otay Mesa Road between Harvest Road and Vann Centre Boulevard to improve the roadway to six-lane Prime Arterial standards per the County's Centerline Ordinance. | Yes |

## TABLE 2.8-15. *SUMMARY OF SIGNIFICANT TRAFFIC IMPACTS & MITIGATION MEASURES*

| Location | Impact Type | Mitigation Measure | Mitigated to Below a Significant Level? Yes/No? |
|---|---|---|---|
| Otay Mesa Road: Vann Centre Boulevard to Enrico Fermi Drive *(County of San Diego)* (**Impact TR-6)** | Direct | **M-TR-10:** This segment of Otay Mesa Road between Vann Centre Boulevard and Enrico Fermi Drive was analyzed under Existing conditions without the addition of SR 11 between SR 905/SR 125 and Enrico Fermi Drive to the roadway network. SR 11 is currently under construction and expected to open during the fall of 2015, before completion of the Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan Amendment Project. Under Year 2020 Cumulative conditions, with the addition of SR 11, a significant impact is not calculated along the segment (2 lanes provide adequate operations). Therefore, the construction of SR 11, which is fully funded, will mitigate the Project's direct impact, and no additional mitigation measures are necessary. | Yes |
| Enrico Fermi Drive: Otay Mesa Road to Airway Road *(County of San Diego)* (**Impact TR-15)** | Cumulative | **M-TR-11:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance. | Yes |

**TABLE 2.8-16. *INTERSECTION POST-MITIGATION ANALYSIS***

| Intersection | Control Type | Peak Hour | Existing | | Existing + Project | | Existing + Project + Mitigation | | | Mitigation |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Delay[a] | LOS[b] | Delay | LOS | Delay | LOS | Δ[c] | |
| 4. Otay Mesa Road / La Media Road | Signal | AM | **178.8** | **F** | **322.9** | **F** | **109.2** | **F** | (69.6) [d] | *Contribute a fairshare towards the following planned improvements to this intersection:* *Southbound Movement - two dedicated right turn lanes, three thru lanes, three thru lanes, and two dedicated left turn lanes.* *Westbound Movement - two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.* *Northbound Movement - two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.* *Eastbound Movement - two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.* |
| | | PM | **61.4** | **E** | **237.8** | **F** | **61.1** | **E** | (0.3) [d] | |
| 8. Otay Mesa Road / Harvest Road | TWSC / Signal [e] | AM | **48.0** | **E** | **>300** | **F** | 54.9 | D | 6.9 | *Signalize the intersection and provide the following:* *Southbound movement - one dedicated right turn lane with overlap phasing and a shared thru / left turn lane.* *Westbound movement - one shared thru/right turn lane, one thru lane, and one dedicated left turn lane.* *Northbound movement: one shared thru / right turn /left turn lane.* *Eastbound movement - one shared thru / right turn lane, two thru lanes and one dedicated left turn lane.* |
| | | PM | 11.8 | B | **>300** | **F** | 42.8 | D | 30.9 | |
| 9. Otay Mesa Road / Sanyo Road | Signal | AM | 12.2 | B | **178.2** | **F** | 37.0 | C | 24.8 | *Provide the following:* *Southbound movement - two dedicated right turn lanes with overlap phasing, one thru lane and one dedicated left turn lane.* *Westbound movement - one shared thru / right lane, one thru lane, and one dedicated left turn lane.* *Northbound movement: one shared thru / right turn lane and one dedicated left turn lane.* *Eastbound movement - one shared thru / right turn lane, one thru lane, and two dedicated left turn lanes.* |
| | | PM | 17.6 | B | **170.4** | **F** | 44.8 | D | 27.2 | |
| | | AM | - | - | **>300** | **F** | 11.1 | B | - | |

## TABLE 2.8-16. *INTERSECTION POST-MITIGATION ANALYSIS*

| Intersection | Control Type | Peak Hour | Existing | | Existing + Project | | Existing + Project + Mitigation | | | Mitigation |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Delay[a] | LOS[b] | Delay | LOS | Delay | LOS | Δ[c] | |
| 10. Otay Mesa Road / Vann Centre Boulevard | DNE/ Signal[f] | PM | - | - | **>300** | **F** | 22.3 | C | - | *Signalize the intersection and provide the following: Southbound movement - one dedicated right turn lane with overlap phasing and one dedicated left turn lane. Westbound movement – one shared thru / right turn lane. Eastbound movement - one thru lane and one dedicated left turn lane.* |

***Footnotes:***

a. Average delay expressed in seconds per vehicle.
b. Level of Service.
c. Δ denotes a decrease in delay with the addition of Project trips and proposed mitigation measures as compared to Existing conditions.
d. Even though the level of service with mitigation is LOS E / F, the delay is lower than without the Project and mitigation. Therefore, the improvement fully mitigates the significant impact.
e. TWSC – Two-way Stop Control. The mitigation measure proposes to signalize the intersection.
f. DNE – Does Not Exist. The mitigation measure proposes to signalize the intersection.

| SIGNALIZED | | UNSIGNALIZED | |
|---|---|---|---|
| Delay | LOS | Delay | LOS |
| 0.0 ≤ 10.0 | A | 0.0 ≤ 10.0 | A |
| 10.1 to 20.0 | B | 10.1 to 15.0 | B |
| 20.1 to 35.0 | C | 15.1 to 25.0 | C |
| 35.1 to 55.0 | D | 25.1 to 35.0 | D |
| 55.1 to 80.0 | E | 35.1 to 50.0 | E |
| ≥ 80.1 | F | ≥ 50.1 | F |

## TABLE 2.8-17. *SEGMENT POST-MITIGATION ANALYSIS*

| Roadway Segment | Capacity (LOS E)[a] | Existing | | | Existing + Project | | | Existing + Project + Mitigation | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | ADT[b] | V/C[c] | LOS[d] | ADT | V/C | LOS | Capacity (LOS E)[a] | ADT | V/C | LOS | Δ[e] |
| **Otay Mesa Road** | | | | | | | | | | | | |
| Sanyo Ave to Vann Centre Blvd | 16,200 | 10,410 | 0.643 | D | **20,647** | **1.275** | **F** | 37,000 | 20,647 | 0.558 | B | (0.085) |

***Footnotes:***

a. Capacity from City / County LOS threshold tables
b. Average Daily Traffic
c. Volume / Capacity
d. Level of Service
e. "Δ" denotes the decrease in V/C due to the mitigation measure.

## TABLE 2.8-18. *PROJECT MITIGATION PHASING SUMMARY*

| Impacted Location | EDU Before Impact is Triggered |
|---|---|
| **Intersections** | |
| 4. Otay Mesa Road / La Media Road | 35 EDU |
| 8. Otay Mesa Road / Harvest Road | 35 EDU |
| 9. Otay Mesa Road / Sanyo Avenue | 1,980 EDU |
| 10. Otay Mesa Road / Vann Centre Boulevard | 1,530 EDU |
| **Street Segments** | |
| Otay Mesa Road: Sanyo Ave to Vann Centre Blvd | 60 EDU |

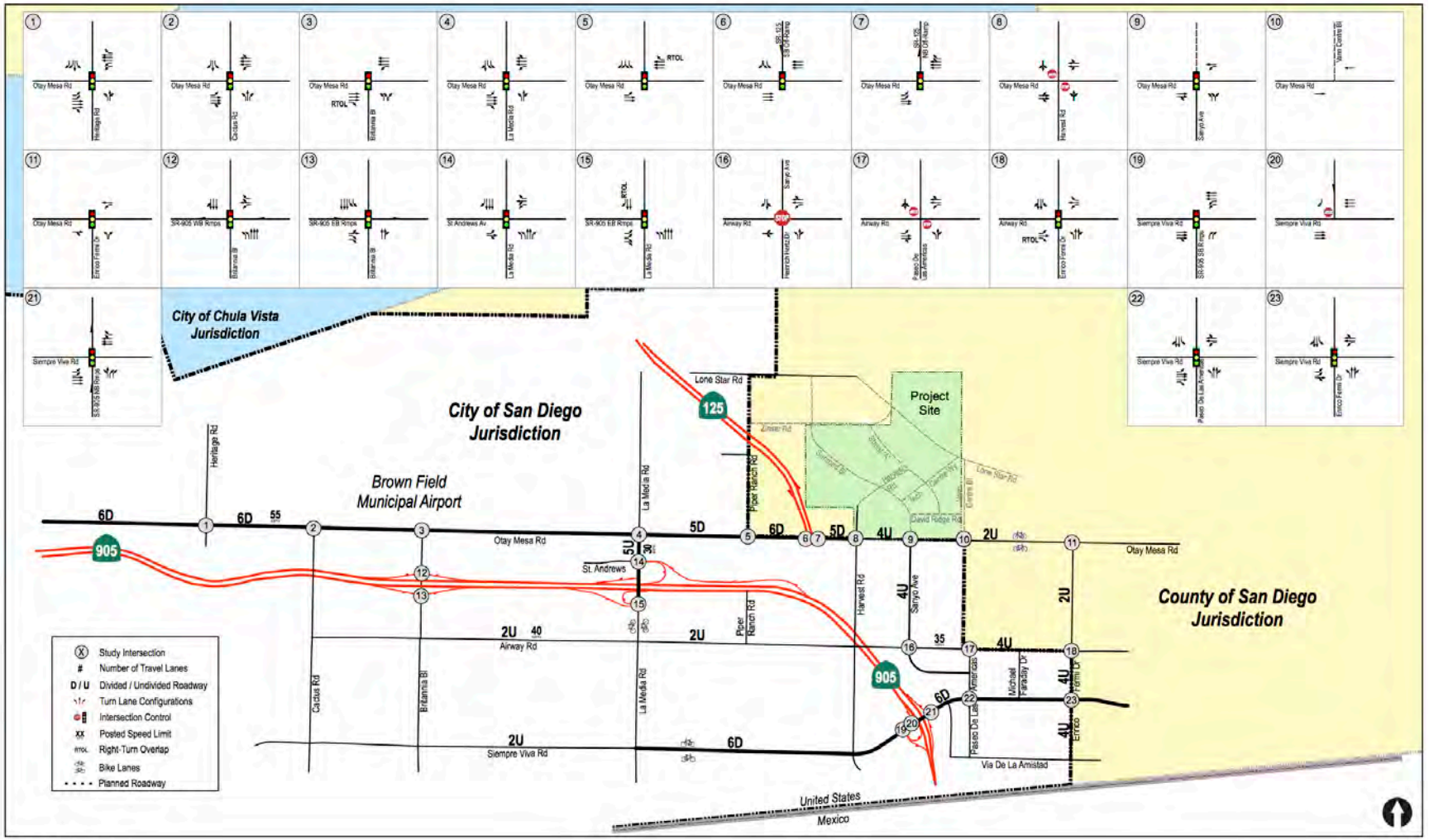



**FIGURE 2.8-1. *EXISTING CONDITIONS DIAGRAM***

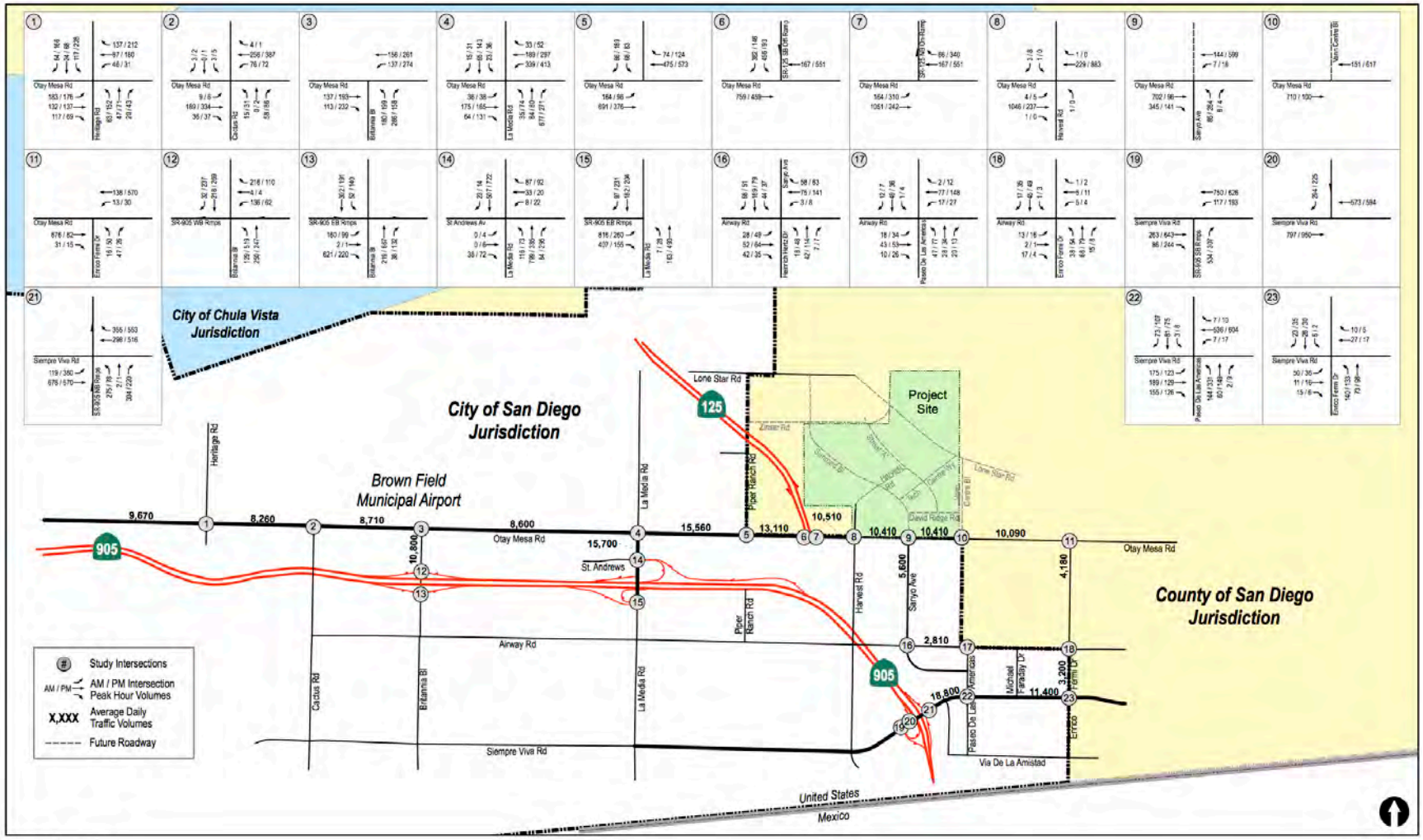



**FIGURE 2.8-2. *EXISTING TRAFFIC VOLUMES***

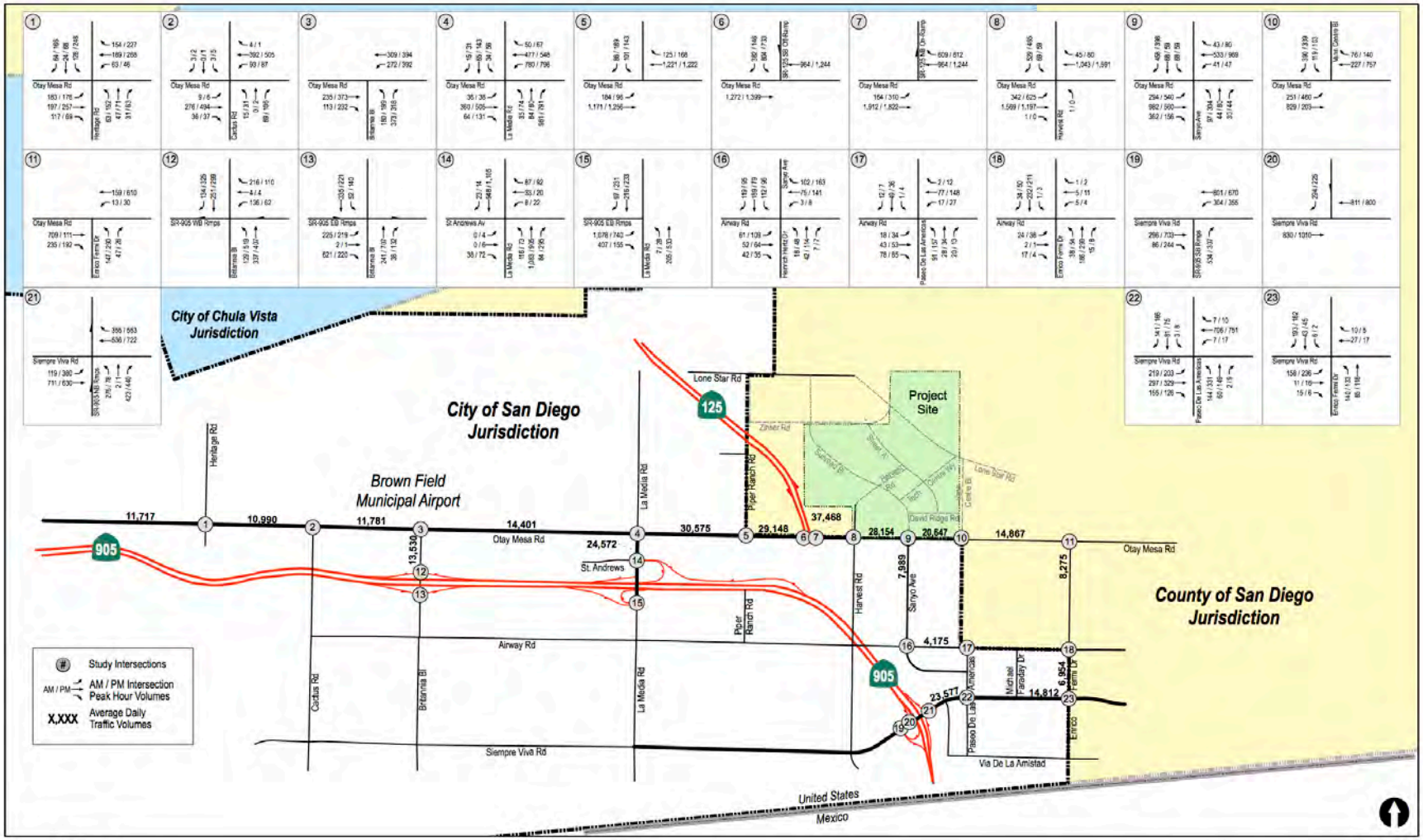



**FIGURE 2.8-3. *EXISTING YEAR + PROJECT TRAFFIC VOLUMES***

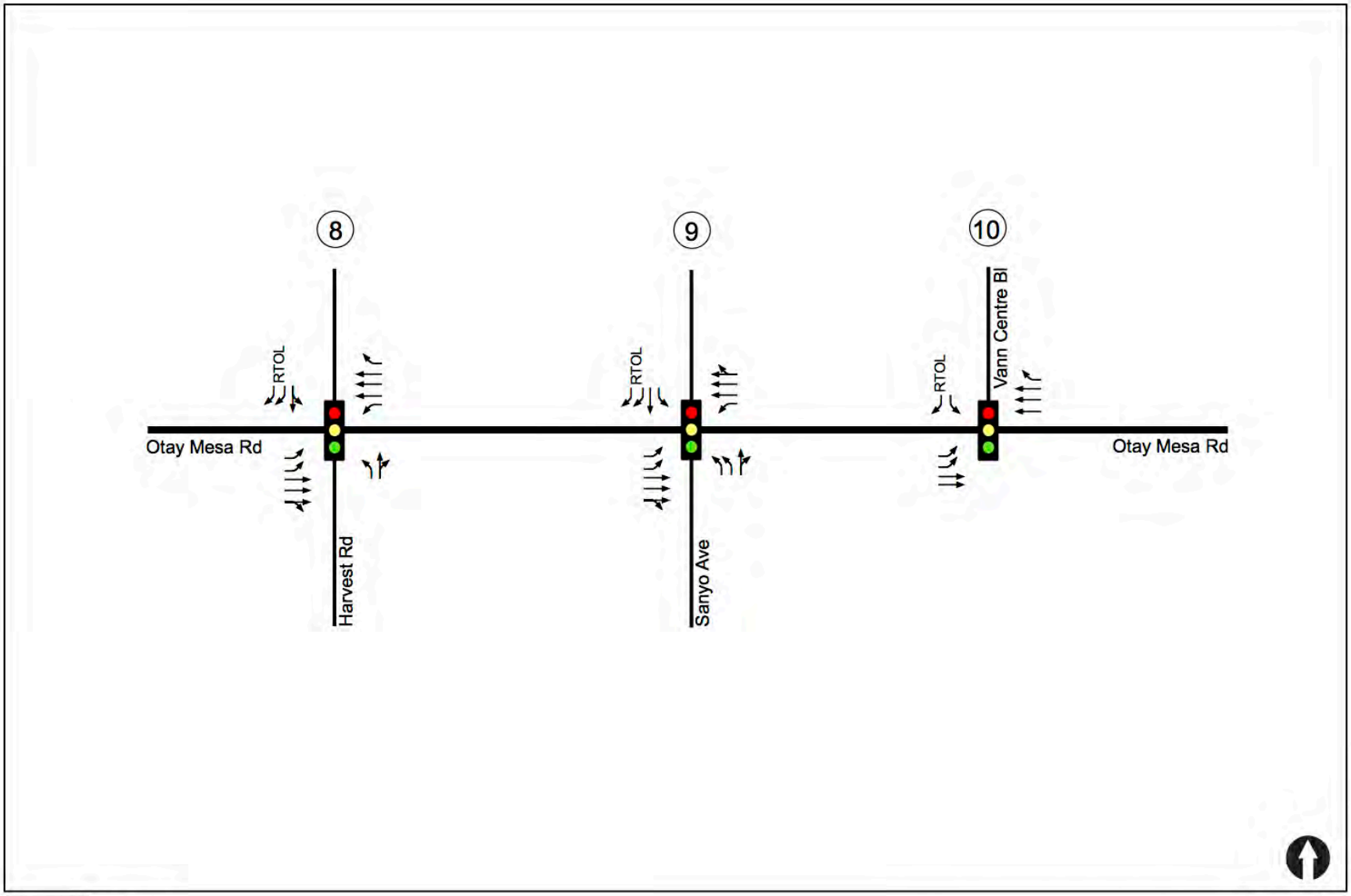



**FIGURE 2.8-4.** ***ULTIMATE PROJECT ACCESS IMPROVEMENTS***

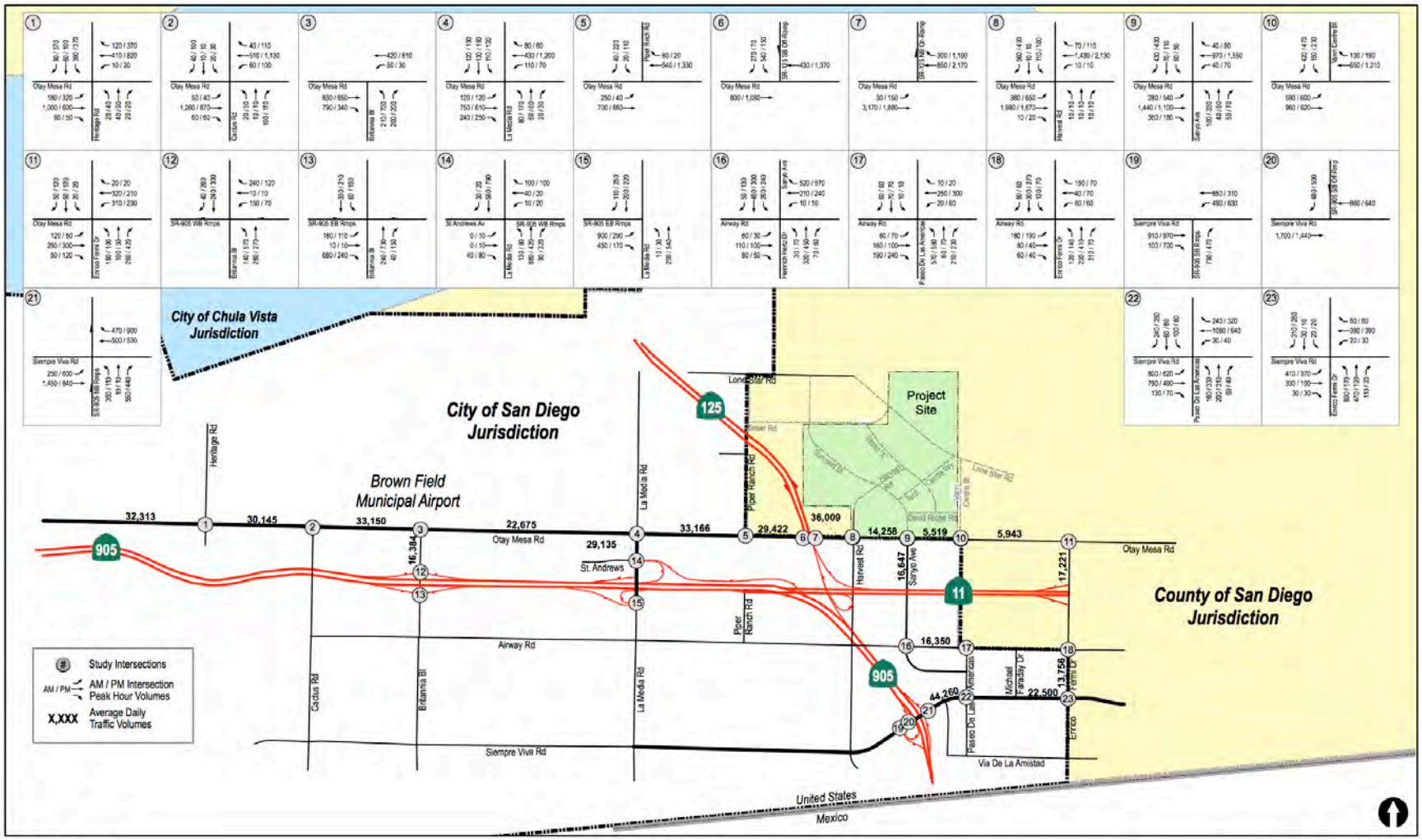



**FIGURE 2.8-5.** ***CUMULATIVE (YEAR 2020) WITH PROJECT TRAFFIC VOLUMES***

# 2.9 Significant Irreversible Environmental Changes Resultant from Project Implementation

CEQA Guidelines Section 15127 requires irreversible changes be evaluated in EIRs prepared for projects that would involve: (a) the adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency; (b) the adoption by a Local Agency Formation Commission (LAFCO) of a resolution making determinations; and (c) the requirements for preparing an environmental impact statement pursuant to the National Environmental Policy Act. The proposed Project would involve an amendment to the General Plan. The following analysis addresses Project changes that would be considered irreversible and Project commitments/use of resources that would be considered irretrievable.

The proposed Project would result in the development of the site for a mix of residential, retail, and office uses. The proposed Project represents a continued commitment of land to urban uses, which intensifies land use on the 253-acre Project site. Once developed, reverting to a less urban use is highly unlikely. Development of the Project site would constrain future land use options.

Several irreversible commitments of limited resources would result from implementation of the proposed Project. The resources include but are not limited to the following: lumber and other forest products; sand, gravel, and concrete; asphalt; petrochemical construction materials; steel, copper, lead and other metals; and water consumption. In addition, non-renewable fuels would be used by construction equipment, haul trucks, and worker vehicles. This commitment of resources and energy would be commensurate with that of other projects of similar size but would be irretrievable.

Post-construction operational energy uses of the facilities associated with the Project would include the use of electricity, natural gas, and water by Project residents, employees, and consumers. This energy use would be a long-term commitment and the use of energy would be irretrievable, although any energy saving features of the Project would reduce this commitment. The Project site does not contain any significant oil other energy sources that would be adversely affected by Project implementation.

The 1994 EIR found the loss of important farmland (Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance) to be less than significant as there was limited area with the classification and agricultural use could continue in the Specific Plan area as an interim use prior to build-out. The 2000 SEIR did not address agricultural resources; the 2012 Addendum found no impacts to agricultural resources. In addition, active agricultural activities were not in evidence at the time of certification of the 1994 EIR and no mitigation measures were deemed necessary. The Project site is designated as Farmland of Local Importance and has soil types classified as Prime Agricultural soils. However, the Project site is not under a Williamson Act contract. The Project site has not been used for any agricultural purpose since at least 1996 and there are no active agricultural operations within a ten-mile radius. Although development of the proposed Project would irreversibly preclude the Project site agricultural use, this is

not considered a significant impact, as the Project site has not been utilized for agricultural uses in at least two decades and the current General Plan land use designation (Village) is contrary to agricultural use for the site.

No potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state would occur as a result of the Project. Although the site contains a mineral resource designation of MRZ-2, no impacts to mineral resources were anticipated by the 1994 EIR. The 2000 SEIR did not address mineral resources; the 2012 Addendum found no impacts to mineral resources. Prospects were reported in the San Ysidro Mountains to the east of the Specific Plan area. That site is at the western base of the San Ysidro Mountains and is approximately one mile northwest of the proposed Project site. However, the Project site has not been actively mined and contains no known mineral resources. In addition, there are no active or abandoned mines or quarries in the Project vicinity.

The Project would not result in the permanent loss of availability of a known mineral resource that would be of value to the region and its residents or the State. The Project site is within the approved Specific Plan area, which is not designated as the location of mineral resources or potential location for mining and quarries. Furthermore, there is an existing approved Tentative Map (TM ~~5538~~5139) in effect on the Project site, which would allow light industrial development to occur. The Specific Plan area, Project site, and surrounding areas are not classified as MRZ-2. With approval of the EOMSP, along with the Project site's S-88 zoning designation that allow full development of the Specific Plan area, the County has determined that the Specific Plan area is not a suitable location for mineral extraction. Accordingly, implementation of the Project would not affect mineral resources or require the need for further analysis of mineral resources.

# 3.0 Environmental Effects Found Not to Be Significant

According to the CEQA Guidelines, an EIR shall focus on the significant effects on the environment (14 CCR 15143). An EIR shall therefore contain a statement indicating the reasons various possible significant effects were not found significant and not discussed in detail (14 CCR 15128). This section of the SEIR provides discussions of those effects that were identified as potentially significant during the Initial Study and process but were concluded not to be significant after further analysis. For the purpose of this SEIR, the County of San Diego's Guidelines of Determination of Significance apply to both the direct/indirect impacts analysis and the cumulative impact analysis, where applicable. Where the County's Guidelines for Determining Significance do not address the effects considered, Appendix G of the CEQA Guidelines has been used as the basis for this analysis.

The following environmental areas were found to be not significant during the EIR process and are addressed in Subchapter 3.1, *Effects Found Not Significant as Part of the SEIR Process*: Aesthetics (3.1.1), Land Use and Planning (3.1.2), and Population and Housing (3.1.3). Issues which were determined not to be potentially significant or less than significant during the review of the 1994 EIR are addressed in Subchapter 3.2, *Effects Found Not Significant During Initial Study*, and include: Agricultural and Forestry Resources (3.2.1), Hydrology and Water Quality (3.2.2), Geology and Soils (3.2.3), Mineral Resources (3.2.4), and Public Utilities and Services (3.2.5).

# 3.1 Effects Found Not Significant as Part of the SEIR Process

The following environmental areas were not found to be significant during the SEIR process and are addressed in this Subchapter: Aesthetics (3.1.1), Land Use and Planning (3.1.2), and Population and Housing (3.1.3).

## 3.1.1 Aesthetics

### 3.1.1.1 *Existing Conditions*

**Project Site**

The Project site is located in a currently undeveloped area of the County that is designated for Technology Business Park uses in the EOMSP. The area surrounding the site is currently designated to be developed with Technology Business Park uses to the west, north, and east. The area south of the site across Otay Mesa Road includes existing industrial land uses, primarily two stories in height. There are three individual single-story residential units located to the east of the site on Otay Mesa Road within an area where a new subdivision has been approved for development of a technology park (Rabago Technology Park – TM 5568).

The Project site encompasses approximately 253 acres of undeveloped land east and west of Harvest Road and immediately north of Otay Mesa Road in San Diego County, California. The property is nearly flat-lying to steeply sloping with elevations ranging from approximately 620 feet AMSL in the central portion of the site to approximately 527 feet AMSL at the northwest corner.

Portions of the Project site have been altered by agricultural activity that has occurred over the past 100 years; however, the Project site is not currently farmed. Existing development on-site consists of Harvest Road at the west end, a dirt road along the east property line, several dirt roads trending east-west in the central portion of the site over an existing knoll, an abandoned borrow pit in the north-central portion, and several buried and surface irrigation lines.

Natural drainage across the site occurs as a network of shallow swales and ravines that discharge into Johnson Canyon to the northeast (within an area designated as open space easement) or into controlled facilities along Otay Mesa Road to the south. Vegetation primarily consists of non-native grasses with brush on the steeper slopes. The central-north section of the Project site is covered with an extensive volume of dumped soils, trash, and debris.

Public views into the Project site are visible from Otay Mesa Road, which forms the Project site's southern boundary; unimproved Harvest Road, running north to south through the western portion of the Project site; and unimproved Zinser Road that forms

the Project site's northern border. There are three single family homes located just off-site of the Project's eastern border that would also have views of the Project site.

The Project site remains in essentially the same condition as when the EOMSP project was approved. Due to the undeveloped nature of the Project site, the aesthetic conditions described in the 1994 EIR for the EOMSP are essentially the same as site conditions today. Aesthetics were not further analyzed in the 2000 SEIR.

## Regulatory Framework

The proposed Project is subject to a number of regulations applicable to the protection of visual resources, as well as plans and policies that ensure adequate consideration is given to preserving and/or enhancing the visual qualities of an area. These policies aid in evaluation of the planning agency/community perception of visual qualities within an area, as well as providing guidance as to whether proposed Project modifications would be visually compatible with County and/or community goals. The proposed Project is subject to the following guidelines and policies.

### State

#### *Scenic Highway Program*

California adopted a Scenic Highway Program (Streets and Highways Code, Section 260 et seq.) in 1963 to preserve and protect scenic highway corridors from change that would diminish the visual quality of areas that are adjacent to highways.

### Local

#### *County of San Diego General Plan Conservation and Open Space Element*

The 2011 Conservation and Open Space (COS) Element of the County General Plan combines what formerly were four separate elements (Open Space, Conservation, Scenic Highway, and Energy) and describes the natural resources within the County and goals and policies to preserve them. The COS Element provides direction for future growth and development in the County with respect to the conservation, management, and utilization of natural [biological, water, agricultural, paleontological, mineral, visual (including scenic corridors and dark skies)] and cultural resources; protection and preservation of open space; and provision of park and recreation resources. In the vicinity of the proposed Project site, there are no areas identified as a scenic corridor in the COS Element or included as part of the County Scenic Highway System.

#### *County of San Diego Resource Protection Ordinance*

The County's RPO provides special regulations applicable to certain types of discretionary applications, including tentative maps. The ordinance focuses on the preservation and protection of the County's unique topography, natural beauty, diversity,

natural resources, and quality of life. The RPO is intended to protect the integrity of sensitive lands including wetlands, wetland buffers, floodplains/floodways, sensitive habitats, cultural resources, and steep slopes (lands having a natural gradient of 25 percent or greater and a minimum rise of 50 vertical feet, unless said land has been substantially disturbed by previous legal grading), all of which are components of visual quality and community character.

***Dark Skies***

The County of San Diego Light Pollution Code (Title 5, Division 1, Chapter 2, Sections 51.201- 51.209 of the San Diego County Code of Regulatory Ordinances; LPC) seeks to control undesirable light rays emitted into the night sky in order to reduce detrimental effects on astronomical research. Zone A, defined as the area within a 15-mile radius centered on the Palomar Observatory and within a 15-mile radius centered on the Mount Laguna Observatory, has specific light emission restrictions. The unincorporated portions of San Diego County not within Zone A fall within Zone B, and are subject to lesser restrictions. The proposed Project site is located approximately 80 miles from the Palomar Observatory and approximately 59 miles from the Mount Laguna Observatory, and is therefore, within the Outdoor Lighting Ordinance Zone B. Outdoor lighting, such as security or parking lot lighting, must be less than 4,050 lumens and fully shielded within Zone B.

***Otay Subregional Plan***

The Otay Subregional Plan augments the 2011 General Plan and contains goals and policies specific to the Otay Mesa planning area. The proposed Project site is located in the southern portion of the Otay Subregional Plan Area. Guidance related to aesthetics is contained in several policies of the Otay Subregional Plan, including the Land Use and Mobility policy sections.

## 3.1.1.2 *Analysis of Potential Effects and Determination as to Significance*

**Previous Environmental Documentation**

**1994 East Otay Mesa Specific Plan EIR**

The 1994 EIR includes an analysis of landform alteration impacts as they relate to visual quality. In addressing landform alteration and visual quality impacts, the 1994 EIR relied on County polices in effect at that time for determining significance, including the Hillside Review Policy (I-73) and the Resource Protection Ordinance. Additionally, the 1994 EIR referenced the County's Resources Conservation Area (RCA) program, for developing policies to preserve resources in the East Otay Mesa area, and the County Scenic Highway Element for scenic highway designation.

Based on the 1994 EIR, buildout of the Specific Plan area would result in development of flatter portions of the Specific Plan area to accommodate construction of the planned industrial and commercial uses, as well as two major highways and a network of surface streets. The 1994 EIR identified a number of potential impacts to landform alteration/visual quality for projects located within the Specific Plan Area as a whole and concluded that, for the most part, no significant landform alteration impacts would occur for areas of the Specific Plan where industrial uses are planned. However, where industrial development is planned in the vicinity of Johnson Canyon that could involve placing fill within the canyon, significant landform alteration impacts would occur. Additionally, the 1994 EIR concluded significant landform alteration impacts associated with residential development in the Hillside Residential areas of the Specific Plan.

Relative to visual resources, the 1994 EIR identified sensitive visual receptors for development areas within the Specific Plan area as existing residents, future residents, and travelers on proposed scenic routes (i.e., SR-125 and SR-905). The 1994 EIR concluded that impacts to residents would be considered less than significant, because the Otay Mesa area is already developing with industrial and institutional uses in the area, and the EOMSP would be consistent with on-going development. For the major scenic resources of the area – the Otay River Valley and the San Ysidro Mountains – the 1994 EIR evaluated the potential for development within the EOMSP to affect views but determined that planned development within the EOMSP area would not detract from the aesthetic qualities and dominance that the San Ysidro Mountains provide for the area. Relative to scenic highways, the 1994 EIR determined that sufficient measures are provided in the EOMSP to ensure that impacts to scenic highways would not be anticipated.

Mitigation measures relative to residential development in the Hillside Residential areas included review of site-specific grading plans to determine measures to reduce the amount of landform alteration. Mitigation measures relative to Johnson Canyon include the determination of specific boundaries of the canyon defined as the top of the canyon slopes within the Hillside Residential District, and no fill shall be allowed within those boundaries, as well as erosion control devices for grading required for industrial development adjacent to the canyon.

**2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR**

Aesthetics were included within Section 6.2, Effects Found Not to be Significant During Initial Study, of the 2000 SEIR. The 2000 SEIR did not note any changes to the existing on-site conditions, impacts, or mitigation measures for the East Otay Mesa Specific Plan Sunroad Centrum project different from those evaluated in the 1994 EIR.

**2012 Sunroad Otay Tech Centre Addendum**

The 2012 Sunroad Otay Tech Centre Addendum concluded that since the previous EIR was certified, there were not any changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that

cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area. Thus, 2012 Addendum did not note any changes to the existing on-site conditions, impacts, or mitigation measures for the East Otay Mesa Specific Plan Sunroad Centrum project different from those evaluated in the 1994 EIR.

**Guidelines for Determining Significance**

The following significance guidelines from the *County of San Diego Guidelines for Determining Significance – Visual Resources* were used in evaluating whether the proposed Project would result in visual impacts that had not already been addressed in the EOMSP 1994 EIR. Specifically, the proposed Project would generally be considered to have a significant impact if it results in any of the following:

1. The project would introduce features that would detract from or contrast with the existing visual character and/or quality of a neighborhood, community, or localized area by conflicting with important visual elements or the quality of the area (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, etc.) or by being inconsistent with applicable design guidelines.

2. The project would result in the removal or substantial adverse change of one or more features that contribute to the valued visual character or image of the neighborhood, community, or localized area, including but not limited to landmarks (designated), historic resources, trees, and rock outcroppings.

3. The project would substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista from:
    - a public road,
    - a trail within an adopted County or State trail system,
    - a scenic vista or highway, or
    - a recreational area.

4. The project would not comply with applicable goals, policies or requirements of an applicable County Community Plan, Subregional Plan, or Historic District's Zoning.

The analysis presented below demonstrates that the proposed Project would not result in visual impacts that had not already been addressed in the EOMSP 1994 EIR and that the analysis of visual impacts is consistent with the 1994 EIR.

**Impact Analysis**

Guideline for the Determination of Significance:

> *Would the Project introduce features that would detract from or contrast with the existing visual character and/or quality of a neighborhood, community, or localized area by conflicting with important visual elements or the quality of the area (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, etc.) or by being inconsistent with applicable design guidelines?*

Relative to visual resources, the 1994 EIR identified sensitive visual receptors for development areas within the Specific Plan area as existing residents, future residents, and travelers on proposed scenic routes (i.e., SR-125 and SR-905). The 1994 EIR concluded that impacts to residents would be considered less than significant, because the Otay Mesa area is already developing with industrial and institutional uses in the area, and the EOMSP would be consistent with on-going development.

The proposed Project would not detract from the existing visual character and/or quality of a neighborhood, community, or localized area by conflicting with important visual elements or the quality of the area (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, etc.) or by being inconsistent with applicable design guidelines. The proposed change in land use from commercial/industrial to mixed-use would allow future development to occur that would change the site from undeveloped grassland to a developed urban landscape. Development would follow the design guidelines contained in the EOMSP, which would ensure that future development does not substantially contrast with other planned development within the Specific Plan area and with adjacent planned developments.

Implementation of the Project would result in a substantially similar aesthetic design as the previous environmental documentation analyzed. The proposed Project would introduce a Mixed-Use Core that would result in a mix of land uses within the Village Core that could occur vertically or horizontally, but would be consistent with the adopted planned character of the Specific Plan Area. The proposed Project would introduce new residential uses to the Specific Plan area; however, site planning standards relative to intensity and bulk regulations would remain consistent with what was previously approved, as illustrated in Table 3.2-1 of the SPA. Maximum building heights allowed for uses within the Mixed Use Village Core (75 feet) would fit within current maximum building heights allowed by the adopted Specific Plan (25 feet to 150 feet). Although uses within the Mixed-Use Village Core would be allowed a floor area ratio and maximum lot coverage greater than what exists under the approved Specific Plan, design regulations and guidelines within the SPA would ensure that buildings would be designed to be compatible with nearby land uses and are encouraged to reflect a human scale and provide visual interest. Typical design elements would include street oriented building entrances, ground floor transparency, sidewalk cafes, balconies, awnings, and articulated facades. (See Figures 3.1-1 *Typical Mixed-Use Façade Articulation*, and Figure 3.1-2, *Mixed-Use Preferred Character.*) Where feasible, parking lots would be located to the rear or sides of buildings and screened with landscaping.

The proposed Project also includes a Tentative Map (TM 5607), which proposes grading the entire Project site. Grading would not substantially differ from the approved Tentative Map (TM 5139). Project grading would alter the existing landform, and future development would change the site's existing visual qualities, as was analyzed in the 1994 EIR. Grading within the limits of the Project area would create relatively level pads and circulation roadways to accommodate future development, and the vacant site would be replaced with structures of varying heights and sizes – all changes which were anticipated and evaluated in the 1994 EIR.

Guideline for the Determination of Significance:

> *Would the project ~~would~~ result in the removal or substantial adverse change of one or more features that contribute to the valued visual character or image of the neighborhood, community, or localized area, including but not limited to landmarks (designated), historic resources, trees, and rock outcroppings?*

The 1994 EIR did not specifically address significant impacts to features that contribute to the valued visual character or image of the neighborhood, community, or localized area, including but not limited to landmarks (designated, trees, and rock outcroppings. The Project site is fully disturbed due to previous uses, including agriculture. As such, no scenic resources such as trees or rock outcroppings are located on the Project site. As noted in Section 2.3, *Cultural Resources,* no historic buildings are currently located on the Project site.

Guideline for the Determination of Significance:

> *Would the project substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista from:*
> - *a public road,*
> - *a trail within an adopted County or State trail system,*
> - *a scenic vista or highway, or*
> - *a recreational area.*

The 1994 EIR identified the Otay River Valley and the San Ysidro Mountains as major scenic resources for the EOMSP. The 1994 EIR evaluated the potential for development within the EOMSP to affect views of these resources and determined that planned development within the EOMSP area would not detract from their aesthetic qualities and the dominance that the San Ysidro Mountains provide for the area.

The proposed Project would amend the EOMSP to allow for a Mixed-Use Core, with a mix of land uses that could occur vertically or horizontally, but which would be consistent with the adopted planned character of the Specific Plan Area. Future development within the Specific Plan Amendment area would be visible from existing and future roads, including Otay Mesa Road, Harvest Road, Zinser Road, Lone Star Road, and internal Project streets.

The proposed Project is not located in an area that would afford views from a recreation area. However, future development could also be visible from trails within the County's trail system, including a proposed multi-use trail proposed for within the area planned for development, and may be visible from an existing trail located in the open space easement north of Lone Star Road.

Although the proposed Project introduces new residential uses to the Specific Plan area, site planning standards relative to intensity and bulk regulations would remain consistent with what was previously approved, as illustrated in Table 3.2-1 of the SPA. Maximum building heights allowed for uses within the Mixed Use Village Core (75 feet) would fit within current maximum building heights allowed by the adopted Specific Plan (25 feet to 150 feet). Thus, consistent with the 1994 EIR, the proposed Project would not introduce uses that could obstruct, interrupt, or detract from a valued focal and/or panoramic vista from a public road or a trail within an adopted County or State trail system.

As described in the 1994 EIR, due to the distance of the Project site from the closest scenic highway viewshed (the closest State-designated scenic highway is a portion of SR-125 from SR-94 to I-8, more than 16 miles north of the Project site), the proposed Project would not have any substantial adverse effect on a scenic vista or scenic resources.

Guideline for the Determination of Significance:

> *Would the project comply with applicable goals, policies or requirements of an applicable County Community Plan, Subregional Plan, or Historic District's Zoning?*

The 1994 EIR relied on County polices in effect at that time, including the Hillside Review Policy (I-73) and the Resource Protection Ordinance. Additionally, the 1994 EIR references the County's RCA program for developing policies to preserve resources in the East Otay Mesa area and the County Scenic Highway Element for scenic highway designation. The 1994 EIR noted that Otay Mountain area as "extremely important and of statewide significance … a major scenic landmark for the region." The Otay Mountain RCA covers the larger San Ysidro Mountain area to the east of the EOMSP, as well as small portions of the easterly part of the Specific Plan area. As presented in the 1994 EIR, development of the EOMSP would not result in significant impacts to views of San Ysidro Mountains.

The proposed Project would comply with design regulations contained in the EOMSP directed at ensuring future development does not result in significant visual impacts. The Project site is located within the Otay Subregional Plan area. The Subregional Plan reflects the identification of Otay Mountain – Otay Lake as an RCA. The proposed Project is located several miles from the Otay Mountain – Otay Lake RCA. The Project would not result in visual impacts to the RCA. The project would not be located in an area with Historic Districts Zoning.

### 3.1.1.3 *Cumulative Impact Analysis*

The cumulative impact analysis study area for aesthetic resources in the 1994 EIR indicated that some of the projects on that EIR's cumulative projects list would require significant amounts of landform alteration due to the presence of canyons and/or steep slopes on the sites. Those projects included the East Otay Mesa SPA, SR-125 Otay Ranch, and some of the City of San Diego Otay Mesa Community Plan and associated Precise Plans. The 1994 EIR noted that, visually, the entire Specific Plan area is dominated by three major landforms: the Otay River Valley, Otay Mesa, and the San Ysidro Mountains. None of the developments included within the cumulative projects would alter these basic landforms. Therefore, 1994 EIR concluded that no significant impacts in terms of visually quality would occur as a result of cumulative development.

The proposed Project would not alter the conclusions of the 1994 EIR relative to cumulative effects. While the proposed Project would introduce a Mixed-Use Core that would result in a mix of land uses within the Village Core, site planning standards relative aesthetics (such as intensity and bulk regulations) would remain consistent with the EOMSP. Proposed and planned development in the greater Otay Mesa area would continue to change this region from vacant land to urban development. General Plans, Community Plans, and Subregional Plans have been approved for the project area which anticipate the future development and recognize the visual change to the environment.

In evaluating the Cumulative Projects List (Table 1-6) generated for the proposed Project, several projects were determined to result in visual quality impacts, including the International Industrial Park, the Metropolitan Airpark – Brown Field Redevelopment project, the Otay Crossings Commerce Park, and Otay Ranch Village 13. In concert with the proposed project, these projects would contribute to the change from rural to urban development for the project area. Each project would be required to evaluate its impacts on visual resources and to community/neighborhood character and would be required to mitigate significant visual impacts, if any are identified. Thus, although the project would contribute to the cumulative change in the visual environment, its contribution has been planned for in the EOMSP, Otay Subregional Plan, and County General Plan and would not be regarded as a significant cumulative effect.

### 3.1.1.4 *Conclusion*

As the above analysis describes, the Project would have a less than significant impact with regard to aesthetics, and no additional mitigation measures are required beyond those already in effect for the EOMSP.

## 3.1.2 Land Use

### 3.1.2.1 *Existing Conditions*

The Project site is currently zoned S-88 (Specific Plan) and is designated in the General Plan as Specific Plan Area. The EOMSP area sits entirely within the Otay Mesa community in the southeastern portion of unincorporated San Diego County. The EOMSP covers approximately 3,013 acres of land immediately adjacent to the U.S./Mexico border. It is roughly bounded by the Otay River Valley Regional Park to the north, the international border to the south, the San Ysidro Mountains to the east, and the City of San Diego's Otay Mesa Community Plan area to the west.

The proposed Project site is located within the northwestern part of the EOMSP (see Figure 1-3). The undeveloped site is generally east of SR-125, north of Otay Mesa Road, west of Vann Centre Boulevard, and south of future Zinser Road.

Existing land uses in the vicinity of the Project site are shown in Figure 3.1-3, *Existing Land Uses*. Existing uses immediately adjacent to the Project site primarily consist of light industrial uses and business park development. To the south, immediately across from Otay Mesa Road, lies the Larkspur Energy Facility and the San Diego Business Park. Three single-family homes are located approximately one-half mile east of the site within an area where a new subdivision has been approved for development of a technology park (Rabago Technology Park – TM 5568). The homes are sited on average 52,817 square foot lots surrounded by vacant grasslands, outdoor sheds, and trailers. Adjacent land to the west and north is currently vacant.

Heavier industrial uses including warehouses, automobile recycling, and truck storage yards are primarily concentrated in the eastern portion of Otay Mesa. Industrial warehouses are typically surrounded by parking lots and landscaped areas. Automobile recycling and truck storage yards may appear cluttered and disorganized; however, they are generally screened from public view by fences and perimeter landscaping. The San Diego Otay Mesa Transfer Facility, Otay Mesa Generating Project, future Pio Pico Energy Center, and planned East Otay Mesa Recycling Center are located in the eastern portion of the Specific Plan area. These uses are all over one mile from the project site. Such facilities may have the potential to generate emission levels that are considered unacceptable near residential development. As a result, sensitive land uses are typically buffered from these types of uses to prevent land use conflicts and environmental health concerns.

The area south of Airway Road, generally stretching from Cactus Road to Enrico Fermi Drive, is characterized by business parks and light industrial uses interspersed with large vacant parcels. Panasonic, FedEx Freight, Pacific Rim Business Center, California Highway Patrol, and the Otay Mesa POE are located here. This area currently serves as a major employment center for Otay Mesa and offers international services that function well at the U.S.-Mexico border.

Existing development west of the site is focused primarily north of SR-905. This area provides a variety of light industrial uses, business parks, and supporting commercial uses that transition to residential uses concentrated in the northwest. The Brown Field Airport, Ocean View Hills Corporate Center, and Greenfield Village Apartments are some of the existing developments located in this area. Located approximately four miles away, Greenfield Village Apartments is the closest existing multi-family residential development to the site.

**Regulatory Setting**

**San Diego County General Plan**

The General Plan was comprehensively updated and adopted on August 3, 2011. It includes six elements, which are briefly described below.

***Land Use Element***

The General Plan Land Use Element provides maps, goals, and policies and serves as the regulatory document guiding land use, conservation, and development in the unincorporated County. This element provides a framework to accommodate future development within the County in an efficient and sustainable manner that is compatible with the character of unincorporated communities and the protection of valuable and sensitive natural resources. The Land Use Element describes land use designations and use regulations shown on community and subregional area maps, in this case the Otay Subregional Plan. The existing regional land use categories for the Proposed Project site, as identified in the Land Use Element, are Specific Plan Area. The Land Use Element also includes a Community Services and Infrastructure section addressing water supply, wastewater collection and treatment, solid waste management, schools, libraries and telecommunication services.

***Mobility Element***

The Mobility Element of the General Plan describes the multi-modal transportation network within the unincorporated areas, including motor vehicle, public transportation, bicycle, pedestrian, rail and air transportation facilities. The element states the goals and policies that address the safe and efficient operation, maintenance, and management of the transportation network, and identifies major existing and planned road network components in the County. These road network components are shown on maps and matrices in the Mobility Element Network Appendix.

***Conservation and Open Space Element***

The COS Element combines what formerly were four separate elements (Open Space, Conservation, Scenic Highway, and Energy) and describes the natural resources within the County and goals and policies to preserve them. This element provides direction for future growth and development in the County with respect to the conservation,

management, and utilization of natural (biological, water, agricultural, paleontological, mineral and visual [including scenic highways and dark skies]) and cultural resources; protection and preservation of open space; and provision of park and recreation resources. The closest scenic highway to the proposed Project site is the segment of SR-125 between SR-94 and I-8, approximately 16 miles from the Project site. The COS Element also addresses air quality, climate change and energy, and the associated generation of criteria pollutants and greenhouse gas emissions. Finally, the element contains goals and policies related to parks and recreation and uses residential densities to determine the spacing of parks based on population (i.e., ten acres of local parks and 15 acres of regional parks for every 1,000 persons in the unincorporated County). Projects are required to provide in lieu fees and/or dedicate land to parks, passive recreation open space areas, and trails in accordance with the County PLDO.

### *Housing*

The Housing Element is a policy framework that sets forth a range of programs designed to meet the varying needs of the different communities within the unincorporated area. This element documents and discusses the housing needs of County residents, includes an inventory of the resources and constraints relevant to meeting current and future housing needs, and seeks to reconcile housing needs with competing land use interests (e.g., agricultural operations, sensitive species habitat). The key issues addressed in this element are compliance with state housing requirements, the regional housing needs allocation (RHNA) process, village issues and semi-rural and rural lands issues. The goals and polices in the element address housing development, community character and environment, housing affordability, preservation of affordable housing, governmental constraints and the delivery of housing services.

### *Safety*

The Safety Element brings safety considerations into the planning and decision-making process by establishing policies related to future development that will minimize the risk of injury, death, property and environmental damage associated with natural and human-made hazards. The Safety Element ensures that development accounts for physical constraints and natural hazards of the land. The goals and policies of this element were developed to protect residents and areas from wildland and urban fire, crime, hazardous materials incidents, earthquakes, flooding and hazardous incidents associated with aircrafts and airports. Disaster preparedness and emergency response also are addressed in this element.

### *Noise*

The Noise Element ensures that noise considerations are incorporated into the land use decision-making process and establishes Noise Compatibility Guidelines to be used in the evaluation of proposed development projects. The community noise control standards within the County's Noise Abatement and Control Ordinance are used in conjunction with the Noise Element in considering the environmental impacts of noise exposure. The

Noise Element addresses transportation and non-transportation noise sources, noise-sensitive land uses, and existing and future noise levels. This element was developed to preserve County residents' quality of life by protecting from the obtrusive impacts of noise and noise-generating uses such as traffic, construction, airplanes and certain industrial uses.

**Otay Subregional Plan**

The Otay Subregional Plan area is approximately 28,380 acres in size. The plan area is located in the most southwesterly corner of the unincorporated county, bordered by the Jamul/Dulzura subregion to the north and east, the City of Chula Vista to the west, and the international border with Mexico to the south. The subregion is characterized by the Otay reservoir, two detention facilities, a landfill, proximity to the Mexican border, and the San Ysidro Mountains. There are two active specific plan areas within the subregion, including the EOMSP and the Otay Ranch Specific Plan. The EOMSP is the location of the proposed Project and is currently approved for development with commercial and industrial uses to serve as a major employment area for southern San Diego County. Otay Ranch consists of a resort and a variety of residential designations, ranging from 0.7 to 15 dwelling units per acre. The subregion is largely undeveloped and in public ownership.

**County of San Diego Zoning Ordinance**

The County Zoning Ordinance (effective December 19, 1978, as amended) identifies the permitted uses of the Project site, consistent with the land use designations of the General Plan. The Project site has a zoning designation of S-88 (Specific Plan).

**East Otay Mesa Business Park Specific Plan**

The EOMSP and certified EIR were originally approved in 1994. The Plan sets forth the expectations of high demand for industrial and commercial land in the area; however, limited development has occurred since that time, and most of the Specific Plan area remains vacant. Originally envisioned as a major employment center in southern San Diego County, the objectives of the plan are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. The EOMSP has been amended multiple times since 1994 and is now officially titled the East Otay Mesa Business Park Specific Plan.

**Brown Field Airport Land Use Compatibility Plan**

The Brown Field ALUCP is the fundamental tool used by the SDCRAA, acting in its capacity as the San Diego County ALUC, in fulfilling its purpose of promoting airport land use compatibility. Specifically, the ALUCP: (1) provides for the orderly growth of the Airport and the area surrounding the Airport; and (2) safeguards the general welfare of

the inhabitants within the vicinity of the Airport and the public in general (Pub. Util. Code §21675(a)). In essence, the ALUCP serves as a tool for the ALUC to use in fulfilling its duty to review land use plans and development proposals within the AIA at the Airport. In addition, the ALUCP provides compatibility policies and criteria applicable to local agencies in their preparation or amendment of general plans and to landowners in their design of new development.

## 3.1.2.2 *Analysis of Potential Effects and Determination as to Significance*

**Previous Environmental Documentation**

**1994 East Otay Mesa Specific Plan EIR**

In addressing land use impacts, the 1994 EIR evaluated if significant land use impacts would result from: land use compatibility between the existing residential units and industrial and commercial development that could occur within the Specific Plan area, between residential units which could occur in the Specific Plan in Johnson Canyon and the adjacent State prison, and between residential units that could occur in O'Neal Canyon and the adjacent detention facility; impacts to the Western Land Boundary Monument #252 and the International U.S./Mexico Border; as well as the loss of important farmlands.

The 1994 EIR identified a number of potential impacts related to land use for projects located within the Specific Plan Area, including: land use interface impacts between existing or future residents and the State prison, the County detention facility, on-site industrial development, the American International Raceway, and the OHV park; impacts to Western Land Boundary Monument #252 along the International US/Mexico border due to the lack of buffer around the monument; inconsistencies with the Otay Subregional Plan guidelines for the East Otay Mesa SPA; incompatibility between the future 60 CNEL noise contour of Brown Field with the proposed Hillside Residential district north of Lone Star Road; and Inconsistencies with goals and preliminary plans for the Otay Valley Regional Park for the area on, and around, Johnson Canyon. The 1994 EIR concluded that implementation and eventual buildout of the EOMSP would have the following potentially significant land use impacts:

- Land use interface impacts between existing or future residences and the State prison, the County detention facility, on-site industrial development, the American International Raceway, and the OHV park;
- Impacts to Western Land Boundary Monument #252 along the International U.S./Mexico border due to the lack of buffer around the monument;
- Inconsistencies with the Otay Subregional Plan guidelines for the EOMSP area, with applicable goals of the County's Regional Land Use Element, and with RCAs identified in the area by the County's Conservation Element;
- Incompatibility between the future 60 CNEL noise contour of Brown Field with the proposed Hillside Residential district north of Lone Star Road; and

- Inconsistencies with goals and preliminary plans for the Otay Valley Regional Park for the area on, and around, Johnson Canyon.

The 1994 EIR included eight mitigation measures relative to land use, requiring buffers between residential and non-residential land uses, site plan evaluation of future projects, light pollution control, site-specific noise analysis, buffer around Monument #252, siting of residential development outside the 60 CNEL noise contour of Brown Field wherever possible, and careful siting of land uses adjacent to Johnson Canyon. These eight mitigation measures were either specific details of the EOMSP that are outside the proposed Project or are superseded by mitigation included within Chapter 2 of this Supplemental EIR. Therefore, these mitigation measures are not applicable to the proposed Project.

**2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR**

The 2000 SEIR narrowed the focus of environmental impacts to the 250.5-acre project site that consisted of undeveloped land located east and west of Harvest Road and immediately north of Otay Mesa Road, which is generally the same site as the proposed Project site. According to the 2000 SEIR, the significance of land use impacts associated with the Sunroad Spectrum project was determined by comparing the land uses proposed by that project with the uses, goals, and policies approved in the EOMSP and the MSCP Subarea Plan.

The 2000 SEIR determined that the proposed project would have a significant impact on the goals and policies of the MSCP Subarea Plan. Mitigation for this impact required: 1) approval of a minor amendment and RCP and 2) the proposed open space located in the area north and south of Lone Star Road be determined to be consistent with the MSCP. Both of these mitigation measures have been accomplished.

**2012 Sunroad Otay Tech Centre Addendum**

The 2012 Sunroad Otay Tech Centre Addendum concluded that since the previous EIR was certified, there were not any changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the 2012 Addendum did not note any changes to the existing conditions on-site from the previously approved environmental documents.

**Guidelines for Determining Significance**

Appendix G (Environmental Checklist) of the CEQA Guidelines was used for determining significance of land use impacts associated with the proposed Project. The land use

impact analysis in this section specifically addresses the following questions from the Environmental Checklist:

Would the project:
a) Physically divide an established community?
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**Impact Analysis**

Guideline for the Determination of Significance:

*Would the project physically divide an established community?*

The proposed Project would not divide an established community. The Specific Plan Area was established primarily as an industrial/commercial and business center with approximately 20 percent of the land set aside for conservation and low-density residential use. The proposed Project would establish a Mixed-Use Village Core within the Specific Plan Area that would permit a variety of residential uses at higher densities. The planned Mixed-Use Village Core would make up a majority of the site while approximately 53 acres in the northeast portion of the site would remain an open space preserve. Up to 3,158 residential dwelling units, 78,000 square feet of commercial space, and 765,000 square feet of employment uses would be permitted within the development footprint.

As described above and shown in Figure 3.1-3, the Project site is surrounded by mostly industrial/commercial uses and undeveloped land, with a few single-family residences and other uses. Additionally, the Project area is planned for urban development, as depicted in Figure 3.1-4, *Planned Land Uses*. Due to the industrial nature of the Specific Plan Area and the lack of established neighborhoods, implementation of the Project would not divide an established community.

Guideline for the Determination of Significance:

*Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

The following section contains a discussion of the consistency of the proposed Project with relevant land use plans; it should be noted that, according to CEQA, a conflict with an applicable land use plan, policy, or regulation does not inherently indicate that a project

would have a significant effect, unless a physical change would occur. To the extent that physical impacts may result from such conflicts, such physical impacts are considered secondary land use impacts and are analyzed elsewhere in this SEIR.

**County of San Diego General Plan**

The 2011 County of San Diego General Plan is a comprehensive plan for the growth and development of the unincorporated County. The Project site is identified as Village Regional Category, which identifies areas where a higher intensity and a wide range of land uses are established or have been planned. Typically, Village areas function as the center of community planning areas and contain the highest population and development densities. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit (when feasible).

The proposed Project meets the definition of a Village. The Project proposes to allow for the development of a mixture of uses including high density residential, commercial/retail, and office/business park uses. The Project would be pedestrian oriented, close to urban amenities and jobs created on-site, and linked to the existing regional transit system. The proposal to include housing in the area would implement the guiding principles outlined in the County of San Diego's General Plan and goals and policies within the County's Housing Element regarding diversified housing types and affordability. Within the Mixed-Use Village Core, a diverse mix of single-family and multi-family housing types would be permitted. Table 3.1-1, *General Plan Consistency Analysis*, analyzes Project consistency with applicable General Plan principles, goals, and policies.

**Otay Subregional Plan**

The Project site is governed by the Otay Subregional Plan (Volume 1). The focus of the Subregional Plan is to promote industrial development in the Otay Mesa/International Border with Mexico region and the plan describes the East Otay Mesa Specific Plan as the planning framework for development in East Otay Mesa. The Otay Subregional Plan does not include residential as an allowed land use.

The Project proposes to amend the Otay Subregional Plan in order to allow residential mixed-uses that will support the development of industrial uses in the area by providing live/work and commercial service opportunities that are consistent with the County's General Plan. The intent of the Otay Subregional Plan when first developed was to provide for "large scale industrial development" in an area of the County where "large, level, undeveloped, and relatively inexpensive parcels of land" are located "near a large labor pool, moderately priced housing, and a general aviation airport." While the Project would require an amendment to the Otay Subregional Plan in order to allow for the construction of mixed-uses, this is not considered an impact under CEQA since it would not result in any direct physical impacts on the environment. Table 3.1-2, *Otay Subregional Plan Consistency Analysis*, analyzes Project consistency with applicable Subregional Plan goals and policies. The proposed Project would result in secondary

environmental effects associated with the proposed land uses and the physical development of the project. Those impacts are addressed in Chapter 2.0 of this SEIR.

**San Diego County Zoning Ordinance**

The Project site is currently zoned S-88. The S-88 Use Regulations are intended to accommodate Specific Plan areas shown on the San Diego County General Plan or on those lands for which a Specific Plan has been adopted by the Board of Supervisors pursuant to the Government Code. The proposed Project would not alter the existing S-88 zoning.

The Project does, however, allow for a new mixed-use land use designation within the S-88 zone. This land use designation allows for development of a Village as identified within the General Plan. Because these land uses are anticipated within the General Plan, the creation of the new land use designations in this zone does not result in an incompatibility with the Zoning Ordinance. Additionally, the zoning regulations and phasing presented in the SPA ensures the orderly development and implementation of the proposed Project.

**East Otay Mesa Business Park Specific Plan**

The EOMSP is a regulatory document that establishes standards for development, environmental conservation, and public facilities to implement the objectives of the County of San Diego General Plan and Otay Subregional Plan. The objectives of the plan are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. The EOMSP designates the Project site as Technology Business Park with a Commercial Overlay on the southwestern portion of the site. The existing Technology Business Park land use designation is intended for development of manufacturing options and business offices that research, develop, and produce advanced technologies.

The Project proposes to amend the EOMSP to establish a mixed-use land use designator allowing for a mix of residential, employment, and retail uses. The Project would include a range of densities and mix of uses across the planning area as indicated by the new designations and allowable housing types including single-family detached, duplexes, townhomes/rowhouses, and multi-family product types. This change to the Specific Plan would not result in significant environmental impacts. However, physical development of the Project site could result in secondary impacts associated with the proposed land use change. The potentially significant environmental effects associated with the proposed Specific Plan Amendment are addressed in Chapter 2.0 of this SEIR.

**Brown Field Airport Land Use Compatibility Plan**

As is fully analyzed in Section 2.5, *Hazards and Hazardous Materials* of this SEIR, the Project site is located within the boundaries of the Brown Field ALUCP. The proposed Project complies with the development regulations outlined in the ALUCP. A portion of

the site is located within Zone 2 (Inner Approach/Departure Zone); per the ALUCP compatibility guidelines, residential uses would not be permitted in that area. The portion of the site within Zone 4 (Outer Approach/Departure Zone) would be limited to a maximum of 20 dwelling units per acre consistent with the ALUCP. Future site plan review would be required to ensure that individual development proposals comply with the requirements of the Brown Field ALUCP, and each site plan would be required to comply with the requirements of the C Designator as described in the County Zoning Ordinance, Section 5250-5260. For a detailed description of the Project relationship with the Brown Field ALUCP, please see Section 2.5.

Future site plan review would be required to ensure that individual development proposals comply with the requirements of the Brown Field ALUCP, including restrictions relative to building heights. Therefore, potentially significant direct impacts resulting from implementation of the proposed Project would be reduced to below a level of significance at the time of Site Plan review to ensure consistency with the regulations of the Brown Field ALUCP and 2011 General Plan goals/policies related to airport hazards.

Guideline for the Determination of Significance:

> *Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?*

The Project site is located within the South County segment of the MSCP. The MSCP is a long-term regional conservation plan designed to establish a connected preserve system that protects the County's sensitive species and habitats. The MSCP covers 582,243 acres in over 12 jurisdictions, and each jurisdiction will have its own subarea plan. The Subarea Plan for the County's main jurisdictional area (now also known as the South County MSCP) covers 252,132 acres in the southwestern area, and is implemented by the BMO, which outlines the specific criteria and requirements for projects within the MSCP boundaries. As an NCCP Plan, the MSCP allows the County to authorize take for certain federal- and state-protected "covered" species and thereby streamlines the administrative process of environmental permitting and development in the County.

In some areas, locations of preservation and development were not resolved at the time the County Subarea Plan was published, and these areas are called Amendment Areas. Amendment Areas are not included in County take authorizations otherwise provided by the MSCP until an amendment process is completed; processing involves consultation with not only County biologists, but also representatives of CDFW and USFWS to ensure compliance with CEQA, ESA, and CESA. Major Amendment Areas contain habitat of higher value, including dedicated or designated preserve areas. Requests for Major Amendment Areas must be fully processed by USFWS and CDFW in conformance with all applicable laws and regulations. Minor Amendment Areas contain habitat that could be lost without significant negative impacts to the County Subarea Plan. Projects in Minor Amendment Areas must meet criteria and achieve goals for linkages and corridors, and provide mitigation consistent with the BMO. Before development may occur, the Minor

Amendment must be granted and the required mitigation implemented. Most of the Minor Amendment Area is covered by non-native grasslands habitat. Minor Amendment Areas with Special Considerations are transitional areas located primarily between the Minor and Major Amendment Areas where the likelihood of the presence of biologically sensitive resources is higher. If particularly sensitive species are identified as occurring in one of these Areas, on-site preservation may be required.

Amendment Areas have been processed for the Project site and are shown in Figure 3.1-5, *MSCP Amendment Areas*. Most of the southern and western section of the site, south of the Lone Star Road alignment, is classified in the 2015 amendment to the EOMSP (County of San Diego 2015) as a Minor Amendment Area. A small area in the center of the site, corresponding to the mima mound area, is classified as a Minor Amendment Area Subject to Special Consideration with "G Designator". The G Designator applies to areas that have steep slopes and are biologically sensitive, and are subject to the Sensitive Resource Area Regulations of the Zoning Ordinance. The entire area to the north of Lone Star Road is classified as a Major Amendment Area with G-Designator.

The Project would conform to the goals and requirements of the MSCP, Major and Minor Amendment Areas, and EOMSP. As concluded in the 1994 EIR, the Project would result in significant conflicts with RPO and RPO sensitive habitat lands, Additionally, the Project would impact two locations in which MSCP Narrow Endemic San Diego fairy shrimp was detected; the loss of two San Diego fairy shrimp locations and one San Diego button-celery location would be significant and require mitigation.

The 1994 EIR identified the potential for impacts to sensitive species and habitat and required mitigation to reduce impacts to below a level of significance. As presented in Chapter 2.2, mitigation contained in the 1994 EIR relative to impacts to biological resources would also be required for the proposed Project. Therefore, impacts associated with the proposed Project are consistent with those evaluated in the 1994 EIR.

## 3.1.2.3 *Cumulative Impact Analysis*

The cumulative impact analysis study area for land use in the 1994 EIR indicated that other projects proposed at the time of the original Specific Plan would have the same land use concerns as evaluated in the 1994 EIR in terms of on-site land use displacements, compatibility with other adjacent land uses, compatibility of land uses internal to the projects, and project consistency with applicable land use policies, designations, and zoning. Cumulatively, the other projects proposed in the vicinity of the EOMSP area would continue a pattern of land conversion from undeveloped or underdeveloped land to one of urban development. The 1994 EIR concluded that the EOMSP, when considered with other cumulative projects evaluated as part of that EIR, would result in significant and unavoidable cumulative land use impacts due to the loss of open space and agricultural land and the affect that cumulative development would have on the Border Patrol operations in the area.

Since the time of approval of the EOMSP and preparation of the 1994 EIR, both the City of San Diego and County of San Diego adopted new General Plans. Furthermore, the City approved a new Community Plan for Otay Mesa, which regulates land uses in the City's portion of Otay Mesa. All of these actions facilitate and support a change in land use patterns for Otay Mesa from rural to urban.

The proposed Project would not alter the conclusions of the 1994 EIR relative to cumulative effects associated with land use. In evaluating the Cumulative Projects List (see Table 1-6) generated for the proposed Project, several projects were determined to result in land use impacts, including: California Crossings and the Metropolitan Airpark – Brown Field Redevelopment project. In concert with the proposed project, these projects would continue a pattern of land conversion from undeveloped or underdeveloped land to urban use. This land use change has been considered in the City and County General Plans, City of San Diego Otay Mesa Community Plan, and the County's Otay Subregional Plan. Thus, the primary effect of this cumulative land use change has been anticipated. Relative to secondary impacts that could be considered cumulative significant (such as an increase in traffic volumes and associated air quality emissions, greenhouse gas emissions, and noise levels; loss of sensitive habitat; and impacts to cultural resources), the proposed Project's contribution to these cumulative effects have been analyzed as part of this SEIR. As analyzed in this SEIR, cumulative impacts associated with secondary effects would not be significant. See Chapter 2.0.

### 3.1.2.4 *Conclusion*

As the above analysis shows, the Project was determined to have a less than significant impact with regard to land use. The proposed Project would implement the General Plan and would be consistent with the existing Village designation. An amendment to the Otay Subregional Plan would be required to identify the Project site for Mixed-Use development. However, that amendment would not result in cumulative land use impacts beyond those addressed in the 1994 EIR and this SEIR.

## 3.1.3 Population and Housing

### 3.1.3.1 *Existing Conditions*

The Project site is currently zoned S-88 (Specific Plan) and is designated in the General Plan as Specific Plan Area. The EOMSP area sits entirely within the Otay Mesa community in the southeastern portion of unincorporated San Diego County. The EOMSP covers approximately 3,013 acres of land immediately adjacent to the U.S./Mexico border. It is roughly bounded by the Otay River Valley Regional Park to the north, the international border to the south, the San Ysidro Mountains to the east, and the City of San Diego's Otay Mesa Community Plan area to the west. The proposed Project site is located within the northwestern part of the EOMSP (see Figure 1-3). The undeveloped site is generally east of SR-125, north of Otay Mesa Road, west of Vann Centre Boulevard, and south of future Zinser Road.

Existing land uses in the vicinity of the Project site are shown in Figure 3.1-3, *Existing Land Uses*. Existing uses immediately adjacent to the Project site primarily consist of light industrial uses and business park development. To the south, immediately across from Otay Mesa Road, lies the Larkspur Energy Facility and the San Diego Business Park. Three single-family homes are located approximately one-half mile east of the site within an area where a new subdivision has been approved for development of a technology park (Rabago Technology Park – TM 5568). The homes are sited on average 52,817 square foot lots surrounded by vacant grasslands, outdoor sheds, and trailers. Adjacent land to the west and north is currently vacant.

## Regulatory Setting

### San Diego County General Plan

The General Plan was comprehensively updated and adopted on August 3, 2011. It includes six elements, including a Housing Element, which is briefly described below.

#### *Housing*

The Housing Element is a policy framework that sets forth a range of programs designed to meet the varying needs of the different communities within the unincorporated area. This element documents and discusses the housing needs of County residents, includes an inventory of the resources and constraints relevant to meeting current and future housing needs, and seeks to reconcile housing needs with competing land use interests (e.g., agricultural operations, sensitive species habitat). The key issues addressed in this element are compliance with state housing requirements, the RHNA process, village issues and semi-rural and rural lands issues. The goals and polices in the element address housing development, community character and environment, housing affordability, preservation of affordable housing, governmental constraints and the delivery of housing services.

### Otay Subregional Plan

The Otay Subregional Plan area is approximately 28,380 acres in size. The plan area is located in the most southwesterly corner of the unincorporated county, bordered by the Jamul/Dulzura subregion to the north and east, the City of Chula Vista to the west, and the international border with Mexico to the south. The subregion is characterized by the Otay reservoir, two detention facilities, a landfill, proximity to the Mexican border, and the San Ysidro Mountains. There are two active specific plan areas within the subregion, including the EOMSP and the Otay Ranch Specific Plan. The EOMSP is the location of the proposed Project and is currently approved for development with commercial and industrial uses to serve as a major employment area for southern San Diego County. Otay Ranch consists of a resort and a variety of residential designations, ranging from 0.7 to 15 dwelling units per acre. The subregion is largely undeveloped and in public ownership.

### County of San Diego Zoning Ordinance

The County Zoning Ordinance (effective December 19, 1978, as amended) identifies the permitted uses of the Project site, consistent with the land use designations of the General Plan. The Project site has a zoning designation of S-88 (Specific Plan).

### East Otay Mesa Business Park Specific Plan

The EOMSP and certified EIR were originally approved in 1994. The Plan sets forth the expectations of high demand for industrial and commercial land in the area; however, limited development has occurred since that time, and most of the Specific Plan area remains vacant. Originally envisioned as a major employment center in southern San Diego County, the objectives of the plan are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. The EOMSP has been amended multiple times since 1994 and is now officially titled the East Otay Mesa Business Park Specific Plan.

### Brown Field Airport Land Use Compatibility Plan

The Brown Field ALUCP is the fundamental tool used by the SDCRAA, acting in its capacity as the San Diego County ALUC, in fulfilling its purpose of promoting airport land use compatibility. Specifically, the ALUCP: (1) provides for the orderly growth of the Airport and the area surrounding the Airport; and (2) safeguards the general welfare of the inhabitants within the vicinity of the Airport and the public in general (Pub. Util. Code §21675(a)). In essence, the ALUCP serves as a tool for the ALUC to use in fulfilling its duty to review land use plans and development proposals within the AIA at the Airport. In addition, the ALUCP provides compatibility policies and criteria applicable to local agencies in their preparation or amendment of general plans and to landowners in their design of new development.

## 3.1.3.2 *Analysis of Potential Effects and Determination as to Significance*

**Previous Environmental Documentation**

### 1994 East Otay Mesa Specific Plan EIR

Population/Housing/Employment was determined to be an Effect Found Not to be Significant within the 1994 EIR.

**2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR**

Population/Housing/Employment was determined to be an Effect Found Not to be Significant within the 2000 SEIR.

**2012 Sunroad Otay Tech Centre Addendum**

Population and Housing was not included for analysis in the 2012 Addendum.

**Guidelines for Determining Significance**

Appendix G (Environmental Checklist) of the CEQA Guidelines was used for determining significance of land use impacts associated with the proposed Project. The land use impact analysis in this section specifically addresses the following questions from the Environmental Checklist:

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Impact Analysis**

Guideline for the Determination of Significance:

> *Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

In 1994, the Board of Supervisors approved the EOMSP; the Project site and surrounding area are designated as Specific Plan in the General Plan. The EOMSP area was originally envisioned as a major employment center in southern San Diego County. The Project site is designated for Technology Park uses in the approved EOMSP. The objectives of the plan are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. Thus, the Project site and surrounding areas are planned for growth, and the growth-inducing effects of the EOMSP have been analyzed as part of the 1994 EIR. However, the EOMSP did not include residential development as an allowable use for the Project site. The proposed Project would amend the EOMSP to allow for a mix of uses

that includes up to 3,158 residential units. In this manner, the Project has the potential to result in population and housing that were not analyzed in the 1994 EIR.

The Project site is identified as Village Regional Category in the 2011 General Plan, which identifies areas where a higher intensity and a wide range of land uses are established or have been planned. The proposed Project meets the definition of a Village and would implement the General Plan's Village Regional Category. The Project proposes to allow for the development of a mixture of uses including high density residential, commercial/retail, and office/business park uses. The proposal to include housing in the area would implement the guiding principles outlined in the County of San Diego's General Plan and goals and policies within the County's Housing Element regarding diversified housing types and affordability. Within the Mixed-Use Village Core, a diverse mix of single-family and multi-family housing types would be permitted. In this manner, the Project would be in accordance with the General Plan, and growth of the Project site would have been anticipated by the General Plan.

The growth-inducing impacts of the proposed Project were previously analyzed in the 1994 EIR. That analysis concluded that, due to the location, geography, and topography of the Specific Plan area, few areas are left in East Otay Mesa where additional growth could occur. Additionally, because the EOMSP was determined consistent with the County's General Plan and Otay Subregional Plan in effect at that time, the additional housing and employment provided by the Specific Plan had been included in the then most current regional growth forecast. The growth inducement analysis in the 1994 EIR also noted larger areas planned for growth in the cities of San Diego and Chula Vista that would provide additional housing to serve the EOMSP.

The proposed Project would create a mixed-use Village within the EOMSP and would add up to 3,158 new residential units. The mix of uses would provide for services, amenities, and employment that can serve new residents. New residential development would also access other businesses and services in the surrounding area, which could create greater economic activities. However, much of the areas surrounding the EOMSP are developed, planned for development, or preserved as open space. The surrounding area where economic activities might be stimulated by the proposed Project would likely be limited to the urbanized areas in the City of Chula Vista or in the adjacent Otay Mesa Community Plan area within the City of San Diego. Planned growth is anticipated and regulated by the General Plans and Community Plan for those areas. Therefore, impacts are considered less than significant.

Development of the Project would require extension or expansion of public services to the proposed Project site. The proposed Project includes plans to extend public services and utilities to the Project site, giving rise to the potential for indirect population growth. However, provision of public services and utilities has, for the most part, been anticipated in the EOMSP and evaluated in the 1994 EIR. The exception are public services that would be needed to serve residential land uses not part of the approved EOMSP.

The proposed Project would require extension of water and sewer service to the Project site, all of which have already been anticipated as part of approved TM 5139~~5538~~. The water and sewer service providers [OWD and San Diego County Sanitation District] have indicated that capacity exists or is planned to serve the proposed Project's water and sewer demands. (See Public Service Availability Forms included in Appendix O and Water Supply Assessment and Verification Report in Appendix R.) For these reasons, potential off-site growth-inducing impacts associated with extension of water and sewer services and road improvements to the Project site are considered to have a less than significant impact.

The proposed Project also requires additional emergency fire service and law enforcement services to the Project site. The proposed Project was issued a Project Facility Availability Form from the San Diego County Fire Authority (included within Appendix O). The Project would be served by a new fire station to be located centrally within the East Otay Mesa Business Park Specific Plan. The proposed Project would be conditioned to provide funding for the construction, equipping, and ongoing operations and maintenance of the new fire station.

Because the Project includes residential uses, the Project would require school services that were not anticipated in the 1994 EIR. The proposed Project would be served by Sweetwater Union High School District and San Ysidro Elementary School District. Based on letters received from the school districts serving the Project site (included within Appendix O), the proposed Project would result in the overcrowding of Olympia High School, as well as within the San Ysidro Elementary School District. The proposed Project would be conditioned to pay school fees in accordance with Education Code Section 17620 prior to the issuance of building permits. With payment of the school facilities fee, impacts would be less than significant.

In order to provide adequate recreation services, parks would be provided to serve the residential uses proposed by the Specific Plan Amendment, consistent with the requirements of the Parkland Dedication Ordinance. The total park acreage to be dedicated would vary depending on the number of units that are constructed within the Mixed-Use Village Core. The provision of park space to serve residential development proposed by the Project would avoid potential population impacts on public park facilities in the Project area.

Guideline for the Determination of Significance:

> *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

There is no development currently present on-site. Therefore, development of the proposed Project would not displace existing housing on-site. There are three residential units located off-site. However, the proposed Project does not include acquisition of these units and therefore would not displace existing off-site housing units. Impacts relative to the displace of substantial numbers of existing housing would not occur.

Guideline for the Determination of Significance:

> *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

There is no development currently present on-site. Therefore, development of the proposed Project would not displace existing housing on-site. There are three residential units located off-site. However, the proposed Project does not include acquisition of these units and therefore would not displace existing off-site housing units. Impacts relative to the displace of substantial numbers of people would not occur.

## 3.1.3.3 *Cumulative Impact Analysis*

The 1994 EIR provided an analysis of the existing conditions and potential impacts related to population and housing for the entire Otay Ranch area, including the Project site. The 1994 EIR concluded that development of Otay Ranch would contribute cumulatively to regional growth by adding population, housing, and employment to the area. The proposed Project would increase population and housing beyond what was anticipated in the original EOMSP. Cumulative impacts resulting from physical changes to the environment associated with the provision of an increase in housing and population are addressed in other chapters in this SEIR. Where cumulative effects have been determined to be significant, mitigation measures are provided that would reduce cumulatively significant impacts to below a level of significance.

## 3.1.3.4 *Conclusion*

As the above analysis shows, the Project was determined to have a less than significant impact with regard to population and housing. The proposed Project would implement the General Plan and would be consistent with the existing Village designation. Although the Project would induce population growth in an area currently without residences or resident-support businesses, this impact is less than significant, as this growth was anticipate in the General Plan when the Project area was designated as a Village.

The proposed Project includes development of the 253-acre Project site with urban development, which was previously analyzed in the 1994 EIR for the EOMSP. However, the EOMSP did not include mixed-use development of the Project site with up to 3,158 residential units. Development of the Project site would include construction of roadways and infrastructure, in a manner similar to what has been approved with TM ~~-~~5139~~5538~~, connecting to adjacent roadways and utilities. The Project would not result in population and housing impacts either directly through the provision of housing or indirectly by the extension of roadway, water, and sewer services.

**TABLE 3.1-1. *GENERAL PLAN CONSISTENCY ANALYSIS***

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Guiding Principle-2** | Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development. | The Project provides a mixture of residential, retail, personal service, and office/professional uses. The Project supports compact development, pedestrian activity, and greater connectivity between neighborhoods by providing a mix of uses including high density residential, commercial/retail, light industrial, and office/ business park development. The intent of the proposed development pattern and planned multi-modal facilities (including bicycle and pedestrian pathways) is to allow residents to reduce their dependency on automobiles, engage in more physical activity, and enjoy a higher quality of life. The proposed development pattern would also help to support transit operations and would incorporate a new bus stop. In addition, this new mixed-use development is proposed in an area that has long been planned for a modern industrial/business park serving as a major employment center for southern San Diego County. Therefore, infrastructure and services are available or planned to support the Project. The introduction of housing to this area promotes public health and sustainability objectives by providing for a better jobs/housing balance, reducing long vehicular commutes, and facilitating pedestrian and bicycle circulation. |
| **Guiding Principle-3** | Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities. | The Project introduces mixed-use development, consisting of residential, retail, personal service, and office/professional uses intended to serve as a catalyst for the employment center envisioned for East Otay Mesa. Employers are more likely to locate to the area if there are housing opportunities for the workforce close by. The SPA essentially maintains or adapts the existing design guidelines included in the current EOMSP to the mixed-use designations to ensure compatibility with other planned uses in the area. Future development would be required to submit site plan applications to ensure consistency with the design guidelines. |

# 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Guiding Principle-6** | Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation. | The Project would provide a comprehensive, multimodal transportation network that builds upon the existing circulation system. Currently, San Diego Metropolitan Transit System (SDMTS) Bus Routes 905 and 905A provide service to the area. The proposed Project would provide a bus stop for these routes. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa POE. Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo De Las Americas, and Via De La Amistad and Paso Internacional. The introduction of residential uses to the EOMSP area may help to support the expansion of transit services and additional bus stops. In addition, the South Bay Rapid transit line will be running along SR-125, providing nearby rapid transit service to the proposed project; a Rapid station is planned at the Otay Mesa International Transit Center. The Project would improve roadways that traverse the project site, including: Sunroad Boulevard, Vann Centre Boulevard, Zinser Road, and Otay Mesa Boulevard. A comprehensive network of pedestrian trails and pathways as well as bikeways combined with a compact, mixed-use development pattern, would reduce the number and length of automobile trips, promote walking and biking, and increase access and safety for residents and employees. In addition, recreational trail connections would be provided linking the site to the nearby open space preserves. |
| **Guiding Principle-7** | Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change. | The Project is designed as a sustainable mixed-use development that would create a livable community intended to reduce vehicular trips (and associated greenhouse gas emissions) by offering places to live, work, and shop within a compact area. The Project would provide opportunities for existing employees to relocate closer to work to reduce their commutes and vehicular trips. In addition, as indicated in the response to Guiding Principle 6, there are transit opportunities nearby and the project would be designed to accommodate a comprehensive network of pedestrian pathways and bikeways. Such amenities would also serve to reduce vehicular trips. |

# 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Guiding Principle-8** | Preserve agriculture as an integral component of the region's economy, character, and open space network. | There are no existing agricultural operations on the site. Additionally, the property is planned for development in accordance with the approved EOMSP and is not an area to be preserved for agricultural uses. |
| **General Plan Land Use Element** | | |
| **Policy Number** | **Policy Text** | **Consistency Analysis** |
| **Goal LU-2** | **Maintenance of the County's Rural Character.** Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character. | |
| **Policy LU-2.1** | **Community Plans**. Maintain updated Community Plans, as part of the General Plan to guide development to reflect the character and vision for each individual unincorporated community, consistent with the General Plan. | The Otay Subregional Plan does not include mixed-use development. Thus, the proposed Project would require an amendment to the Otay Subregional Plan to allow mixed-use development as proposed by the Project.<br><br>With the adoption of the 2011 General Plan, the County of San Diego has committed to a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and protecting existing community character. This model recognizes that mixed-use development, consisting of residential, retail, and office/professional uses, is an important component of creating livable communities. Currently, the EOMSP does not accommodate residential uses (other than scattered rural residential uses along the outskirts of the plan). This means that when the future employment center is developed, employees may need to commute to East Otay Mesa from other areas, creating a development pattern that may not be consistent with the County's current sustainable growth goals and policies. The amendment to the Subregional Plan clarifies that a mix of residential, commercial, and office development is permitted in addition to the planned industrial center. |
| **Policy LU-2.3** | **Development Densities and Lot Sizes.** Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community. | The Project complies with the development regulations outlined in the EOMSP and Brown Field ALUCP. The EOMSP is located within a Village Regional Category; therefore, village residential densities are appropriate. Buildings would be appropriately sited on lots sized to complement the land use, intensity, and scale of the proposed development. Future site plan approval would be required to ensure consistency with the Specific Plan design guidelines. |

# 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy LU-2.4** | **Relationship of Land Uses to Community Character.** Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles. | The Project takes into consideration the constraints on the property. An approximately 50 acre open space easement is being maintained in the northeastern portion of the site to preserve biological resources and a vernal pool in Planning Area C would be preserved. Additionally, a "C" designator has been applied to the property to ensure that future site plans are reviewed for consistency with the Brown Field ALUCP. The Project introduces a Mixed-Use Village Core that allows for a variety of residential uses to support the character and development objectives of the planned industrial and commercial development. The proposed development is complementary to the goals and policies of both the Otay Mesa Specific Plan and the Otay Subregional Plan because it introduces uses intended to serve as a catalyst to facilitate development of East Otay Mesa as a major employment center. |
| **Goal LU-3** | **Diversity of Residential Neighborhoods.** A land use plan that accommodates a range of building and neighborhood types suitable for a variety of lifestyles, ages, affordability levels, and design options. | |
| **Policy LU-3.1** | **Diversity of Residential Designations and Building Types.** Maintain a mixture of residential land use designations and development regulations that accommodate various building types and styles. | The Project allows for a variety of attached and detached housing types and residential land uses to support and complement the planned industrial and commercial development. The SPA would also permit various lot sizes and development densities. |
| **Policy LU-3.2** | **Mix of Housing Units in Large Projects.** Require new large residential developments (generally greater than 200 dwelling units) to integrate a range of housing types and lot and building sizes. | The SPA would allow for a range of single family and multi-family housing types that would support the international industrial and business district in East Otay Mesa. |
| **Policy LU-3.3** | **Complete Neighborhoods**. Require new development sufficiently large to establish a complete neighborhood (typically more than 1,000 dwelling units) to include a neighborhood center within easy walking distance of surrounding residences. | The Project is intended to function as the Village Core of the EOMSP. The SPA would provide for a variety of housing opportunities that are currently unavailable in East Otay Mesa. Both vertical and horizontal mixed-use would be permitted, that would ultimately result in the placement of residential development and a mix of retail, personal service, and office/professional uses within close proximity to another. Future residents would be able to access everyday shopping and services as well as employment areas through a variety of multi-modal transportation options, including walking and bicycling. |

# 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Goal LU-4** | **Inter-jurisdictional Coordination.** Coordination with the plans and activities of other agencies and tribal governments that relate to issues such as land use, community character, transportation, energy, other infrastructure, public safety, and resource conservation and management in the unincorporated County and the region. | |
| **Policy LU-4.2** | **Review of Impacts of Projects in Adjoining Jurisdictions.** Review, comment, and coordinate when appropriate on plans, projects, and proposals of overlapping or neighboring agencies to ensure compatibility with the County's General Plan, and that adjacent communities are not adversely impacted. | As part of the planning process for the Project, a review of the planned land uses surrounding the site, such as the City of San Diego's Otay Mesa Community Plan, was conducted. The Project's traffic analysis identifies direct and cumulative impacts at the following intersections within the City of San Diego: Otay Mesa Road & La Media Road (direct and cumulative); Airway Road & Sanyo Avenue (cumulative); and Siempre Viva Road & Paseo de las Americas (cumulative). Fair share payments towards the recommended improvements would reduce these impacts to less than significant; however, because the County has no authority to ensure that payments made to the City of San Diego will be utilized for these improvements, the impacts must be considered significant under the CEQA. |
| **Policy LU-4.7** | **Airport Land Use Compatibility Plans (ALUCP).** Coordinate with the Airport Land Use Commission (ALUC) and support review of Airport Land Use Compatibility Plans (ALUCP) for development within Airport Influence Areas. | The Project would comply with all requirements set forth in the Brown Field ALUCP. Airport safety and noise contour zones have been mapped over the SPA area. A very small portion of the site falls within Zone 2 and, per the compatibility guidelines, residential uses would not be permitted in that area. The portion of the site within Zone 4 would be limited to a maximum of 20 dwelling units per acre consistent with the ALUCP. "D" and "C" Designators have been placed upon the tentative map to ensure that future site plans would be required to comply with the EOMSP and the Brown Field ALUCP. |
| **Goal LU-5** | **Climate Change and Land Use.** A land use plan and associated development techniques and patterns that reduce emissions of local greenhouse gases in accordance with state initiatives, while promoting public health. | |

| General Plan Vision and Guiding Principles | | |
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| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy LU-5.1** | **Reduction of Vehicle Trips within Communities.** Incorporate a mixture of uses within Villages and Rural Villages and plan residential densities at a level that support multi-modal transportation, including walking, bicycling, and the use of public transit, when appropriate. | The Project has been designed to provide a mixture of residential, retail, personal service, and office/professional uses that would serve as a catalyst for development in East Otay Mesa. East Otay Mesa would benefit from the introduction of new households. The project supports public transit services, provides for a new bus stop, and includes pedestrian and bicycle infrastructure that would encourage walking and bicycling. Currently, SDMTS Bus Routes 905 and 905A provide service to the area. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa Port of Entry (POE). Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo De Las Americas, and Via De La Amistad and Paso Internacional. The Project would construct an additional bus stop at Otay Mesa Road and Harvest Road. In addition, the South Bay Rapid transit line would be running along SR-125, providing nearby rapid transit service to the proposed project; a Rapid station is planned at the Otay Mesa International Transit Center. |
| **Policy LU-5.2** | **Sustainable Planning and Design**. Incorporate into new development sustainable planning and design. | The Project would offer mixed-use development, consisting of residential, retail, personal service, and office/professional uses, which would be designed in accordance with sustainable planning practices, such as compact development, pedestrian orientation, a variety of housing types, and efficient/green building design and low impact development techniques. The mixed-use nature of the Project would reduce vehicular trips (and associated greenhouse gas emissions) by offering places to live, work, and shop within a compact area. In addition, sustainable planning and building design guidelines for development within the mixed use designations have been incorporated into the SPA, such as passive solar heating and cooling techniques, the use of sustainable resources and recycled materials, the incorporation of native and drought tolerant landscaping with efficient irrigation systems, and the use of renewable energy sources, where feasible. |

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Goal LU-6** | **Development-Environmental Balance**. A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities. | |
| **Policy LU-6.7** | **Open Space Network.** Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities. | The Project takes into consideration the constraints on the property. An existing gas line/electric easement has been incorporated into the plan as an open space corridor with a trail easement connecting to the open space preserve to the north. Approximately 50 acres are set aside as biological open space and no development would occur in this area other than a recreational trail that would also connect to the open space preserve to the north. An existing vernal pool would also be preserved through sensitive and compact design. Pedestrian trails and bike routes would enhance recreational opportunities by providing connectivity to designated County trails and adjacent open space areas. |
| **Goal LU-7** | **Agricultural Conservation.** A land use plan that retains and protects farming and agriculture as beneficial resources that contribute to the County's rural character. | |
| **Policy LU-7.1** | **Agricultural Land Development.** Protect agricultural lands with lower-density land use designations that support continued agricultural operations. | There are no existing agricultural operations on the site. Additionally, the property is planned for development in accordance with the approved EOMSP and is not an area to be preserved for agricultural uses. |
| **Policy LU-7.2** | **Parcel Size Reduction as Incentive for Agriculture.** Allow for reductions in lot size for compatible development when tracts of existing historically agricultural land are preserved in conservation easements for continued agricultural use. | The Project site was historically farmed, but has not supported agricultural operations since 1989. Additionally, the property is planned for development in accordance with the approved EOMSP and is not an area to be preserved for agricultural uses. |
| **Goal LU-9** | **Distinct Villages and Community Cores.** Well-defined, well-planned, and well-developed community cores, such as Villages and Town Centers that contribute to a community's identity and character. | |
| **Policy LU-9.5** | **Village Uses.** Encourage development of distinct areas within communities offering residents places to live, work, and shop, and neighborhoods that integrate a mix of uses and housing types. | The Project would offer a diverse mix of uses. The SPA would introduce single-family and multi-family housing types to the area that would be linked together by a network of pedestrian and bicycle pathways. Residents would be located within proximity to commercial and employment centers, which would provide job, retail, and service opportunities. The network of trails and pathways would encourage residents to walk and bike throughout the community. |

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy LU-9.8** | **Village Connectivity and Compatibility with Adjoining Areas.** Require new development within Villages to include road networks, pedestrian routes, and amenities that create or maintain connectivity; and site, building, and landscape design that is compatible with surrounding areas. | The Project includes road networks, pedestrian routes, and amenities that are compatible with surrounding areas. Site, building, and landscape design guidelines addressing the mixed-use designations have been incorporated into the SPA. These guidelines have been developed to be compatible with the existing Specific Plan guidelines, and future site plan review would ensure that proposed development complies with the guidelines. |
| **Goal LU-11** | **Commercial, Office, and Industrial Development.** Commercial, office, and industrial development that is appropriately sited and designed to enhance the unique character of each unincorporated community and to minimize vehicle trip lengths. | |
| **Policy LU-11.3** | **Pedestrian-Oriented Commercial Centers.** Encourage the development of commercial centers in compact, walkable configurations in Village centers that locate parking in the rear or on the side of the parcel, use transparent storefronts with active retail street-fronting uses, minimize setbacks, and discourage "strip" commercial development. "Strip" commercial development consists of automobile-oriented commercial development with the buildings set back from the street to accommodate parking between the building and street. | The SPA contains design guidelines that encourage pedestrian-oriented development within the mixed-use designations. For example, off street parking is prohibited between the front of buildings and the street right-of-way, primary and ground floor building entrances are required to be emphasized and oriented towards pedestrian sidewalks or plazas, and ground floor retail with transparent storefronts are encouraged. |
| **Policy LU-11.6** | **Office Development.** Locate new office development complexes within Village areas where services are available, in proximity to housing, and along primary vehicular arterials (ideally with transit access) with internal vehicular and pedestrian linkages that integrate the new development into the multi-modal transportation network where feasible. | Within the proposed mixed-use designations, office/professional uses are permitted within proximity to housing (perhaps even integrated into the same building as residential uses). Residents can easily commute to these areas by way of a variety of multi-modal transportation options including pedestrian and bicycle linkages. |
| **Policy LU-11.7** | **Office Development Compatibility with Adjoining Uses.** Require new office development, including office parks, to be compatible to the scale, design, site layout, and circulation patterns of adjacent existing or planned commercial and residential development. | New office development would be required to obtain site plan approval to confirm consistency with the Specific Plan design guidelines, which are intended to ensure compatibility of scale, design, and site layout. In addition, a comprehensive multi-modal circulation network has been developed to provide connections between the Mixed Use Village Core, which permits office uses, and adjacent planned light industrial, office, commercial, and residential development. |

| General Plan Vision and Guiding Principles | | |
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| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy LU-11.9** | **Development Density and Scale Transitions.** Locate transitions of medium-intensity land uses or provide buffers between lower intensity uses, such as low-density residential districts and higher intensity development, such as commercial or industrial uses. Buffering may be accomplished through increased setbacks or other techniques such as grade differentials, walls, and/or landscaping but must be consistent with community design standards. | The SPA would establish a Mixed-Use Village Core where the highest intensity land uses would be located. This area would include higher density residential uses, commercial/ retail, and office/professional uses. Residential uses would be buffered from more intense industrial uses by lower intensity business park uses, open space and roadways. Retail, office, and technology business park uses are planned within the remaining areas of the EOMSP. Landscaped berms, fencing, setbacks, and/or roads are encouraged to provide a visual buffer between heavier industrial uses and residential uses |
| **Policy LU-11.10** | **Integrity of Medium and High Impact Industrial Uses.** Protect designated Medium and High Impact Industrial areas from encroachment of incompatible land uses, such as residences, schools, or other uses that are sensitive to industrial impacts. The intent of this policy is to retain the ability to utilize industrially designated locations by reducing future development conflicts. | The heavier industrial uses are generally located north and east of the intersection of Alta Road and Lone Star Road within the Specific Plan. The closest Heavy Industrial land use designation is approximately 4,000 feet from the eastern edge of the proposed Mixed-Use Village Core. The proposed amendment would not impact these areas. Residential uses are only proposed within the far northwest area of the Specific Plan and are surrounded by the lighter and cleaner technology business park designation. |
| **Policy LU-11.11** | **Industrial Compatibility with Adjoining Uses.** Require industrial land uses with outdoor activities or storage to provide a buffer from adjacent incompatible land uses. | Future site plan review would be required to ensure adequate buffers between potentially incompatible industrial uses and residential areas. Residential uses would be buffered from more intense industrial uses by lower intensity business park uses, open space, and roadways. The use of business park development also serves as a transitional use between the heavier industrial uses and residential uses. |
| **Goal LU-12** | **Infrastructure and Services Supporting Development.** Adequate and sustainable infrastructure, public facilities, and essential services that meet community needs and are provided concurrent with growth and development. | |
| **Policy LU-12.1** | **Concurrency of Infrastructure and Services with Development.** Require the provision of infrastructure, facilities, and services needed by new development prior to that development, either directly or through fees. Where appropriate, the construction of infrastructure and facilities may be phased to coincide with project phasing. | The Project would connect to the utilities that currently exist within the roadways abutting the Project site. Development impact fees would also be provided as needed for the provision of other infrastructure and service needs. The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the five-minute travel time standard as set forth in the General Plan. |
| **Goal LU-13** | **Adequate Water Quality, Supply, and Protection.** A balanced and regionally integrated water management approach to ensure the long-term viability of San Diego County's water quality and supply. | |

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy LU-13.1** | **Adequacy of Water Supply.** Coordinate water infrastructure planning with land use planning to maintain an acceptable availability of a high quality sustainable water supply. Ensure that new development includes both indoor and outdoor water conservation measures to reduce demand. | A Project Facility Availability Form has been obtained from the Otay Water District, which indicates that services would be available. The Project would be required to incorporate water conservation measures – these would be established during site plan or building permit review. |
| **Goal LU-17** | **Adequate Education.** Quality schools that enhance our communities and mitigate for their impacts. | |
| **Policy LU-17.1** | **Planning for Schools.** Encourage school districts to consider the population distribution as shown on the Land Use Map when planning for new school facilities. | The Project proponent has received Project Facility Availability forms from the San Ysidro Elementary and Sweetwater High school districts. School impact fees would be paid in accordance with State law. |
| **General Plan Mobility Element** | | |
| **Policy Number** | **Policy Text** | **Consistency Analysis** |
| **Goal M-11** | **Bicycle and Pedestrian Facilities.** Bicycle and pedestrian networks and facilities that provide safe, efficient, and attractive mobility options as well as recreational opportunities for County residents. | |
| **Policy M-11.4** | **Pedestrian and Bicycle Network Connectivity.** Require development in Villages and Rural Villages to provide comprehensive internal pedestrian and bicycle networks that connect to existing or planed adjacent community and countywide networks. | The Specific Plan provides bicycle routes and pedestrian pathways throughout the development. These facilities enhance multi-modal connectivity between planning areas, existing and planned County trails, the Otay River Valley Regional Park, and adjacent open space areas. |
| **Policy M-11.8** | **Coordination with the County Trails Program.** Coordinate the proposed bicycle and pedestrian network and facilities with the Community Trails Master Plan's proposed trails and pathways. | The Project is cohesively tied together by a comprehensive bicycle and pedestrian trail system that would provide connectivity to adjacent planning areas and the larger recreational trail system. The Project would be required to construct a ten-foot decomposed granite pathway along the east side of Lone Star Road. In addition, the Project is proposing a north/south connection to an existing trail that leads to the Otay River Regional Park via a pathway along Harvest Road from Otay Mesa Road to Sunroad Boulevard that would continue as a trail through an SDG&E easement. |
| **General Plan Conservation and Open Space Element** | | |
| **Policy Number** | **Policy Text** | **Consistency Analysis** |
| **Goal COS-7** | **Protection and Preservation of Archaeological Resources.** Protection and preservation of the County's important archeological resources for their cultural importance to local communities, as well as their research and educational potential. | |
| **Policy COS-7.1** | **Archaeological Protection.** Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources. | The Project would be required to comply with County standard development conditions that require the appropriate handling of disturbed archaeological resources. |

## 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Goal COS-10** | **Protection of Mineral Resources.** The long-term production of mineral materials adequate to meet the local County average annual demand, while maintaining permitted reserves equivalent to a 50-year supply, using operational techniques and site reclamation methods consistent with SMARA standards such that adverse effects on surrounding land uses, public health, and the environment are minimized. | |
| **Policy COS-10.1** | **Siting of Development.** Encourage the conservation (i.e., protection from incompatible land uses) of areas designated as having substantial potential for mineral extraction. Discourage development that would substantially preclude the future development of mining facilities in these areas. Design development or uses to minimize the potential conflict with existing or potential future mining facilities. For purposes of this policy, incompatible land uses are defined by SMARA Section 3675. | There are no mineral extraction opportunities on the site. The area has long been planned as a modern industrial and business center; therefore, extractive uses would not be appropriate for the site. Furthermore, the EOMSP specifically prohibits mining and processing uses. |
| **Policy COS-10.2** | **Protection of State-Classified or Designated Lands.** Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions. | The Project site is classified as MRZ-3. However, there are no mineral extraction opportunities on the site. The area has long been planned as a modern industrial and business center; therefore, extractive uses would not be appropriate for the site. Furthermore, the EOMSP specifically prohibits mining and processing uses in this area. |
| **Policy COS-10.3** | **Road Access.** Prohibit development from restricting road access to existing mining facilities, areas classified MRZ-2 or MRZ-3 by the State Geologist, or areas identified in the County Zoning Ordinance for potential extractive use in accordance with SMARA Section 2764a. | The Project would not restrict access to any existing mining area, classified MRZ-2 or MZ-3, or potential extractive use areas. |
| **Policy COS-10.4** | **Compatible Land Uses**. Discourage the development of land uses that are not compatible with the retention of mining or recreational access to non-aggregate mineral deposits. | There are no existing mining facilities or mineral deposit attractions in the area. |
| **Policy COS-10.9** | **Overlay Zones.** Provide zoning overlays for MRZ-2 designated lands and a 1,300-foot-wide buffer area adjacent to such lands. Within these overlay zones, the potential effects of proposed land use actions on potential future extraction of mineral resources shall be considered by the decision- makers. | Mining and processing are specifically prohibited within the EOMSP; however, other extractive uses are permitted with a Major Use Permit (MUP) within the mixed industrial and rural residential land use designations. The proposed Project is located a minimum of approximately 5,000 feet from these designations and would, therefore, be outside of the buffer zone. |

# 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
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| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Goal COS-14** | **Sustainable Land Development.** Land use development techniques and patterns that reduce emissions of criteria pollutants and GHGs through minimized transportation and energy demands, while protecting public health and contributing to a more sustainable environment. | |
| **Policy COS-14.1** | **Land Use Development Form**. Require that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character. | The Project introduces mixed-uses consisting of residential, retail, and office/professional uses that reduce vehicular trips (and associated air pollution) by reflecting a compact, pedestrian friendly environment. Pedestrian walkways and trails provide connections to destinations within the development and to adjacent neighborhoods as well as existing and planned recreational trail systems. |
| **Policy COS-14.2** | **Villages and Rural Villages.** Incorporate a mixture of uses within Villages and Rural Villages that encourage people to walk, bicycle, or use public transit to reduce air pollution and GHG emissions. | The area is envisioned to support a human-scaled, pedestrian oriented environment supported by pedestrian trails and bike routes. The mixed-use designations would offer commercial/retail, service, employment, dining, entertainment, and recreational uses. In addition, the Project provides multi-modal connections between planning areas, the Otay River Valley Regional Park, and adjacent open space areas. The site is close to public transit opportunities. Currently, SDMTS Bus Routes 905 and 905A provide service to the area. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa POE. Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo De Las Americas, and Via De La Amistad and Paso Internacional. The Project includes a bus stop at Otay Mesa Road and Harvest Road. In addition, the South Bay Rapid transit line would be running along SR-125, providing nearby rapid transit service to the proposed project; a Rapid station is planned at the Otay Mesa International Transit Center. |
| **Policy COS-14.3** | **Sustainable Development**. Require design of residential subdivisions and nonresidential development through "green" and sustainable land development practices to conserve energy, water, open space, and natural resources. | "Green" and sustainable land development practices would be integrated into the development. Vegetated swales, detention basins, permeable pavement, "cool roofs," drought tolerant and native landscaping, and open space corridors are a few of the low impact development techniques that may be explored. Sustainable planning and building design guidelines within mixed use designations are integrated in the SPA. |

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy COS-14.4** | **Sustainable Technology and Projects.** Require technologies and projects that contribute to the conservation of resources in a sustainable manner, that are compatible with community character, and that increase the self-sufficiency of individual communities, residents, and businesses. | Through guidelines in the SPA, the Project encourages the use of sustainable technologies such as solar power, high efficiency (low energy/low water use) appliances and fixtures, highly efficient and effective irrigation systems that conserve water, etc. |
| **Policy COS-14.5** | **Building Siting and Orientation in Subdivisions.** Require that buildings be located and oriented in new subdivisions and multi-structure non-residential projects to maximize passive solar heating during cool seasons, minimize heat gains during hot periods, enhance natural ventilation, and promote the effective use of daylight. | Through guidelines in the SPA, buildings would be designed and oriented to utilize passive solar heating and cooling opportunities, enhance natural ventilation, and effectively utilize daylight to minimize artificial lighting needs, where feasible. |
| **Policy COS-14.6** | **Solar Access for Infill Development.** Require that property setbacks and building massing of new construction located within existing developed areas maintain an envelope that maximizes solar access to the extent feasible. | The proposed Project is located in an area that is not heavily developed; therefore, solar access would not be affected. As the site develops in phases, future developments would be required to maintain the solar access of existing buildings, to the extent feasible. |
| **Policy COS-14.7** | **Alternative Energy Sources for Development Projects.** Encourage development projects that use energy recovery, photovoltaic, and wind energy. | The Project would explore opportunities to utilize renewable energy sources, where feasible. Sustainable planning and building design guidelines have been incorporated into the SPA to encourage the use of renewable energy sources. |
| **Policy COS-14.8** | **Minimize Air Pollution.** Minimize land use conflicts that expose people to significant amounts of air pollutants. | The proposed residential uses would not create land use conflicts. The mixed-use development would be adequately separated (located more than 5,000 feet away) from the EOMSP heavy industrial land use designation and residential uses would be additionally buffered from more intense industrial uses by lower intensity business park uses, open space, and roadways. |
| **Policy COS-14.9** | **Significant Producers of Air Pollutants.** Require projects that generate potentially significant levels of air pollutants and/or GHGs such as quarries, landfill operations, or large land development projects to incorporate renewable energy, and the best available control technologies and practices into the project design. | The proposed Project would not include any uses that generate potentially significant levels of air pollutants or GHGs. The use of renewable energy sources and other measures to reduce air pollutants are encouraged within the SPA design guidelines. |
| **Policy COS-14.10** | **Low-Emission Construction Vehicles and Equipment.** Require County contractors and encourage other developers to use low-emission construction vehicles and equipment to improve air quality and reduce GHG emissions. | The use of low-emission construction vehicles and equipment is encouraged. |
| **Policy COS-14.11** | **Native Vegetation.** Require development to minimize the vegetation management of native vegetation while ensuring sufficient clearing is provided for fire control. | The Project would maintain the required brush management zones. |

# 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy COS-14.12** | **Heat Island Effect.** Require that development be located and designed to minimize the "heat island" effect as appropriate to the location and density of development, incorporating such elements as cool roofs, cool pavements, and strategically placed shade trees. | The SPA includes design guidelines that encourage features that minimize the "heat island" effect, such as the use of shade trees, cool pavements, and cool roofs. |
| **Goal COS-15** | **Sustainable Architecture and Buildings.** Building design and construction techniques that reduce emissions of criteria pollutants and GHGs, while protecting public health and contributing to a more sustainable environment. | |
| **Policy COS-15.1** | **Design and Construction of New Buildings.** Require that new buildings be designed and constructed in accordance with "green building" programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of GHGs and toxic air contaminants. | The Project would be required to comply with Title 24, which requires "green building" techniques. In addition the SPA includes sustainable planning and building design guidelines. |
| **Policy COS-15.4** | **Title 24 Energy Standards.** Require development to minimize energy impacts from new buildings in accordance with or exceeding Title 24 energy standards. | The Project would meet current Title 24 standards. |
| **Policy COS-15.6** | **Design and Construction Methods**. Require development design and construction methods to minimize impacts to air quality. | The Project would be required to comply with Title 24, which requires "green building" techniques that would minimize impacts to air quality. In addition, construction methods would need to comply with County requirements, as well as the APCD. Sustainable planning and building design guidelines are also included within the SPA. |
| **Goal COS-16** | **Sustainable Mobility.** Transportation and mobility systems that contribute to environmental and human sustainability and minimize GHG and other air pollutant emissions. | |
| **Policy COS-16.1** | **Alternative Transportation Modes.** Work with SANDAG and local transportation agencies to expand opportunities for transit use. Support the development of alternative transportation modes, as provided by Mobility Element policies. | The introduction of residential uses to the area would help to support the expansion of transit services. Currently, Bus Routes 905 and 905A serve the Project site. Route 905 provides express service generally along Otay Mesa Road/SR-905, between the Iris Avenue Transit Center and the Otay Mesa POE. Route 905A generally runs along the same route, with additional local service within Otay Mesa. Existing bus stops are located at Piper Ranch Road and Otay Mesa Road, Sanyo Avenue and Otay Mesa Road, Niels Bohr Court and Heinrich Hertz Drive, Siempre Viva Road and Paseo De Las Americas, and Via De La Amistad and Paso Internacional. The Project includes creation of a bus stop at Otay Mesa Road and Harvest Road. In addition, the South Bay Rapid transit line would be running along SR-125, providing nearby rapid transit service to the proposed Project; a Rapid station is planned at the Otay Mesa International Transit Center. |

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy COS-16.2** | **Single-Occupancy Vehicles.** Support transportation management programs that reduce the use of single-occupancy vehicles. | The proposed Project, being a mixed-use development, by its nature would reduce single-occupancy vehicle use by providing opportunities for people to live within walking or bicycling distance of their jobs. |
| **Policy COS-16.3** | **Low-Emissions Vehicles and Equipment.** Require County operations and encourage private development to provide incentives (such as priority parking) for the use of low- and zero-emission vehicles and equipment to improve air quality and reduce GHG emissions. | The Project would explore options to provide priority parking for low-emissions vehicles. This is included in the sustainable planning and building design guidelines in the SPA. |
| **Policy COS-16.5** | **Transit-Center Development.** Encourage compact development patterns along major transit routes. | As discussed under Policy COS-16-1, the area is currently served by transit. The introduction of higher density residential uses to the area could provide an opportunity to expand these operations. The proposed Project would consist of compact, mixed-use development that would facilitate and encourage transit use. |
| **Goal COS-21** | **Park and Recreational Facilities.** Park and recreation facilities that enhance the quality of life and meet the diverse active and passive recreational needs of County residents and visitors, protect natural resources, and foster an awareness of local history, with approximately ten acres of local parks and 15 acres of regional parks provided for every 1,000 persons in the unincorporated County. | |
| **Policy COS-21.1** | **Diversity of Users and Services.** Provide parks and recreation facilities that create opportunities for a broad range of recreational experiences to serve user interests. | If the site were to develop with the maximum number of units, a minimum of 27 acres of park land would be required per the Park Land Dedication Ordinance (PLDO). The master developer would be constructing an 8.6 acre park, which would serve up to 1,000 dwelling units. Once subsequent site plan applications result in a total of more than 1,000 units, each applicant would be required to satisfy the PLDO requirements of the individual project. Park locations, sizes, and amenities would be established during site plan review and would be located to provide connectivity among neighborhoods and offer diverse recreational opportunities. |
| **Policy COS-21.2** | **Location of Parks.** Locate new local parks and recreation facilities near other community-oriented public facilities such as schools, libraries, and recreation centers where feasible, so that they may function as the "heart" of a community. | Where possible, parks would be located near planned community-oriented public facilities to instill a sense of place and increase community interaction. |
| **Policy COS-21.3** | **Park Design.** Design parks that reflect community character and identity, incorporate local natural and cultural landscapes and features, and consider the surrounding land uses and urban form and cultural and historic resources. | Parks would be sited and sized to reflect the character and local landscape features of the community. |

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy COS-21.4** | **Regional Parks.** Require new regional parks to allow for a broad range of recreational activities and preserve special or unique natural or cultural features when present. | No regional parks are proposed as part of this Project. However, planned pedestrian trails and bike routes would provide connectivity to the Otay River Valley Regional Park. |
| **Policy COS-21.5** | **Connections to Trails and Networks.** Connect public parks to trails and pathways and other pedestrian or bicycle networks where feasible to provide linkages and connectivity between recreational uses. | A well connected system of pedestrian trails and bike routes are planned throughout the site to enhance multi-modal connectivity between planning areas, designated County trails, the Otay River Valley Regional Park, and adjacent open space areas. If required, additional trail connections to planned parks would be established during site plan review. |
| **Goal COS-24** | **Park and Recreation Funding.** Adequate funding for acquisition, development, maintenance, management, and operation of parks, recreation facilities, and preserves. | |
| **Policy COS-24.1** | **Park and Recreation Contributions.** Require development to provide fair-share contributions toward parks and recreation facilities and trails consistent with local, state, and federal law. | Fair share contributions to park and recreational facilities would be provided as appropriate. This may include the dedication of public parkland, establishment of private parks, and payment of fees. On-site parks would be identified during site plan review. |
| **Policy COS-24.2** | **Funding Opportunities.** Maximize funding opportunities for the following:<br>• The acquisition, expansion, and development of parks, recreation facilities, preserves, and trails.<br>• The operation, maintenance, and management of parks, recreation facilities, preserves, and trails. | See Policy COS-24.1. |
| **General Plan Housing Element** | | |
| **Policy Number** | **Policy Text** | **Consistency Analysis** |
| **Goal H-1** | **Housing Development and Variety.** A housing stock comprising a variety of housing and tenancy types at a range of prices, which meets the varied needs of existing and future unincorporated County residents, who represent a full spectrum of age, income, and other demographic characteristics. | |
| **Policy H 1.3** | **Housing near Public Services.** Maximize housing in areas served by transportation networks, within close proximity to job centers, and where public services and infrastructure are available. | The SPA allows for a diverse mix of residential, retail, technology business park, and office/ professional uses. East Otay Mesa has long been envisioned as a major job center and introducing residential uses to the area would help to promote jobs/housing balance. The area is currently served by public transit and higher density residential uses would help to support those operations. Public services and infrastructure are available in the area. |
| **Policy H 1.9** | **Affordable Housing** | The Project would provide high-density residential development in a variety of product types, which would expand opportunities for affordable housing. |

## 3.1 Effects Found Not Significant as Part of the SEIR Process

| General Plan Vision and Guiding Principles | | |
|---|---|---|
| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Goal H-2** | **Neighborhoods That Respect Local Character.** Well-designed residential neighborhoods that respect unique local character and the natural environment while expanding opportunities for affordable housing. | |
| **Policy H 2.2** | **Projects with Open Space Amenities in Villages.** Require new multi-family projects in Villages to be well-designed and include amenities and common open space areas that enhance overall quality of life. | The Project would be designed to incorporate common usable open space and outdoor passive or recreational areas for multi-family residential development as required by the SPA design guidelines. These areas, which would be established during site plan review, are intended to facilitate social interaction and establish a unique sense of place. |
| **General Plan Safety Element** | | |
| **Policy Number** | **Policy Text** | **Consistency Analysis** |
| **Goal S-1** | **Public Safety.** Enhanced public safety and the protection of public and private property. | |
| **Policy S-1.2** | **Public Facilities Location.** Advise, and where appropriate require, new development to locate future public facilities, including new essential and sensitive facilities, with respect to the County's hazardous areas and State law. | The Project would provide fair share funding for a new fire station which would be centrally located within the EOMSP area. If public facilities are required within the proposed amendment area, they would be located consistent with County requirements and State law. |
| **Goal S-3** | **Minimized Fire Hazards.** Minimize injury, loss of life, and damage to property resulting from structural or wildland fire hazards. | |
| **Policy S-3.3** | **Minimize Flammable Vegetation.** Site and design development to minimize the likelihood of a wildfire spreading to structures by minimizing pockets or peninsulas, or islands of flammable vegetation within a development. | The proposed development is a Mixed-Use Village Core that would not contain any pockets or islands of flammable/native vegetation. |
| **Policy S-3.4** | **Service Availability.** Plan for development where fire and emergency services are available or planned. | The Project has obtained a service availability form from the San Diego Rural Fire Protection District (RFPD) which indicates that the project is eligible for service. The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the five-minute travel time standard as set forth in the General Plan. A new CFD is being prepared in coordination with the County to address fire and other public services. |
| **Goal S-6** | **Adequate Fire and Medical Services.** Adequate levels of fire and emergency medical services (EMS) in the unincorporated County. | |
| **Policy S-6.3** | **Funding Fire Protection Services**. Require development to contribute its fair share towards funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve the project. | The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the five-minute travel time standard as set forth in the General Plan. |
| **Policy S-6.4** | **Fire Protection Services for Development.** Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards from Closest Fire Station), which is 5 minutes for Village development. | The Project would be conditioned such that it would need to be eligible for fire service within the five-minute travel time prior to permitting. |

| General Plan Vision and Guiding Principles | | |
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| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| **Policy S-6.5** | **Concurrency of Fire Protection Services.** Ensure that fire protection staffing, facilities and equipment required to serve development are operating prior to, or in conjunction with, the development. Allow incremental growth to occur until a new facility can be supported by development. | The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the five-minute travel time standard as set forth in the General Plan. |
| **Goal S-12** | **Adequate Law Enforcement Facilities.** Timely development of law enforcement facilities in locations that serve the unincorporated areas of the County. | |
| **Policy S-12.1** | **New Law Enforcement Facilities.** Coordinate new law enforcement facilities and services with new development in ways that sustain the provision of comprehensive services at levels consistent with substantially similar areas of the County. | As discussed in Section 3.2.5, the proposed Project would pay its fairshare contribution toward the construction of a new Sheriff's facility in East Otay Mesa. |
| **Goal S-15** | **Airport Zone Hazards.** Development within airport hazard zones that minimize the risk of personal injury to both flight occupants and people and property damage on the ground as well as protect airport operations from incompatible land uses. | |
| **Policy S-15.1** | **Land Use Compatibility.** Require land uses surrounding airports to be compatible with the operation of each airport. | The Project is compatible with the requirements set forth in the Brown Field ALUCP. Airport safety and noise contour zones have been mapped over the proposed SPA area and the proposed land uses reflect the restrictions of these zones. Future site plans would comply with the requirements of the Brown Field ALUCP and the EOMSP. |
| **Policy S-15.3** | **Hazardous Obstructions within Airport Approach and Departure.** Restrict development of potentially hazardous obstructions or other hazards to flight located within airport approach and departure areas or known flight patterns and discourage uses that may impact airport operations or do not meet Federal or State aviation standards. | The SPA has been designed to be compatible with the requirements set forth in the Brown Field ALUCP. Airport safety and noise contour zones have been mapped over the Mixed Use Village Core area. A very small portion of the site falls within Zone 2 and residential uses would not be permitted in that area. Consistent with the plan, the portion of the site within Zone 4 would be limited to a maximum of 20 dwelling units per acre. The FAA will review the proposed height of structures to ensure that they do not pose a threat to air navigation. |
| **General Plan Noise Element** | | |
| **Policy Number** | **Policy Text** | **Consistency Analysis** |
| **Goal N-1** | **Land Use Compatibility.** A noise environment throughout the unincorporated County that is compatible with the land uses. | |
| **Policy N-1.1** | **Noise Compatibility Guidelines.** Use the Noise Compatibility Guidelines (Table N-1) and the Noise Standards (Table N-2) as a guide in determining the acceptability of exterior and interior noise for proposed land uses. | The Noise Compatibility Guidelines were used in preparation of the Project Acoustical Site Assessment Report. |
| **Goal N-2** | **Protection of Noise Sensitive Uses.** A noise environment that minimizes exposure of noise sensitive land uses to excessive, unsafe, or otherwise disruptive noise levels. | |
| **Policy N-2.1** | **Development Impacts to Noise Sensitive Land Uses.** Require an acoustical study to identify inappropriate noise level where | An Acoustical Site Assessment has been prepared. |

| General Plan Vision and Guiding Principles | | |
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| **Guiding Principle** | **Guiding Principle Text** | **Consistency Analysis** |
| | development may directly result in any existing or future noise sensitive land uses being subject to noise levels equal to or greater than 60 CNEL and require mitigation for sensitive uses in compliance with the noise standards listed in Table N-2. | |

**TABLE 3.1-2. *OTAY SUBREGIONAL PLAN CONSISTENCY ANALYSIS***

| Otay Subregional Plan Public Services and Facilities | | |
|---|---|---|
| **Goal/Policy** | **Goal/Policy Text** | **Consistency Analysis** |
| **Goal A** | Provide a land use pattern sensitive to the opportunities and the constraints of the Subregion.<br>Because<br>1) the second international border crossing, the State Correctional Facility, and the increased industrial development immediately cross the Mexican Border have increased development pressures on the Subregion, in general, and on Otay Mesa in particular, and<br>2) Otay Mesa contains large, level, undeveloped and relatively inexpensive parcels of land, and is located near a large labor pool, moderately priced housing, and a general aviation airport, which makes it highly suitable for large scale industrial development, and<br>3) the anticipated development of Otay Mesa represents potentially significant economic benefits to the Subregion, and<br>4) the Subregion contains valuable agricultural land, which, although adversely affected by high water and labor costs, should be encouraged during the extended build out period of Otay Mesa.<br><br>It is the goal of the County of San Diego to work with the private sector in capitalizing on the unique development opportunities existing near the Mexican border while concurrently encouraging interim agricultural production as much as economically feasible. | The EOMSP area was originally envisioned as a major employment center in southern San Diego County. The objectives of the plan are to encourage regional technology manufacturing uses, provide adequate land area for light industrial uses, provide appropriate areas for heavy industrial uses, allow for commercial uses to serve employees and visitors, and preserve environmental resources. The plan was originally developed in 1994; however, limited development has occurred since that time. Most of the Specific Plan area remains vacant.<br>With the adoption of the 2011 General Plan, the County of San Diego has committed to a sustainable growth model that facilitates efficient development near infrastructure and services, while respecting sensitive natural resources and protecting existing community character. This model recognizes that mixed-use development, consisting of residential, retail, and office/professional uses, is an important component of creating livable communities that reduce vehicular trips (and associated greenhouse gas emissions) by providing places to live, work, and shop within a compact area. Currently, the EOMSP does not accommodate residential uses (other than scattered rural residential uses along the outskirts of the plan). This means that when the future employment center is developed, employees may need to commute to East Otay Mesa from other areas, creating a development pattern that may not be consistent with the County's current sustainable growth goals and policies.<br><br>The Project proposes to amend the EOMSP to include a Mixed-Use Village Core that would contain a variety of housing, services, shopping, and office/professional uses. East Otay Mesa would benefit from the introduction of new households. Additional housing would provide opportunities for existing employees to relocate closer to work and reduce their commutes. Each new home creates demand for additional employment opportunities, shopping, services, dining establishments, and recreational amenities. There is a direct economic impact to a local area when new houses are added. The construction of one hundred new homes equates to 200 local jobs, $28 million for the economy, and an additional $13 million of economic impact results (Meyers Research, 2014). In addition, |

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| | | residential uses are expected to diversify the employment base by attracting other types of industries, including biotech, information technology, and other high tech businesses.<br><br>An amendment to the Otay Subregional Plan has been included with this application to bring the Plan into alignment with the Village designation outlined in the County's General Plan and clarify that mixed-use development consisting of residential, commercial, and office uses is permitted in addition to the planned industrial center. |
| **Goal B** | Provide adequate and equitable financed public services and facilities because<br>1) most of the Subregion is presently undeveloped with only very limited services and facilities, and<br>2) the orderly and cost effective development of Otay Mesa requires that public services and facilities be provided in a planned manner involving cooperation and coordination on the part of all affected agencies with the private sector, and<br>3) local government cannot be expected to have the fiscal resources required to finance most needed services; property owners and developers will, therefore, be expected to bear these costs, and<br>4) the economic feasibility of Otay Mesa is largely dependent upon maintaining land costs, which will attract developers and investors in competition with other industrial areas along the International Border with Mexico.<br><br>It is the goal of the County of San Diego that public services and facilities be provided in a planned, orderly fashion and that they will be phased in response to evolving and changing market demands, as well as the service capacities of provider agencies, and financed through the equitable participation of all affected property owners and developers. | The Project would provide the necessary public services and facilities consistent with County requirements and State laws. Service providers have completed Project Facility Availability forms verifying that they can accommodate the appropriate services. The delivery of adequate public services and facilities would be determined as part of the discretionary entitlement process. |
| **Policy B-1** | Formulate Public Facilities Program and Financing Plan because<br>A) a full range of facilities and services will be required for the orderly and cost-effective development of Otay Mesa, and<br>B) the equitable financing of such facilities and services will directly | The Project would be conditioned to provide financing mechanisms to address impacts and to ensure that adequate funding for public facilities and services would be available. A new CFD is being prepared in coordination with the County concurrently with this entitlement application to address fire and other public services. Service providers have completed Project Facility Availability forms verifying that they can provide |

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| | influence the development feasibility and marketability of Otay Mesa, and<br>C) there is a need to determine which agencies will be responsible for providing various facilities and services during the stages of development of the Otay Mesa, and<br>D) the private sector will have primary responsibility for financing needed facilities and services, and appropriate studies should be undertaken to determine service and facilities requirements and costs, alternative methods of financing, and the most efficient manner in which affected agencies can provide such services and facilities.<br><br>The County will encourage and support public service and facility planning and programming for the Otay Mesa, and will work with all affected property owners and developers to assure equitable financing of such services and facilities. | the necessary services. The Project would be required to contribute funding to the planned fire and sheriff station and would be conditioned to meet the five-minute travel time standard as set forth in the General Plan. |
| **Policy B-2** | Study and select long term sewage disposal methods because<br>A) Public sewers are practically non-existent throughout the entire Subregion, and<br>B) the Metropolitan Sewer System has limited capacity for the foreseeable future, pending the approval, funding, and construction of a major sewage treatment and disposal facility to serve the South Bay Area and possibly Tijuana, and<br>C) interim wastewater treatment and disposal to serve the Otay Mesa may be considered; provided such a system satisfies project planning and environmental review requirements; provides for wastewater recycling and reuse; and does not disrupt orderly and cost effective development of the area.<br><br>The County will encourage and support studies and planning that create the most comprehensive and reasonable sewage disposal system for the entire region, including the South Bay cities and the Tijuana area; and the County will encourage and support studies that lead to the efficient use of wastewater by onsite treatment and recycling. | The Project has obtained a Project Facility Availability Form from the County Sanitation District for sewer service. The sewer system has been studied and a sewer report is a component of the Specific Plan Amendment application. |

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| **Policy B-3** | Resolve water demand and supply because<br>A) high water costs have acted as a deterrent to future agricultural use, and<br>B) high water costs may also affect proposed industrial development on Otay Mesa, and<br>C) reclaimed water may supplement future supplies, and<br>D) services are generally most efficient when provided by one single water agency.<br><br>The County will encourage and support studies to determine ultimate water need, the most logical service provider, cooperation between agencies and the use of reclaimed water. | A Project Facility Availability Form has been obtained from the Otay Water District (OWD), which indicates that services will be available. A Water Supply Assessment and Water Supply Verification have been issued by the OWD for the Project demonstrating that there would be adequate water supplies to serve future development that could occur with the proposed Specific Plan Amendment. Furthermore, the Project would be required to incorporate water conservation measures within the design, which would be determined during site plan and building permit review. The Specific Plan design guidelines encourage the use of high efficiency/low water use appliances and fixtures, native and drought tolerant landscaping, and efficient irrigation systems. |




**Mixed-Use Residential Emphasis**




**Mixed-Use Retail Emphasis**




**Mixed-Use Employment Emphasis**

**FIGURE 3.1-1. *TYPICAL MIXED-USE FAÇADE* ARTICULATION**



**Mixed-Use Residential Emphasis**




**Mixed-Use Retail Emphasis**



**Mixed-Use Employment Emphasis**

* Note: These images are conceptual only. Parkways will be planted with drought tolerant plant material and maintenance strips will be provided in median planting areas. Trees shall be setback from the curb consistent with County road standards and tree grates may be utilized along internal local roads within the Mixed-Use Village Core.

**FIGURE 3.1-2. *MIXED-USE PREFERRED CHARACTER***

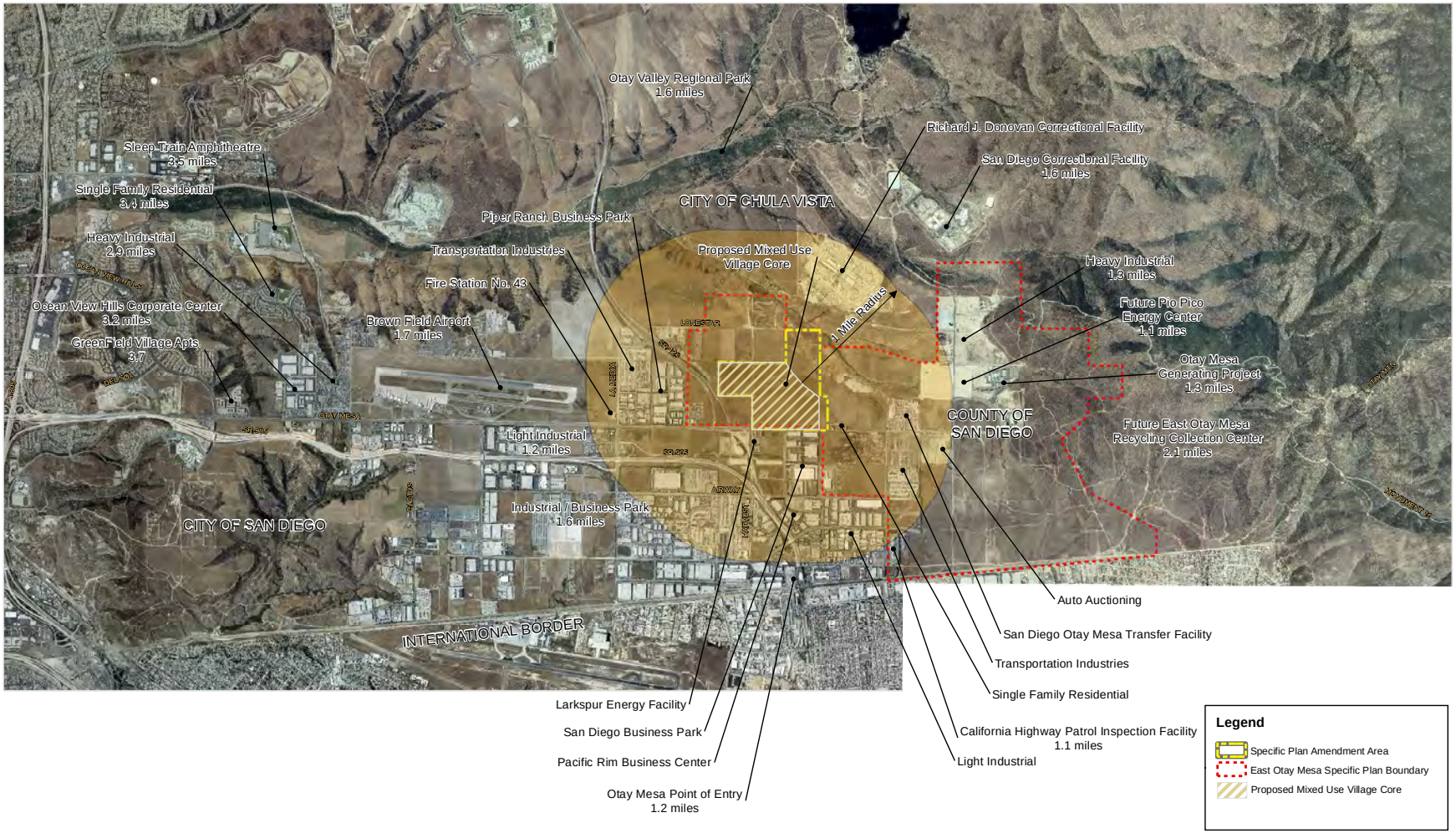



**FIGURE 3.1-3. *EXISTING LAND USES***

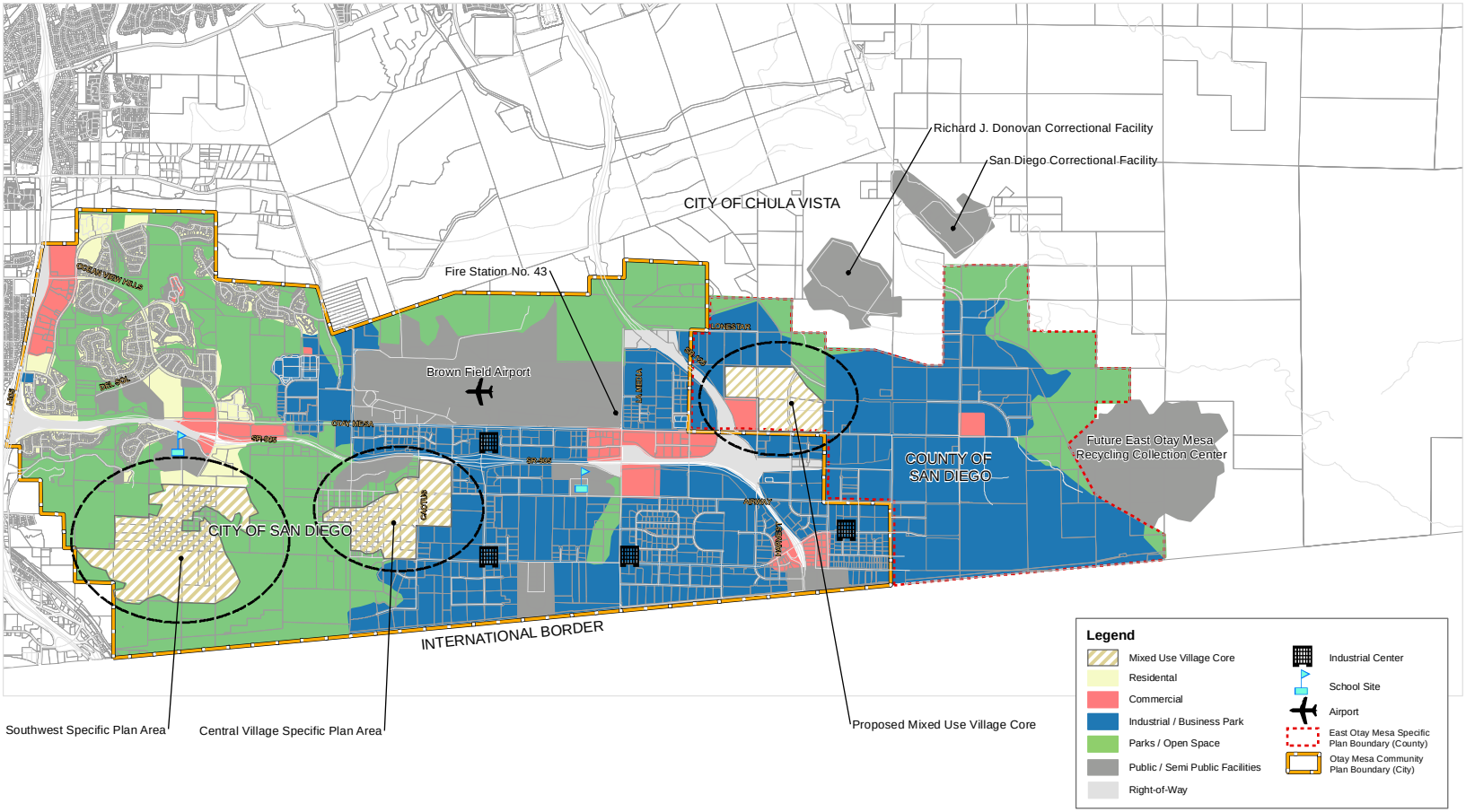



**FIGURE 3.1-4. *PLANNED LAND USES***

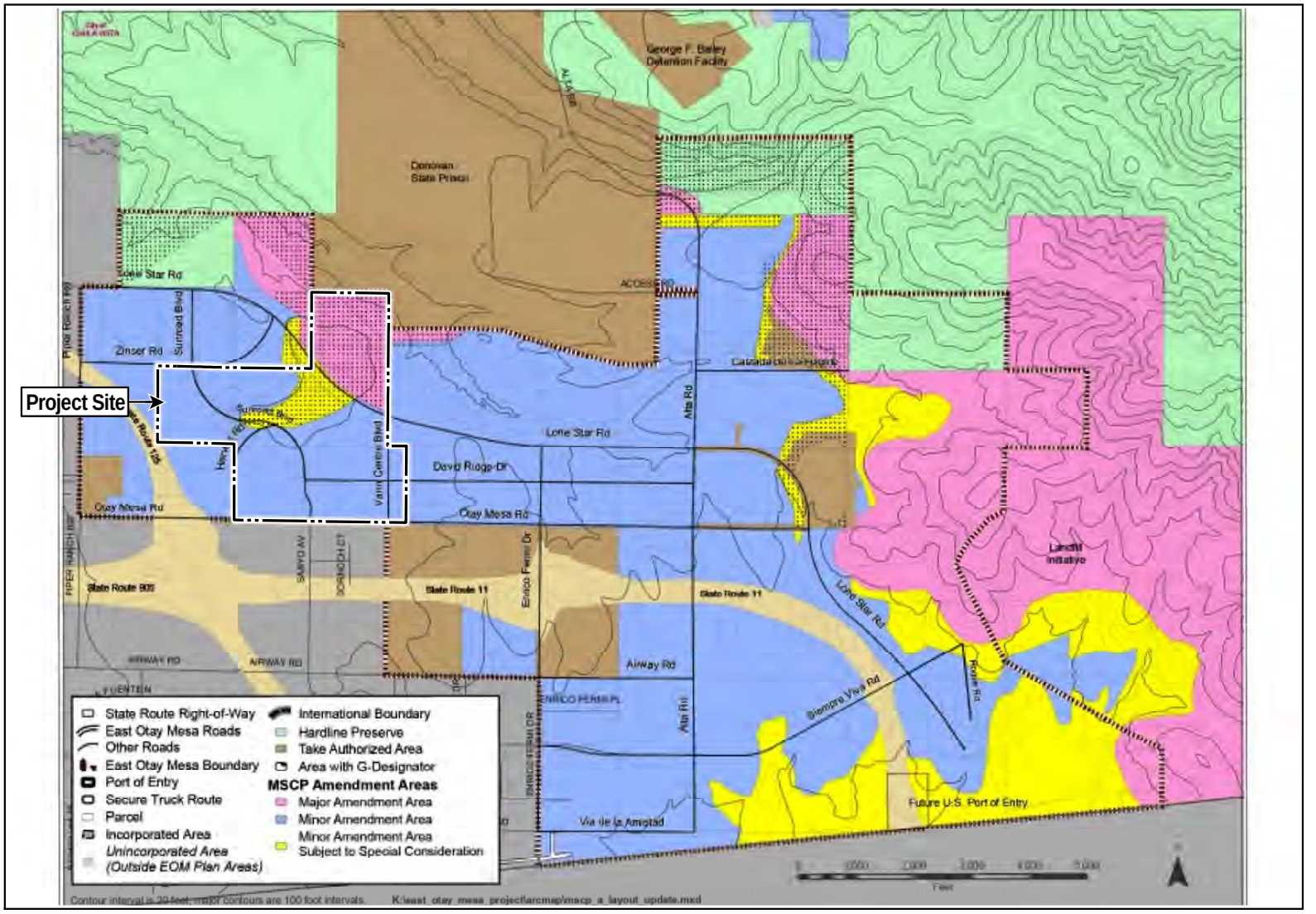



**FIGURE 3.1-5. *MSCP AMENDMENT AREAS***

# 3.2 Effects Found Not Significant During Initial Study

The following issues were determined not to be potentially significant or less than significant during the review of the 1994 EIR: Agricultural and Forestry Resources, Hydrology and Water Quality, Geology and Soils, Mineral Resources, and Public Utilities and Services. A copy of the Environmental Review Update Checklist Form, dated March 11, 2016, is provided in Appendix A of this EIR. A summary of the findings from that document for these issue areas is provided below.

## 3.2.1 Agricultural and Forestry Resources

The 1994 EIR found the loss of important farmland (Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance) to be less than significant as there was limited area with this classification, and agricultural use could continue in the Specific Plan area as an interim use prior to build-out. In addition, active agricultural activities were not in evidence at the time of certification of the 1994 EIR, and no mitigation measures were deemed necessary. Additionally, TM ~~5538~~ 5139 was approved for the Project site in 2012 and allows for the entire project site to be graded. An Addendum was prepared for TM ~~5538~~ 5139 that stated that there were no changes in that project, the circumstances under which TM ~~5538~~ 5139 would be undertaken, or new information of substantial importance that would change the analysis and conclusions presented in the 1994 EIR.

The Project site is designated as Farmland of Local Importance and does have soil types classified as Prime Agricultural soils; however, the Project site is not under a Williamson Act contract. The Project site has not been used for any agricultural purpose since 1996, and there are no active agricultural operations within a ten-mile radius of the site. The Project is part of the EOMSP and has been approved for urban development under the Specific Plan. Additionally, approved TM ~~5538~~ 5139 allows for the entire project site to be graded. Impacts to agricultural resources associated with the proposed Project would not be substantially different than was disclosed in the 1994 EIR and the Addendum prepared for TM ~~5538~~5139.

The Project site does not contain forest lands or timberland, and the County of San Diego does not contain any existing Timberland Production Zones. Therefore, Project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones. The absence of forest lands and timberland from the County of San Diego and from the Project site ensures that no impact would occur. Because the Project site and off-site improvements do not contain any forest lands as defined in Public Resources Code section 12220(g), Project implementation would not result in the loss or conversion of forest land to a non-forest use. In addition, the Project is not located in the vicinity of off-site forest resources. Accordingly, no impact would occur.

As discussed in the agricultural analysis above, implementation of the proposed Project would not result in impacts to agricultural resources. The Project site is not subject to any Williamson Act contracts nor is the site adjacent to lands under a Williamson Act contract. In addition, the Project site is not currently in agricultural production, nor is any of the land immediately surrounding the site. Because the proposed Project would not result in any significant impacts to agricultural resources or convert other land currently in agricultural use, it would not have a considerable contribution to cumulative agricultural resources impacts that may accrue from other projects in the region. Therefore, implementation of the proposed Project would not result in a significant cumulative impact to agricultural resources.

## 3.2.2 Hydrology and Water Quality

Hydrology and Water Quality was addressed in Section 4.6 of the 1994 EIR. Significant impacts due to the implementation of the Specific Plan were anticipated for sedimentation and increased runoff (Otay River Watershed, O'Neal Canyon only). With implementation of the mitigation measures included in Section 4.6.4 of the 1994 EIR, these impacts were mitigated to below a level of significance. These mitigation measures are not applicable to the proposed Project, as the Project does not propose development in a manner that would affect the Otay River Watershed or O'Neal Canyon.

This issue area was not included for analysis within the 2000 SEIR. Hydrology and Water Quality was addressed in the 2012 Addendum. Although there were changes in circumstance, the stormwater regulations in place at the time of adoption were more stringent that the measures identified in the 1994 EIR and, therefore, the Sunroad Otay Tech Centre project concluded that no new significant impacts would result.

The County of San Diego Watershed Protection, Storm Water Management, and WPO requires the preparation of a Storm Water Quality Management Plan (SWQMP) to describe how the Project will minimize the short- and long-term impacts on receiving water quality. The *Priority Development Project SWQMP* was prepared by Stevens Cresto Engineering, Inc. (December 12, 2016) and reflects current regulations governing stormwater control. The project would require that BMPs be implemented to ensure the water quality of discharged water to receiving water bodies. The Priority Development Project SWQPM is included in Appendix J of this SEIR. As such, the proposed Project would not violate water quality standards or waste discharge requirements. No impacts to water quality are anticipated.

The Project would obtain its water supply from the Otay Water District that obtains water from surface reservoirs or other imported water source. The Project would not use any groundwater for any purpose, including irrigation, domestic or commercial demands. In addition, the Project does not involve operations that would interfere substantially with groundwater recharge. Therefore, no impact to groundwater resources is anticipated.

Stevens Cresto Engineering, Inc., prepared the *CEQA Preliminary Drainage Study,* for the proposed Project (dated January 20, 2016), included as Appendix G of this SEIR. The

study concluded that the proposed Project would not substantially alter the existing drainage pattern of the site or area. Although the Project proposes development where currently exists previously disturbed vacant land, the proposed Project would not substantially alter the drainage patterns on-site, nor would the Project alter the course of a river or stream, in a manner that would result in substantial erosion or siltation off-site. Additionally, the proposed Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Project stormwater facilities would be constructed so that runoff would not exceed capacity of existing or planned stormwater drainage systems. No impact relative to drainage is anticipated.

The Project site is not located within an active drainage or floodplain; therefore, the risk associated with inundation hazard due to flooding is low. No impacts are anticipated to occur with implementation of the proposed Project relative to flooding.

The Project site is located approximately 12 miles from the Pacific Ocean at an elevation of more than 520 feet above msl. The risk associated with inundation hazard due to tsunamis is low. The site is not located downstream from any large bodies of water. Therefore, risk associated with inundation hazard due to seiche is low. No impacts are anticipated.

Implementation of the proposed Project would increase the amount of soil disturbance and the impervious surfaces within the Project area, thereby increasing the amount of runoff from the Project area. Without BMPs and compliance with County, state and federal regulations, these effects could potentially cause a substantial increase in erosion, runoff, flooding hazards, and pollutant concentrations within the Otay Hydrologic Unit. However, as discussed above, the Project's drainage system and stormwater capture and treatment system would be designed to meet the County's Drainage Design Manual and Stormwater Standards Manual design requirements, as well as applicable state and federal water quality and flood control regulations. The Project's BMPs are designed to trap sediment and minimize downstream sedimentation. The capacity of Lower Otay Lake in conjunction with its spillways is sufficient to accommodate any peak flow increases as a result of the Project and prevent any downstream flooding, and the Project site is outside any FEMA floodplain boundaries and would not place housing within a 100-year flood hazard area. Thus, it was determined that the Project's direct hydrology impacts would be less than significant.

As with the proposed Project, all related cumulative projects in the unincorporated County area would also be required to implement the federal, state, and local regulatory requirements, including the Construction General Permit, the Municipal Permit, and the related County ordinances and standards outlined above. Specific requirements include BMPs to treat and detain runoff from the exceedance of water quality objectives in the receiving waters to the maximum extent practicable. In addition, urban runoff management plans to reduce runoff and contaminant discharges to the maximum extent practicable would also be required and implemented as watershed-based strategies for other land development projects within the local Project area and the region. BMPs for the cumulative projects would be consistent with regional surface water, stormwater, and

groundwater planning and permitting processes that have been established to improve the overall water quality in County watersheds.

Therefore, adherence to all applicable flood-control and storm water regulatory requirements by all development Projects within the Otay Hydrologic Unit that drains into Lower Otay Lake minimizes the cumulative impacts to hydrology and water quality resulting from multiple projects. As a result, no cumulatively considerable hydrology or water quality impacts have been identified. Thus, the proposed Project, in conjunction with other related cumulative projects, would not cause cumulatively considerable runoff or degradation of water quality in the Otay Hydrologic Unit subarea and the cumulative Project impact would be less than significant.

## 3.2.3 Geology and Soils

The 1994 EIR included mitigation measures relative to Geology and Soils. These mitigation measures are superseded by current building codes and recommendations included within the Updated Geotechnical Investigation. Therefore, these mitigation measures are not applicable to the proposed Project.

Geologic Resources was included within the Effects Found not to be Significant During Initial Study section of the 2000 SEIR. This issue area was not included for analysis within the 2012 Addendum.

An *Updated Geotechnical Investigation* was prepared for the proposed Project by GEOCON, Inc. (GEOCON, Inc., July 20, 2015). The complete geotechnical study can be found in Appendix I of this SEIR.

The Project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California, or located within any other area with substantial evidence of a known fault. Therefore, there would be no impact from the exposure of people or structures to adverse effects from a known fault-rupture hazard zone as a result of this Project.

Due to the lack of a permanent near-surface groundwater table and the dense nature of proposed compacted fill and the soil of the Old Terrace Deposits and Otay Formation, the risk associated with liquefaction hazard at the site is low. No impacts are anticipated.

Based on the review of the referenced geologic literature and previous investigations on the property, landslide deposits have not been mapped on the site. The risk associated with ground movement hazard due to landslide is low. No impacts are anticipated.

The geotechnical investigation prepared for the Project (GEOCON Inc., July 20, 2015) indicates that the site is underlain by weak and highly expansive claystones and potentially compressible, undocumented fill soils, topsoils, alluvial/colluvial deposits that will require special consideration during grading operations. Formational soils of the Old

Terrace Deposits and Otay Formation underlie the surficial materials and extend to the maximum depth of exploration. The undocumented fill soils, topsoils, alluvial/colluvial deposits and the weathered soil of the Otay Formation are unsuitable in their present condition to receive settlement-sensitive improvements and/or additional structural fill soils. The remedial grading recommendations presented in the geotechnical investigation would be closely followed to properly compact the surficial soils. The soils of the Old Terrace Deposits and unweathered Otay Formation would provide adequate soil support characteristics in their natural state and where placed as properly-compacted fill. Because future development would comply with grading requirements, no impacts are anticipated.

Relative to the potential for cumulative impacts, potential geologic and soils effects are inherently restricted to areas proposed for development and would not contribute to cumulative impacts associated with other existing, planned, or proposed development. Thus, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development, and are specific to on-site conditions. Accordingly, addressing potential geologic and soils conditions for a proposed development would involve using measures to conform to existing requirements and/or site specific design and construction efforts that have no relationship to, or impact on, off-site areas. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no connection to similar issues or cumulative effects to or from other properties.

## 3.2.4 Mineral Resources

This issue area was not included for analysis within the 1994 EIR, 2000 SEIR, or 2012 Addendum.

The Surface Mining and Reclamation Act of 1975 (SMARA) was enacted by the California State Legislature to address the need for a continuing supply of mineral resources, and to prevent negative impacts of surface mining to public health, property, and the environment (California Public Resources Code Section 2710 *et seq.*). SMARA requires the State Geologist to classify land according to the presence, absence, or likely occurrence of significant mineral deposits in certain areas of the State. To facilitate the classification of land with potential mineral deposits, the State Geologist developed the Mineral Resource Zone (MRZ) nomenclature and criteria, which factor geologic characteristics of mineral deposits with their economic characteristics, such as the grade/quality minerals and the size of the deposit. Land can be classified into four basic categories. A summary of MRZ classifications is provided below. After receiving classification information from the State Geologist, SMARA charges the State Mining and Geology Board (SMGB) to officially designate lands containing mineral deposits of regional or statewide significance.

- **MRZ-1** are areas where adequate geologic information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence.

- **MRZ-2** are areas underlain by mineral deposits where geologic data show that significant measured or indicated resources are present. A typical MRZ-2 area would include an operating mine, or an area where extensive sampling has indicated the presence of a significant mineral deposit.
- **MRZ-3** are areas that contain known mineral deposits that may qualify as significant mineral resources, pending further exploration and evaluation. Further exploration within these areas could result in the reclassification of specific areas into the MRZ-2 category.
- **MRZ-4** are areas where geologic information does not rule out either the presence or absence of mineral resources and further exploration and evaluation is required. Further exploration could result in the reclassification of MRZ-4 lands into the MRZ-1 or MRZ-2 categories.

The western one-third of San Diego County was surveyed and classified into distinct MRZs as part of the Western San Diego Production-Consumption Region survey (California Division of Mines and Geology, 1996). The Specific Plan area, including the Project site, is located within MRZ-3. The MRZ-3 classification also applies to a larger area surrounding the Specific Plan area. The nearest classification of MRZ-2 areas is the Otay River Valley, located approximately five miles north of the Specific Plan area.

Neither the Specific Plan area nor the Project site has been historically used for mining or as a quarry, and there are no known producing mines or quarries within the Specific Plan boundaries. Territory within unincorporated San Diego County with known, existing, or potential mineral resources is designated by the County General Plan as "(24) Impact Sensitive" or "(25) Extractive." The Specific Plan area is not designated as "(24 Impact Sensitive" of "(25) Extractive." Per the San Diego County Zoning Ordinance, mining and extractive uses are allowed within the "S-82 (Extractive Use)" zone. The Project site zoned "S-88 (Specific Plan)." The Project site does not include any areas zoned "S-82 (Extractive Use)."

The Project would not result in the permanent loss of availability of a known mineral resource that would be of value to the region and its residents or the State. The Project site is within the approved East Otay Mesa Specific Plan area, which is not designated as the location of mineral resources or potential location for mining and quarries. Furthermore, there is an existing approved Tentative Map (TM ~~5538~~5139) in effect on the Project site, which would allow light industrial development to occur. The Specific Plan area, Project site, and surrounding areas are not classified as MRZ-2. With approval of the East Otay Mesa Specific Plan, along with the Project site's S-88 zoning, that allow full development of the Specific Plan area, the County has determined that the Specific Plan area is not a location for mineral extraction.

Based on the Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, the Project site has been classified as an area of "Potential Mineral Resource Significance" (MRZ-3) (California Department of Conservation – Division of Mines and Geology, 1996). The Project site is surrounded by undeveloped lands, industrial/business park uses, and single-family homes, and is not

identified for future extraction of mineral resources. There are no active or abandoned mines or quarries in the Project vicinity. The Project site is not located in an area that has MRZ-2 designated lands or is located within 1,300 feet of such lands and further, the Specific Plan prohibits minerals extraction within the Technology Business Park zoning category. Therefore, no potentially significant direct or cumulative loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan would occur as a result of the implementation of this Project.

## 3.2.5 Public Utilities and Services

Public Services and Utilities were analyzed in the 1994 EIR. Public Services and Utilities and Services were included in the Effects Found not to be Significant During Initial Study section of the 2000 SEIR. The 2012 Addendum addressed law enforcement, solid waste facilities (including wastewater), and sewer.

### Fire Protection and Emergency Services

Relative to fire protection and emergency services, the 1994 EIR concluded that the EOMSP contains policies that would preclude any development until adequate fire protection and emergency medical facilities are available to serve the project; no further mitigation was necessary.

The proposed Project was issued a Project Facility Availability Form from the San Diego County Fire Authority on June 22, 2015 (included within Appendix O). The Project would be served by a new fire station to be located centrally within the East Otay Mesa Business Park Specific Plan. The proposed Project would be conditioned to provide funding for the construction, equipping, and ongoing operations and maintenance of the new fire station.

### Police Protection

Relative to police protection, the 1994 EIR concluded that the EOMSP provides for adequate police protection to serve the project and no mitigation was required. As analyzed in the 2012 Addendum, the Sunroad Otay Tech Centre would have contributed to a Community Facilities District to remedy personnel deficiencies.

The proposed Project was issued a Law Enforcement Services form (Case Number PDS2015-SPA-15-001; included within Appendix O) disclosing adequacy of law enforcement services, which is determined by considering the Project's consistency with the Safety Element of the San Diego County General Plan (Law Enforcement). The Project site is located within the Sheriff's Imperial Beach command area; the existing facility within the command area is currently the East Otay Mesa Sheriff's (Temporary) Substation. According to the 2010 Census, the existing population of the command area is 38,862, and the number of sworn officers currently serving in the commend area is 41.

The Law Enforcement Services form concluded that the Project would result in the need for additional sworn personnel. In 2009, a Joint Community Facilities Agreement (JCFA) was executed, which established Community Facilities District No. 09-1 to fund a temporary and permanent future Sheriff's Substation in East Otay Mesa. The program for the permanent facility was incorporated as an exhibit to the JCFA, and the Sheriff's Department does not anticipate that the size of that facility will need to be adjusted as a result of the proposed Project. However, as previously noted in correspondence from the San Diego County Fire Authority (letter dated September 10, 2015):

> *"This project, along with all other development, has a cumulative impact on the emergency services for this community. To mitigate for this impact, the project will be conditioned to participate in the existing SDRFPD Community Facilities District No. 09-1 (CFD No. 09-1) for this area. This Specific Plan Amendment is proposing significant changes to the allowable uses within this area of the East Otay Mesa Business Park Specific Plan. Therefore, an amendment to CFD No. 09-1 will likely be necessary."*

The CFD apportionment would be revisited to ensure that the proposed Project is assigned the appropriate proportionate fair share of the cost to develop the future Sheriff's facility. In the event that the Project begins to develop in advance of construction of the permanent substation, the Project would be assigned a similar fair share of the cost for the leased temporary facility located on the southeast corner of the intersection of Enrico Fermi and Otay Mesa Road. Additionally, the Law Enforcement Services form recommended the following design criteria and/or comments relative to other law enforcement concerns specific to the Project, which are incorporated as part of crime prevention through environmental design (CPTED):

- Provide adequate light for nighttime use of paths to and from entrances and exits of buildings and throughout the project or neighborhood.
- Make entrances clearly visible to patrols and the public.
- The Sheriff's Crime Prevention Unit is available for design and development consultation throughout the project.

With payment of fair share contribution of the cost to develop the future Sheriff's station and incorporation of CPTED principles, the proposed Project would not result in impacts relative to police protection.

**Schools**

Relative to schools, the 1994 EIR concluded that the EOMSP project would result in significant but mitigable impacts to schools in the San Ysidro and Sweetwater Union High school districts would occur as a result of build-out of the EOMSP with procurement of a will serve letter from the appropriate school. Impacts to San Diego County Office of Education service would be less than significant.

The proposed Project would be served by Sweetwater Union High School District and San Ysidro Elementary School District. The Project would be served by the following schools: Vista del Mar Elementary School, Ocean View Hills, and Olympia High School. Based on Service Availability Letters received from the school districts serving the Project site, the proposed Project would result in the overcrowding of Olympia High School, as well as within the San Ysidro Elementary School District. The proposed Project would be conditioned to pay school fees in accordance with Education Code Section 17620 prior to the issuance of building permits. With payment of the school facilities fee, impacts would be less than significant.

The impact analysis above describes the potential for the proposed Project to impact the existing capacity of San Ysidro Elementary School District and Sweetwater Union High School District. These school districts are responsible for constructing new facilities and expanding existing facilities to adequately provide services for the jurisdictions they serve. This type of analysis is cumulative in nature since it examines existing and projected school enrollments for each district, as well as potential students generated by the proposed Project and other new housing developments. The Project would not require construction of any additional school facilities and would pay required school fees, which, pursuant to Government Code Section 65996, would fully mitigate the Projects contribution to potential cumulative school impacts. Therefore, cumulative impacts to schools would be less than significant.

**Parks and Recreation**

Relative to parks and recreation, the 1994 EIR concluded that no significant impacts to parks or trails would occur as a result of the EOMSP project and no mitigation was necessary. Relative to library facilities, the 1994 EIR concluded that no significant impacts to library facilities as a result of the EOMSP project and no mitigation was necessary.

The proposed Project would not result in the demand for construction of new park area. Parks would be provided within the Mixed-Use Village Core to serve the residential uses proposed by the Specific Plan Amendment, consistent with the requirements of the Parkland Dedication Ordinance. The total park acreage to be dedicated would vary depending on the number of units that are constructed within the Mixed-Use Village Core. The Project includes a trail segment that would occur in the north-central portion of the Project site, providing pedestrian connectivity along the off-site portion of Zinser Road between the Project's proposed mixed-use neighborhood in the central portion of the site and open space element in the northeastern portion of the site. (See Figure 1-15, *Trails and Pathways*). No significant impacts to Recreation would result, and no mitigation measures are required.

The proposed Project is providing park land that would be adequate to meet the needs of its residents. Therefore, residents of the proposed Project would not overburden existing park and recreation resources or planned park and recreation resources needed to serve future growth. A cumulative parks impact would not result.

**Water Service**

Relative to water service, no significant impacts on Otay Water District facilities and services would result from the EOMSP's water demand in the 1994 EIR, since this demand had been planned for in the Otay Water District Subarea Water Master Plan and funding programs. The EOMSP does provide for the use of reclaimed water for non-potable water demand to aid in water conservation; however, as analyzed in the 1994 EIR cumulative impacts on regional water demand would remain potentially significant. This impact was mitigated to below a level of significance with the inclusion of the most recent BMP water conservation measures as identified by the Metropolitan Water District of Southern California (MWD) and CWA.

The Otay Water District (Otay WD) prepared a Water Supply Assessment and Verification Report (WSA&V Report) at the request of the County of San Diego (included in Appendix R of this EIR). The Project is located within the jurisdictions of the Otay WD, the San Diego County Water Authority (Water Authority), and MWD.

The expected potable water demand for the Project is 1,018,296 gallons per day (gpd) or about 1,140.7 acre feet per year (AFY). This is 836.4 AFY higher than the projected demands in the District's 2008 Water Resources Master Plan updated November 2010 (WRMP Update) which estimated 304.3 AFY for the same parcels, but did not anticipate any residential use for the property. The January 2013 WSA that was approved for the Project (then referred to as the Otay Tech Centre) estimated a total potable water use of 178.7 AFY. Recycled water is not anticipated to be supplied to the East Otay Mesa area from Otay WD.

The 836.4 AFY increase in demand is accounted for through the Accelerated Forecasted Growth demand increment of the Water Authority's 2010 UWMP. As documented in the Water Authority's 2010 UWMP, the Water Authority is planning to meet future and existing demands which include the demand increment associated with the accelerated forecasted growth. The Water Authority monitors water supply assessments and verifications reports prepared by member agencies and that utilize the accelerated forecasted growth demand increment to ensure adequate water supply is available to serve proposed development. In addition, the next update of the demand forecast for the Water Authority's 2020 UWMP will be based on SANDAG's most recently updated forecast, which will include the Project. Therefore, based on the findings from the Otay WD's 2015 UWMP and the Water Authority's 2010 UWMP, this Project will result in no unanticipated demands.

Dexter Wilson Engineering, Inc., prepared a *Water System Analysis* (dated September 23, 2015) to assess the potable system for the proposed Project, included in Appendix P of this SEIR. This analysis included recommendations for Project design that would ensure that there is sufficient water available for the proposed Project and no impacts to water supply would occur. As stated in Chapter 1.0, water service would be provided by the Otay Water District; the Otay Water District has indicated capacity to serve the proposed Project.

### Wastewater

Relative to wastewater service, the 1994 EIR concluded that the EOMSP project only established wastewater disposal for the first 400 net acres of industrial or commercial development. Any development beyond this amount could have potentially significant impacts on wastewater service. Mitigation required that no development be allowed until all of the necessary infrastructure has been constructed and necessary treatment plants are operable. The 2012 Addendum included a condition to ensure adequate sewage transport availability through the City of San Diego. Additionally, the Tentative Map for the Sunroad Otay Tech Centre project was conditioned to provide for wastewater treatment.

The Project proposes to discharge domestic wastewater to the San Diego County Sanitation District sewer system that is permitted to operate by the San Diego RWQCB. A project facility availability form has been received from the Sanitation District that indicates the district would serve the Project. Since the Project would be discharging wastewater to a RWQCB permitted community sewer system, the Project would be required to satisfy any applicable District conditions, the Project is consistent with the wastewater treatment requirements of the RWQCB, including the Regional Basin Plan.

The Project does not include new or expanded water or wastewater treatment facilities. In addition, the Project does not require the construction or expansion of water or wastewater treatment facilities. Based on the service availability forms received, the Project would not require construction of new or expanded water or wastewater treatment facilities. Service availability forms have been provided by the Otay Water District and San Diego County Sanitation District which indicates adequate water and/or wastewater treatment facilities are available to the Project.

Dexter Wilson Engineering, Inc., prepared a *Sewer System Analysis* (dated October 7, 2015) for the proposed Project, included as Appendix L of this SEIR. The Project requires wastewater service from the San Diego County Sanitation District. A Service Availability Letter from the District has been provided, indicating adequate wastewater service capacity is available to serve the requested demand. Therefore, the Project would not interfere with any wastewater treatment provider's service capacity.

### Gas and Electricity

Relative to gas and electricity, the 1994 EIR concluded that no significant impacts related to the provision of gas and electric services to the EOMSP area would occur since there is adequate load capacity in the area. SDG&E has existing 69kV electric transmission facilities in Harvest Road from northerly property boundary to the substation located south of Otay Mesa Road. SDG&E currently has two existing natural gas pipelines in Harvest Road. These facilities consist of one 36-inch high pressure transmission main and one eight-inch high pressure distribution facility. The Project would require relocation of the gas lines. SDG&E has an existing gas pressure reducing station on the north side of Otay Mesa Road just east of Harvest Road. The widening of Otay Mesa Road would require the relocation of this Pressure Reducing station. All utility relocations would occur within

the propose Project development area. Therefore, no impacts would result beyond those assumed as part of construction for the proposed Project.

**Solid Waste**

Relative to solid waste, the 1994 EIR concluded that development constructed after the Otay Landfill is closed (i.e., phases subsequent to Phase 1) would result in significant project-specific impacts, since a landfill for disposal of solid waste may not be available. This impact would be mitigated to below a level of significance through implementation of the mitigation measure that following closure of the Otay Landfill, tentative maps beyond those allowed under Phase 1 of the EOMSP shall not be approved by the County unless a goodwill serve letter from the County Public Works, Solid Waste Division can be obtained. Cumulative impacts are considered less than significant since the EOMSP includes policies that require recycling in the Specific Plan area and development of regional recycling facilities. Impacts to hazardous waste disposal are less than significant.

Implementation of the Project would generate solid waste. Currently, there are six active landfills in the San Diego region that serve residents, businesses, and military operations. The landfills are Borrego, Miramar, Otay, Sycamore, Las Pulgas, and San Onofre. The current landfills for public use are either privately owned and operated, or are operated by the City of San Diego. The Sycamore, Otay, and Borrego landfills are owned and operated by Republic Services, and the Miramar Landfill is owned and operated by the City of San Diego on leased U.S. Department of the Navy land. Las Pulgas and San Onofre landfills are owned and operated by the U.S. Marine Corps (USMC). The USMC-operated landfills are not available for public disposal (CalRecycle 2016). There is one planned landfill for San Diego County: Gregory Canyon Landfill.

The total remaining capacity in all the existing landfills available for public disposal and located in the County or its cities is approximately 79,763,284 cubic yards. The nearest landfill to the proposed Project, the Otay Landfill has a remaining capacity of approximately 24.5 million cubic yards as of March 31, 2015, and is expected to be in operation until 2028. The Sycamore Landfill has a remaining capacity of approximately 39.6 million cubic yards as of December 31, 2014, and is expected to be in operation until 2042. The Borrego Landfill has a remaining capacity of approximately 111,500 cubic yards as of August 31, 2015, and is expected to be in operation until 2046. The West Miramar Landfill has a remaining capacity of approximately 15.5 million cubic yards as of June 30, 2014, and is expected to be in operation until 2025. The planned Gregory Canyon Landfill has a capacity of 57 million cubic yards as of August 1, 2011, and is expected to be in operation until 2040 (CalRecycle 2016).

There is sufficient existing permitted solid waste capacity to accommodate the Project's solid waste disposal needs. The Project occupants would contract with a licensed waste hauler that would deposit all solid waste at a permitted solid waste facility and therefore, would comply with Federal, State, and local statutes and regulations related to solid waste. Impacts associated with this issue are anticipated to be less than significant.

# CHAPTER 4.0 ALTERNATIVES TO THE PROPOSED PROJECT

This chapter of the SEIR describes and evaluates project alternatives and is intended to implement the requirements set forth in the CEQA Guidelines (14 CCR 15000 et seq.). This chapter also identifies the Environmentally Superior Project Alternative as required by CEQA Guidelines Section 15126.6(e)(2).

## 4.1 Rationale for Alternative Selection

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must describe a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. CEQA Guidelines Section 15126.6(f) states that "the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." The CEQA Guidelines Section 15126.6(f)(1) provides several factors that should be considered with regard to the feasibility of an alternative: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the project applicant can reasonably acquire, control, or otherwise have access to the alternative site (if an off-site alternative is evaluated).

According to the CEQA Guidelines Section 15126.6(d), discussion of each alternative should be sufficient "to allow meaningful evaluation, analysis, and comparison with the proposed project." Therefore, the significant effects of each alternative are discussed in less detail than those of the project, but in enough detail to provide decision-makers perspective and a reasoned choice among alternatives to the proposed project.

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the proposed Project. These objectives are presented in Section 1.3, *Project Objectives*, of this SEIR and are listed below for reference:

1. Promote a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth.

2. Promote the conservation of open space to preserve environmental resources and provide recreational opportunities for the industrial workforce and surrounding community residents.

3. Implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas.

4. Establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of businesses.

5. Provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence.

6. Support development of the East Otay Mesa Specific Plan ~~Provide a~~ multi-modal transportation system by providing a multi-modal internal street network that serves vehicular, pedestrian, and bicycle travels; as well as ~~consisting of highways, streets, and transit networks adequate to serve sub-regional transportation needs at an acceptable level of service~~supports local and regional transit.

7. ~~Promote~~ Develop well-designed infrastructure, buildings and landscaping, ~~both in the public and private realms~~on-site and off-site, that create~~s~~ a distinct urban ~~image and establish a unique sense of identity~~character for the East Otay Mesa Specific Plan area.

8. Provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards.

Potential impacts to the following issues were determined not to be significant or less than significant after further evaluation: aesthetics; geology and soils; hydrology and water quality; land use and planning; utilities and service systems; and energy use and conservation. The following issues were determined not to be significant or have no impact during the Initial Study process: agriculture and forestry resources; mineral resources; population and housing; public services; and recreation. The environmental issue areas that were analyzed and determined to be less than significant as part of the SEIR process and Initial Study process are not discussed in this chapter.

The SEIR determined that the proposed Project would result in potentially significant impacts associated with: air quality, biological resources, cultural resources, GHG emissions, hazards and hazardous materials, noise, paleontological resources, and transportation and traffic. All significant impacts would be reduced to below significant levels with incorporation of mitigation measures presented in this SEIR, with the exception of air quality. Each of the alternatives addressed in this chapter were examined in order to determine the extent to which they would avoid or further minimize the significant impacts associated with the project.

The CEQA Guidelines require the evaluation of a No Project Alternative. The discussion of the No Project Alternative may proceed along two lines:

1. If the project is a development proposal, the No Project Alternative is the circumstance under which the project does not proceed.

2. When the project is the revision of an existing land use or regulatory plan, the No Project Alternative is the continuation of the existing plan.

In the case of the Project described in this SEIR, both types of No Project Alternatives apply and are discussed. The No Project/No Development alternative is analyzed as what would reasonably be expected to occur in the future, if the project is not approved and development under the existing Specific Plan designation is not carried forward. Because the Project represents a revision of an existing approved plan—in this case the East Otay Mesa Business Park Specific Plan—the No Project/Development Under Existing Specific Plan Designation Alternative is also addressed and analyzes the development that is permitted under the existing plan.

## 4.2 Previous Analysis of Alternatives

This SEIR supplements information and analyses contained in two previous EIRs: the 1994 East Otay Mesa Specific Plan EIR and the 2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR. Under CEQA, the 2012 Sunroad Otay Tech Centre Addendum did not require an analysis of alternatives and is, therefore, omitted from this discussion. Both of the aforementioned EIRs included a discussion of project alternatives, which is summarized below.

### 1994 East Otay Mesa Specific Plan EIR

The 1994 EIR analyzed the potential environmental effects associated with the implementation of three alternatives. Those alternatives included: the "No Project Alternative," the "Otay Subregional Plan Alternative," and the "Environmentally Preferred Alternative." The County determined that the alternatives addressed in the previous 1994 EIR are not applicable to the proposed Project because the Specific Plan has been approved which allows development of the Project site. Additionally, subsequent to approval of the East Otay Mesa Business Park Specific Plan, the County approved TM 5139, which allows grading of the Project site, with the exception of areas reserved as open space or for protection of sensitive vernal pool habitat. Thus, the alternatives evaluated in the 1994 EIR would no longer be applicable.

### 2000 East Otay Mesa Specific Plan Sunroad Centrum SEIR

The 2000 SEIR addressed an additional alternative not presented in the 1994 EIR: the Alternative Road Alignment Alternative. The Alternative Road Alignment Alternative addressed a project alternative that would move the alignment for Lone Star Road southward to reduce potential impacts associated with fragmenting the vernal pool complex and its watershed. This alternative was rejected because the original alignment for Lone Star Road had been selected to minimize impacts to biological resources and to meet the County's standard for road design and safety. Furthermore, mitigation measures were required for the Sunroad Centrum project that would fully mitigate impacts to vernal pools to below a level of significance. The Alternative Road Alignment Alternative would also reduce the amount of land available for industrial/commercial use, conflicting with

the primary goal of the East Otay Mesa Business Park Specific Plan of encouraging job-creation opportunities and commercial development in the area. The loss of industrial/commercial lots would result in an indirect effect on the County, due to the loss of sales and property tax revenues. Additionally, the Alternative Road Alignment Alternative would have adverse effects on six property owners and Caltrans's infrastructure plans for the area and would require an amendment to the Specific Plan. The County determined that the 2000 SEIR adequately addressed the Alternative Road Alignment Alternative as it relates to the proposed Project.

## 4.3 Alternatives Considered but Rejected

### 4.3.1 Alternative Sites

Section 15126.6(f)(2) of the CEQA Guidelines addresses alternative locations for a project. The key question and first step in the analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by putting the proposed project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR. Further, CEQA Guidelines Section 15126.6(f)(1) states that among the factors that may be taken into account when addressing the feasibility of alternative locations are whether the project proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).

An effort was made to identify an alternative location for the Project. The selection criteria were developed to identify potential alternative project sites that are owned by the Project applicant or would be fairly easy to acquire and large enough to accommodate the proposed uses. When looking for the alternative sites, the following criteria were used:

- Alternative site had to be within the identified market area.
- Land had to be privately owned and of similar size to accommodate a mixed-use project.
- Alternative site had to feasibly accomplish most of the basic objectives of the project.

Although minimal development has occurred within the Specific Plan area to-date, many properties currently have project approvals in place and are ready to move forward. Therefore, those sites were eliminated from consideration as an alternative site.

Sunroad Enterprises, the umbrella affiliate Project applicant, owns another property in the general Project area; the property is generally south of Otay Mesa Road; west of the SR-125 southbound off-ramp terminus at Otay Mesa Road; east of the existing Avenida Costa Azul unimproved, dedicated public right-of-way; and north of SR-905. However, that site encompasses only 51 acres and would not be of sufficient size to develop a mixed-use village that provides much needed housing in support of planned employment uses in Otay Mesa. Furthermore, this Alternative Site is within the City of San Diego and is

identified as Industrial Employment in the City's General Plan and designated for Industrial uses in the Otay Mesa Community Plan. Zoning for the Alternative Site is regulated by the Otay Mesa Development District (Industrial Subdistrict) (OMDD-I) pursuant to the San Diego Municipal Code. The OMDD-I zone allows for development to include research services; general industrial; motor vehicles and equipment; construction sales and services; wholesaling, storage, and distribution; business support services; major utilities and services; and agricultural uses. Development of the Alternative Site as a mixed-use project would not be consistent with the City's General Plan and would require a Community Plan amendment and Rezone. Therefore, the Alternative Sites alternative has been rejected as infeasible and is eliminated from detailed consideration in this SEIR.

## 4.3.2 Reduced Development Footprint

As determined by this SEIR, the proposed Project would result in potentially significant impacts associated with: air quality, biological resources, cultural resources, GHG emissions, hazards and hazardous materials, noise, paleontological resources, and transportation and traffic. All significant impacts would be reduced to below significant levels with incorporation of mitigation measures presented in this SEIR, except for air quality. Significant environmental impacts associated with Project implementation are due to construction activities (such as air quality) and ground disturbance occurring as a result of grading (such as biological resources, cultural resources, and paleontological resources); are related to the intensity of land uses (such as GHG emissions, transportation and traffic, and noise); or are associated with proposing sensitive receptors (residential uses) in an area that has a potential for exposure to hazardous materials.

As stated above, CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. In order to substantially reduce or avoid impacts associated with hazards and hazardous materials that are identified in this SEIR, elimination of residential uses would be required. *The No Project/Development Under Existing Specific Plan Designation Alternative* addressed in Section 4.4.2, below, addresses an alternative that would avoid impacts associated with hazards and hazardous materials. To reduce impacts associated with the intensity of development proposed (such as air quality, GHG emissions, transportation and traffic, and noise), please see the discussion in Section 4.4.3.1, *Reduced Intensity Alternative A*; Section 4.4.3.2, *Reduced Intensity Alternative B*; and Section 4.4.3.3*, Reduced Intensity Alternative C.* Any development of the Project site would result in impacts to unknown subsurface resources, such as archeological and paleontological resources, due to the need to grade the site for development. A Reduced Development Footprint alternative was considered to determine if impacts to sensitive biological resources could be further avoided or substantially reduced.

As described in Section 2.2, *Biological Resources*, of this SEIR, the proposed Project would result in impacts to disturbed wetlands (0.11 acre) and non-native grassland (195.99 acres). In addition, the proposed Project would result in significant direct impacts

to three County List A or B plant species (variegated dudleya, San Diego button-celery, coastal barrel cactus), and eight County List 1 or Species of Special Concern (San Diego fairy shrimp, Riverside fairy shrimp, turkey vulture, northern harrier, white-tailed kite, loggerhead shrike, San Diego black-tailed jackrabbit, and burrowing owl). Mitigation measures would be required for the proposed Project and would mitigate impacts to below a level of significance. The open space easement previously established as part of TM 5139 mitigates Project impacts to vernal pool habitat and other native habitat, as well as sensitive species associated with those habitats. Additionally, mitigation for impacts associated with the loss of non-native grassland has already been accomplished.

Consideration was given to modifying the development footprint to avoid areas where sensitive plant species occur or have been previously documented on the Project site; in particular, San Diego button-celery and variegated dudleya. Protection of these areas within the Project site was a focus of consideration for a Reduced Development Footprint alternative because these species require new mitigation beyond what was previously required for TM 5139 and mitigation that has already been accomplished. The Reduced Development Footprint alternative would create additional open space easements around areas where these sensitive plant species were documented on the Project site in previous surveys in order to avoid or substantially lessen impacts to the species. (See Figure 2.2-4, *Project Impacts*.) The additional open space easement areas could be connected to the existing easement protecting the vernal pools south of Lone Star Road; however, there would not be a connection to the large Open Space Easement north of Lone Star Road, as it would be bifurcated by the road. Lone Star Road is a General Plan Mobility Element Road, and construction of that roadway is a requirement for development within the East Otay Mesa Business Park Specific Plan.

Less of the Project site area would be graded and developed under the Reduced Development Footprint alternative, with areas within the newly created open space easement for protection of San Diego button-celery and variegated dudleya left in their current ungraded state. Product types within the development portions of the project could change to taller buildings or smaller residential units, with a greater amount of structured or underground parking to accommodate the same development intensity as the proposed Project and also account for the loss of development area.

In accordance with CEQA Guidelines Section 15126.6(c), *[t]he EIR should … identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination … Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.* This alternative was considered but rejected for the reasons presented below.

When compared to the proposed Project, reducing the project footprint would reduce, but not avoid impacts to biological resources; mitigation measures required under the proposed Project would also be required under this alternative.

First, a Reduced Footprint Alternative does not necessarily avoid a significant environmental impact. Reducing the development footprint to place open space easements around areas where San Diego button-celery and variegated dudleya have been previously documented would not avoid or substantially lessen any of the significant impacts of the Project. While any project entitlement would require pre-grading surveys for San Diego button-celery and variegated dudleya, neither species has been seen on-site for more than a decade. Furthermore, since the last siting, the areas identified for these sensitive species have suffered a fire. There is insufficient information to support that increased open space easements as considered under a Reduced Development Footprint alternative would substantially reduce a significant impact, because there is no evidence the impact would actually occur with the unknown and unverified occurrence of these species. Pursuant to CEQA Guidelines Section 15126.6(f)(3), CEQA does not require that an EIR consider an alternative whose effect cannot be reasonably ascertained. Moreover, the Project has mitigated all impacts to biological resources to less than significant.

Second, the isolation of sensitive species is not considered the ideal method of mitigation for these species. Even with the Reduced Development Footprint, the Specific Plan and the General Plan identify the Project site for development. The easement areas would be isolated and surrounded by urban development. The isolation of these areas, surrounded by urban development and adjacent to a major roadway, without connectivity to a larger open space, would lessen the long-term viability for protecting these areas – particularly where the species have not been documented in recent history.

Therefore, the Reduced Development Footprint alternative has been rejected as infeasible and is eliminated from detailed consideration in this SEIR.

# 4.4 Alternatives to the Proposed Project

## 4.4.1 No Project/No Development Alternative

### 4.4.1.1 *No Project/No Development Alternative Description and Setting*

The No Project/No Development Alternative proposes to leave the Project area in its present condition, without Project development or new construction. The No Project/No Development Alternative is what would reasonably be expected to occur in the future if the Project is not approved and the existing Specific Plan and approved Tentative Map are not carried forward. Existing conditions for each environmental issue as described in Chapters 2.0 and 3.0 of this SEIR would remain.

### 4.4.1.2 *Comparison of the Effects of the No Project/No Development Alternative to the Significant Impacts Associated with the Proposed Project*

**Air Quality**

As described in Section 2.1, *Air Quality*, of this SEIR, emissions of VOCs associated with the proposed Project would exceed the County's screening-level thresholds for construction. The emissions are mainly attributable to application of architectural coatings and would occur for a short duration during construction. However, the Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. There are no additional mitigation measures that would reduce VOC emissions to less than significant levels. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated.

The Project's operational emissions would be associated with traffic accessing the Project and with area sources such as energy use and landscaping. Based on the evaluation of air emissions, the Project emissions would exceed the screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$ and would result in significant direct and cumulative air quality impacts. Project design features would reduce VOC, CO, $PM_{10}$, and $PM_{2.5}$ emissions to the extent feasible, including providing a mix of uses in the Otay Mesa area that reduces VMT overall within the region; use of natural gas fireplaces; and providing on-site residential, employment, and retail uses. However, VOC emissions from consumer products and CO, $PM_{10}$, and $PM_{2.5}$ emissions from on-road travel cannot be controlled by the applicant and are unmitigable.

The No Project/No Development Alternative would not result in any development on the Project site. Therefore, air quality impacts associated with construction and operations (vehicle trips and emissions) would be avoided under this alternative. Compared to the proposed Project, this alternative would result in less air quality impacts.

**Biological Resources**

As described in Section 2.2, *Biological Resources*, of this SEIR, the proposed Project would result in impacts to disturbed wetlands (0.11 acre) and non-native grassland (195.99 acres). In addition, the proposed Project would result in significant direct impacts to three County List A or B plant species (variegated dudleya, San Diego button-celery, coastal barrel cactus), and eight County List 1 or Species of Special Concern (San Diego fairy shrimp, Riverside fairy shrimp, turkey vulture, northern harrier, white-tailed kite, loggerhead shrike, San Diego black-tailed jackrabbit, and burrowing owl. However, mitigation measures required for TM 5139 would be required for the proposed Project and would mitigate impacts to below a level of significance.

Under the No Project/No Development Alternative, biological resource conditions on the site would remain as described under Section 2.2 of this EIR. No new development would occur on the Project site. Because no new development would occur on the Project site, implementation of the No Project/No Development Alternative would avoid all potentially significant impacts to biological resources associated with the proposed Project. Compared to the proposed Project, the No Project/No Development Alternative would avoid all identified environmental impacts.

**Cultural Resources**

As described in Section 2.3, *Cultural Resources*, of this SEIR, two of the archaeological sites (CA-SDI-5352 and CA-SDI-12730) identified in the 1994 EIR and 2000 SEIR were determined to be located within the Project site. Further testing of CA-SDI-5352 determined that site to be not significant; CA-SDI-12730 was identified as significant. As required in the 2000 SEIR, CA-SDI-12730 is located within an existing open space easement associated with TM 5139 and is, therefore, adequately protected from future impacts. Mitigation measures would be required involving monitoring grading operations in the event there are undiscovered buried significant resources associated with CA-SDI-5352. The proposed Project would be required to implement previously identified mitigation measures, and all potential impacts would be mitigated to below a level of significance.

Because no grading would take place under the No Project/No Development Alternative, unknown subsurface cultural resources that could exist within the Project site would not be disturbed. Compared to the proposed Project, this alternative would avoid the potential for impacts to unknown cultural resources.

**Greenhouse Gas Emissions**

As described in Section 2.4, *Greenhouse Gas Emissions*, of this SEIR, the proposed Project would result in significant impacts associated with GHG emissions. ~~The proposed Project would generate 3.53 metric tons of $CO_2$ equivalent ($CO_2E$) emissions per service population, which exceeds the 2028 efficiency metric of 3.0~~. The proposed Project would generate 37,544 metric tons of $CO_2E$ emissions and would, therefore, result in a net increase in emissions of GHGs from construction and operations compared to the existing environmental setting and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, resulting in a significant impact. With mitigation, the Project's emissions would be reduced to 32,786 metric tons of $CO_2E$ emissions, in net zero GHG emissions and, therefore, would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by 2030. Thus, GHG emissions impacts would be reduced to below a level of significance. ~~However, the Project would implement mitigation measures to reduce GHG emissions to meet the 2028 efficiency metric of 3.0 metric tons of $CO_2e$ per service population. With the implementation of mitigation measures, impacts would be less than significant.~~

The No Project/No Development Alternative would not result in any development on the Project site. Therefore, no GHG emissions would be generated. Impacts associated with GHG emissions would be less under the No Project/No Development alternative when compared to the proposed Project.

**Hazards and Hazardous Materials**

As described in Section 2.5, *Hazards and Hazardous Materials*, of this SEIR, the proposed Project would increase the potential for development in areas of historic or current agriculture uses. The residential land uses that would be allowed under the proposed Project would have the potential to introduce human populations into or near areas with a history of contamination from agricultural use. Parcels identified on the proposed Land Use Plan (Figure 1-3) as A, C, and D could contain toxaphene concentrations above regional screening levels. Therefore, contaminated soil, if encountered, could pose a potentially significant impact to occupants and/or visitors of the site. However, the Project would implement mitigation measures to reduce impacts related to hazards to ensure adequate protection of human health and environment. With implementation of mitigation measures, impacts would be less than significant.

The No Project/No Development Alternative would not result in development of the Project site and, therefore, would not have the potential to expose occupants and/or visitors to contaminated soils associated with previous agricultural uses on the Project site. Impacts associated with hazardous materials would be reduced under this alternative when compared to the proposed Project.

**Noise**

As described in Section 2.6, *Noise*, of this SEIR, the proposed Project would generate additional traffic volumes which may result in traffic noise levels that could exceed 60 dBA CNEL for on-site noise sensitive land uses. Mitigation measures would be implemented to reduce significant noise impacts to below a level of significance.

The No Project/No Development Alternative would not result in any new uses that would increase noise in the Project vicinity. Ambient noise conditions would remain consistent with those identified in Section 2.6. Compared to the proposed Project, this alternative would avoid significant noise impacts, because no noise sensitive land uses would occur on the Project site.

**Paleontological Resources**

As described in Section 2.7, *Paleontological Resources*, of this SEIR, the Project would result in 1,350,000 cubic yards of cut, which may occur in part within areas of Otay Formation occurring on the Project site. The upper sandstone/mudstone member of the Otay Formation is considered to have “high paleontological resource sensitivity”, and the middle gritstone and lower fanglomerate members of the Otay Formation are considered to have “moderate paleontological resource sensitivity.” This volume of excavation would

exceed the County's threshold of 2,500 cubic yards in areas of high or moderate paleontological sensitivity. Therefore, implementation of the proposed Project could result in potentially significant impacts to paleontological resources, requiring monitoring of excavation activities during grading with salvage, identification, and curation of unearthed fossil remains encountered during grading activities. With implementation of mitigation measures, impacts would be reduced to a level less than significant.

The No Project/No Development Alternative would not result in any grading on the Project site. Therefore, potentially significant impacts to paleontological resources would not occur. Impacts associated with paleontological resources would be less under this alternative when compared to the proposed Project.

**Transportation/Traffic**

As described in Section 2.8, *Transportation and Traffic*, of this SEIR, the proposed Project is estimated to generate 34,124 ADT at full build-out, with 2,785 trips in the AM peak hour and 3,474 trips in the PM peak hour. (See Table 2.8-7, *Project Trip Generation*.) The proposed Project would result in significant direct and cumulative impacts to roadway segments and intersections in the Project area. Additionally, the proposed Project would result in significant impacts at intersections located within the City of San Diego. However, mitigation measures would be incorporated into the Project to reduce significant impacts to below a level of significance.

The No Project/No Development Alternative would not involve any new uses in the Project area. Therefore, this alternative would not generate any new vehicle trips. Compared to the Project, implementation of this alternative would avoid the direct and cumulative impacts to study area intersections and roadway segments. However, under this alternative, no new roadways would be constructed, including planned circulation roadways identified in the East Otay Mesa Business Park Specific Plan and the General Plan.

### 4.4.1.3 *Conclusions*

The No Project/No Development Alternative would result in no physical changes to the environment and would avoid all significant impacts associated with the proposed Project. No development would occur on the Project site.

This alternative would not meet any of the Project objectives as described in Section 4.1. It would not promote development of a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth (Project Objective 1). While no development would occur on the Project site under this alternative, Open Space easements would not be put in place to preserve environmental resources (Project Objective 2). This alternative would not implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3). This alternative would not afford the community

with the benefit of establishing a land use pattern that includes a mix of densities and land uses in a manner that can minimize automobile trips and facilitate walking and bicycling (Project Objective 4) and would not provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5). While traffic impacts would not occur under this alternative, this alternative would also not allow for a multi-modal transportation system consisting of streets and transit networks adequate to serve sub-regional transportation needs at an acceptable level of service (Project Objective 7). Infrastructure and public facilities necessary to accommodate the growth in East Otay Mesa while meeting applicable County standards would not be constructed (Project Objective 8).

## 4.4.2 No Project/Development Under Existing Specific Plan Designation Alternative

### 4.4.2.1 *No Project/Development Under Existing Specific Plan Designation Alternative Description and Setting*

The No Project/Development Under Existing Specific Plan Designation Alternative would develop the Project site in accordance with the existing approved Specific Plan and Tentative Map. The County of San Diego Board of Supervisors approved the East Otay Mesa Specific Plan in 1994. In 2000, TM 5139 was approved for the Project site as part of the Sunroad Centrum project. The approved Specific Plan provides for development of the Project site with Technology Business Park and Commercial uses. The approved Tentative Map would allow for grading of the Project site to accommodate the land uses shown in the existing East Otay Mesa Business Specific Plan. The Sunroad Centrum project would develop the Project site as 74 industrial lots on approximately 130 acres, 22 commercial lots on 34.4 acres, and 51.7 acres of open space. The 51.7 acres of open space would include an area of approximately 0.25 acre consisting of an isolated vernal pool that would be preserved as permanent open space within one of the commercial/industrial lots located near the southeast corner of the proposed intersection of Lone Star Road and Sanyo Avenue. An additional area of approximately 51.5 acres, consisting of a vernal pool complex and sensitive biological habitat, would be preserved through an open space easement, located north of Lone Star Road. The 2000 SEIR evaluates impacts associated with the Sunroad Centrum project. Those impacts have been summarized in various subsections within Chapters 2.0 and 3.0 of this SEIR.

## 4.4.2.2 *Comparison of the Effects of the No Project/ Development Under Existing Specific Plan Designation Alternative to the Proposed Project*

**Air Quality**

As described in Section 2.1, *Air Quality*, of this SEIR, emissions of VOCs associated with the proposed Project would exceed the County's screening-level thresholds for construction. The emissions are mainly attributable to application of architectural coatings and would occur on short duration during construction. The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. There are no additional mitigation measures that would reduce VOC emissions to less than significant levels. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated.

The Project's operational emissions would be associated with traffic accessing the Project and with area sources such as energy use and landscaping. Based on the evaluation of air emissions, the Project emissions would exceed the screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$ and would result in significant direct and cumulative air quality impacts. Project design features would reduce VOC, CO, $PM_{10}$, and $PM_{2.5}$ emissions to the extent feasible, including providing a mix of uses in the Otay Mesa area that reduces VMT overall within the region; use of natural gas fireplaces; and providing on-site residential, employment, and retail uses. However, VOC emissions from consumer products and CO, $PM_{10}$, and $PM_{2.5}$ emissions from on-road travel cannot be controlled by the applicant and are unmitigable.

The No Project/Development Under Existing Specific Plan Designation Alternative would develop the Project site with technology business park and commercial uses. Air quality impacts would occur associated with grading, construction, and operations, as described in the 2000 SEIR. As shown in Table 4-1, *No Project/ Development Under Existing Specific Plan Designation Alternative – Total Operation Emissions*, this alterative would result in exceeding the County's screening-level thresholds for VOC and $PM_{10}$ but not CO. Therefore, air quality impacts would be reduced under this alternative. Mitigation measures presented in the 2000 SEIR would reduce direct impacts to below a level of significance, but would not be able to reduce cumulative impacts to below a level of significance. Consistent with air quality impacts associated with the proposed Project as evaluated in this SEIR, cumulative impacts under this alternative would remain significant and unmitigated.

**Biological Resources**

As described in Section 2.2, *Biological Resources*, of this SEIR, the proposed Project would remove non-native and native habitat, including disturbed wetlands (0.83 acre), non-native riparian (0.51 acre), native grassland (1.65 acres), and non-native grassland

(201.79 acres). The area of impact would be the same as that associated with approved TM 5139. Therefore, mitigation measures required for TM 5139 would be required for the proposed Project and would mitigate impacts to below a level of significance. Additionally, the open space easement established as part of TM 5139 to mitigate for Project impacts and protect vernal pool habitat and other native habitat would remain in place under this alternative. When compared to the proposed Project, impacts to biological resources associated with the No Project/Development Under Existing Specific Plan Designation Alternative would be the same as those associated with the proposed Project and would require the same mitigation measures.

**Cultural Resources**

As described in Section 2.3, *Cultural Resources*, of this SEIR, two of the archaeological sites (CA-SDI-5352 and CA-SDI-12730) identified in the 1994 EIR and 2000 SEIR were determined to be located within the Project site. Further testing of CA-SDI-5352 determined that site to be not significant; CA-SDI-12730 was identified as significant. As required in the 2000 SEIR, CA-SDI-12730 is located within an existing open space easement associated with TM 5139 and is, therefore, adequately protected from future impacts. Mitigation measures would be required involving monitoring grading operations in the event there are undiscovered buried significant resources associated with CA-SDI-5352. The proposed Project would be required to implement previously identified mitigation measures, and all potential impacts would be mitigated to below a level of significance.

The area graded for the No Project/Development Under Existing Specific Plan Designation Alternative would be the same as the proposed Project. Therefore, compared to the proposed Project, the potential to impact unknown subsurface resources would be the same.

**Greenhouse Gas Emissions**

As described in Section 2.4, *Greenhouse Gas Emissions*, of this SEIR, the proposed Project would result in significant impacts associated with GHG emissions. ~~The proposed Project would generate 3.53 metric tons of $CO_2$ equivalent ($CO_2E$) emissions per service population, which exceeds the 2028 efficiency metric of 3.0~~. The proposed Project would generate 37,544 metric tons of $CO_2E$ emissions and would, therefore, result in a net increase in emissions of GHGs from construction and operations compared to the existing environmental setting and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, resulting in a significant impact. With mitigation, the Project's emissions would be reduced to ~~32,786 metric tons of $CO_2E$ emissions, in~~ net zero GHG emissions and, therefore, would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by 2030. Thus, GHG emissions impacts would be reduced to below a level of significance. ~~However, the Project would implement mitigation measures to reduce GHG emissions to meet the 2028~~

~~efficiency metric of 3.0 metric tons of $CO_2e$ per service population. With the implementation of mitigation measures, impacts would be less than significant.~~

The No Project/Development Under Specific Plan Designation Alternative would result in less GHG emissions than the proposed Project. As shown in Table 4-2, *Summary of No Project/Development Under Existing Specific Plan Designation Alternative GHG Emissions*, this alternative would generate ~~6.73~~ 28,411 metric tons of $CO_2E$ emissions ~~per service population, which substantially exceeds the efficiency metric of 3.0 and which would be greater than what the proposed Project would generate~~. Therefore, this alternative would result in greater ~~impacts associated with~~ GHG emissions when compared to the proposed Project. However, similar to the proposed Project, this alternative would require mitigation measures to reduce emissions to net zero.

**Hazards and Hazardous Materials**

As described in Section 2.5, *Hazards and Hazardous Materials*, of this SEIR, the proposed Project would increase the potential for development on sites such as areas of historic or current agriculture uses. The residential land uses that would be allowed under the proposed Project would have the potential to introduce human populations into or near areas with a history of contamination from agricultural use. Parcels identified on the proposed Land Use Plan (Figure 1-3) as A, C, and D could contain toxaphene concentrations above regional screening levels. Therefore, contaminated soil, if encountered, could pose a potentially significant impact to occupants and/or visitors of the site. Mitigation measures would be required as part of the proposed Project to ensure adequate protection of human health and environment, reducing impacts to a level less than significant.

The No Project/Development Under Existing Specific Plan Designation Alternative would not introduce residential uses to the Project site, as TM 5139 was approved for Technology Business Park and Commercial uses and did not introduce sensitive receptors to the Project site. Thus, the potential to expose occupants and/or visitors to contaminated soils associated with previous agricultural uses on the Project site would not occur. Impacts associated with hazardous materials would be reduced under this alternative when compared to the proposed Project.

**Noise**

As described in Section 2.6, *Noise*, of this SEIR, the proposed Project would generate additional traffic volumes which may result in traffic noise levels that could exceed 60 dBA CNEL for on-site noise sensitive land uses. However, mitigation measures would be implemented to reduce significant noise impacts to below a level of significance.

The No Project/Development Under Existing Specific Plan Designation Alternative would not result in the introduction of noise sensitive uses on the Project site. Increased noise levels would be associated with vehicular traffic on roadways proposed as part of the No Project/Development Under Existing Specific Plan Designation Alternative. However,

noise levels would not result in exceeding noise standards for technology business park and commercial land uses. Compared to the proposed Project, this alternative would result in reduced noise impacts.

**Paleontological Resources**

As describe in Section 2.7, *Paleontological Resources*, of this SEIR, the Project would result in 1,350,000 cubic yards of cut, which may occur in part within areas of Otay Formation occurring on the Project site. The upper sandstone/mudstone member of the Otay Formation is considered to have "high paleontological resource sensitivity", and the middle gritstone and lower fanglomerate members of the Otay Formation are considered to have "moderate paleontological resource sensitivity." This volume of excavation would exceed the County's threshold of 2,500 cubic yards in areas of high or moderate paleontological sensitivity. Therefore, implementation of the proposed Project could result in potentially significant impacts to paleontological resources, requiring mitigation measures such as monitoring of excavation activities during grading with salvage, identification, and curation of unearthed fossil remains encountered during grading activities. With implementation of mitigation measures, impacts would be reduced to a level less than significant.

The No Project/Development Under Existing Specific Plan Designation Alternative would result in grading the Project site in a manner similar to the proposed Project, and impacts to paleontological resources could result. Therefore, this alternative would require the same mitigation measures as the proposed Project. Impacts associated with paleontological resources would be the same under this alternative when compared to the proposed Project.

**Transportation/Traffic**

As described in Section 2.8, *Transportation and Traffic*, of this SEIR, the proposed Project is estimated to generate 34,124 ADT at full build-out, with 2,785 trips in the AM peak hour and 3,474 trips in the PM peak hour. (See Table 2.8-7, *Project Trip Generation*.) The proposed Project would result in significant direct and cumulative impacts to roadway segments and intersections in the Project area. Additionally, the proposed Project would result in significant impacts at intersections located within the City of San Diego. However, mitigation measures would be incorporated into the Project to reduce significant impacts to below a level of significance.

As determined in the 2000 SEIR, development of the Project site in accordance with the Sunroad Centrum project would result in significant traffic impacts. Mitigation measures were required to reduce impacts to below a level of significance. Because the No Project/Development Under Existing Specific Plan Designation Alternative would develop the Project site as approved by TM 5139 and anticipated in the 2000 SEIR, significant traffic impacts would occur under this alternative requiring mitigation measures. Table 4-3, *Comparison of Traffic Impacts – Project Alternatives and Proposed Project*, provides a comparison of the traffic impacts that would occur under the No Project/Development

Under Existing Specific Plan Designation alternative with those associated with the proposed Project.

As shown in Table 4-3, two segment impacts and three intersection impacts associated with the proposed Project would be avoided under this alternative. However, the No Project/Development Under Existing Specific Plan Designation Alternative would result in six additional segment impacts one additional intersection impact that would not occur with the proposed Project. Therefore, this alternative would result in greater impacts when compared to the proposed Project.

## 4.4.2.3 *Conclusions*

The No Project/ Development Under Existing Specific Plan Designation Alternative would develop the Project site in accordance with the existing approved Specific Plan and the Sunroad Centrum Tentative Map (TM 5139), which allows for Technology Business Park and Commercial uses. Circulation network roads and infrastructure would be constructed with this alternative. Areas of open space would be preserved under this alternative, providing for the protection of sensitive biological resources.

The No Project/ Development Under Existing Specific Plan Designation Alternative would result in less impact to air quality when compared to the proposed Project, due to a reduction in CO emissions, but would not avoid direct and cumulative impacts associated with VOC and $PM_{10}$. This alternative would result in greater ~~impacts associated with~~ GHG emissions and greater impacts associated with traffic. Impacts associated with all other environmental issue areas would be the same as those that would occur with the proposed Project.

The No Project/ Development Under Existing Specific Plan Designation Alternative would meet three of the eight Project objectives as described in Section 4.1. Specifically, this alternative would promote a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth (Project Objective 1). It would also promote the conservation of open space to preserve environmental resources (Project Objective 2). This alternative would provide for a transportation system that would serve sub-regional transportation needs at an acceptable level of service; however, it would not provide for the multi-modal transportation system and transit network associated with the proposed Project (Project Objective 6). Like the proposed Project, this alternative could be designed in a manner that promotes well-designed infrastructure, buildings and landscaping, both in the public and private realms; however, this alternative would not create a distinct urban image and establish a unique sense of identity for East Otay Mesa (Project Objective 7).

The No Project/ Development Under Existing Specific Plan Designation Alternative would not implement the General Plan vision of providing a diversity of choices by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3). Because land uses developed under this alternative would not include residential uses, this

alternative would not stablish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of businesses (Project Objective 4). Additionally, this alternative would not locate housing proximate to adjacent industrial and business district employees or in areas the can supporting commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5).

## 4.4.3 Reduced Development Intensity Alternatives

As evaluated in this SEIR and summarized in Subsection 4.1, the proposed Project would result in significant impacts associated with air quality, biological resources, cultural resources, GHG emissions, hazards and hazardous materials, noise, paleontological resources, and traffic/transportation. Impacts associated with biological, cultural, and paleontological resources would occur with any development of the Project site. While impacts to these resources could potentially be reduced under different development intensities, avoidance or substantial reduction of biological, cultural, and paleontological resources impacts could only occur under the No Project/No Development Alternative discussed in Subsection 4.4.1. Impacts associated with hazards and hazardous materials, as well as noise, occur when residential uses are introduced (as is the case with the proposed Project). However, impacts to hazards and hazardous materials, as well as noise, would be avoided under the No Project/No Development Alternative, as well as the No Project/Development Under Existing Specific Plan Designation Alternative discussed in Subsection 4.4.2.

In order to provide the decision makers with a full range of reasonable alternatives for consideration, Reduced Development Intensity Alternatives were evaluated in order to determine if reducing the Project's proposed intensity of development while still attaining most of the Project's objectives would reduce and/or avoid impacts associated with the Project. Table 4-4, *Comparison of Reduced Development Intensity Alternatives and the Proposed Project*, provides a summary of the land uses and development intensities associated with the Reduced Development Intensity Alternatives compared with the proposed Project. An evaluation of each Reduced Development Intensity Alternative is provided in this section.

### 4.4.3.1 *Reduced Development Intensity Alternative A*

#### ***Reduced Development Intensity Alternative A Description and Setting***

Reduced Development Intensity Alternative A would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 2,000 units) would occur within the Mixed Use planning areas identified for the proposed Project (Planning Areas A, B, C, and D shown on Figure 1-3,

*specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*). Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at the same intensity as the proposed Project (7.8 acres, approximately 93,600 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the EOMSP Amendment for the proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the proposed Project (see Figure 1-3, *Specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*), and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as proposed by the TM for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

## ***Comparison of the Effects of the Reduced Development Intensity Alternative A to the Proposed Project***

### Air Quality

As described in Section 2.1, *Air Quality*, of this SEIR, emissions of VOCs associated with the proposed Project would exceed the County's screening-level thresholds for construction. The emissions are mainly attributable to application of architectural coatings and would occur on short duration during construction. The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. There are no additional mitigation measures that would reduce VOC emissions to less than significant levels. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated.

The Project's operational emissions would be associated with traffic accessing the Project and with area sources such as energy use and landscaping. Based on the evaluation of air emissions, the Project emissions would exceed the screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$ and would result in significant direct and cumulative air quality impacts. Project design features would reduce VOC, CO, $PM_{10}$, and $PM_{2.5}$ emissions to the extent feasible, including providing a mix of uses in the Otay Mesa area that reduces VMT overall within the region; use of natural gas fireplaces; and providing on-site residential, employment, and retail uses. However, VOC emissions from

consumer products and CO, $PM_{10}$, and $PM_{2.5}$ emissions from on-road travel cannot be controlled by the applicant and are unmitigable.

The Reduced Development Intensity Alternative A would develop the Project site in a similar manner as the proposed Project but at a reduced intensity. Air quality impacts would occur associated with grading, construction, and operations, albeit to a lesser extent due to the reduction in development intensity and traffic associated with this alternative. Table 4-5, *Reduced Development Intensity Alternative A – Total Operational Emissions*, provides a summary of air quality emissions associated with Reduced Development Intensity Alternative A. Emissions associated with Reduced Development Intensity Alternative A would exceed the screening-level threshold for $PM_{10}$, but not VOCs and CO. Therefore, when compared to the proposed Project, air quality impacts would be reduced under this alternative. Mitigation measures as presented in this SEIR would be required and would reduce direct impacts to below a level of significance, but would not be able to reduce cumulative impacts to below a level of significance. Cumulative impacts would remain significant and unmitigated.

**Biological Resources**

As described in Section 2.2, *Biological Resources*, of this SEIR, the proposed Project would result in removing non-native and native habitat, including disturbed wetlands (0.11 acre), and non-native grassland (195.99 acres). In addition, the proposed Project would result in significant direct impacts to three County List A or B plant species (variegated dudleya, San Diego button-celery, coastal barrel cactus), and eight County List 1 or Species of Special Concern (San Diego fairy shrimp, Riverside fairy shrimp, turkey vulture, northern harrier, white-tailed kite, loggerhead shrike, San Diego black-tailed jackrabbit, and burrowing owl. However, mitigation measures required for the proposed Project would mitigate impacts to below a level of significance; the open space easement established as part of TM 5139 to mitigate for project impacts and protect vernal pool habitat and other native habitat would remain in place as a part of the proposed Project.

Impacts to biological resources associated with the Reduced Development Intensity Alternative A would be the same as those associated with the proposed Project, because the same development area would be graded. Therefore, the Reduced Development Intensity Alternative A would require the same mitigation measures as the proposed Project. Additionally, the open space easement established as part of TM 5139 to mitigate for Project impacts and protect vernal pool habitat and other native habitat would remain in place under this alternative.

**Cultural Resources**

As described in Section 2.3, *Cultural Resources*, of this SEIR, two of the archaeological sites (CA-SDI-5352 and CA-SDI-12730) identified in the 1994 EIR and 2000 SEIR were determined to be located within the Project site. Further testing of CA-SDI-5352 determined that site to be not significant; CA-SDI-12730 was identified as significant. As required in the 2000 SEIR, CA-SDI-12730 is located within an existing open space

easement associated with TM 5139 and is, therefore, adequately protected from future impacts. Mitigation measures would be required involving monitoring grading operations in the event there are undiscovered buried significant resources associated with CA-SDI-5352. The proposed Project would be required to implement previously identified mitigation measures, and all potential impacts would be mitigated to below a level of significance.

The area graded for the Reduced Development Intensity Alternative A would be the same as the proposed Project. Therefore, compared to the proposed Project, the potential to impact unknown subsurface resources would be the same, and the same mitigation measures would be required.

**Greenhouse Gas Emissions**

As described in Section 2.4, *Greenhouse Gas Emissions*, of this SEIR, the proposed Project would result in significant impacts associated with GHG emissions. ~~The proposed Project would generate 3.53 metric tons of $CO_2$ equivalent ($CO_2E$) emissions per service population, which exceeds the 2028 efficiency metric of 3.0~~. The proposed Project would generate 37,544 metric tons of $CO_2E$ emissions and would, therefore, result in a net increase in emissions of GHGs from construction and operations compared to the existing environmental setting and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, resulting in a significant impact. With mitigation, the Project's emissions would be reduced to 32,786 metric tons of $CO_2E$ emissions, in net zero GHG emissions and, therefore, would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by 2030. Thus, GHG emissions impacts would be reduced to below a level of significance.
~~However, the Project would implement mitigation measures to reduce GHG emissions to meet the 2028 efficiency metric of 3.0 metric tons of $CO_2e$ per service population. With the implementation of mitigation measures, impacts would be less than significant.~~

Since residential, commercial and employment uses would be reduced under the Reduced Development Intensity Alternative B, less traffic would be generated under this alternative. Although the Reduced Development Intensity Alternative A would generate less traffic than the proposed Project and would provide a mixed-use project directed at providing mobility options and reducing use of the private automobile, this alternative would increase GHG emissions when compared to the proposed Project.

As shown in Table 4-6, *Summary of Reduced Development Intensity Alternative A Estimated Greenhouse Gas Emissions*, the Reduced Development Intensity Alternative A would generate ~~3.2~~18,893 metric tons of $CO_2E$ emissions. ~~per service population, which exceeds the efficiency metric of 3.0 and which would be greater than what the proposed Project would generate. The efficiency of a project considers the amount of GHG emissions, the reduction in VMT attributable to the mix of uses, and the service population. The efficiency metric is calculated based on Statewide emissions from land use sector divided by Statewide service population for 2020 and extrapolated out to 2028.~~

~~While reducing the number of residential units reduces trips, reducing residential units changes the land use index calculation and reduces the service population of the project. Because the project's efficiency is defined as the GHG emissions divided by the service population, a smaller service population increases the metric. Due to the land use mix associated with this alternative, the amount of GHG emissions, and the VMT, this alternative would exceed the efficiency metric and generate more $CO_2$E emissions per service population than the proposed Project.~~ Therefore, this alternative would result in greater ~~impacts associated with~~ GHG emissions ~~than~~ when compared to the proposed Project. However, similar to the proposed Project, this alternative would require mitigation measures to reduce emissions to net zero.

**Hazards and Hazardous Materials**

As described in Section 2.5, *Hazards and Hazardous Materials*, of the SEIR, the proposed Project would increase the potential for development on sites such as areas of historic or current agriculture uses. The residential land uses that would be allowed under the proposed Project would have the potential to introduce human populations into or near areas with a history of contamination from agricultural use. Parcels identified on the proposed Land Use Plan (Figure 1-3) as A, C, and D could contain toxaphene concentrations above regional screening levels. Therefore, contaminated soil, if encountered, could pose a potentially significant impact to occupants and/or visitors of the site. Mitigation measures would be required as part of the proposed Project to ensure adequate protection of human health and environment, reducing impacts to a level less than significant.

Like the proposed Project, the Reduced Development Intensity Alternative A would introduce residential uses to the Project site. Thus, the potential to expose occupants and/or visitors to contaminated soils associated with previous agricultural uses on the Project site would be the same as with the proposed Project, and impacts associated with hazardous materials would be the same.

**Noise**

As described in Section 2.6, *Noise*, of this SEIR, the proposed Project would generate additional traffic volumes which may result in traffic noise levels that could exceed 60 dBA CNEL for on-site noise sensitive land uses. However, mitigation measures would be implemented to reduce significant noise impacts to below a level of significance.

The Reduced Development Intensity Alternative A would also introduce noise sensitive uses on the Project site, as well as increased noise levels associated with vehicular traffic on roadways proposed as part of the Reduced Intensity Development Alternative A. Because this alternative would result in a reduction of residential, commercial and employment uses, it would result in a reduction in traffic. Compared to the proposed Project, this alternative would result in similar but reduced noise impacts, due to the reduction in traffic associated with this alternative. However, like the proposed Project, noise levels could exceed noise County noise standards for residential uses. Mitigation

measures like those associated with the proposed Project would be required where residential uses are located proximate to heavily travelled roadways.

**Paleontological Resources**

As described in Section 2.7, *Paleontological Resources*, of this SEIR, the Project would result in 1,350,000 cubic yards of cut, which may occur in part within areas of Otay Formation occurring on the Project site. The upper sandstone/mudstone member of the Otay Formation is considered to have "high paleontological resource sensitivity", and the middle gritstone and lower fanglomerate members of the Otay Formation are considered to have "moderate paleontological resource sensitivity." This volume of excavation would exceed the County's threshold of 2,500 cubic yards in areas of high or moderate paleontological sensitivity. Therefore, implementation of the proposed Project could result in potentially significant impacts to paleontological resources, requiring mitigation measures, such as monitoring of excavation activities during grading with salvage, identification, and curation of unearthed fossil remains encountered during grading activities. With implementation of mitigation measures, impacts would be reduced to a level less than significant.

The Reduced Development Intensity Alternative A would result in grading the Project site within the same footprint and in a manner similar to the proposed Project, and impacts to paleontological resources could result. Therefore, this alternative would require the same mitigation measures as the proposed Project. Impacts associated with paleontological resources would be the same as the proposed Project under this alternative.

**Transportation/Traffic**

As described in Section 2.8, *Transportation and Traffic*, of this SEIR, the proposed Project is estimated to generate 34,124 ADT at full build-out, with 2,785 trips in the AM peak hour and 3,474 trips in the PM peak hour. (See Table 2.8-7, *Project Trip Generation*.) The proposed Project would result in significant direct and cumulative impacts to roadway segments and intersections in the Project area. Additionally, the proposed Project would result in significant impacts at intersections located within the City of San Diego. However, mitigation measures would be incorporated into the Project to reduce significant impacts to below a level of significance.

Reduced Development Intensity Alternative A would result in a reduction in traffic associated with the proposed Project. Table 4-7, *Reduced Development Intensity Alternative A Project Trip Generation*, shows the traffic that would be associated with the Reduced Development Intensity Alternative A. As shown in Table 4-7, this alternative would result in 18,018 less overall trips, with 1,481 less trips in the AM peak hour and 1,822 less trips in the PM hour. Table 4-3, *Comparison of Traffic Impacts – Project Alternatives and Proposed Project*, provides a comparison of the traffic impacts that would occur under the Reduced Development Intensity Alternative A with those associated with the proposed Project. As shown in Table 4-3, while this alternative would reduce traffic volumes, it would not avoid significant direct and cumulative traffic impacts. However,

mitigation measures similar to those required for the Project would also be required under this alternative.

## ***Conclusions***

The Reduced Development Intensity Alternative A would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Up to 2,000 units, approximately 10,000 square feet of neighborhood commercial uses, and approximately 93,600 square feet of technology business park uses would occur under this alternative.

The Reduced Development Intensity Alternative A would result in less impacts to air quality when compared to the proposed Project, due to a reduction in VOC and CO emissions, but would not avoid direct and cumulative impacts associated with $PM_{10}$. Less traffic would be generated under this alternative; and this alternative would result in less noise impacts, because less traffic would be generated. This alternative would result in greater ~~impacts associated with~~ GHG emissions. Impacts associated with all other environmental issue areas would be the same as those that would occur with the proposed Project.

The Reduced Development Intensity Alternative A has the ability to meet most of the Project objectives, including promoting a well-organized international industrial and business district in East Otay Mesa (Project Objective 1); promoting the conservation of open space to preserve environmental resources (Project Objective 2); implementing the General Plan vision by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3); providing convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5); providing a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service (Project Objective 6); promoting well-designed infrastructure, buildings and landscaping, both in the public and private realms, that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa (Project Objective 7); and providing infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards (Project Objective 8).

Because this alternative would include the reduction of residential units, as well as employment and commercial uses, its ability to provide a mix of densities and land uses that will minimize automobile trips and support walking and bicycling (Project Objective 4) is also reduced. This alternative would not accommodate forecasted growth to the extent that the proposed Project would and less job opportunities would be created for this area of Otay Mesa.

## 4.4.3.2 Reduced Development Intensity Alternative B

### ***Reduced Development Intensity Alternative B Description and Setting***

Reduced Development Intensity Alternative B would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 2,000 units) would occur within the Mixed Use planning areas identified for the proposed Project (Planning Areas A, B, C, and D shown on Figure 1-3, *specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*). Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at a lower intensity than the proposed Project (7.8 acres, approximately 200,000 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the EOMSP Amendment for the proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the proposed Project (see Figure 1-3, *Specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*), and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as proposed by the TM for the Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

### ***Comparison of the Effects of the Reduced Development Intensity Alternative B to the Proposed Project***

#### Air Quality

As described in Section 2.1, *Air Quality*, of this SEIR, emissions of VOCs associated with the proposed Project would exceed the County's screening-level thresholds for construction. The emissions are mainly attributable to application of architectural coatings and would occur on short duration during construction. The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. There are no additional mitigation measures that would reduce VOC emissions to less than significant levels. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated.

The Project's operational emissions would be associated with traffic accessing the Project and with area sources such as energy use and landscaping. Based on the evaluation of air emissions, the Project emissions would exceed the screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$ and would result in significant direct and cumulative air quality impacts. Project design features would reduce VOC, CO, $PM_{10}$, and $PM_{2.5}$ emissions to the extent feasible, including providing a mix of uses in the Otay Mesa area that reduces VMT overall within the region; use of natural gas fireplaces; and providing on-site residential, employment, and retail uses. However, VOC emissions from consumer products and CO, $PM_{10}$, and $PM_{2.5}$ emissions from on-road travel cannot be controlled by the applicant and are unmitigable.

The Reduced Development Intensity Alternative B would develop the Project site in a similar manner as the proposed Project but at a reduced intensity. Air quality impacts would occur associated with grading, construction, and operations, albeit to a lesser extent due to the reduction in development intensity and traffic associated with this alternative. Table 4-8, *Reduced Development Intensity Alternative B – Total Operational Emissions*, provides a summary of air quality emissions associated with Reduced Development Intensity Alternative B. Emissions associated with Reduced Development Intensity Alternative B would exceed the screening-level threshold for VOCs and $PM_{10}$ but not CO. Therefore, when compared to the proposed Project, air quality impacts would be less under this alternative. Mitigation measures as presented in this SEIR would be required and would reduce direct impacts to below a level of significance; however, cumulative impacts would not be reduced below a level of significance. Like the proposed Project, cumulative impacts would remain significant and unmitigated.

**Biological Resources**

As described in Section 2.2, *Biological Resources*, of this SEIR, the proposed Project would result in removing non-native and native habitat, including disturbed wetlands (0.11 acre), and non-native grassland (195.99 acres). In addition, the proposed Project would result in significant direct impacts to three County List A or B plant species (variegated dudleya, San Diego button-celery, coastal barrel cactus), and eight County List 1 or Species of Special Concern (San Diego fairy shrimp, Riverside fairy shrimp, turkey vulture, northern harrier, white-tailed kite, loggerhead shrike, San Diego black-tailed jackrabbit, and burrowing owl. However, mitigation measures required for the proposed Project would mitigate impacts to below a level of significance; the open space easement established as part of TM 5139 to mitigate for Project impacts and protect vernal pool habitat and other native habitat would remain in place as a part of the proposed Project.

Impacts to biological resources associated with the Reduced Development Intensity Alternative B would be the same as those associated with the proposed Project, because the same development area would be graded. Therefore, the Reduced Development Intensity Alternative B would require the same mitigation measures as the proposed Project. Additionally, the open space easement established as part of TM 5139 to mitigate for Project impacts and protect vernal pool habitat and other native habitat would remain in place under this alternative.

**Cultural Resources**

As described in Section 2.3, *Cultural Resources*, of this SEIR, two of the archaeological sites (CA-SDI-5352 and CA-SDI-12730) identified in the 1994 EIR and 2000 SEIR were determined to be located within the Project site. Further testing of CA-SDI-5352 determined that site to be not significant; CA-SDI-12730 was identified as significant. As required in the 2000 SEIR, CA-SDI-12730 is located within an existing open space easement associated with TM 5139 and is, therefore, adequately protected from future impacts. Mitigation measures would be required involving monitoring grading operations in the event there are undiscovered buried significant resources associated with CA-SDI-5352. The proposed Project would be required to implement previously identified mitigation measures, and all potential impacts would be mitigated to below a level of significance.

The area graded for the Reduced Development Intensity Alternative B would be the same as the proposed Project. Therefore, compared to the proposed Project, the potential to impact unknown subsurface resources would be the same, and the same mitigation measures would be required.

**Greenhouse Gas Emissions**

As described in Section 2.4, *Greenhouse Gas Emissions*, of this SEIR, the proposed Project would result in significant impacts associated with GHG emissions. ~~The proposed Project would generate 3.53 metric tons of $CO_2$ equivalent ($CO_2E$) emissions per service population, which exceeds the 2028 efficiency metric of 3.0~~. The proposed Project would generate 37,544 metric tons of $CO_2E$ emissions and would, therefore, result in a net increase in emissions of GHGs from construction and operations compared to the existing environmental setting and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, resulting in a significant impact. With mitigation, the Project's emissions would be reduced to 32,786 metric tons of $CO_2E$ emissions, in net zero GHG emissions and, therefore, would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by 2030. Thus, GHG emissions impacts would be reduced to below a level of significance. ~~However, the Project would implement mitigation measures to reduce GHG emissions to meet the 2028 efficiency metric of 3.0 metric tons of $CO_2e$ per service population. With the implementation of mitigation measures, impacts would be less than significant.~~

Since residential, commercial and employment uses would be reduced under the Reduced Development Intensity Alternative B, less traffic would be generated under this alternative. ~~Although the Reduced Development Intensity Alternative B would generate less traffic than the proposed Project and would provide a mixed-use project directed at providing mobility options and reducing use of the private automobile, this alternative would increase GHG emissions when compared to the proposed Project, as described below.~~ As shown in Table 4-9, *Summary of Reduced Development Intensity Alternative B Estimated Greenhouse Gas Emissions*, the Reduced Development Intensity Alternative

B would generate ~~3.1~~19,168 metric tons of $CO_2E$ emissions ~~per service population, which exceeds the efficiency metric of 3.0 and~~ , which would be greater than what the proposed Project would generate. ~~The efficiency of a project considers the amount of GHG emissions, the reduction in VMT attributable to the mix of uses, and the service population. The efficiency metric is calculated based on Statewide emissions from land use sector divided by Statewide service population for 2020 and extrapolated out to 2028. While reducing the number of residential units reduces trips, reducing residential units changes the land use index calculation and reduces the service population of the project. Because the project's efficiency is defined as the GHG emissions divided by the service population, a smaller service population increases the metric. Due to the land use mix associated with this alternative, the amount of GHG emissions, and the VMT, this alternative would exceed the efficiency metric and generate more $CO_2E$ emissions per service population than the proposed Project.~~ Therefore, this alternative would result in greater ~~impacts associated with~~ GHG emissions than the proposed Project. However, similar to the proposed Project, this alternative would require mitigation measures to reduce emissions to net zero.

**Hazards and Hazardous Materials**

As described in Section 2.5, *Hazards and Hazardous Materials*, of this SEIR, the proposed Project would increase the potential for development on sites such as areas of historic or current agriculture uses. The residential land uses that would be allowed under the proposed Project would have the potential to introduce human populations into or near areas with a history of contamination from agricultural use. Parcels identified on the proposed Land Use Plan (Figure 1-3) as A, C, and D could contain toxaphene concentrations above regional screening levels. Therefore, contaminated soil, if encountered, could pose a potentially significant impact to occupants and/or visitors of the site. Mitigation measures would be required as part of the proposed Project to ensure adequate protection of human health and environment, reducing impacts to a level less than significant.

Like the proposed Project, the Reduced Development Intensity Alternative B would introduce residential uses to the Project site. Thus, the potential to expose occupants and/or visitors to contaminated soils associated with previous agricultural uses on the Project site would be the same as with the proposed Project, and impacts associated with hazardous materials would be the same.

**Noise**

As described in Section 2.6, *Noise*, of this SEIR, the proposed Project would generate additional traffic volumes which may result in traffic noise levels that could exceed 60 dBA CNEL for on-site noise sensitive land uses. However, mitigation measures would be implemented to reduce significant noise impacts to below a level of significance.

The Reduced Development Intensity Alternative B would also introduce noise sensitive uses on the Project site, as well as increased noise levels associated with vehicular traffic

on roadways proposed as part of the Reduced Intensity Development Alternative B. Because this alternative would result in a reduction of residential, commercial and employment uses, it would result in a reduction in traffic. Compared to the proposed Project, this alternative would result in similar but reduced noise impacts, due to the reduction in traffic associated with this alternative. However, like the proposed Project, noise levels could exceed noise County noise standards for residential uses. Mitigation measures like those associated with the proposed Project would be required where residential uses are located proximate to heavily travelled roadways.

**Paleontological Resources**

As described in Section 2.7, *Paleontological Resources*, of this SEIR, the Project would result in 1,350,000 cubic yards of cut, which may occur in part within areas of Otay Formation occurring on the Project site. The upper sandstone/mudstone member of the Otay Formation is considered to have "high paleontological resource sensitivity", and the middle gritstone and lower fanglomerate members of the Otay Formation are considered to have "moderate paleontological resource sensitivity." This volume of excavation would exceed the County's threshold of 2,500 cubic yards in areas of high or moderate paleontological sensitivity. Therefore, implementation of the proposed Project could result in potentially significant impacts to paleontological resources, requiring mitigation measures, such as monitoring of excavation activities during grading with salvage, identification, and curation of unearthed fossil remains encountered during grading activities. With implementation of mitigation measures, impacts would be reduced to a level less than significant.

The Reduced Development Intensity Alternative B would result in grading the Project site within the same footprint and in a manner similar to the proposed Project, and impacts to paleontological resources could result. Therefore, this alternative would require the same mitigation measures as the proposed Project. Impacts associated with paleontological resources would be the same as the proposed Project under this alternative.

**Transportation/Traffic**

As described in Section 2.8, *Transportation and Traffic*, of this SEIR, the proposed Project is estimated to generate 34,124 ADT at full build-out, with 2,785 trips in the AM peak hour and 3,474 trips in the PM peak hour. (See Table 2.8-7, *Project Trip Generation*.) The proposed Project would result in significant direct and cumulative impacts to roadway segments and intersections in the Project area. Additionally, the proposed Project would result in significant impacts at intersections located within the City of San Diego. However, mitigation measures would be incorporated into the Project to reduce significant impacts to below a level of significance.

The Reduced Development Intensity Alternative B would result in a reduction in traffic associated with the proposed Project. Table 4-10, *Reduced Development Intensity Alternative B Project Trip Generation*, shows the traffic that would be associated with the Reduced Development Intensity Alternative B. As shown in Table 4-10, this alternative

would result in 17,060 less overall trips, with 1,347 less trips in the AM peak hour and 1,678 less trips in the PM hour. Table 4-3, *Comparison of Traffic Impacts – Project Alternatives and Proposed Project*, provides a comparison of the traffic impacts that would occur under the Reduced Development Intensity Alternative B with those associated with the proposed Project. As shown in Table 4-3, while this alternative would reduce traffic volumes, it would not avoid significant direct and cumulative traffic impacts. Mitigation measures similar to those required for the Project would also be required under this alternative.

## ***Conclusions***

The Reduced Development Intensity Alternative B would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Up to 2,000 units, approximately 10,000 square feet of neighborhood commercial uses, and approximately 200,000 square feet of technology business park uses would occur under this alternative.

The Reduced Development Intensity Alternative B would result in less impacts to air quality when compared to the proposed Project, due to a reduction in CO emissions, but would not avoid direct and cumulative impacts associated with VOC and $PM_{10}$. Less traffic would be generated under this alternative; and this alternative would result in less noise impacts, because less traffic would be generated. This alternative would result in greater ~~impacts associated with~~ GHG emissions. Impacts associated with all other environmental issue areas would be the same as those that would occur with the proposed Project.

The Reduced Development Intensity Alternative B has the ability to meet most of the Project objectives, including promoting a well-organized international industrial and business district in East Otay Mesa (Project Objective 1); promoting the conservation of open space to preserve environmental resources (Project Objective 2); implementing the General Plan vision by creating a Village Core within East Otay Mesa that contains a mix of housing types located near retail businesses, employment, and recreational areas (Project Objective 3); providing convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular dependence (Project Objective 5); providing a multi-modal transportation system to serve sub-regional transportation needs at an acceptable level of service (Project Objective 6); promoting well-designed infrastructure, buildings and landscaping, both in the public and private realms, that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa (Project Objective 7); and providing infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth in East Otay Mesa while meeting applicable County standards (Project Objective 8).

Because this alternative would include the reduction of residential units, as well as employment and commercial uses, its ability to provide a mix of densities and land uses

that will minimize automobile trips and support walking and bicycling (Project Objective 4) is also reduced. Also, this alternative would not provide the amount of housing that is provided with the proposed Project and, therefore would not accommodate forecasted growth to the extent that the proposed Project would. Employment uses would be less under this alternative. Thus, less job opportunities would be created for this area of Otay Mesa.

## 4.4.3.3 Reduced Development Intensity Alternative C

### ***Reduced Development Intensity Alternative C Description and Setting***

Reduced Development Intensity Alternative C would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Residential development (up to 1,650 units) would occur within the Mixed Use planning areas identified for the proposed Project (Planning Areas A, B, C, and D shown on Figure 1-3, *Specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*). Approximately 10,000 square feet of neighborhood commercial uses would occur in conjunction with the residential land uses to provide support retail services and amenities for future residents and visitors to the site. Planning Area E would develop with technology business park uses at a reduced intensity (7.8 acres, approximately 93,600 square feet of technology business park uses).

Development of the Project site under this alternative would be subject to the same development regulations and design standards as are presented in the EOMSP Amendment for the proposed Project; however, the amount of park space would be reduced to be commensurate with the anticipated population associated with the reduction in density associated with this alternative. Additionally, the Specific Plan Amendment proposed by the Project would need to be altered to reflect the reduction in residential units and reduction in commercial and employment uses square footages. This alternative would be served by the same network and street alignments as the proposed Project (see Figure 1-3, *Specific Plan Amendment Proposed Conceptual Land Use and Circulation Plan*), and it is assumed that street classifications and cross-sections would remain the same. The Project site would be graded in the same manner as the proposed Project, resulting in approximately 1,350,000 cubic yards of balanced earthwork on the Project site. Like the proposed Project, approximately 51.3 acres located north of Lone Star Road would be preserved as open space.

## ***Comparison of the Effects of the Reduced Development Intensity Alternative C to the Proposed Project***

### Air Quality

As described in Section 2.1, *Air Quality*, of this SEIR, emissions of VOCs associated with the proposed Project would exceed the County's screening-level thresholds for construction. The emissions are mainly attributable to application of architectural coatings and would occur on short duration during construction. The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements. There are no additional mitigation measures that would reduce VOC emissions to less than significant levels. Therefore, direct air quality impacts associated with construction would remain significant and unmitigated.

The Project's operational emissions would be associated with traffic accessing the Project and with area sources such as energy use and landscaping. Based on the evaluation of air emissions, the Project emissions would exceed the screening-level thresholds for VOCs, CO, $PM_{10}$, and $PM_{2.5}$ and would result in significant direct and cumulative air quality impacts. Project design features would reduce VOC, CO, $PM_{10}$, and $PM_{2.5}$ emissions to the extent feasible, including providing a mix of uses in the Otay Mesa area that reduces VMT overall within the region; use of natural gas fireplaces; and providing on-site residential, employment, and retail uses. However, VOC emissions from consumer products and CO, $PM_{10}$, and $PM_{2.5}$ emissions from on-road travel cannot be controlled by the applicant and are unmitigable.

The Reduced Development Intensity Alternative C would develop the Project site in a similar manner as the proposed Project but at a reduced intensity. Air quality impacts would occur associated with grading, construction, and operations, albeit to a lesser extent due to the reduction in development intensity and traffic associated with this alternative. Air quality impacts would occur with construction, like the proposed Project; but those impacts would be avoided to the extent feasible and would be of short duration. Table 4-11, *Reduced Development Intensity Alternative C – Total Operational Emissions*, provides a summary of air quality emissions associated with Reduced Development Intensity Alternative C. Emissions associated with Reduced Development Intensity Alternative C would not exceed the screening-level threshold for air pollutants. Therefore, operational air quality impacts would be reduced to a level of less than significant under this alternative.

### Biological Resources

As described in Section 2.2, *Biological Resources*, of this SEIR, the proposed Project would result in removing non-native and native habitat, including disturbed wetlands (0.11 acre) and non-native grassland (195.99 acres). In addition, the proposed Project would result in significant direct impacts to three County List A or B plant species (variegated dudleya, San Diego button-celery, coastal barrel cactus), and eight County List 1 or

Species of Special Concern (San Diego fairy shrimp, Riverside fairy shrimp, turkey vulture, northern harrier, white-tailed kite, loggerhead shrike, San Diego black-tailed jackrabbit, and burrowing owl. However, mitigation measures required for the proposed Project would mitigate impacts to below a level of significance; the open space easement established as part of TM 5139 to mitigate for Project impacts and protect vernal pool habitat and other native habitat would remain in place as a part of the proposed Project. Impacts to biological resources associated with the Reduced Development Intensity Alternative C would be the same as those associated with the proposed Project, because the same development area would be graded. Therefore, the Reduced Development Intensity Alternative C would require the same mitigation measures as the proposed Project. Additionally, the open space easement established as part of TM 5139 to mitigate for Project impacts and protect vernal pool habitat and other native habitat would remain in place under this alternative.

**Cultural Resources**

As described in Section 2.3, *Cultural Resources*, of this SEIR, two of the archaeological sites (CA-SDI-5352 and CA-SDI-12730) identified in the 1994 EIR and 2000 SEIR were determined to be located within the Project site. Further testing of CA-SDI-5352 determined that site to be not significant; CA-SDI-12730 was identified as significant. As required in the 2000 SEIR, CA-SDI-12730 is located within an existing open space easement associated with TM 5139 and is, therefore, adequately protected from future impacts. Mitigation measures would be required involving monitoring grading operations in the event there are undiscovered buried significant resources associated with CA-SDI-5352. The proposed Project would be required to implement previously identified mitigation measures, and all potential impacts would be mitigated to below a level of significance.

The area graded for the Reduced Development Intensity Alternative C would be the same as the proposed Project. Therefore, compared to the proposed Project, the potential to impact unknown subsurface resources would be the same, and the same mitigation measures would be required.

**Greenhouse Gas Emissions**

As described in Section 2.4, *Greenhouse Gas Emissions*, of this SEIR, the proposed Project would result in significant impacts associated with GHG emissions. ~~The proposed Project would generate 3.53 metric tons of $CO_2$ equivalent ($CO_2E$) emissions per service population, which exceeds the 2028 efficiency metric of 3.0~~. The proposed Project would generate 37,544 metric tons of $CO_2E$ emissions and would, therefore, result in a net increase in emissions of GHGs from construction and operations compared to the existing environmental setting and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, resulting in a significant impact. With mitigation, the Project's emissions would be reduced to 32,786 metric tons of $CO_2E$ emissions, in net zero GHG emissions and, therefore, would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to

reduce its GHG emissions to 40 percent below 1990 levels by 2030. Thus, GHG emissions impacts would be reduced to below a level of significance. ~~However, the Project would implement mitigation measures to reduce GHG emissions to meet the 2028 efficiency metric of 3.0 metric tons of $CO_2e$ per service population. With the implementation of mitigation measures, impacts would be less than significant.~~

Since residential, commercial and employment uses would be reduced under the Reduced Development Intensity Alternative C, less traffic would be generated under this alternative. ~~Although the Reduced Development Intensity Alternative C would generate less traffic than the proposed Project and would provide a mixed-use project directed at providing mobility options and reducing use of the private automobile, this alternative would result in an increase in GHG emissions.~~ As shown in Table 4-12, *Summary of Reduced Development Intensity Alternative C Estimated Greenhouse Gas Emissions*, the Reduced Development Intensity Alternative C would generate ~~3.2~~15,771 metric tons of $CO_2E$ emissions ~~per service population~~, ~~which exceeds the efficiency metric of 3.0 and~~ which would be greater than what the proposed Project would generate. ~~The efficiency of a project considers the amount of GHG emissions, the reduction in VMT attributable to the mix of uses, and the service population. The efficiency metric is calculated based on Statewide emissions from land use sector divided by Statewide service population for 2020 and extrapolated out to 2028. While reducing the number of residential units reduces trips, reducing residential units changes the land use index calculation and reduces the service population of the project. Because the project's efficiency is defined as the GHG emissions divided by the service population, a smaller service population increases the metric. Due to the land use mix associated with this alternative, the amount of GHG emissions, and the VMT, this alternative would exceed the efficiency metric and generate more $CO_2E$ emissions per service population than the proposed Project.~~ Therefore, this alternative would result in greater ~~impacts associated with~~ GHG emissions than the proposed Project. However, similar to the proposed Project, this alternative would require mitigation measures to reduce emissions to net zero.

**Hazards and Hazardous Materials**

As described in Section 2.5, *Hazards and Hazardous Materials*, of the SEIR, the proposed Project would increase the potential for development on sites such as areas of historic or current agriculture uses. The residential land uses that would be allowed under the proposed Specific Plan Amendment would have the potential to introduce human populations into or near areas with a history of contamination from agricultural use. Parcels identified on the proposed Land Use Plan (Figure 1-3) as A, C, and D could contain toxaphene concentrations above regional screening levels. Therefore, contaminated soil, if encountered, could pose a potentially significant impact to occupants and/or visitors of the site. Mitigation measures would be required as part of the proposed Project to ensure adequate protection of human health and environment, reducing impacts to a level less than significant.

Like the proposed Project, the Reduced Development Intensity Alternative C would introduce residential uses to the Project site. Thus, the potential to expose occupants

and/or visitors to contaminated soils associated with previous agricultural uses on the Project site would be the same as with the proposed Project, and impacts associated with hazardous materials would be the same.

**Noise**

As described in Section 2.6, *Noise*, of this SEIR, the proposed Project would generate additional traffic volumes which may result in traffic noise levels that could exceed 60 dBA CNEL for on-site noise sensitive land uses. However, mitigation measures would be implemented to reduce significant noise impacts to below a level of significance.

The Reduced Development Intensity Alternative C would also introduce noise sensitive uses on the Project site, as well as increased noise levels associated with vehicular traffic on roadways proposed as part of the Reduced Intensity Development Alternative C. Because this alternative would result in a reduction of residential, commercial and employment uses, it would result in a reduction in traffic. Compared to the proposed Project, this alternative would result in similar but reduced noise impacts, due to the reduction in traffic associated with this alternative. However, like the proposed Project, noise levels could exceed noise County noise standards for residential uses. Mitigation measures like those associated with the proposed Project would be required where residential uses are located proximate to heavily travelled roadways.

**Paleontological Resources**

As described in Section 2.7, *Paleontological Resources*, of this SEIR, the Project would result in 1,350,000 cubic yards of cut, which may occur in part within areas of Otay Formation occurring on the Project site. The upper sandstone/mudstone member of the Otay Formation is considered to have "high paleontological resource sensitivity", and the middle gritstone and lower fanglomerate members of the Otay Formation are considered to have "moderate paleontological resource sensitivity." This volume of excavation would exceed the County's threshold of 2,500 cubic yards in areas of high or moderate paleontological sensitivity. Therefore, implementation of the proposed Project could result in potentially significant impacts to paleontological resources, requiring mitigation measures such as monitoring of excavation activities during grading with salvage, identification, and curation of unearthed fossil remains encountered during grading activities. With implementation of mitigation measures, impacts would be reduced to a level less than significant.

The Reduced Development Intensity Alternative C would result in grading the Project site within the same footprint and in a manner similar to the proposed Project, and impacts to paleontological resources could result. Therefore, this alternative would require mitigation measures, such as monitoring of excavation activities during grading with salvage, identification, and curation of unearthed fossil remains encountered during grading activities. With implementation of mitigation measures, impacts would be reduced to a level less than significant.

**Transportation/Traffic**

As described in Section 2.8, *Transportation and Traffic*, of this SEIR, the proposed Project is estimated to generate 34,124 ADT at full build-out, with 2,785 trips in the AM peak hour and 3,474 trips in the PM peak hour. (See Table 2.8-7, *Project Trip Generation*.) The proposed Project would result in significant direct and cumulative impacts to roadway segments and intersections in the Project area. Additionally, the proposed Project would result in significant impacts at intersections located within the City of San Diego. However, mitigation measures would be incorporated into the Project to reduce significant impacts to below a level of significance.

The Reduced Development Intensity Alternative C would result in a reduction in traffic associated with the proposed Project. Table 4-13, *Reduced Development Intensity Alternative C Project Trip Generation*, shows the traffic that would be associated with the Reduced Development Intensity Alternative C. As shown in Table 4-13, this alternative would result in 20,538 less overall trips, with 1,683 less trips in the AM peak hour and 2,073 less trips in the PM hour. Table 4-3, *Comparison of Traffic Impacts – Project Alternatives and Proposed Project*, provides a comparison of the traffic impacts that would occur under the Reduced Development Intensity Alternative C with those associated with the proposed Project. As shown in Table 4-3, while this alternative would reduce traffic volumes, it would not avoid significant direct and cumulative traffic impacts. Mitigation measures similar to those required for the Project would also be required under this alternative.

## *Conclusions*

The Reduced Development Intensity Alternative C would develop the Project site with a mix of uses similar to those proposed by the Project, but at a reduced intensity. Up to 1,650 units, approximately 10,000 square feet of neighborhood commercial uses, and approximately 93,600 square feet of technology business park uses would occur under this alternative.

The Reduced Development Intensity Alternative C would result in less direct and cumulative impacts associated with operational air quality emissions when compared to the proposed Project. Less traffic would be generated under this alternative; and this alternative would result in less noise impacts, because less traffic would be generated. This alternative would result in greater ~~impacts associated with~~ GHG emissions. Impacts associated with all other environmental issue areas would be the same as those that would occur with the proposed Project.

The Reduced Development Intensity Alternative C has the ability to meet most of the project objectives, though in some instances, to a lesser degree as the proposed Project, including promoting a well-organized international industrial and business district in East Otay Mesa (Objective 1), promoting the conservation of open space to preserve environmental resources (Objective 2), and providing a multi-modal transportation system

to serve sub-regional transportation needs at an acceptable level of service (Objective 6). This alternative would promote well-designed infrastructure, buildings and landscaping that creates a distinct urban image and establish a unique sense of identity for East Otay Mesa (Objective 7). However, this alternative would not have the same density of residential development and would implement the General Plan vision of creating a viable Village Core within East Otay Mesa to a lesser degree as the proposed Project (Objective 3). Similarly, this alternative not establish a land use pattern with a mix of densities that will minimize automobile trips, support walking and bicycling, encourage recreation, and invigorate the economy to the same degree as the Project (Objective 4). This alternative would provide infrastructure and public facilities at a similar level as the proposed Project, which would be designed to accommodate forecasted growth (Objective 8). This alternative would provide convenient housing opportunities for adjacent industrial and business district employees and support commercial/retail and employment uses to reduce vehicular dependence, although to a lesser degree as the proposed Project (Objective 5).

## 4.5 Environmentally Superior Alternative

Table 4-14, *Impact Comparison of Alternatives to Proposed Project*, provides a qualitative comparison of the impacts for each alternative compared to the proposed Project. The No Project/No Development Alternative would be environmentally superior to the proposed Project. The No Project/No Development Alternative would avoid all significant impacts associated with the proposed Project; however, the No Project/No Development Alternative does not meet any of the basic Project objectives.

CEQA Guidelines, Section 15126.6(e)(2) requires that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The Reduced Intensity Development Alternative C would be considered the environmentally superior alternative because, when compared with the proposed Project, it would reduce impacts associated with air quality to a less than significant level and would reduce impacts associated with noise, and traffic. This alternative would result in an increase in GHG emissions when compared to the proposed Project. However, similar to the proposed Project, this alternative would require mitigation measures to reduce emissions to net zero. This alternative would still provide benefits of a mixed use development, albeit at a smaller scale. This alternative would require mitigation measures like those required for the proposed Project in order to reduce impacts associated with construction air quality emissions, GHG emissions, biological resources, cultural resources, hazards and hazardous materials, noise, paleontological resources, and traffic to below significant levels.

**Table 4-1. *No Project/Development Under Existing Specific Plan Designation Alternative – Total Operational Emissions***

| | VOCs | NOx | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|---|---|
| Summer, Lbs/day | | | | | | |
| Area Sources | 44.74 | 0.002 | 0.20 | 0.00 | 0.00 | 0.00 |
| Energy Use | 0.96 | 8.74 | 7.34 | 0.05 | 0.66 | 0.66 |
| Vehicular Emissions | 36.81 | 141.05 | 371.05 | 1.42 | 146.61 | 39.83 |
| **TOTAL** | **82.51** | **149.78** | **378.59** | **1.47** | **147.28** | **40.50** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |
| Winter, Lbs/day | | | | | | |
| Area Sources | 44.74 | 0.002 | 0.20 | 0.00 | 0.00 | 0.00 |
| Energy Use | 0.96 | 8.74 | 7.34 | 0.05 | 0.66 | 0.66 |
| Vehicular Emissions | 35.44 | 143.28 | 370.25 | 1.35 | 146.62 | 39.84 |
| **TOTAL** | **81.14** | **152.01** | **377.79** | **1.40** | **147.28** | **40.50** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |
| Tons/year | | | | | | |
| Area Sources | 8.16 | 0.00 | 0.02 | 0.00 | 0.00 | 0.00 |
| Energy Use | 0.18 | 1.59 | 1.34 | 0.01 | 0.12 | 0.12 |
| Vehicular Emissions | 6.28 | 26.19 | 66.39 | 0.25 | 26.06 | 7.10 |
| **TOTAL** | **14.62** | **27.78** | **67.75** | **0.26** | **26.18** | **7.22** |
| Screening-Level Thresholds | 13.7 | 40 | 100 | 40 | 15 | 10 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |

**Table 4-2.** ***Summary of No Project/Development Under Existing Specific Plan Designation Alternative GHG Emissions***

| Emission Source | Annual Emissions (Metric tons/year) | | | |
|---|---|---|---|---|
| | **$CO_2$** | **$CH_4$** | **$N_2O$** | **$CO_2e$** |
| **Operational Emissions** | | | | |
| Area Sources | 0.0343 | 0.0001 | 0.0000 | 0 |
| Electricity Use | 4,320 | 0.1799 | 0.0360 | 4,750 |
| Natural Gas Use | 1,736 | 0.0333 | 0.0318 | 1,568 |
| Water Consumption | 792 | 10.1860 | 0.2456 | 1,206 |
| Solid Waste Handling | 237 | 14.0326 | 0.0000 | 315 |
| Vehicles | 19,881 | 1.0089 | 0 | 19,909 |
| Amortized Construction | 622 | 0.0000 | 0.0000 | 622 |
| Amortized Land Use Change | 28 | 0.0000 | 0.0000 | 28 |
| **Total** | **27,615** | **25.4408** | **0.3134** | **28,411** |
| Global Warming Potential Factor | **1** | **28** | **265** | |
| $CO_2$ Equivalent Emissions | 27,615 | 712 | 83 | 28,411 |
| **TOTAL $CO_2$ Equivalent Emissions** | **28,411** | | | |
| ~~**Service Population**~~ | ~~**4,219**~~ | | | |
| ~~**Metric Tons per Service Population**~~ | ~~**6.73**~~ | | | |
| ~~**Project Efficiency Metric**~~ | ~~**3.0**~~ | | | |

## Table 4-3. *Comparison of Traffic Impacts – Project Alternatives and Proposed Project*

| Impacted Locations | Jurisdiction | Impact Type | | | | |
|---|---|---|---|---|---|---|
| | | Proposed Project | No Project/ Development Under Existing Specific Plan Designation Alternative | Reduced Development Intensity Alternative A | Reduced Development Intensity Alternative B | Reduced Development Intensity Alternative C |
| Intersections | | | | | | |
| Otay Mesa Road / Heritage Road | *City of San Diego* | – | Direct | - | - | |
| Otay Mesa Road / La Media Road | *City of San Diego* | Direct & Cumulative | – | Direct & Cumulative | Direct & Cumulative | Direct & Cumulative |
| Otay Mesa Road / Harvest Road | *County of San Diego* | Direct & Cumulative | Direct | Direct & Cumulative | Direct & Cumulative | Direct & Cumulative |
| Otay Mesa Road / Sanyo Avenue | *County of San Diego* | Direct & Cumulative | Direct | Direct & Cumulative | Direct & Cumulative | Direct & Cumulative |
| Otay Mesa Road / Vann Centre Boulevard | *County of San Diego* | Direct & Cumulative | Direct & Cumulative | Direct & Cumulative | Direct & Cumulative | Direct & Cumulative |
| Airway Road / Sanyo Avenue | *City of San Diego* | Cumulative | Cumulative | Cumulative | Cumulative | Cumulative |
| Airway Road / Paseo de las Americas | *County of San Diego* | Cumulative | Cumulative | Cumulative | Cumulative | Cumulative |
| Siempre Viva Road / Paseo de las Americas | *City of San Diego* | Cumulative | – | Cumulative | Cumulative | Cumulative |
| Siempre Viva Road / Enrico Fermi Drive | *County of San Diego* | Cumulative | – | Cumulative | Cumulative | Cumulative |
| Segments | | | | | | |
| Otay Mesa Road: Heritage Road to Cactus Road | *City of San Diego/ Caltrans* | – | Direct | - | - | - |
| Otay Mesa Road: Cactus Road to Britannia Blvd | *City of San Diego/ Caltrans* | – | Direct | - | - | - |
| Otay Mesa Road: Britannia Blvd to La Media Road | *City of San Diego/ Caltrans* | – | Direct | - | - | - |
| Otay Mesa Road: La Media Road to Piper Ranch Road | *City of San Diego/ Caltrans* | – | Direct | - | - | - |
| Otay Mesa Road: Piper Ranch Road to SR-125 Ramps | *City of San Diego/ Caltrans* | – | Direct | - | - | - |
| Otay Mesa Road: Harvest Road to Sanyo Avenue | *County of San Diego* | – | Direct | - | - | - |
| Otay Mesa Road: Sanyo Avenue to Vann Centre Blvd | *County of San Diego* | Direct | Direct | Direct | Direct | Direct |
| Otay Mesa Road: Vann Centre Blvd to Enrico Fermi Drive | *County of San Diego* | Direct | – | Direct | Direct | Direct |
| Enrico Fermi Drive: Otay Mesa Road to Airway Road | *County of San Diego* | Cumulative | – | Cumulative | Cumulative | Cumulative |

**Table 4-4. *Comparison of Reduced Development Intensity Alternatives and the Proposed Project***

| Land Use | Development Intensity | | | |
|---|---|---|---|---|
| | **Proposed Project** | **Reduced Development Intensity Alternative A** | **Reduced Development Intensity Alternative B** | **Reduced Development Intensity Alternative C** |
| Residential | 3,158 units | 2,000 units | 2,000 units | 1,650 units |
| Employment Uses | 765,600 square feet | 93,600 square feet | 200,000 square feet | 93,600 square feet |
| Commercial Uses | 78,000 square feet | 10,000 square feet | 10,000 square feet | 10,000 square feet |

**Table 4-5. *Reduced Development Intensity Alternative A – Total Operational Emissions***

| | VOCs | NOx | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|---|---|
| Summer, Lbs/day | | | | | | |
| Area Sources | 56.29 | 18.48 | 170.73 | 0.11 | 2.25 | 2.25 |
| Energy Use | 0.73 | 6.29 | 2.85 | 0.04 | 0.51 | 0.51 |
| Vehicular Emissions | 20.86 | 80.82 | 234.51 | 0.93 | 97.96 | 26.60 |
| **TOTAL** | **77.88** | **105.58** | **408.09** | **1.09** | **100.71** | **29.35** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |
| Winter, Lbs/day | | | | | | |
| Area Sources | 56.29 | 18.48 | 170.73 | 0.11 | 2.25 | 2.25 |
| Energy Use | 0.73 | 6.29 | 2.85 | 0.04 | 0.51 | 0.51 |
| Vehicular Emissions | 20.13 | 82.52 | 230.37 | 0.88 | 97.96 | 26.60 |
| **TOTAL** | **77.15** | **107.28** | **403.94** | **1.04** | **100.71** | **29.35** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |
| Tons/year | | | | | | |
| Area Sources | 9.50 | 0.42 | 14.84 | 0.002 | 0.10 | 0.10 |
| Energy Use | 0.13 | 1.15 | 0.52 | 0.007 | 0.09 | 0.09 |
| Vehicular Emissions | 3.53 | 14.89 | 40.98 | 0.16 | 17.21 | 4.68 |
| **TOTAL** | **13.16** | **16.45** | **56.34** | **0.17** | **17.40** | **4.88** |
| Screening-Level Thresholds | 13.7 | 40 | 100 | 40 | 15 | 10 |
| *Above Screening-Level Thresholds?* | *No* | *No* | *No* | *No* | *Yes* | *No* |

**Table 4-6. Summary of *Reduced Development Intensity Alternative A Estimated Greenhouse Gas Emissions***

| Emission Source | Annual Emissions (Metric tons/year) | | | |
|---|---|---|---|---|
| | **$CO_2$** | **$CH_4$** | **$N_2O$** | **$CO_2e$** |
| **Operational Emissions** | | | | |
| Area Sources | 312 | 0.0284 | 0.0053 | 314 |
| Electricity Use | 934 | 0.0389 | 0.0078 | 937 |
| Natural Gas Use | 1,323 | 0.0254 | 0.0243 | 1,330 |
| Water Consumption | 439 | 3.9971 | 0.0973 | 577 |
| Solid Waste Handling | 114 | 6.7618 | 0.0000 | 303 |
| Vehicles | 14,509 | 0.7317 | 0.0000 | 14,529 |
| Amortized Construction | 874 | 0.0000 | 0.0000 | 874 |
| Amortized Land Use Change | 28 | 0.0000 | 0.0000 | 28 |
| **Total** | **18,533** | **11.5833** | **0.1347** | **18,893** |
| Global Warming Potential Factor | **1** | **28** | **265** | |
| $CO_2$ Equivalent Emissions | 18,533 | 324 | 36 | 18,893 |
| **TOTAL $CO_2$ Equivalent Emissions** | **18,893** | | | |
| ~~**Service Population**~~ | ~~**5,936**~~ | | | |
| ~~**Metric Tons per Service Population**~~ | ~~**3.2**~~ | | | |
| ~~**Efficiency Metric**~~ | ~~**3.0**~~ | | | |

## Table 4-7. *Reduced Development Intensity Alternative A Trip Generation*

| Land Use | Quantity | Daily Trip Ends (ADT) | | AM Peak Hour | | | | | PM Peak Hour | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | % of ADT | In:Out Split | Volume | | | % of ADT | In:Out Split | Volume | | |
| | | Rate [a] | Volume | | | In | Out | Total | | | In | Out | Total |
| ***Planning Areas A -E*** | | | | | | | | | | | | | |
| Residential (6-20 DU/Acre) | 2,000 Units | 8 /Unit | 16,000 | 8% | 20 : 80 | 256 | 1,024 | 1,280 | 10% | 70 : 30 | 1,120 | 480 | 1,600 |
| Tech Park[b] | 93,600 SF | 10 /KSF | 936 | 14% | 80 : 20 | 105 | 26 | 131 | 15% | 30 : 70 | 42 | 98 | 140 |
| Neighborhood Shopping Center | 10,000 SF | 96 /KSF[c] | 960 | 4% | 60 : 40 | 23 | 15 | 38 | 10% | 50 : 50 | 48 | 48 | 96 |
| ***Total*** | ***-*** | ***-*** | ***17,896*** | ***-*** | | ***384*** | ***1,065*** | ***1,449*** | ***-*** | | ***1,210*** | ***626*** | ***1,836*** |
| *Mixed Use Credit (10%)* | *-* | *-* | *(1,790)* | *-* | | *(38)* | *(107)* | *(145)* | *-* | | *(121)* | *(63)* | *(184)* |
| ***Net Total*** | ***-*** | ***-*** | ***16,106*** | ***-*** | | ***346*** | ***958*** | ***1,304*** | ***-*** | | ***1,089*** | ***563*** | ***1,652*** |

***Footnotes:***

a. Rates from SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002.

b. Industrial Plant Land Use trip generation rate used, as used in the Otay Tech Center Project TIA.

c. 20% pass-by reduction applied to the Neighborhood Shopping Center trip generation rate of 1,200 ADT / Acre.

**Table 4-8. *Reduced Development Intensity Alternative B – Total Operational Emissions***

| | VOCs | NOx | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|---|---|
| Summer, Lbs/day | | | | | | |
| Area Sources | 58.74 | 18.48 | 170.74 | 0.11 | 2.25 | 2.25 |
| Energy Use | 0.78 | 6.75 | 3.24 | 0.04 | 0.54 | 0.54 |
| Vehicular Emissions | 22.07 | 85.50 | 247.80 | 0.98 | 103.44 | 28.09 |
| **TOTAL** | **81.59** | **110.73** | **421.78** | **1.14** | **106.23** | **30.88** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |
| Winter, Lbs/day | | | | | | |
| Area Sources | 58.74 | 18.48 | 170.74 | 0.11 | 2.25 | 2.25 |
| Energy Use | 0.78 | 6.75 | 3.24 | 0.04 | 0.54 | 0.54 |
| Vehicular Emissions | 21.30 | 87.29 | 243.46 | 0.93 | 103.44 | 28.09 |
| **TOTAL** | **80.82** | **112.52** | **417.44** | **1.09** | **106.23** | **30.88** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |
| Tons/year | | | | | | |
| Area Sources | 9.94 | 0.42 | 14.84 | 0.002 | 0.10 | 0.10 |
| Energy Use | 0.14 | 1.23 | 0.59 | 0.008 | 0.10 | 0.10 |
| Vehicular Emissions | 3.69 | 15.55 | 42.78 | 0.17 | 17.95 | 4.88 |
| **TOTAL** | **13.78** | **17.20** | **58.20** | **0.18** | **18.15** | **5.08** |
| Screening-Level Thresholds | 13.7 | 40 | 100 | 40 | 15 | 10 |
| *Above Screening-Level Thresholds?* | *Yes* | *No* | *No* | *No* | *Yes* | *No* |

**Table 4-9. Summary of *Reduced Development Intensity Alternative B Estimated Greenhouse Gas Emissions***

| Emission Source | Annual Emissions (Metric tons/year) | | | |
|---|---|---|---|---|
| | **$CO_2$** | **$CH_4$** | **$N_2O$** | **$CO_2e$** |
| **Operational Emissions** | | | | |
| Area Sources | 312 | 0.0284 | 0.0053 | 314 |
| Electricity Use | 1,042 | 0.0434 | 0.0087 | 1,046 |
| Natural Gas Use | 1,416 | 0.0272 | 0.0260 | 1,424 |
| Water Consumption | 488 | 4.6403 | 0.1128 | 648 |
| Solid Waste Handling | 115 | 6.7941 | 0.0000 | 305 |
| Vehicles | 14,510 | 0.7120 | 0.0000 | 14,530 |
| Amortized Construction | 874 | 0.0000 | 0.0000 | 874 |
| Amortized Land Use Change | 28 | 0.0000 | 0.0000 | 28 |
| **Total** | **18,785** | **12.2454** | **0.1528** | **19,168** |
| Global Warming Potential Factor | **1** | **28** | **265** | |
| $CO_2$ Equivalent Emissions | 18,785 | 343 | 40 | 19,168 |
| **TOTAL $CO_2$ Equivalent Emissions** | **19,168** | | | |
| ~~**Service Population**~~ | ~~**6,169**~~ | | | |
| ~~**Metric Tons per Service Population**~~ | ~~**3.1**~~ | | | |
| ~~**Efficiency Metric**~~ | ~~**3.0**~~ | | | |

**Table 4-10. *Reduced Development Intensity Alternative B Trip Generation***

| Land Use | Quantity | | Daily Trip Ends (ADT) | | AM Peak Hour | | | | | PM Peak Hour | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | % of ADT | In:Out Split | Volume | | | % of ADT | In:Out Split | Volume | | |
| | | | Rate [a] | Volume | | | In | Out | Total | | | In | Out | Total |
| ***Planning Areas A -E*** | | | | | | | | | | | | | | |
| Residential (6-20 DU/Acre) | 2,000 | Units | 8 /Unit | 16,000 | 8% | 20 : 80 | 256 | 1,024 | 1,280 | 10% | 70 : 30 | 1,120 | 480 | 1,600 |
| Tech Park[b] | 200,000 | SF | 10 /KSF | 2,000 | 14% | 80 : 20 | 224 | 56 | 280 | 15% | 30 : 70 | 90 | 210 | 300 |
| Neighborhood Shopping Center | 10,000 | SF | 96 /KSF[c] | 960 | 4% | 60 : 40 | 23 | 15 | 38 | 10% | 50 : 50 | 48 | 48 | 96 |
| ***Total*** | ***-*** | | ***-*** | ***18,960*** | ***-*** | | ***503*** | ***1,095*** | ***1,598*** | ***-*** | | ***1,258*** | ***738*** | ***1,996*** |
| *Mixed Use Credit (10%)* | *-* | | *-* | *(1,896)* | *-* | | *(50)* | *(110)* | *(160)* | *-* | | *(126)* | *(74)* | *(200)* |
| ***Net Total*** | ***-*** | | ***-*** | ***17,064*** | ***-*** | | ***453*** | ***985*** | ***1,438*** | ***-*** | | ***1,132*** | ***664*** | ***1,796*** |

***Footnotes:***

a. Rates from SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002.

b. Industrial Plant Land Use trip generation rate used, as used in the Otay Tech Center Project TIA.

c. 20% pass-by reduction applied to the Neighborhood Shopping Center trip generation rate of 1,200 ADT / Acre.

**Table 4-11. *Reduced Development Intensity Alternative C – Total Operational Emissions***

| | VOCs | NOx | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|---|---|
| Summer, Lbs/day | | | | | | |
| Area Sources | 46.52 | 12.34 | 139.62 | 0.08 | 1.62 | 1.62 |
| Energy Use | 0.61 | 5.26 | 2.41 | 0.03 | 0.42 | 0.42 |
| Vehicular Emissions | 17.56 | 68.03 | 197.06 | 0.78 | 82.24 | 22.33 |
| **TOTAL** | **64.69** | **85.63** | **339.08** | **0.89** | **84.28** | **24.37** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *No* | *No* | *No* | *No* | *No* | *No* |
| Winter, Lbs/day | | | | | | |
| Area Sources | 46.52 | 12.34 | 139.62 | 0.08 | 1.62 | 1.62 |
| Energy Use | 0.61 | 5.26 | 2.41 | 0.03 | 0.42 | 0.42 |
| Vehicular Emissions | 16.95 | 69.45 | 193.63 | 0.74 | 82.24 | 22.33 |
| **TOTAL** | **64.07** | **87.05** | **335.66** | **0.85** | **84.28** | **24.37** |
| Screening-Level Thresholds | 75 | 250 | 550 | 250 | 100 | 55 |
| *Above Screening-Level Thresholds?* | *No* | *No* | *No* | *No* | *No* | *No* |
| Tons/year | | | | | | |
| Area Sources | 7.91 | 0.30 | 12.22 | 0.002 | 0.08 | 0.08 |
| Energy Use | 0.11 | 0.96 | 0.44 | 0.006 | 0.08 | 0.08 |
| Vehicular Emissions | 2.97 | 12.50 | 34.37 | 0.13 | 14.41 | 3.92 |
| **TOTAL** | **10.98** | **13.76** | **47.03** | **0.14** | **14.57** | **4.08** |
| Screening-Level Thresholds | 13.7 | 40 | 100 | 40 | 15 | 10 |
| *Above Screening-Level Thresholds?* | *No* | *No* | *No* | *No* | *No* | *No* |

## Table 4-12. Summary of *Reduced Development Intensity Alternative C Estimated Greenhouse Gas Emissions*

| Emission Source | Annual Emissions (Metric tons/year) | | | |
|---|---|---|---|---|
| | **$CO_2$** | **$CH_4$** | **$N_2O$** | **$CO_2e$** |
| **Operational Emissions** | | | | |
| Area Sources | 207 | 0.0225 | 0.0034 | 209 |
| Electricity Use | 789 | 0.0329 | 0.0066 | 792 |
| Natural Gas Use | 1,106 | 0.0212 | 0.0203 | 1,112 |
| Water Consumption | 370 | 3.4000 | 0.0828 | 487 |
| Solid Waste Handling | 94 | 5.5385 | 0.0000 | 249 |
| Vehicles | 12,497 | 0.6134 | 0.0000 | 12,020 |
| Amortized Construction | 874 | 0.0000 | 0.0000 | 874 |
| Amortized Land Use Change | 28 | 0.0000 | 0.0000 | 28 |
| **Total** | **15,472** | **9.6043** | **0.1131** | **15,771** |
| Global Warming Potential Factor | **1** | **28** | **265** | |
| $CO_2$ Equivalent Emissions | 15,472 | 269 | 30 | 15,771 |
| **TOTAL $CO_2$ Equivalent Emissions** | **15,771** | | | |
| ~~**Service Population**~~ | ~~**4,951**~~ | | | |
| ~~**Metric Tons per Service Population**~~ | ~~**3.2**~~ | | | |
| ~~**Efficiency Metric**~~ | ~~**3.0**~~ | | | |

## Table 4-13. *Reduced Development Intensity Alternative C Trip Generation*

| Land Use | Quantity | Daily Trip Ends (ADT) | | AM Peak Hour | | | | | PM Peak Hour | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | % of ADT | In:Out Split | Volume | | | % of ADT | In:Out Split | Volume | | |
| | | Rate [a] | Volume | | | In | Out | Total | | | In | Out | Total |
| ***Planning Areas A -E*** | | | | | | | | | | | | | |
| Residential (6-20 DU/Acre) | 1,650 Units | 8 /Unit | 13,200 | 8% | 20 : 80 | 211 | 845 | 1,056 | 10% | 70 : 30 | 924 | 396 | 1,320 |
| Tech Park[b] | 93.60 KSF | 10 /KSF | 936 | 14% | 80 : 20 | 105 | 26 | 131 | 15% | 30 : 70 | 42 | 98 | 140 |
| Neighborhood Shopping Center | 10 KSF | 96 /KSF[c] | 960 | 4% | 60 : 40 | 23 | 15 | 38 | 10% | 50 : 50 | 48 | 48 | 96 |
| ***Total*** | **-** | **-** | ***15,096*** | **-** | | ***339*** | ***886*** | ***1,225*** | **-** | | ***1,014*** | ***542*** | ***1,556*** |
| *Mixed Use Credit (10%)* | - | - | *-1,510* | - | | *-34* | *-89* | *-123* | - | | *-101* | *-54* | *-155* |
| ***Net Total*** | **-** | **-** | ***13,586*** | **-** | | ***305*** | ***797*** | ***1,102*** | **-** | | ***913*** | ***488*** | ***1,401*** |

***Footnotes:***

a. Rates from SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002.

b. Industrial Plant Land Use trip generation rate used, as used in the Otay Tech Center Project TIA.

c. 20% pass-by reduction applied to the Neighborhood Shopping Center trip generation rate of 1,200 ADT / Acre.

**Table 4-14. *Impact Comparison of Alternatives to Proposed Project***

| Environmental Issue Area | Proposed Project | No Project/No Build | No Project/Existing Specific Plan – Approved Tentative Map | Reduced Development Intensity A | Reduced Development Intensity B | Reduced Development Intensity C |
|---|---|---|---|---|---|---|
| **Air Quality** | Significant unmitigated cumulative impacts. | No impacts. | Less than proposed Project for CO. Would not avoid direct and cumulative impacts associated with VOC and $PM_{10}$. | Less than proposed Project for VOC and CO. Would not avoid direct and cumulative impacts associated with $PM_{10}$. | Less than proposed Project for CO. Would not avoid direct and cumulative impacts associated with VOC and $PM_{10}$. | Less than proposed Project. Would avoid direct and cumulative impacts associated operational emissions. |
| **Biological Resources** | Significant impacts reduced to below a level of significance with implementation of mitigation measures. | No impacts. | Same as proposed Project. | Same as proposed Project. | Same as proposed Project. | Less than proposed Project. |
| **Cultural Resources** | Potential for significant impacts to unknown subsurface resources. Impacts reduced to below a level of significance with implementation of mitigation measures. | No impacts. | Same as proposed Project. | Same as proposed Project. | Same as proposed Project. | Same as proposed Project. |
| **Greenhouse Gas Emissions** | Potential for significant impact due to net increase in GHG emissions. Impacts reduced to below a level of significance with implementation of mitigation measures that reduce emissions to net zero.~~Without mitigation, emissions of GHGs exceed the efficiency metric.~~ | No impacts. | Generates less GHG emissions than Project. Like proposed Project, would require mitigation measures that reduce emissions to net zero.~~Greater than proposed Project.~~ | Generates less GHG emissions than Project. Like proposed Project, would require mitigation measures that reduce emissions to net zero.~~Greater than proposed Project.~~ | Generates less GHG emissions than Project. Like proposed Project, would require mitigation measures that reduce emissions to net zero.~~Greater proposed Project.~~ | Generates less GHG emissions than Project. Like proposed Project, would require mitigation measures that reduce emissions to net zero.~~Greater than proposed Project.~~ |

| Environmental Issue Area | Proposed Project | No Project/No Build | No Project/Existing Specific Plan – Approved Tentative Map | Reduced Development Intensity A | Reduced Development Intensity B | Reduced Development Intensity C |
|---|---|---|---|---|---|---|
| **Hazards and Hazardous Materials** | Potential significant impacts to occupants/visitors due to previous hazardous soils associated with previous agricultural uses. Impacts reduced to below a level of significance with implementation of mitigation measures. | No impacts. | No impacts. | Same as proposed Project. | Same as proposed Project. | Same as proposed Project. |
| **Noise** | Potential impacts to noise sensitive land uses. Impacts reduced to below a level of significance with implementation of mitigation measures. | No impacts. | No impacts. | Less than proposed Project. | Less than proposed Project. | Less than proposed Project. |
| **Paleontological Resources** | Potentially significant impacts to paleontological resources associated with the Otay Formation. Impacts reduced to below a level of significance with implementation of mitigation measures. | No impacts. | Same as proposed Project. | Same as proposed Project. | Same as proposed Project. | Same as proposed Project. |
| **Transportation and Traffic** | Potential impacts to street segments and intersections. Impacts reduced to below a level of significance with implementation of mitigation measures. | No impacts. | Greater than proposed Project. | Less traffic volumes but would not avoid significant impacts. | Less traffic volumes but would not avoid significant impacts. | Less traffic volumes but would not avoid significant impacts. |

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# CHAPTER 7.0 MITIGATION MEASURES

## 7.1 Air Quality

**M-AQ-1:** The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements.

## 7.2 Biological Resources

**M-BI-1:** To mitigate direct impacts to San Diego button-celery (BI-1), a pre-construction survey shall be conducted in the Project development area prior to clearing of the development area. P~~the p~~lants located on-site shall be salvaged and translocated to a preserved vernal pool within the Open Space Easement (Lot 20 of the proposed Tentative Map), in conjunction with the approved Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved in 2012. An addendum to the Fairy Shrimp Plan shall be prepared and would specify the methods, monitoring, and success criteria for the San Diego button-celery salvage and translocation. This plan will be reviewed by the County and Wildlife Agencies; additional measures may be required by the Wildlife Agencies during Minor Amendment re-evaluation and will be incorporated into Project design. Wet season protocol surveys will be conducted prior to grading. If a focused survey in a year of adequate rainfall and vernal pool ponding should demonstrate that this group of button-celery is no longer extant, this mitigation measure for direct impacts would not be required.

**M-BI-2:** The following mitigation measures would be implemented to mitigate Project impacts to San Diego fairy shrimp (BI-2) to below a level of significance:

**M-BI-2a:** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site.

**M-BI-2b~~a~~:** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the Open Space Easement (Lot 20 of the proposed Tentative Map). The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.

**M-BI-2c~~b~~:** Impacts to San Diego Fairy Shrimp would be mitigated to a level below significant by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved by in 2012.

**M-BI-3:** The following mitigation measures would mitigate Project impacts to Riverside fairy shrimp (BI-3) to below a level of significance:

**M-BI-3a:** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site.

**M-BI-3b~~a~~:** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the open space easement. The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.

**M-BI-3c~~b~~:** Impacts to Riverside fairy shrimp, which is assumed present, would be mitigated to a level below significance by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved in 2012. As required by the 2003 USFWS Biological Opinion, wet season and dry season Riverside fairy shrimp surveys shall be conducted in 2016-2017. If a protocol survey (2 wet or 1 dry and 1 wet survey) for Riverside fairy shrimp demonstrates that this species is not present in the agricultural pond, then the success criteria for Riverside fairy shrimp would be dismissed.

**M-BI-4**: The following mitigation measures would mitigate Project impacts to variegated dudleya to below a level of significance:

**M-BI-4a:** The applicant shall provide 1:1 offsite mitigation for impacted variegated dudleya plants. The potential impact area shall be surveyed for variegated dudleya plants during the blooming period (May to June) prior to grading or other ground disturbance. If variegated dudleya are found on-site and outside of the open space easement (Lot 20 of the proposed Tentative Map), the applicant shall purchase and preserve habitat supporting the same number of variegated dudleya plants to be impacted, located at a

County approved location as indicated below. Variegated dudleya surveys shall be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants. If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required

**M-BI-4b:** *Option 1:* If purchasing mitigation credit the mitigation bank shall be approved by the California Department of Fish and Wildlife. The mitigation should be located within the County MSCP. If mitigation is proposed outside of the County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within the subarea. The evidence of purchase shall include the following information to be provided by the mitigation bank:

1. Confirmation that the habitat credits purchase support at least the same number of variegated dudleya plants found in the impact area. Surveys of the impact site and mitigation site should be conducted within the same blooming season.
2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
3. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
4. To ensure the land would be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
5. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

*Option 2:* If habitat credits cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat supporting at least the same number of variegated dudleya plants found in the impact area to the satisfaction of the Department of Planning and Development Services (PDS) as indicated below:

1. The type of habitat and the location of the proposed mitigation must be pre-approved by PDS, PCC before purchase or entering into any agreement for purchase.
2. The mitigation should be located within the South County MSCP. If mitigation is proposed outside the South County MSCP, provide documentation that a current and thorough search was done and that mitigation land is not available within our subarea.
3. If an offsite mitigation property is pursued that does not have an existing management plan, then a Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological

Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by Department of Parks and Recreation (DPR), the RMP shall also be approved by the Director of DPR.

4. An open space easement over the land shall be dedicated to the County of San Diego or like agency or the land shall be protected in perpetuity by other suitable mechanism to the satisfaction of the Director of PDS.
5. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
6. In lieu of providing a private habitat manager, the applicant may contract with a federal, State or local government agency with the primary mission of resource management to take fee title or function as grantee under an easement and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like-functioning habitat, and (2) the land would be managed by the agency for conservation of natural resources in perpetuity.

**M-BI-5:** A pre-construction burrowing owl survey shall be conducted in the Project development area prior to clearing of the development area and a pre-construction burrowing owl survey to be conducted in the Open Space Easement (Lot 20 of the proposed Tentative Map) prior to disturbance within the Open Space Easement (Lot 20 of the proposed Tentative Map) (such as excavation of new vernal pool). A burrowing owl translocation plan shall be developed and approved by the County and Wildlife Agencies, if owls are found during pre-construction surveys.

**M-BI-6:** Implementation of mitigation measures M-BI-7 and M-BI-8, below, would reduce impacts to turkey vulture (BI-6) to below a level of significance.

**M-BI-7:** Mitigation requirements for northern harrier (BI-7) would be partially met by the preservation of foraging habitat within the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement of the habitat within the open space would further reduce impacts to this species. In addition, initial clearing of vegetation shall occur outside the nesting season (mid-April through July). If that is not possible, a raptor nesting survey shall be conducted. If an active nest is found, grading would cease in the immediate vicinity, and the monitoring biologist and County staff would determine and agree to an acceptable buffer between the nest location and grading activities. Table 3.5 in the 1996 MSCP Plan (approved by the County Board of Supervisors on October 27, 1997) states that an acceptable buffer would be 900 feet. Once the nest becomes non-active, grading restrictions shall not longer apply. Mitigation in conformance with the BMO for both on- and offsite habitat preservation (as proposed above in the discussion of sage

scrub and grassland habitat mitigation) would fully mitigate for the loss of foraging habitat for this species regionally.

**M-BI-8:** Mitigation requirements for the loss of foraging habitat and potential breeding habitat for white-tailed kite (BI-8) would be met by requiring a qualified biologist to monitor the construction area for suitable nesting habitat (e.g., trees) in the vicinity of construction during the breeding season. If white-tailed kite is found nesting on the Project site during pre-construction surveys, CDFW shall be notified. The RCP would require that a 'construction-free zone' be created around any identified nesting sites until fledging has occurred. The biologist would coordinate with County staff during the monitoring efforts to determine the size of any required construction zone. This would mitigate the impacts to a level below significant.

**M-BI-9:** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to loggerhead shrike (BI-9) to below a level of significance.

**M-BI-10:** Implementation of mitigation measure M-BI-12, below, would reduce impacts to black-tailed jackrabbit (BI-10) to below a level of significance.

**M-BI-11:** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to raptor foraging habitat (BI-11) to below a level of significance.

**M-BI-12:** The following mitigation measures fully mitigate indirect Project impacts to preserved land in the Biological Open Space (BI-12) to below a level of significance:

**M-BI-12a:** Human Activities. The adverse effects on vegetation due to the increase in human activity in the area ~~can be minimized~~would be reduced by: 1) creating buffer zones adjacent to the open space easements to minimize the effects from noise and lighting; 2) limiting pedestrian and equestrian trails to existing roads or non-sensitive habitats; and 3) discouraging entry into native habitats such as the riparian and vernal pool habitats by installing fencing and barrier plantings and/or signage. In addition, the RCP would require fencing around the entire open space preserve easement to discourage trespassing and illegal dumping.

**M-BI-12b:** Construction Activities. Indirect impacts to habitats may result from construction activities, such as construction of Lone Star Road. To avoid the potential impacts, the limits of the vernal pool habitats shall be surveyed and staked prior to construction. These limits shall be clearly shown on all construction drawings as 'no impact zones.' This area would have temporary fencing prior to construction to prevent vehicular or pedestrian access, equipment storage, storage of spoils materials, and refuse disposal.

**M-BI-12c:** Introduced Species. The use of non-native, invasive plant species would be prohibited in the proposed landscaping palettes (including container stock and hydroseed material) for the streetscapes and commercial/industrial. A qualified biologist or native plant horticulturist shall review and sign all landscaping plans to determine the appropriate species to be used in landscaping, prior to project approval. These measures would reduce the potential impacts to below significant.

**M-BI-12d:** Increased Runoff, Erosion, and Sedimentation. The proposed construction of Lone Star Road would result in the removal of vegetation on hillsides that could result in a temporary increase in runoff into the on-site vernal pools. Increased runoff can, in turn, result in erosion and sedimentation that could adversely affect wetland vegetation or other drainages. Erosion and sedimentation impacts ~~can also~~would be mitigated by employing standard erosion control procedures, such as, sandbagging, diversion ditches, and stream bank stabilization. Prior to Site Plan approval for future development projects~~ approval~~, a construction erosion control plan would be reviewed and approved by the County. In addition, the project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities from the Regional Water Quality Control Board, of which would require an approved Storm Water Pollution Prevention plan. That plan would require the permit applicant to implement measures to prevent contamination of the surrounding drainages during construction. These measures would mitigate the potential for significant impacts to a level below significant.

**M-BI-12e:** Toxic Materials. Spills of toxic materials could occur during both construction and operational phases of the Project. These spills could contaminate drainages and create a significant impact to habitat and water quality. In order to prevent these impacts, a 'no fueling' zone shall be designated within 25 feet of all drainages during the construction period. In addition, all equipment used near drainages during construction shall be routinely maintained and inspected for leaks. Major leaks shall be repaired immediately. Drip pans and tarps shall be placed under minor leaks. Used drip pans and tarps shall be properly disposed of at the end of each work day. Emergency provisions (e.g. straw bales) shall be placed at all drainage crossings, prior to the onset of construction to deal with unintentional spills. All of these measures would be included in approved Storm Water Pollution Prevention Plan (SWPPP) as a part of the RWQCB-required NPDES permit for construction activities. In addition, all commercial/industrial uses that plan to store materials within the proposed commercial/industrial complex would be required to obtain a NPDES permit for operational activities from RWQCB. That permit would also require a SWPPP for each facility to prevent contamination of nearby drainages. These

measures would mitigate the potential for significant impacts to a level below significant.

**M-BI-12f:** Habitat Fragmentation. Lone Star Road could potentially result in habitat fragmentation between the vernal pool complex to the north of Lone Star Road and the one vernal pool to the south of Lone Star Road. The southern vernal pool would be managed as a part of the larger vernal pool complex within the Open Space Easement (Lot 20 of the proposed Tentative Map) to the north. Integrated management of the southern pool with the rest of the vernal pool complex would ensure the long term viability of this pool and associated plant populations. The required RCP includes a management program for the vernal pools and would mitigate the potential for impacts to below significant.

**M-BI-12g:** Provision should be made to inform the construction contractor(s) (prior to the construction process) about the biological constraints of this project. The contractor(s) would be responsible for impacts to biological sensitivities beyond those identified in this report and that occur as a direct result of construction activities. All sensitive habitat areas or occurrences of sensitive species to be avoided shall be clearly marked on project maps provided to the contractor. These areas shall be designated as "no construction" or "limited construction" zones. These areas would be flagged by the project biologist prior to the onset of construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts.

**M-BI-12h:** A contractor education meeting shall be conducted to ensure that contractors and all construction personnel are fully informed of the biological sensitivities associated with this project. This meeting should focus on: 1) the purpose for resource protection; 2) contractor identification of sensitive resource areas in the field (e.g., areas delineated on maps and by flags or fencing); and 3) sensitive construction practices (see nos. 4-9, on Pages 4.3-106 and 4.3-107 of the Specific Plan EIR), and protocol to resolve conflicts that may arise during the construction process. This meeting shall be conducted by a qualified biologist, and shall be a requirement for all construction personnel.

**M-BI-12i:** Heavy equipment and construction activities shall be restricted to the development area. Prohibited activities within drainages or other wetland areas (including vernal pools) include staging areas, equipment access, and disposal or temporary placement of excess fill.

**M-BI-12j:** Staging areas are prohibited within sensitive habitat areas or any habitat included in open space. Staging areas shall be delineated on the grading

plans and reviewed by a qualified biologist. Likewise, vehicle access shall be prohibited in all open space areas.

**M-BI-12k:** Fueling of equipment shall not occur adjacent to drainages. …[F]ueling zones should be designated on construction maps and shall be situated a minimum distance of 7.6 meters (25 feet) from all drainages the open space limits or near storm drains that may drain into Johnson Canyon.

**M-BI-12l:** Construction in or adjacent to sensitive areas should be appropriately scheduled to minimize potential impacts to biological resources. All work in or near wetlands or other "waters of the U.S." shall take place during periods of minimum flow (i.e., summer through the first significant rain of fall) to avoid excessive sedimentation and erosion.

**M-BI-12m:** The open space limits must be staked and flagged prior to clearing or grubbing. The limits of the open space must be fenced with a chain link fence at least five feet tall prior to clearing or grubbing. The fence location must be approved by County staff or monitoring biologist prior to receipt of grading permit and would be a permanent protection measure.

**M-BI-12n:** A Resource Conservation Plan detailing wetland enhancement, preservation, and maintenance, coastal sage scrub habitat preservation, sensitive species salvaging, and transplanting as well as success standards and report requirements must be completed prior to the initiation of construction.

**M-BI-12o:** Temporary construction fencing shall be installed.

**M-BI-12p:** Installation of ~~3-strand wire~~a sturdy fence that can prevent cutting ~~fence~~ shall be extended around the entire western, northern, and eastern edges of the northern Open Space Easement (lot 20 of the proposed Tentative Map) due to the ongoing problem of trespassing recreational off-road vehicles (this type of fence would not prevent entry and use by wildlife).

**M-BI-13:** Significant impacts to 195.99 acres of non-native grassland (BI-13) would be mitigated at a ratio of 0.5:1, as previously approved in the 2000 SEIR. The required 98.00 acres of non-native grassland mitigation would be provided through preservation of 46.76 acres of non-native grassland and 1.96 acres of native grassland within the Open Space Easement (Lot 20 of the proposed Tentative Map), and purchase of 49.28 acres in an approved offsite mitigation bank. On-site non-native grassland mitigation acreage would be within both the northern Open Space Easement (Lot 20 of the proposed Tentative Map) and the smaller vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). The northern Open Space Easement (Lot 20 of the proposed Tentative

Map) would preserve 46.39 acres of non-native grassland and 1.96 acre of native grassland (totaling 48.35 acre of grassland). The southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve of 0.37 acre of non-native grassland on-site within the southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map).

Furthermore, the applicant has satisfied the requirement for purchase of 49.28 acres in an approved off-site mitigation bank. The applicant contributed $243,450 toward the preservation of land in Hollenbeck Canyon, a preserve area in the MSCP subarea, which provided habitat value equal to 5.4 acres of native grassland and 48.6 acres of non-native grassland.

**M-BI-14:** Significant impacts to 0.11 acre of disturbed wetland (BI-14) would be mitigated at a ratio of 2:1. Mitigation, as previously approved, would consist of 1:1 creation and 1:1 enhancement, in the form of creating 0.11 acre of new wetland habitat in the northern Open Space Easement (Lot 20 of the proposed Tentative Map) (as required by the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan approved in 2012, and enhancing 0.11 acre of wetland habitat in the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement element consists of enhancing all of the vernal pools in the Open Space Easement (Lot 20 of the proposed Tentative Map) as required by the Long Term Management, Maintenance, and Monitoring Plan and will actually provide 0.21 acre of enhancement. As documented in the Project's December 2000 MSCP Findings (County of San Diego 2000), another 0.11 acre of wetland creation would be required to bring up the mitigation ratio to 2:1. The additional 0.11 acre of wetland mitigation should be undertaken in the Johnson Canyon drainage. As an alternative, the additional 0.11 acre of wetland creation within the mima mound vernal pool area shall be replaced with enhancement/restoration of the 0.39-acre area of non-native riparian habitat. The change from creation to enhancement/restoration would be compensated by an increase in the ratio from 1:1 to slightly over 3:1. A riparian habitat enhancement/restoration plan shall be developed and approved by the County and Wildlife Agencies.

**M-BI-15:** Mitigation for potential Project impacts to Federally protected wetlands (BI-15) shall consist of wetland creation and enhancement/ restoration as proposed for wetland habitat impacts in M-BI-12, above.

## 7.3 Cultural Resources

~~**M-CR-1:** To mitigate for direct impacts to SDI-9975 and SDI-12730 the following shall be implemented:~~

- ~~A Biological Open Space Easement shall be dedicated to the County of San Diego which incorporates cultural resources that are to be preserved.~~

- ~~Prior to any ground disturbance, temporary fencing shall be installed along the southern open space boundary where earth disturbing activities are within 100 feet of the open space easement. Placement of the fencing shall be coordinated by a California licensed surveyor in consultation with the Project Archaeologist and Kumeyaay Native American monitor. If the wetland creation is within 50 feet of CA-SDI-9975 or CA-SDI-12730, temporary fencing including an adequate buffer shall be installed. The fencing shall be installed under the supervision of the Project Archaeologist and Kumeyaay Native American monitor.~~

**M-CR-1~~2~~:** To mitigate for direct impacts to subsurface deposits, an archaeological monitoring program will be implemented that consists of the following:

- Pre-Construction
  - Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.

- Construction
  - Monitoring. Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources
  - If cultural resources are identified:
    - Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
    - The Project Archaeologist shall contact the County Archaeologist.
    - The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.
    - Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
    - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
    - If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural

resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

- Human Remains.
  - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
  - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
  - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
  - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
  - Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
  - If needed any repatriation will be performed in landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance.

- Rough Grading
  - Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Costal Information Center and any culturally-affiliated tribe who requests a copy.

- Final Grading
  - A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.
  - Disposition of Cultural Material.
    - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.

- The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.
- If requested by the Native American monitor, repatriation of any prehistoric materials, collected by the Native American monitor during construction monitoring will be repatriated to landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance after artifact analysis is completed.

## 7.4 Greenhouse Gas Emissions and Energy

**M-GHG-1a:** The Project buildings will exceed Title 24 as of 2016 by 20 percent. This measure was included in the mitigation measures in the CalEEMod Model.

**M-GHG-1b:** Each Site Development Plan of the Specific Plan shall include photovoltaic solar panels (or their equivalent, as approved by the Planning and Development Services Director) designed to provide 50 percent of the Project's commercial use electricity needs, and 50 percent of the residential dwelling units shall include photovoltaic solar panels (or their equivalent, as approved by the Planning and Development Services Director) to provide those residential dwelling units' entire electricity needs. This measure was included in the CalEEMod model under Renewable Energy.

**M-GHG-1c:** Each Site Development Plan of the Specific Plan shall be conditioned to require its development to have net zero emissions. If on-site net zero emissions cannot be attained through development-specific measures with each Site Development Plan, then off-site mitigation shall be required pursuant to M-GHG-2.

At the Site Development Plan stage, the applicant shall perform an analysis of the GHG emissions associated with the development and any related requirements pursuant to CEQA. The analysis shall be subject to the review of County PDS, and shall ultimately require the approval of the Director of PDS.

The GHG analysis shall evaluate on-site design features (in addition to the measures set forth in M-GHG-1a and M-GHG-1b that are already required). Many local, regional, and State agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for future Site Development Plans implemented in accordance with the project, including, but not limited to:

- Governor's Office of Planning and Research CEQA and Climate Change. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. See Attachment 3, "Examples of GHG Reduction Measures." Available: http://opr.ca.gov/docs/june08-ceqa.pdf.

- California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG." Available:http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White- Paper.pdf.

- California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures. Available: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.

- Attorney General of the State of California. 2008 (December) [revised January 2010]. The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

**M-GHG-2:** The County will consider, to the satisfaction of the Director of Planning and Development Services (PDS), the following geographic priorities for GHG reduction projects and programs: 1) off-site within the unincorporated areas of the County of San Diego; 2) off-site within the County of San Diego; 3) off-site within the State of California; 4) off-site within the United States; and 5) off-site internationally.

Geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide co-benefits. Depending on the carbon offset project utilized, co-benefits may include reductions in criteria air pollutants, toxic air contaminants, energy demand, water consumption, health benefits, social benefits, and economic benefits. The applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such direct investment projects and programs are available and are financially feasible, as reasonably determined by the Director of PDS.

If carbon offset credits are provided as mitigation, the applicant, or its designee, shall purchase and retire carbon offsets in a quantity sufficient to

offset all GHG emissions from each implementing site plan. This includes all GHG emissions from construction (including sequestration loss from vegetation removal) and operations.

For each implementing site plan, prior to the County's issuance of the project's first grading permit (for construction GHG emissions) or first building permit (for operations GHG emissions) the applicant, or its designee, shall provide evidence to the satisfaction of the Director PDS that the project applicant or its designee has purchased and retired carbon offsets in a quantity sufficient to offset the net increase of construction and operations GHG emissions generated by the project. Operations emissions may be offset in phases, commensurate with the overall phasing of the project.

Carbon offset credits must be purchased through any of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the state's cap-and-trade program, (iii) through the CAPCOA GHG Rx and the SDAPCD, or (iv) if no registry is in existence as identified in options (i), (ii), or (iii), above, then any other reputable registry or entity that issues carbon offsets consistent with Cal. Health & Saf. Code section 38562(d)(1)), to the satisfaction of the Director of PDS.

## 7.5 Hazards and Hazardous Materials

**M-HZ-1:** As part of Site Plan review, soil sampling shall occur for planning areas A, C, D, E, F, G, and H. If constituents of concern (CoC) -bearing soils are encountered, following County DEH standards ~~then~~ a Soil Management Plan (SMP) shall be prepared. The SMP shall identify remedial and cost-effective strategies, integrate environmental issues into the site development process, and provide the means and methods for identifying, segregating, and properly handling CoC-bearing soils at the site.

## 7.6 Noise

**M-N-1:** Proper site planning to reduce noise impacts should be considered for all NSLUs. Buildings can be oriented on a site in such a way as to exploit the site's noise attenuating features. By consideration of a site's natural topography, size and shape, it is often possible to reduce and possibly eliminate noise impacts from vehicular traffic and railroads. Site planning techniques include the following:

- Increasing the distance from the noise source to sensitive receptors by creation of setbacks;
- Placing non-noise sensitive uses such as parking lots and utility areas between the noise source and receiver;

- Orienting usable outdoor living space such as balconies, patios, and child play areas away from roadways and aircraft overflight contours;
- Construction of a noise barrier between the noise source and the receptor. The effectiveness of a barrier depends upon factors such as the relative height of the barrier relative to the line-of-sight from the source to the receiver, the distance from the barrier to the source and to the receiver and the reflections of sound. To be effective, a barrier must block the line-of-sight from the source to the receiver. A barrier must also be of solid construction (i.e., masonry) without holes or gaps and be long enough to prevent sound from passing around the ends.

Because noise levels would exceed 60 dBA CNEL, the dedication of a Noise Protection Easement would be required. This Noise Protection Easement would require future noise analysis with subsequent discretionary permits to demonstrate compliance with County noise regulations or implementation of measures that would reduce noise levels to comply with noise regulations.

In order to mitigate potential traffic noise level impacts where interior noise levels would exceed 45 dBA (Impact N-2), the following mitigation is required:

**M-N-2:** An interior noise analysis shall be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis shall evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels will not exceed 45 dBA CNEL. The analysis shall be performed prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements.

The location of a building on its site, the arrangement of rooms, and the location of doors and windows all have a bearing on interior noise control. The sides of a building which face a roadway or other noise source should house those activities that can tolerate the greatest amount of noise. Noise-sensitive areas include bedrooms, living rooms and dens. Less noise sensitive areas may include kitchens and bathrooms. Hallways, closets and storage rooms are generally not noise-sensitive.

Indoor noise levels are controlled by the noise reduction characteristics of the building shell. In general, doors and windows are the acoustical weak link in a building. Therefore, careful consideration should be given to their placement. By limiting the number and size of these openings on the sides of the building exposed to noise, interior noise levels will be reduced.

Often it is necessary to allow for a closed window condition to control interior noise. When this occurs, an alternative means of ventilation such as heat pumps or forced air units is required to meet the California Building Code requirements. Heavy-

pane or double-pane windows are frequently required to increase the sound insulation within a room. Doors facing a noise source should be solid-core and should be equipped with an appropriate gasket.

An interior noise analysis will be required for new residential development located in areas where future noise levels would exceed 60 dBA CNEL. The interior noise analysis should evaluate the proposed building shell (exterior wall, windows, and doors) to ensure that interior noise levels will not exceed 45 dBA CNEL. The analysis should be performed prior to obtaining a building permit. With the implementation of the findings of the interior noise analysis, interior noise levels in habitable rooms would be 45 dBA CNEL or below and comply with the County of San Diego General Plan Noise requirements. The Project would result in a less than significant interior noise impact with Project features incorporated in accordance with the interior noise analysis.

In order to mitigate the potential on-going operational noise impacts (impact N-3), the following mitigation is required:

**M-N-3:** A use-specific noise analysis shall occur when individual lots seek approval of site and building plans as part of future site plan reviews. This may include noise measures consisting of:

- Limiting size of equipment
- Specific equipment location, orientation and layout design to increase screening
- Mechanical equipment enclosures, parapet walls, noise barriers
- Any other similar noise reducing noise design and feature

## 7.7 Paleontological Resources

**M-PR-1** Paleontological monitoring shall be conducted during all mass grading and excavation activities in surface exposures of the Otay Formation to mitigate any adverse impacts (i.e., loss or destruction) to potential nonrenewable paleontological resources. A mitigation monitoring and reporting program consistent with County and CEQA guidelines and requirements shall be implemented prior to any mass grading and/or excavation-related activities, including utility trenching, within the Otay Formation. The mitigation monitoring and reporting program shall be conducted in accordance with the following procedures:

A. A Qualified Paleontologist or Paleontological Resources Monitor (under the supervision of the Qualified Paleontologist) shall be on-site during all excavation operations within geologic formations that may contain paleontological resources (i.e., the Otay Formation). The Qualified Project Paleontologist is a person with a Ph.D. or master's degree in paleontology or related field, and who has knowledge of San Diego County paleontology,

and documented experience in professional paleontological procedures and techniques. A Paleontological Monitor is defined as an individual with at least 1 year of experience in field identification and collection of fossil materials. The Paleontological Monitor shall work under the direct supervision of the Qualified Paleontologist. The applicant shall authorize the Qualified Paleontologist and/or Paleontological Monitor to direct, divert, or halt any grading activity, and to perform all other acts required by the provisions listed below.

B. The Qualified Paleontologist and/or Paleontological Monitor shall monitor all grading and excavation activities of undisturbed formations of sedimentary rock;

C. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall do the following:

1. Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined and the appropriate recovery implemented.

2. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.
3. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the Project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting.

4. Prepare collected fossil remains for curation to include cleaning the fossils by removing the enclosing rock material; stabilizing fragile specimens using glues and other hardeners, if necessary; and repairing broken specimens.

5. Curate, catalog, and identify all fossil remains to the lowest taxon possible; inventory specimens; assign catalog numbers; and enter the appropriate specimen and locality data into a collection database.

6. Transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display. The transfer shall include copies of relevant field notes, maps, stratigraphic sections, and photographs.

D. The Qualified Paleontologist shall prepare a final Paleontological Resources Mitigation Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

E. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the report according to the County PDS Electronic Submittal Format Guidelines.

## 7.8 Traffic/Transportation

**M-TR-1:** In order to mitigate the Project's direct and cumulative impacts to this intersection, ~~it is recommended that~~ the Project would contribute a fairshare[1] towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends providing the following lane configurations at the intersection:

- Southbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.
- Westbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.
- Northbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.
- Eastbound movement: two dedicated right turn lanes, three thru lanes and two dedicated left turn lanes.

Payment of the Project's fairshare towards these improvements would reduce this direct and cumulative impact to below a level of significance.

**M-TR-2:** In order to mitigate the Project's direct and cumulative impacts to this Project access intersection, ~~it is recommended that~~ the Project would signalize the intersection and provide the following lane configurations:

- Southbound movement: one dedicated right turn lane with overlap phasing and a shared thru / left turn lane.
- Westbound movement: one dedicated right turn lane, three thru lanes and one dedicated left turn lane.
- Northbound movement: one shared thru / right turn / left turn lane.
- Eastbound movement: one shared thru / right turn lane, two dedicated thru lanes and two dedicated left turn lanes.

[1] Fair share is a type of traffic mitigation mechanism and is calculated by amount of project traffic and the cost of improvement. Typically, fair share payments are done at time or Final Map approval or other timing, if agreed to by the City and Developer.

Since this intersection falls under Caltrans jurisdiction, a signal warrant was conducted to ensure the installation of a signal at the intersection is warranted. Based on the signal warrant included in ***Appendix K*** a signal is warranted at the intersection under Existing + Project conditions.

In addition, the Project ~~should~~ would pay the appropriate TIF[2] amount toward the County TIF Program.

Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance.

**M-TR-3:** In order to mitigate the Project's direct and cumulative impacts to this Project access intersection, ~~it is recommended that~~ the Project would provide the following lane configurations:

- Southbound movement: two dedicated right turn lanes with overlap phasing, one thru lane and one dedicated left turn lane.
- Westbound movement: one shared thru / right turn lane, two dedicated thru lanes and one dedicated left turn lane.
- Northbound movement: one shared thru / right turn lane and two dedicated left turn lanes.
- Eastbound movement: one shared thru / right turn lane, two dedicated thru lanes and two dedicated left turn lanes.

The Project should also pay the appropriate TIF amount toward the County TIF Program.

Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance.

**M-TR-4:** In order to mitigate the Project's direct and cumulative impacts to this Project access intersection, ~~it is recommended that~~ the Project would signalize the intersection and provide the following lane configurations:

- Southbound movement: one dedicated right turn lane with overlap phasing and one dedicated left turn lane.
- Westbound movement: one shared thru / right turn lane.
- Eastbound movement: one thru lane and one dedicated left turn lane.

The Project should also pay the appropriate TIF amount toward the County TIF Program.

[2] TIF (Traffic Impact Fee) is a different type of mitigation mechanism. TIF is paid at time of building permit issuance (County).

Implementation of these recommendations would reduce this direct and cumulative impact to below a level of significance.

**M-TR-5:** In order to mitigate the Project's cumulative impact to this intersection, ~~it is recommended that~~ the Project would contribute a fairshare towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends signalizing the intersection and providing the following lane configurations:

- Southbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.
- Westbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.
- Northbound movement: one dedicated right turn lane, two thru lanes and two dedicated left turn lanes.
- Eastbound movement: two dedicated right turn lanes, two thru lanes and two dedicated left turn lanes.

Payment of the Project's fairshare towards these improvements would reduce this cumulative impact to below a level of significance.

**M-TR-6:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance.

**M-TR-7:** In order to mitigate the Project's cumulative impact to this intersection, it is recommended that the Project contribute a fairshare towards the planned improvements to this intersection as reported in the *Transportation Analysis for the Otay Mesa Community Plan Update,* Urban Systems, August 30, 2013. The study recommends providing the following lane configurations:

- Southbound movement: two dedicated right turn lanes, one thru lane and one dedicated left turn lane.
- Westbound movement: one dedicated right turn lane, two thru lanes and one dedicated left turn lane.
- Northbound movement: one dedicated right turn lane, one shared thru / left turn lane and one dedicated left turn lane.
- Eastbound movement: one dedicated right turn lane, three thru lanes and two dedicated left turn lanes.

Payment of the Project's fairshare towards these improvements would reduce this cumulative impact to below a level of significance.

**M-TR-8:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance.

**M-TR-9:** Widening this segment of Otay Mesa Road between Sanyo Avenue and Vann Centre Boulevard along the Project frontage to four-lanes would reduce this direct impact to below a level of significance.

The Project will also be responsible for making ½ width frontage improvements along Otay Mesa Road between Harvest Road and Vann Centre Boulevard to improve the roadway to six-lane Prime Arterial standards per the County's Centerline Ordinance.

**M-TR-10:** This segment of Otay Mesa Road between Vann Centre Boulevard and Enrico Fermi Drive was analyzed under Existing conditions without the addition of SR 11 between SR 905 / SR 125 and Enrico Fermi Drive to the roadway network. SR 11 is currently under construction and expected to open during the fall of 2015, before completion of the East Otay Mesa Business Park Specific Plan Amendment Project. Under Year 2020 Cumulative conditions, with the addition of SR 11, a significant impact is not calculated along the segment (2 lanes provide adequate operations). Therefore, the construction of SR 11, which is fully funded, will mitigate the Project's direct impact, and no additional mitigation measures are necessary.

**M-TR-11:** Payment of the appropriate TIF amount toward the County TIF Program would reduce this cumulative impact to below a level of significance.

# CHAPTER 8.0 LETTERS OF COMMENT AND RESPONSES

This chapter contains all comments received on the Draft SEIR and responses thereto and is organized as follows:

- 8.1 List of Agencies and Individuals that Commented on the Draft SEIR
- 8.2 Comment Letters Received and Responses to Comments

The focus of the responses to comments in Chapter 8.0 is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines. Detailed responses are not provided to comments on the merits of the proposed Project. When a comment is not directed to significant environmental issues, the responses indicate that the comment has been acknowledged and no further response is necessary.

This section of the Final SEIR presents copies of comments on the Draft SEIR received in written form during the public review period, and it provides the County of San Diego's responses to those comments. Each comment letter is lettered and the issues within each comment letter are bracketed and numbered. Comment letters are followed by responses, which are numbered to correspond with the bracketed comment letters.

The County's responses to comments on the Draft SEIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the County is not required to respond to all comments on the Draft SEIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines 15088 and 15204, the County has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised. CEQA does not require the County to conduct every test or preform all research, studies, and experimentation recommended or demanded by commenters. Rather, CEQA requires the County to provide a good faith, reasoned analysis supported by factual information.

To fulfill these requirements, the County experts in planning and environmental sciences consulted with and independently reviewed analysis responding to the Draft SEIR comments prepared by KLR Planning and other experts identified in the Draft SEIR's list of preparers, which include experts in planning, air quality, biology, cultural resources, geology and soils, greenhouse gas emissions, noise, and , transportation and traffic, each of whom has years of educational and field experience in these categories of environmental sciences; is familiar with the Project and the environmental conditions in the vicinity of the Project; and is familiar with the Federal, State, and local rules and regulations (including CEQA) applicable to the Project site. Accordingly, the County staff's final analysis provided in this response to comments chapter are backed by substantial evidence. Likewise, the County Counsel's Office prepared and/or independently reviewed legal analysis supplementing the expert-supported factual responses to the Draft SEIR comments.

In the case of specific comments, the County has responded with specific analysis; in the case of a general comment, the reader is referred to a related response to a specific comment, if applicable. The absence of a specific response to every comment does not violate CEQA if the response would merely repeat other responses.

## 8.1 List of Agencies and Individuals that Commented on the Draft SEIR

This section identifies all written comments received during the public comment period. Table 8-1, *Commenters and Comment Letters*, provides an index to commenters and comment letters. Changes have been made to SEIR in strikeout/underline format in response to comments and to provide updates and clarifications to information provided herein. Table 8-2, *Summary of SEIR Text Changes*, provides a summary of the areas within the Final SEIR that are updated from the Draft SEIR.

## 8.2 Comment Letters Received and Responses to Comments

The comment letters listed in Table 8-1 have been bracketed for the purposes of responding. Individual responses to comments are found in Table 8-3. The focus of the responses to comments in Chapter 8.0 is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines. Detailed responses are not provided to comments on the merits of the proposed Project. When a comment is not directed to significant environmental issues, the responses indicate that the comment has been acknowledged and no further response is necessary.

## TABLE 8-1. *COMMENTERS AND COMMENT LETTERS*

| Letter Number | Organization/Commenter |
|---|---|
| F1/S1 | U.S. Fish and Wildlife Service, Karen Goebel,<br>California Department of Fish and Wildlife, Gail K. Sevrens |
| S2 | Office of Planning and Research, State Clearinghouse, Scott Morgan |
| S3 | California Department of Transportation, Maurice Eaton |
| L1 | San Diego Association of Governments, Seth Litchney |
| L2 | San Diego County Archaeological Society, Inc., James W. Royle, Jr. |
| O1 | Marathon Land & Cattle Company, Mark Kennedy |
| O2 | Shute, Mihaly & Weinberger, LLP., Joseph Petta |

## TABLE 8-2. *SUMMARY OF SEIR TEXT CHANGES*

| Section (Page) | Change | Reason for Change |
|---|---|---|
| Summary (pages S-2, S-4, S-7, S-14, and S-25) | Editorial corrections. | Update |
| Summary (page S-3) | Correction to Project Objective no. 6. | Update |
| Summary (page S-5) | Clarified that all Project impacts would be mitigated to below a level of significance. | Update |
| Summary (page S-9, S-10, S-12, S-13) | Updated information regarding significance of GHG emissions for project alternatives. | Update |
| Summary (page S-14) | Added the following to M-BI-1: a pre-construction survey shall be conducted in the Project development area prior to clearing of the development area. | Update |
| Summary (page S-15) | Added the following as M-BI-2a: A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site. Adjusted numbering of other components to M-BI-2. | Update |
| Summary (page S-16) | Added the following as M-BI-3a: A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site. | Update |
| Summary (page S-17) | Inserted “prior to grading or other ground disturbance and added the following to M-BI-4a: Variegated dudleya surveys shall be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants. If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required. | Update |
| Summary (page S-20) | M-BI-5 has been revised to include a requirement that a burrowing owl translocation plan be prepared, if owls are found during pre-construction surveys. | Update |
| Summary (page S-21) | Added to M-BI-8 that, if white-tailed kite is found nesting on the Project site during pre-construction surveys, CDFW shall be notified. | Update |

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| Summary (page S-22) | Replaced "can be minimized" with "would be reduced" in M-BI-12a. | Update |
| Summary (page S-22) | Update to M-BI-12c regarding when mitigation measure would occur. | Update |
| Summary (page S-22) | Replaced "can also be mitigated" with "would be mitigated." | Update |
| Summary (page S-23) | Update to M-BI-12d regarding when mitigation measure would occur. | Update |
| Summary (page S-27) | Clarified type of fencing. | Clarification |
| Summary (page S-28) | Clarification to Impact Type. | Clarification |
| Summary (page S-29) | Correction to Waters of the U.S. Updated reference to mitigation measure. | Update |
| Summary (page S-29) | Deleted CR-1 and CR-2, as impacts to SDI 9975 and SDI 12730 would not occur since these sites are located in preserved open space. | Update |
| | Updated mitigation numbering. | |
| Summary (page S-34) | Added clarification to Disposition of Cultural Material. | Clarification |
| Summary (pages S-34 – S-38 | Updated GHG emissions mitigation measures. | Update |
| Summary (page S-38) | Added "following County DEH standards" to M-HZ-1. | Update |
| Summary (page S-39) | Added "to demonstrate compliance with County noise regulations or implementation of measures that would reduce noise levels to comply with noise regulations" to M-N-2. | Update |
| | Added clarification to M-N-2, indicating purpose for mitigation measure. | Clarification |
| Summary (page S-47, S-48 – S-52) | Replaced "it is recommended that" with "the Project would" for M-TR-1. | Update |
| Summary (pages S-49 – and S-51) | Change "should" to "would" in M-TR-2, M-TR-3, M-TR-4, M-TR-5, and M-TR-7. | Update |
| Chapter 1.0 (page 1-1) | Correction to Project Objective no. 6. | Update |
| Chapter 1.0 (page 1-2) | Clarified Project Description | Clarification |
| Chapter 1.0 (pages 1-4, 1-16, 1-18, 1-21, 1-22, 1-29, 1-30, and 1-32) | Correction to TM number for previously approved project. | Update |

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| Chapter 1.0 (page 1-16) | Added clarification regarding amendment to the Otay Subregional Plan also amends the General Plan.<br><br>Clarifies modification to existing zone. | Clarification |
| Chapter 1.0 (page 1-18) | Corrected references to "Project area" with "Specific Plan area." | Update |
| Chapter 1.0 (page 1-2)2 | Added clarification regarding mitigation measures included in the Sunroad Spectrum Supplemental EIR. | Clarification |
| Chapter 1.0 (page 1-23) | Inserted (c) to reference for subdivision. | Update |
| Chapter 1.0 (page 1-27; and Table 1-6, page 1-41) | Added clarification regarding amendment to the Otay Subregional Plan also amends the General Plan. | Clarification |
| Chapter 1.0 (page 1-30) | Clarified status of planned fire station and that the Project would not require the construction of new fire or law enforcement facilities or the expansion those facilities that are currently planned to serve the area. | Clarification |
| Chapter 1.0 (page 1-31) | Clarified provision of parks to serve the project. | Clarification |
| Chapter 1.0 (Figure 1-13, page I-47) | Updated figure to reflect trails planned as part of approved Specific Plan. | Update |
| Section 2.1 (pages 2.1-4 and 2.1-5) | Updated discussion relative to the SDAB's 2008 nonattainment. | Update |
| Section 2.1 (page 2.1-9) | Updated RAQS date. | Update |
| Section 2.1 (pages 2.1-12, 2.1-14, 2.1-17, and 2.1-21) | Updated *Guideline for the Determination of Significance*. | Update |
| Section 2.1 (page 2.1-13) | Deleted text and clarified that the Project's traffic generation is consistent with that assumed in the Specific Plan and, therefore, would not result in trips above the levels anticipated in the General Plan. | Update and Clarification |
| Section 2.1 (page 2.1-14) | Corrections. | Update |
| Section 2.1 (page 2.1-15) | Corrections and restating the Project's contribution to VOCs. | Update |
| Section 2.1 (page 2.1-14) | Corrections. | Update |
| Section 2.1 (page 2.1-27) | Restated conclusions relative to cumulative air quality impacts. | Update |
| Section 2.2 (page 2.2-1) | Restated that the "1994 EIR", as previously indicated as an abbreviation in Chapter 1.0, is | Update and Clarification |

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| | for the East Otay Mesa Business Park Specific Plan.<br><br>Add clarification that the RCP is for the Sunroad Centrum project.<br><br>Editorial corrections. | |
| Section 2.2 (pages 2.2-6, 2.2-9, 2.2-11, and 2.2-31) | Corrected reference to spreading navarretia and last reported date of on-site occurrence. | Update |
| Section 2.2 (page 2.2-7) | Added clarification regarding area previously mapped as coastal sage scrub that subsequently burned. | Clarification |
| Section 2.2 (pages 2.2-9, 2.2-37, 2.2-50) | Added approximate date of burn.<br><br>Also added that the area within which the San Diego sunflower was observed is now mapped as non-native grassland. | Update |
| Section 2.2 (page 2.2-9 – 2.2-10) | Added information regarding location of San Diego sunflower occurring within the burn area. | Update |
| Section 2.2 (page 2.2-10) | Added clarification as to the occurrence of variegated dudleya in 2001. | Clarification |
| Section 2.2 (pages 2.2-11, 2.2-12, 2.2-16, 2.2-17, 2.2-23) | Added update information that no surveys were conducted in 2017, during which time the SEIR was circulated for public review and the Final SEIR was in preparation. | Update |
| Section 2.2 (page 2.2-11) | Corrected date of last vernal pool survey where spreading navarretia had bene found. | Update |
| Section 2.2 (pages 2.2-13 – 2.2-34, 2.2-39) | Editorial corrections. | Update |
| Section 2.2 (page 2.2-14) | Deleted reference to County guidelines relative to unoccupied burrows. | Update |
| Section 2.2 (page 2.2-16) | Added information regarding no fairy shrimp sampling in 2016 due to lack of adequate rainfall and ponding. | Update |
| Section 2.2 (pages 2.2-25, 2.2-55) | Corrected reference to USACE permits relative to individual and Nationwide. | Update |
| Section 2.2 (pages 2.2-29 and 2.2-49) | Added information relative to Minor Amendment and Major Amendment Area. | Update |
| Section 2.2 (page 2.2-31) | Added “significant” before “impacts”. | Update |
| Section 2.2 (page 2.2-32) | Correction to TM number for previously approved project. | Update |

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| Section 2.2 (page 2.2-32) | Added reference to Table 2.2-3, *Comparison of 2017 BTR and 2000 FSEIR Vegetation/Habitat Impacts* which is being added to page 2.2-69. | Clarification |
| Section 2.2 (page 2.2-34 | Added "level" to "less than significant." | Update |
| Section 2.2 (pages 2.2-36 and 2.2-40) | Updated information regarding burrowing owl, unoccupied burrows, and mitigation ratio. | Update |
| Section 2.2 (page 2.2-37) | Added approximate date of burn. | Update |
| Section 2.2 (page 2.2-41) | Clarified impacts to non-native grassland burrowing owl habitat. | Clarification. |
| Section 2.2 (page 2.2-43) | Corrected table number. | Update |
| Section 2.2 (page 2.2-49) | Added background regarding Minor Amendment. | Update |
| Section 2.2 (page 2.2-50) | Added approximate date of burn.<br><br>Added information regarding the Project site's location relative to the MSCP. | Update |
| Section 2.2 (pages 2.2-51) | Clarified that only a portion of the Project site qualifies as a BRCA. | Clarification |
| Section 2.2 (page 2.2-55) | Added "non-native grassland" to BI-5. | Update |
| Section 2.2 (pages 2.2-56, 2.2-57, 2.2-64) | Added reference for Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan. | Update |
| Section 2.2 (page 2.2-55) | Added the following to M-BI-1: a pre-construction survey shall be conducted in the Project development area prior to clearing of the development area. | Update |
| Section 2.2 (page 2.2-56) | Added the following as M-BI-2a: A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site. Adjusted numbering of other components to M-BI-2. | Update |
| Section 2.2 (page 2.2-56) | Added the following as M-BI-3a: A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site. | Update |

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| Section 2.2 (pages 2.2-57) | Inserted "prior to grading or other ground disturbance and added the following to M-BI-4a: Variegated dudleya surveys shall be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants. If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required. | Update |
| Section 2.2 (page 2.2-57) | Inserted "prior to development of Project area to M-BI-3c. | Update |
| Section 2.2 (page 2.2-57) | Added clarification for variegated dudleya surveys. | Clarification |
| Section 2.2 (page 2.2-59) | Added to M-BI-5 that a burrowing owl translocation plan shall be developed and approved by the County and Wildlife Agencies, if owls are found during pre-construction surveys. | Update |
| Section 2.2 (page 2.2-59) | Added to M-BI-8 that, if white-tailed kite is found nesting on the Project site during pre-construction surveys, CDFW shall be notified. | Update |
| Section 2.2 (page 2.2-60) | Replaced "can be minimized" with "would be reduced." | Update |
| Section 2.2 (page 2.2-60, 2.2-61) | Clarification regarding when mitigation measures would be applied. | Clarification |
| Section 2.2 (page 2.2-63) | Added the requirement for a sturdy fence. | Update |
| Section 2.2 (page 2.2-64) | Updated numbering for mitigation measure. | Update |
| Section 2.2 (page 2.2-70) | Added Table 2.2-3: *Comparison of 2017 BTR and 2000 FSEIR Vegetation/Habitat Impacts.* | Update |
| Section 2.2 (Table 2.2-4) | Updated table number. | Update |
| Section 2.2 (page 2.2-72) | Added Table 2.2-5: *Conditions Associated with the Wildlife Agencies' Concurrence for Sunroad Centrum Minor Amendment to the MSCP County Subarea Plan.* | Update |
| Section 2.2 (page 2.2-83) | The approximate location of the 7.29 acres of native grassland mapped within the coastal sage scrub-grassland matrix in the mima-mound area in 2000 that burned, which occurred on or around May 3, 2013, has been added to Figure 2.2-3, *Biological Resources*. | Clarification |
| Section 2.3 (page 2.3-1) | Corrected lot number for Open Space Easement. | Update |

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| Section 2.3 (page 2.3-14 – 2.3-15) | Added clarification regarding sites SDI 12337 and SDI 9975. Updated discussion of impacts to these resources. | Update and Clarification |
| Section 2.3 (page 2.3-16) | Corrected number for impact. | Update |
| Section 2.3 (page 2.3-18) | Editorial correction. | Update |
| Section 2.3 (page 2.3-19) | Deleted impacts to resources that are preserved within the open space easement. | Update |
| Section 2.3 (page 2.3-20) | Deleted mitigation for resources that are preserved within the open space easement. Updated numbering of mitigation. | Update |
| Section 2.3 (page 2.3-22) | Added clarification to Disposition of Cultural Material. | Clarification |
| Section 2.4 (pages 2.4-1, 2.4-8 – 2.4-9) | Updated discussion relative to significance of impacts. | Update |
| Section 2.4 (page 2.4-7) | Added additional information regarding GHG emissions and CEQA Guidelines. | Update |
| Section 2.4 (pages 2.4-10, 2.4-11) | Updated status of County's CAP. | Update |
| Section 2.4 (pages 2.4-16) | Updated discussion relative to GHG emissions thresholds. | Update |
| Section 2.4 (pages 2.4-17, 2.4-18) | Updated discussion relative to GHG emissions thresholds. | Update |
| Section 2.4 (pages 2.4-17 – 18, 2.4-21) | Updated basis for Project evaluation relative to GHG emissions. | Update |
| Section 2.4 (2.4-20) | Added information regarding $CO_2$ emissions from vehicles. | Update |
| Section 2.4 (2.4-21) | Updated discussion relative to recent adoption of the CAP and the Project's relative to GHG emissions. | Update |
| Section 2.4 (pages 2.4-22) | Updated Consistency with Applicable Plans | Update |
| Section 2.4 (page 2.4-24) | Updated discussion relative to Comparison with Existing Entitlement. | Update |
| Section 2.4 (page 2.4-25) | Updated discussion relative to significance of impacts. | Update |
| Section 2.4 (pages 2.4-25 – 2.4-28) | Updated mitigation measures. | Update |

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| Section 2.4 (pages 2.4-28 – 2.4-29) | Updated Conclusions relative to GHG emissions impacts. | Update |
| Section 2.4 (page 2.4-33) | Deleted Table 2.4-4. | Update |
| Section 2.4 (pages 2.4-39 – 2.4-41) | Revisions to Table 2.4-8, 2.4-9, and 2.4-10. | Update |
| Section 2.5 (page 2.5-4) | Editorial correction. | Update |
| Section 2.5 (page 2.5-23) | Added "following County DEH standards" to M-HZ-1. | Update |
| Section 2.6 (page 2.6-3) | Changed approximately "3,600 to 4,600 feet" to approximately "one mile." | Update |
| Section 2.6 (page 2.6-9) | Corrected "air quality" to "noise." | Update |
| Section 2.6 (page 2.6-10) | Inserted "conduct" before "site-specific noise analyses." | Update |
| Section 2.6 (page 2.6-11) | Inserted background relative to the Noise Element of the General Plan. | Update |
| Section 2.6 (page 2.6-12) | Defined when sound level variations are considered significant. | Update |
| Section 2.6 (page 2.6-13) | Editorial correction. | Update |
| Section 2.6 (page 2.6-13) | Inserted "Mitigation measures" to clarify sentence. | Clarification |
| Section 2.6 (page 2.6-14) | Inserted "significant" before "impact. | Update |
| Section 2.6 (pages 2.6-15, 2.6-16, and 2.6-18) | Editorial corrections. | Update |
| Section 2.6 (page 2.6-17) | Clarified mitigation measure. | Clarification |
| Section 2.8 (page 2.8-1) | Corrected reference to previously approved TM. | Update |
| Section 2.8 (page 2.8-9) | Inserted background information regarding location of the project site and application of City of San Diego thresholds. | Update |
| Section 2.8 (page 2.8-11) | Deletes guideline regarding congestion management programs, as the County is not a participant in the regional Congestion Management Plan. | Update |
| Section 2.8 (page 2.8-11) | Clarified mitigation included in the 2000 SEIR. | Clarification |
| Section 2.8 (page 2.8-12) | Spelled out Avenue and Boulevard. Inserts text regarding mitigation measures for the proposed Project. Deletes guideline regarding congestion management programs, as the County is not a | Update |

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| | participant in the regional Congestion Management Plan. | |
| Section 2.8 (page 2.8-16) | Clarifies location of Brown Field Airport and Project's impacts. | Clarification |
| Section 2.8 (page 2.8-21) | Reference to Table 2.8-16 changed to 2.8-17. Reference to Table 2.18 added. | Update |
| Section 2.8 (pages 2.8-40 – 2.8-44) | Changes "recommended" to "would" for mitigation measures. | Update |
| Section 2.8 (page 2.8-48) | Table 2.8-18 added. | Update |
| Section 2.9 (page 2.9-2) | Corrected reference to previously approved TM. | Update |
| Section 3.1 (page 3.1-7) | Editorial correction. | Update |
| Section 3.1 (pages 3.1-26 and 3.1-27) | Corrected reference to previously approved TM. | Update |
| Section 3.2 (page 3.2-1, 3.2-6) | Corrected reference to previously approved TM. | Update |
| Chapter 4.0 (page 4-2) | Correction to Project Objectives. | Update |
| Section 4.0 (pages 4-9, 4-14 – 4-15, 4.21, 4-27, 4-33) | Updated summary of Project impacts relative to GHG emissions. | Update |
| Section 4.0 (pages 4-15, 4-4.21, 4-27 – 4-33, 4-34) | Updated impacts relative to GHG emissions for Alternatives. | Update |
| Section 4.0 (pages 4-17, 4-21, 4-27 - 28, 4-34, 4-36, 4-37, | Updated Conclusions relative to GHG emissions for Alternatives. | Update |
| Section 4.0 (pages 4-51 – 5-52, Table 4-14) | Updated Table 4-14, *Comparison of Alternatives to Proposed Project*. | Update |
| Section 5.0 (page 5-4) | Most recent RAQS reference added to reference list. | Update |
| Section 6.0 (page 6-2) | Added Technical Consultants. | Update |
| Section 7.0 (pages 7-1 – 7-2) | Updated numbering of mitigation measures. | Update |
| Section 7.0 (pages 7-1, 7-2, 7-4, 7-9) | Added approval date and approving authority to referenced plans and programs. | Update |
| Section 7.0 (page 7-1) | Added the following as M-BI-2a: A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy | Update |

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| | shrimp are present on the Project site. Adjusted numbering of other components to M-BI-2. | |
| Section 7.0 (page 7-1) | Added the following as M-BI-2a: A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site. Adjusted numbering of other components to M-BI-2.<br><br>Added the following as M-BI-3a: A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site. Adjusted numbering of other components to M-BI-3. | Updated |
| Section 7.0 (pages 7-2 – 7-3) | Added clarification to M-BI-4a. | Clarification |
| Section 7.0 (pages 7-4 – 7-6) | Added clarifications to mitigation measures. | Clarification |
| Section 7.0 (page 7-8) | Added the requirement for a sturdy fence. | Update |
| Section 7.0 (page 7-9) | Added reference for Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan. | Update |
| Section 7.0 (pages 7-9 – 7-10) | Deleted mitigation measure as resources would be preserved in open space easement. | Update |
| Section 7.0 (page 7-10) | Re-numbered mitigation measure. | Update |
| Section 7.0 (page 7-12) | Added clarification to Disposition of Cultural Material. | Clarification |
| Section 7.0 (page 7-12 – 7-14) | Updated mitigation measures. | Update |
| Section 7.0 (page 7-14) | Added “following County DEH standards” to M-HZ-1.<br><br>Added clarification to M-N-1. | Update and Clarification |
| Section 7.0 (page 7-18 – 7-20 | Updated mitigation measures to replace “recommend” with “would. | Update |
| Section 7.0 (page 7-18 – 7-20 | Added footnote describing fair share and TIF. | Update |
| Section 7.0 (7-19) | Added footnote defining TIF | Update |

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| Chapter 8.0 | Add Chapter 8.0 - Responses to Comments. | Responses, updates, and clarifications |

**Comment Letter F1/S1**

U. S. Fish and Wildlife Service
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In Reply Refer To:
FWS/CDFW-16B0236-17CPA0128

May 8, 2017
*Sent by email*

Ms. Michelle Irace
County of San Diego, Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Subject: Comments on the Otay 250 - Sunroad East Otay Specific Plan Amendment (SCH# 2016031028, CEQA-2016-0174-0000-R5), San Diego, California

Dear Ms. Irace:

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced draft Supplemental Environmental Impact Report (SEIR) dated March 27, 2017. The Wildlife Agencies have identified potential effects of this project on wildlife and sensitive habitats. The project details provided herein are based on the information provided in the draft SEIR and associated documents.

F1/ S1-1

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has the legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service also is responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCPs) developed under section 10(a)(1)(B) of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species pursuant to the California Endangered Species Act (Fish and Game Code §2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program (Fish and Game Code 2800, *et seq.*).

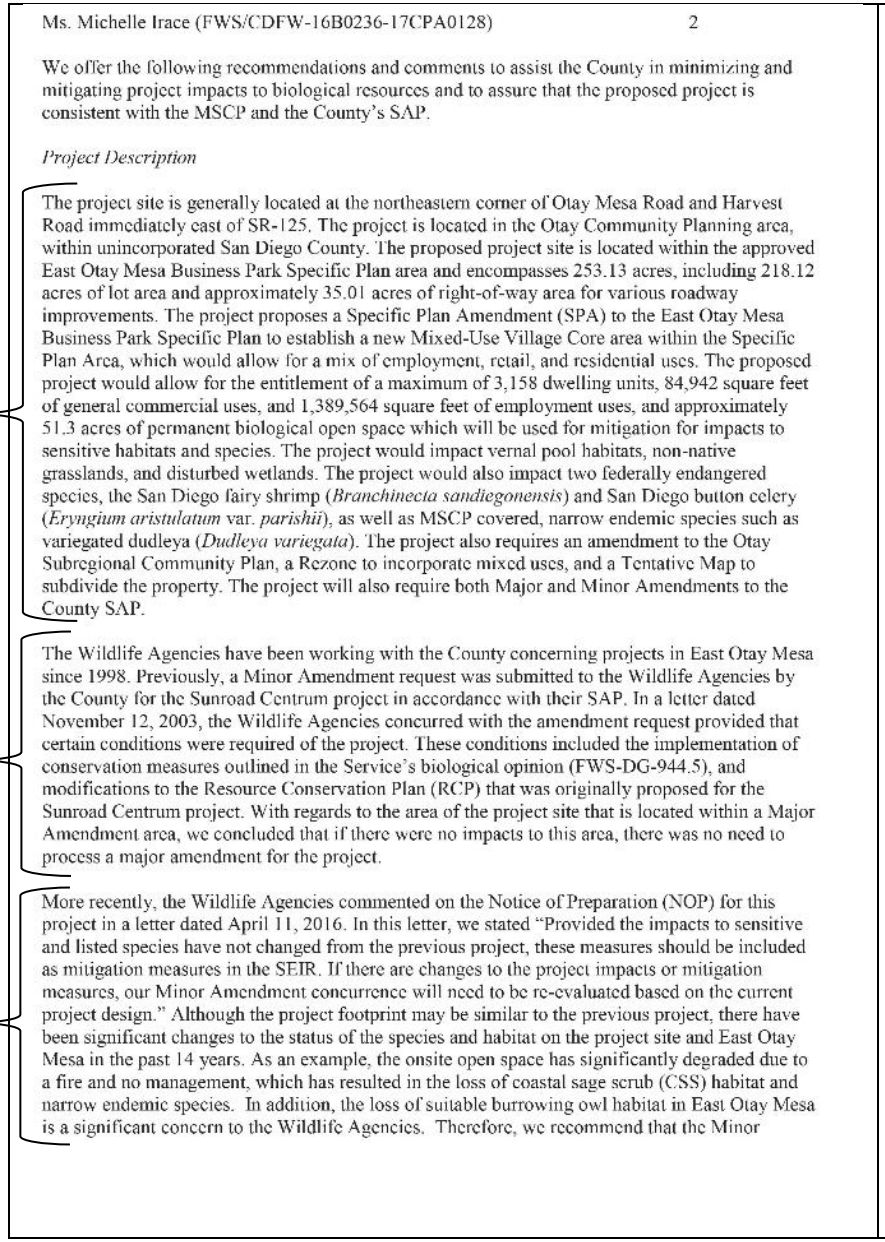
The Service issued a section 10(a)(1)(B) permit pursuant to the ESA for the County's Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) on March 17, 1998. The Department also issued NCCP Approval and Take Authorization per Section 2800 *et seq.* of the California Fish and Game Code. The MSCP is a comprehensive, long-term habitat conservation planning program that addresses the needs of multiple species and the preservation of natural vegetation communities within the southwestern subregion of San Diego County. The MSCP also addresses the loss of covered species and their habitats due to the direct, indirect, and cumulative impacts associated with land development. The County's SAP and associated Implementing Agreements and permits are the means by which the County is obligated to assemble the MSCP Preserve and to mitigate for impacts to covered species and their habitats.

## Response to Comment Letter F1/S1

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

**California Department of Fish and Wildlife**
**Gail K. Sevrens, Environmental Program Manager**
**May 8, 2017**

**F1/S1-1** This comment summarizes the U.S. Fish and Wildlife Service's mandate and legal responsibilities in administering federal law directed at protection of fish and wildlife resources and their habitats. It also addresses the California Department of Fish and Wildlife's position as a Trustee and Responsible Agency for implementing the California Environmental Quality Act and ensuring appropriate conservation of the state's biological resources. The comment includes background information relative to issuance of the Section 10(a)(1)(B) permit for the County's MSCP Subarea Plan and explains the purpose of the MSCP and its authority through associated Implementing Agreements and permits. This comment does not address the adequacy of the EIR, therefore, no further response is required.



Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 2

We offer the following recommendations and comments to assist the County in minimizing and mitigating project impacts to biological resources and to assure that the proposed project is consistent with the MSCP and the County's SAP.

*Project Description*

The project site is generally located at the northeastern corner of Otay Mesa Road and Harvest Road immediately east of SR-125. The project is located in the Otay Community Planning area, within unincorporated San Diego County. The proposed project site is located within the approved East Otay Mesa Business Park Specific Plan area and encompasses 253.13 acres, including 218.12 acres of lot area and approximately 35.01 acres of right-of-way area for various roadway improvements. The project proposes a Specific Plan Amendment (SPA) to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for a mix of employment, retail, and residential uses. The proposed project would allow for the entitlement of a maximum of 3,158 dwelling units, 84,942 square feet of general commercial uses, and 1,389,564 square feet of employment uses, and approximately 51.3 acres of permanent biological open space which will be used for mitigation for impacts to sensitive habitats and species. The project would impact vernal pool habitats, non-native grasslands, and disturbed wetlands. The project would also impact two federally endangered species, the San Diego fairy shrimp (*Branchinecta sandiegonensis*) and San Diego button celery (*Eryngium aristulatum* var. *parishii*), as well as MSCP covered, narrow endemic species such as variegated dudleya (*Dudleya variegata*). The project also requires an amendment to the Otay Subregional Community Plan, a Rezone to incorporate mixed uses, and a Tentative Map to subdivide the property. The project will also require both Major and Minor Amendments to the County SAP.

F1/ S1-2

The Wildlife Agencies have been working with the County concerning projects in East Otay Mesa since 1998. Previously, a Minor Amendment request was submitted to the Wildlife Agencies by the County for the Sunroad Centrum project in accordance with their SAP. In a letter dated November 12, 2003, the Wildlife Agencies concurred with the amendment request provided that certain conditions were required of the project. These conditions included the implementation of conservation measures outlined in the Service's biological opinion (FWS-DG-944.5), and modifications to the Resource Conservation Plan (RCP) that was originally proposed for the Sunroad Centrum project. With regards to the area of the project site that is located within a Major Amendment area, we concluded that if there were no impacts to this area, there was no need to process a major amendment for the project.

F1/ S1-3

More recently, the Wildlife Agencies commented on the Notice of Preparation (NOP) for this project in a letter dated April 11, 2016. In this letter, we stated "Provided the impacts to sensitive and listed species have not changed from the previous project, these measures should be included as mitigation measures in the SEIR. If there are changes to the project impacts or mitigation measures, our Minor Amendment concurrence will need to be re-evaluated based on the current project design." Although the project footprint may be similar to the previous project, there have been significant changes to the status of the species and habitat on the project site and East Otay Mesa in the past 14 years. As an example, the onsite open space has significantly degraded due to a fire and no management, which has resulted in the loss of coastal sage scrub (CSS) habitat and narrow endemic species. In addition, the loss of suitable burrowing owl habitat in East Otay Mesa is a significant concern to the Wildlife Agencies. Therefore, we recommend that the Minor

F1/ S1-4

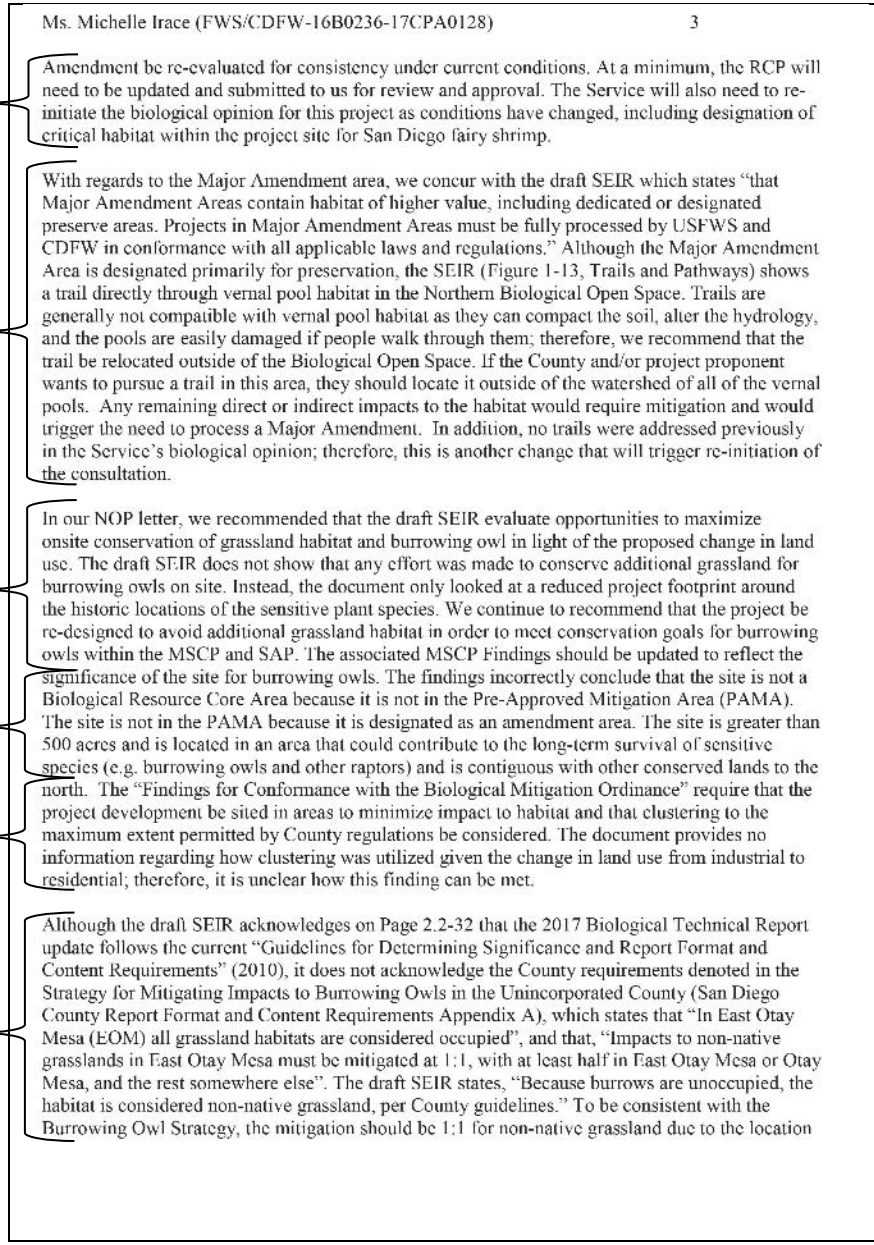
**F1/S1-2** This comment provides a general overview of the Project description and discretionary actions as presented in the SEIR (see Chapter 1.0) and provides a summary of the Project's impacts to biological resources (see Chapter 2.0, Section 2.2). This comment does not address the adequacy of the EIR, therefore, no further response is required.

**F1/S1-3** This comment provides background relative to the Wildlife Agencies prior involvement with projects in the East Otay Mesa Business Park Specific Plan area in relationship to the County's MSCP Subarea Plan. This comment also references the Wildlife Agencies' concurrence letter and conditions for the Minor Amendment associated with the previously approved Sunroad Spectrum project. (The Sunroad Spectrum project is the current project approved for the Project site.) As part of the Wildlife Agencies' previous actions relative to the Sunroad Spectrum project, it was concluded that there was no need to process a Major Amendment for the Sunroad Spectrum project as there were no impacts to the Major Amendment area. This comment does not address the adequacy of the EIR, therefore, no further response is required.

**F1/S1-4** This comment summarizes the Wildlife Agencies' comment letter to the Notice of Preparation issued for the Project on March 11, 2016. It also states the Wildlife Agencies' opinion that there have been significant changes to the status of species and habitat on the Project site and East Otay Mesa since the time the Minor Amendment was approved in 2003. The comment also addresses "*significant changes to the status of the species and habitat on the project site … in the past 14 years*."

The 2017 Biological Technical Report (BTR) and the Biological Resources section of the 2017 SEIR (Section 2.2) for the Proposed Project acknowledge that a fire has occurred on the Project site, which burned coastal sage scrub habitat and sensitive species occurring in that area. The 7.29 acres of native grassland mapped within the coastal sage scrub-grassland matrix in the mima-mound area in 2000 that was consumed by fire on or around May 3, 2013 and now mapped as non-native grassland is located within the Biological Open Space. This area was

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| | previously mapped as a mosaic of coastal sage scrub, native grassland, and non-native grassland.<br><br>Impacts to non-native grassland were previously analyzed in the 2000 SEIR and mitigation included on-site preservation of non-native grassland and off-site purchase of additional lands at a ratio of 0.5:1. The offsite mitigation was completed in 2001 and the Open Space Easement on the Project site was dedicated in 2003. Mitigation Measure M-BI-13 in the 2017 SEIR for the Proposed Project discusses the on-site and off-site mitigation, which have been satisfied.<br><br>As stated in the 2017 SEIR and BTR, fifteen abandoned burrows were found within the Project development footprint [and another 24 within the proposed Open Space Easement (Lot 20 of the proposed Tentative Map)]; however, no active or recently active burrows were found on-site during the 2015 and 2016 surveys. Mitigation Measure M-BI-5 requires a pre-construction burrowing owl survey and has been updated to require a translocation plan if owls are found during the pre-construction survey (see SEIR text changes). In summary, the mitigation for non-native grassland has been completed and mitigation measure M-I-5 will ensure there are no significant impacts to burrowing owl. |



Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 3

F1/S1-5 Amendment be re-evaluated for consistency under current conditions. At a minimum, the RCP will need to be updated and submitted to us for review and approval. The Service will also need to re-initiate the biological opinion for this project as conditions have changed, including designation of critical habitat within the project site for San Diego fairy shrimp.

F1/S1-6 With regards to the Major Amendment area, we concur with the draft SEIR which states "that Major Amendment Areas contain habitat of higher value, including dedicated or designated preserve areas. Projects in Major Amendment Areas must be fully processed by USFWS and CDFW in conformance with all applicable laws and regulations." Although the Major Amendment Area is designated primarily for preservation, the SEIR (Figure 1-13, Trails and Pathways) shows a trail directly through vernal pool habitat in the Northern Biological Open Space. Trails are generally not compatible with vernal pool habitat as they can compact the soil, alter the hydrology, and the pools are easily damaged if people walk through them; therefore, we recommend that the trail be relocated outside of the Biological Open Space. If the County and/or project proponent wants to pursue a trail in this area, they should locate it outside of the watershed of all of the vernal pools. Any remaining direct or indirect impacts to the habitat would require mitigation and would trigger the need to process a Major Amendment. In addition, no trails were addressed previously in the Service's biological opinion; therefore, this is another change that will trigger re-initiation of the consultation.

F1/S1-7 In our NOP letter, we recommended that the draft SEIR evaluate opportunities to maximize onsite conservation of grassland habitat and burrowing owl in light of the proposed change in land use. The draft SEIR does not show that any effort was made to conserve additional grassland for burrowing owls on site. Instead, the document only looked at a reduced project footprint around the historic locations of the sensitive plant species. We continue to recommend that the project be re-designed to avoid additional grassland habitat in order to meet conservation goals for burrowing owls within the MSCP and SAP. The associated MSCP Findings should be updated to reflect the

F1/S1-8 significance of the site for burrowing owls. The findings incorrectly conclude that the site is not a Biological Resource Core Area because it is not in the Pre-Approved Mitigation Area (PAMA). The site is not in the PAMA because it is designated as an amendment area. The site is greater than 500 acres and is located in an area that could contribute to the long-term survival of sensitive species (e.g. burrowing owls and other raptors) and is contiguous with other conserved lands to the

F1/S1-9 north. The "Findings for Conformance with the Biological Mitigation Ordinance" require that the project development be sited in areas to minimize impact to habitat and that clustering to the maximum extent permitted by County regulations be considered. The document provides no information regarding how clustering was utilized given the change in land use from industrial to residential; therefore, it is unclear how this finding can be met.

F1/S1-10 Although the draft SEIR acknowledges on Page 2.2-32 that the 2017 Biological Technical Report update follows the current "Guidelines for Determining Significance and Report Format and Content Requirements" (2010), it does not acknowledge the County requirements denoted in the Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County (San Diego County Report Format and Content Requirements Appendix A), which states that "In East Otay Mesa (EOM) all grassland habitats are considered occupied", and that, "Impacts to non-native grasslands in East Otay Mesa must be mitigated at 1:1, with at least half in East Otay Mesa or Otay Mesa, and the rest somewhere else". The draft SEIR states, "Because burrows are unoccupied, the habitat is considered non-native grassland, per County guidelines." To be consistent with the Burrowing Owl Strategy, the mitigation should be 1:1 for non-native grassland due to the location

**F1/S1-5** In their letter dated November 14, 2003, the Wildlife Agencies concurred with the Minor Amendment for the Sunroad Centrum Project [Tentative Map (TM) 5139] provided the Conservation Measures in the Services biological opinion, the measures described in the Resource Conservation Plan, and conditions in the concurrence letter are met. The Resource Conservation Plan (RCP) received approval from the Director of the County Department of Planning and Land Use on December 12, 2003. The RCP serves as both a Resource Management Plan and Revegetation Plan.

The applicant for the approved Sunroad Centrum Project has acted on Conservation Measures, measures in the RCP, and conditions in the previously approved Minor Amendment. Measures and conditions which have been completed to date include the following:

- 52 acres of Biological Open Space recorded – 11/20/03
- Director Decision issued approval of RCP 12/12/03
- Revegetation/RCP agreement recorded - 12/12/03
- Receipt of performance bonds for RCP from applicant – 1/9/04
- Bonds refunded – Revegetation portion complete 1/5/2012

In addition, on April 16, 2001, the applicant contributed $243,450 toward the preservation of land in Hollenbeck Canyon, a preserve area in the MSCP subarea, which provided habitat value equal to 5.4 acres of native grassland and 48.6 acres of non-native grassland. Approximately 0.4 acre of mitigation has been purchased to mitigate southern willow scrub. A San Diego Barrel Cactus Transplantation plan has been completed, as well.

The County has re-evaluated the previously approved Minor Amendment for consistency under the Biological Mitigation Ordinance, and conformance with the MSCP and Subarea Plans, and found that it is still consistent. The Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Project proposes grading the same development footprint as the area that is covered in the Minor Amendment previously approved by the Wildlife Agencies.

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| | In regard to the San Diego fairy shrimp, the County and the Service have already approved mitigation for the San Diego fairy shrimp in the 2000 Sunroad Centrum EIR (see mitigation measure 2.3.4.7.a). Mitigation for San Diego fairy shrimp is also included as M-BI-2 in the 2017 SEIR for the Proposed Project. The designation of critical habitat for San Diego fairy shrimp within the Project site does not require re-evaluation of the Minor Amendment—the mitigation is still required and has not changed. The County is not issuing a take permit for vernal pool species, including the San Diego fairy shrimp. The 2000 SEIR, the 2017 SEIR, and the 2017 BTR fully evaluate impacts to vernal pools and include required mitigation.<br><br>**F1/S1-6** Since the approval of the East Otay Mesa Specific Plan in 1994, the County adopted a Community Trails Master Plan that guides the type and location of trails throughout the unincorporated area. Planned trails within the East Otay Mesa Specific Plan area are shown on SEIR Figure 1-13, which is the same as Figure 2.2-1 in the approved East Otay Mesa Business Park Specific Plan. The trail easement within the Biological Open Space (BOS) was included in the previously adopted East Otay Mesa Business Park Specific Plan. The Project is not proposing any modifications of the Specific Plan relative to trails/pathways within the BOS. No trail improvements are proposed as part of the Project. Future construction of a trail within the trail easement would be the responsibility of the County, would require trail design and review under CEQA, and would require review by Wildlife Agencies if listed species have the potential to be adversely affected. Therefore, re-initiation of consultation regarding the existing planned trail identified in the East Otay Mesa Business Park Specific Plan is unnecessary.<br><br>**F1/S1-7** Mitigation for impacts to non-native grassland has been implemented as part of mitigation requirements for TM 5139, as discussed in response to comment F1/S1-5 above. The Proposed Project would result in the loss of the same area of habitat as TM 5139, and subsequent TM 5538 which is the current existing entitlement. |

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| | While the Project proposes an Amendment to the East Otay Mesa Business Park Specific Plan to allow development of the Project site as a mixed-use Village rather than as singular development with industrial, business park, and retail uses, the development area for the Project and the area that would be graded are the same as that approved for TM 5139. In order to implement the Project Objectives, the Project requires grading the entire footprint of the Project site. Therefore, there would be no change in areas where development would occur beyond what has already received approval.<br><br>CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. Therefore, in accordance with CEQA, the SEIR includes a range of alternatives that could feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.<br><br>Avoiding impacts to non-native grassland would require implementation of the No Project/No Development Alternative, which is addressed in Section 4.4 of the SEIR. Substantially reducing impacts to non-native grassland would require preserving large areas of the Project site as open space. Such an alternative would not allow for most of the Project Objectives to be attained. Specifically, the No Project/No Development Alternative would not allow for the following Project Objectives:<br><br>1. The No Project/No Development Alternative would not *contribute to the Specific Plan goals of promoting a well-organized international industrial and business district to attract and accommodate forecasted growth by providing a Mixed-Use Village Core that would permit a variety of residential uses at higher densities, in addition to light industrial/technology, office, and commercial uses* because no new development would occur.<br><br>2. The No Project/No Development Alternative would *promote the conservation of open space to preserve environmental* |

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| | *resources* but would not *provide recreational opportunities for the industrial workforce and surrounding community residents* because no new development would occur.<br><br>3. The No Project/No Development Alternative would not *implement the County of San Diego General Plan vision of creating compact communities by creating a Village Core within the East Otay Mesa sub-region that contains a mix of housing types located near retail businesses, employment, and recreational uses* because no new development would occur.<br><br>4. The No Project/No Development Alternative would not *establish a land use pattern with a mix of densities and land uses that will minimize automobile trips, support walking and bicycling, encourage participation in recreational activities, and invigorate the economic health of surrounding businesses* because no new development would occur.<br><br>5. The No Project/No Development Alternative would not *provide convenient housing opportunities for the adjacent industrial and business district employees in addition to supporting commercial/retail and employment uses to reduce vehicular use* because no new development would occur.<br><br>6. The No Project/No Development Alternative would not *support development of the East Otay Mesa Specific Plan multi-modal transportation system by providing a multi-modal internal street network that serves vehicular, pedestrian, and bicycle travels; as well as installation of a bus stop providing access to local and regional transit* because no circulation network or transit would be constructed on the Project site.<br><br>7. The No Project/No Development Alternative would not *develop well-designed infrastructure, buildings, and landscaping, on-site and off-site, that create a distinct urban character for the East Otay Mesa Specific Plan area* because no new development would occur on the Project site. |

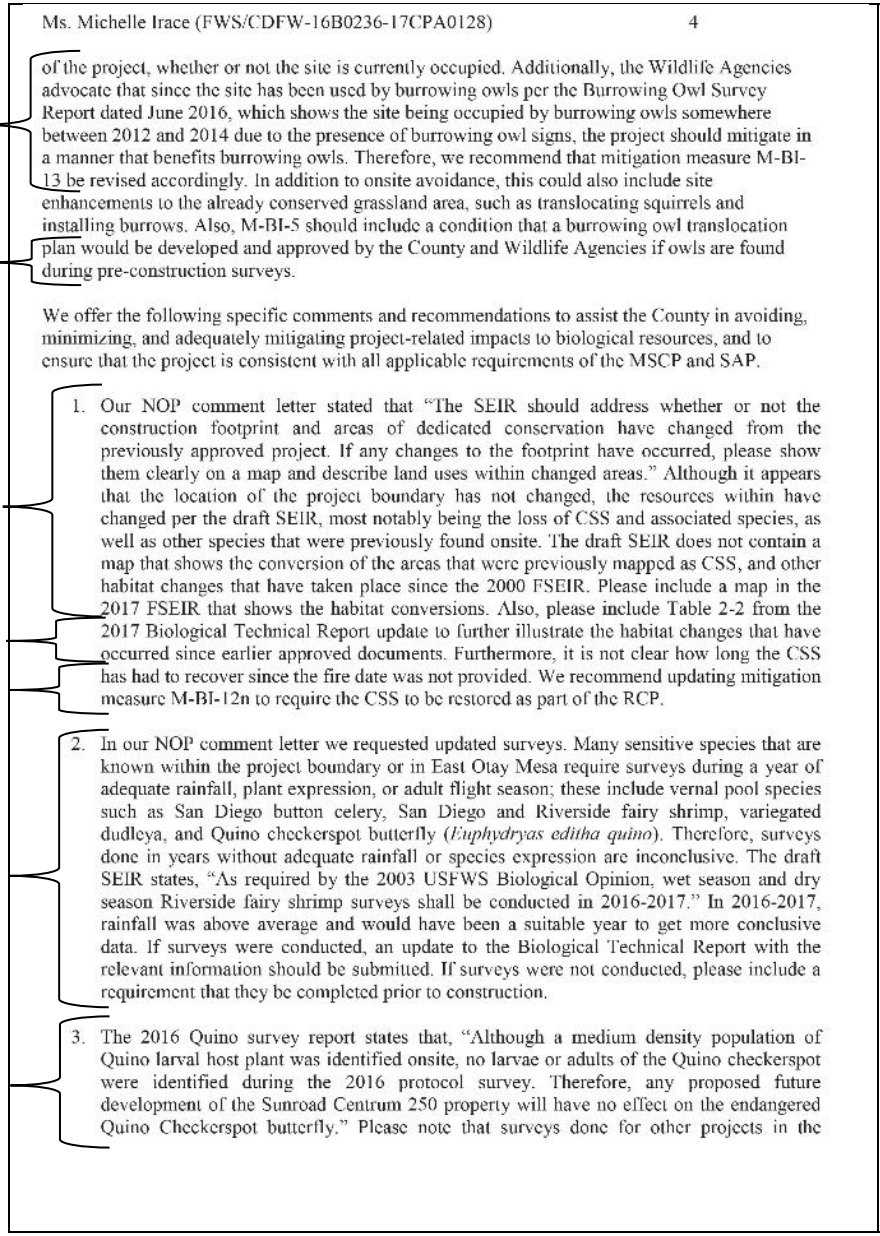
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| | 8. The No Project/No Development Alternative would not *provide infrastructure and public facilities in a planned and orderly fashion that will accommodate the planned growth* because no new project would occur on the Project site.<br><br>The Reduced Footprint Alternative represents an alternative that could reduce impacts to sensitive species that occur or have been previously documented on the Project site. That alternative would allow for the Project to attain most of the Project objectives. It would not, however, avoid or substantially reduce impacts to biological resources. Reducing the project footprint would reduce, but not avoid impacts to biological resources; mitigation measures required under the proposed Project would also be required under this alternative.<br><br>The Reduced Footprint Alternative would reduce the development footprint to place open space easements around areas where San Diego button-celery and variegated dudleya have been previously documented would not avoid or substantially lessen any of the significant impacts of the Project. While any project entitlement would require pre-grading surveys for San Diego button-celery and variegated dudleya, neither species has been recorded on-site for more than a decade.<br><br>Furthermore, since the last recorded observation, the area that contained the sensitive species have suffered a fire. There is insufficient information to support that increased open space easements as considered under a Reduced Development Footprint alternative would substantially reduce a significant impact, because there is no evidence the impact would actually occur based on the unknown and unverified occurrence of these species. Pursuant to CEQA Guidelines Section 15126.6(f)(3), CEQA does not require that an EIR consider an alternative whose effect cannot be reasonably ascertained. Moreover, the Project has mitigated all impacts to biological resources to less than significant. The easement areas proposed around the sensitive species for this alternative would be isolated and surrounded by urban development. The isolation of these areas, surrounded by urban development and adjacent to a major roadway, without connectivity to a larger open space, would lessen the long-term |

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| | viability for protecting these areas – particularly where the species have not been documented in recent history.<br><br>There is insufficient information to support that increased open space easements as considered under a Reduced Development Footprint alternative would substantially reduce a significant impact, because there is no evidence the impact would actually occur with the unknown and unverified occurrence of these species. Pursuant to CEQA Guidelines Section 15126.6(f)(3), CEQA does not require that an EIR consider an alternative whose effect cannot be reasonably ascertained. Moreover, the Project has mitigated all impacts to biological resources to less than significant.<br><br>Additionally, the isolation of sensitive species is not considered the ideal method of mitigation for these species. Even with the Reduced Development Footprint, the Specific Plan and the General Plan identify the Project site for development. The easement areas would be isolated and surrounded by urban development. The isolation of these areas, surrounded by urban development and adjacent to a major roadway, without connectivity to a larger open space, would lessen the long-term viability for protecting these areas – particularly where the species have not been documented in recent history.<br><br>Therefore, the Reduced Development Footprint alternative has been rejected as infeasible and was eliminated from detailed consideration in this SEIR.<br><br>As part of the SEIR for the proposed Project, consideration is given to modifying the development footprint to avoid areas where sensitive plant species occur or have been previously documented on the Project site, in particular, San Diego button-celery and variegated dudleya. Protection of these areas within the Project site was a focus of consideration for a Reduced Development Footprint alternative because these species require new mitigation beyond what was previously required for TM 5139 and mitigation that has already been accomplished. The Reduced Development Footprint alternative would create additional open space easements around areas where these |

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| | sensitive plant species were documented on the Project site in previous surveys in order to avoid or substantially lessen impacts to the species. The additional open space easement areas could be connected to the existing easement protecting the vernal pools south of Lone Star Road; however, there would not be a connection to the large Open Space Easement north of Lone Star Road, as it would be bifurcated by the road. Lone Star Road is a General Plan Mobility Element Road, and construction of that roadway is a requirement for development within the East Otay Mesa Business Park Specific Plan.<br><br>In summary, a range of reasonable alternatives to the project which would feasibly attain most of the project objectives are included in the EIR. As discussed above, in order to feasibly attain the project objectives, the entire project site requires grading. Thus, the alternative recommended in the NOP letter would not feasibly attain the project objectives and has not been included in the EIR.<br><br>**F1/S1-8** MSCP Findings dated December 15, 2000, were prepared for the Sunroad Centrum project (TM 5139). The Wildlife Agencies' letter dated November 14, 2003 provided conditional concurrence for the Sunroad Centrum Minor Amendment. The Otay 250 Sunroad project would grade and develop the same area as compared to the previously approved Sunroad Centrum project, for which the prior MSCP findings and Minor Amendment received concurrence.<br><br>For clarification, the MSCP Findings dated December 15, 2000, state that the Project Site is not within PAMA, but this is not the basis of the BRCA findings. As discussed in the MSCP Findings, approximately 60 acres of the Project site is a BRCA because it is underlain by clay soils that has the potential to support sensitive plant species, including San Diego button celery, variegated dudleya, San Diego barrel cactus, and spreading navarretia. The BRCA contributes to the wildlife corridor associated with Johnson Canyon. Project design minimizes impacts to the BRCA by: (a) developing the least environmentally sensitive section of the site (non-native grassland adjacent to development); and (b) preserving the higher value resources, designated as Major |

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| | Amendment Area, in the Open Space Easement (Lot 20 of the proposed Tentative Map) (vernal pools, approximately half of the mima mound area, native grassland, and the wildlife corridor of Johnson Canyon). As discussed in the Sunroad Centrum MSCP Findings, approximately 193 acres of the Project site are non-BRCA lands. As discussed above, because the Proposed Project is relying on the prior Minor Amendment and mitigation has been satisfied, the MSCP Findings dated December 15, 2000, are adequate.<br><br>**F1/S1-9** The Project proposes an amendment to the East Otay Mesa Business Park Specific Plan to allow development of the Project site as a Mixed-Use Village Core area in accordance with the General Plan. The Proposed Project would grade and develop the same area that was approved under the Sunroad Centrum project (TM 5139), as well as the approved East Otay Mesa Business Park Specific Plan. Additionally, the proposed Project relies on, to the extent possible, the circulation network approved for the East Otay Mesa Business Park Specific Plan and TM 5139.<br><br>A project EIR was certified for the East Otay Mesa Business Park Specific Plan in 1994, which included analysis of the impacts associated with development of industrial and commercial land uses on the Project site. Since that time, a change of circumstances not previously considered in the East Otay Mesa Business Park Specific Plan EIR has occurred – proposed development of the Project site with a mix of residential, industrial, and commercial land uses. Therefore, pursuant to CEQA Section 15163, an SEIR has been prepared to address changes in circumstances and to provide minor changes and additions to the previously certified EIR in order to make the previous EIR adequately apply to the proposed Project.<br><br>Impacts have been evaluated in concert with the 1994 EIR, the Supplemental EIR for Sunroad Otay Industrial Subdivision/ Sunroad Centrum project (TM 5139RPL6, ER 98-19-013), and an Addendum to the previously certified Environmental Impact Report for East Otay Mesa Specific Plan (GPA 94-002, Log # 93-19-006) and Supplemental Environmental Impact Report for Sunroad Otay project (TM 5139RPL6, Log # 98-19-013) for the |

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| | Sunroad Otay Tech Centre (TM 5538) project (98-19-013B). The SEIR updates information included in those documents as appropriate for the proposed Project.<br><br>Development on the Project site was clustered in 2000 for the Sunroad Centrum project. The footprint for the current proposed Project has not changed from what was approved with the Centrum project. Therefore, the Project remains clustered to the maximum extent possible.<br><br>As stated in the MSCP Findings dated December 15, 2000, the development is concentrated away from the sensitive resources. Areas not proposed for development are placed in a Biological Open Space to be managed under the Resource Conservation Plan.<br><br>Furthermore, the proposed development has designed open space that protects the viability of sensitive resources. All (0.21 acre) of the vernal pool habitat (supporting two sensitive plant species and the endangered San Diego fairy shrimp), 1.96 acres of native grassland, and 46.87 acres of non-native grassland will be preserved onsite.<br><br>**F1/S1-10** The 1994 East Otay Mesa Specific Plan EIR and the 2000 Supplemental EIR for the Sunroad Centrum project (TM 5139) preceded the *2010 Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County* (Attachment A to the *County of San Diego Report Format and Content Requirements Biological Resources*). The certified 2000 SEIR states that the Sunroad Centrum project would result in impacts to non-native grassland; no burrowing owls were identified on the Sunroad Centrum project site. Mitigation for impacts to non-native grassland was implemented as discussed above in response to comment F1/S1-5. It should be noted that the 2010 Strategy states "In EOM, the burrowing owl strategy applies to all development sites that have not received written concurrence on their minor or major amendments from the Wildlife Agencies…" A Minor Amendment for the Sunroad Centrum project was approved in 2003; thus the 2010 Strategy does not apply. |



Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 4

of the project, whether or not the site is currently occupied. Additionally, the Wildlife Agencies advocate that since the site has been used by burrowing owls per the Burrowing Owl Survey Report dated June 2016, which shows the site being occupied by burrowing owls somewhere between 2012 and 2014 due to the presence of burrowing owl signs, the project should mitigate in a manner that benefits burrowing owls. Therefore, we recommend that mitigation measure M-BI-13 be revised accordingly. In addition to onsite avoidance, this could also include site enhancements to the already conserved grassland area, such as translocating squirrels and installing burrows. Also, M-BI-5 should include a condition that a burrowing owl translocation plan would be developed and approved by the County and Wildlife Agencies if owls are found during pre-construction surveys.

We offer the following specific comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the MSCP and SAP.

1. Our NOP comment letter stated that "The SEIR should address whether or not the construction footprint and areas of dedicated conservation have changed from the previously approved project. If any changes to the footprint have occurred, please show them clearly on a map and describe land uses within changed areas." Although it appears that the location of the project boundary has not changed, the resources within have changed per the draft SEIR, most notably being the loss of CSS and associated species, as well as other species that were previously found onsite. The draft SEIR does not contain a map that shows the conversion of the areas that were previously mapped as CSS, and other habitat changes that have taken place since the 2000 FSEIR. Please include a map in the 2017 FSEIR that shows the habitat conversions. Also, please include Table 2-2 from the 2017 Biological Technical Report update to further illustrate the habitat changes that have occurred since earlier approved documents. Furthermore, it is not clear how long the CSS has had to recover since the fire date was not provided. We recommend updating mitigation measure M-BI-12n to require the CSS to be restored as part of the RCP.

2. In our NOP comment letter we requested updated surveys. Many sensitive species that are known within the project boundary or in East Otay Mesa require surveys during a year of adequate rainfall, plant expression, or adult flight season; these include vernal pool species such as San Diego button celery, San Diego and Riverside fairy shrimp, variegated dudleya, and Quino checkerspot butterfly (*Euphydryas editha quino*). Therefore, surveys done in years without adequate rainfall or species expression are inconclusive. The draft SEIR states, "As required by the 2003 USFWS Biological Opinion, wet season and dry season Riverside fairy shrimp surveys shall be conducted in 2016-2017." In 2016-2017, rainfall was above average and would have been a suitable year to get more conclusive data. If surveys were conducted, an update to the Biological Technical Report with the relevant information should be submitted. If surveys were not conducted, please include a requirement that they be completed prior to construction.

3. The 2016 Quino survey report states that, "Although a medium density population of Quino larval host plant was identified onsite, no larvae or adults of the Quino checkerspot were identified during the 2016 protocol survey. Therefore, any proposed future development of the Sunroad Centrum 250 property will have no effect on the endangered Quino Checkerspot butterfly." Please note that surveys done for other projects in the

**F1/S1-10, (cont.)**

**F1/S1-11** M-BI-5 (pages S-19, 2.2-58, and 7-4), has been revised to include a requirement that a burrowing owl translocation plan be prepared, if owls are found during pre-construction surveys. (See Table 8-2.)

**F1/S1-12** The coastal sage scrub within the area previously mapped as a mosaic of coastal sage scrub, native grassland, and non-native grassland within the mima-mound area is no longer present. The coastal sage scrub was located generally in the mima mound area that occurs north (within the Biological Open Space) and south of future Lone Star Road This former coastal sage scrub-grassland was consumed by fire on or around May 3, 2013. The entire mima mound area is now vegetated with non-native grassland heavily infested with Russian-thistle. The approximate location of the burn area has been added to Figure 2.2.3, *Biological Resources*, and occurs within both the area proposed for development, as well as the BOS.

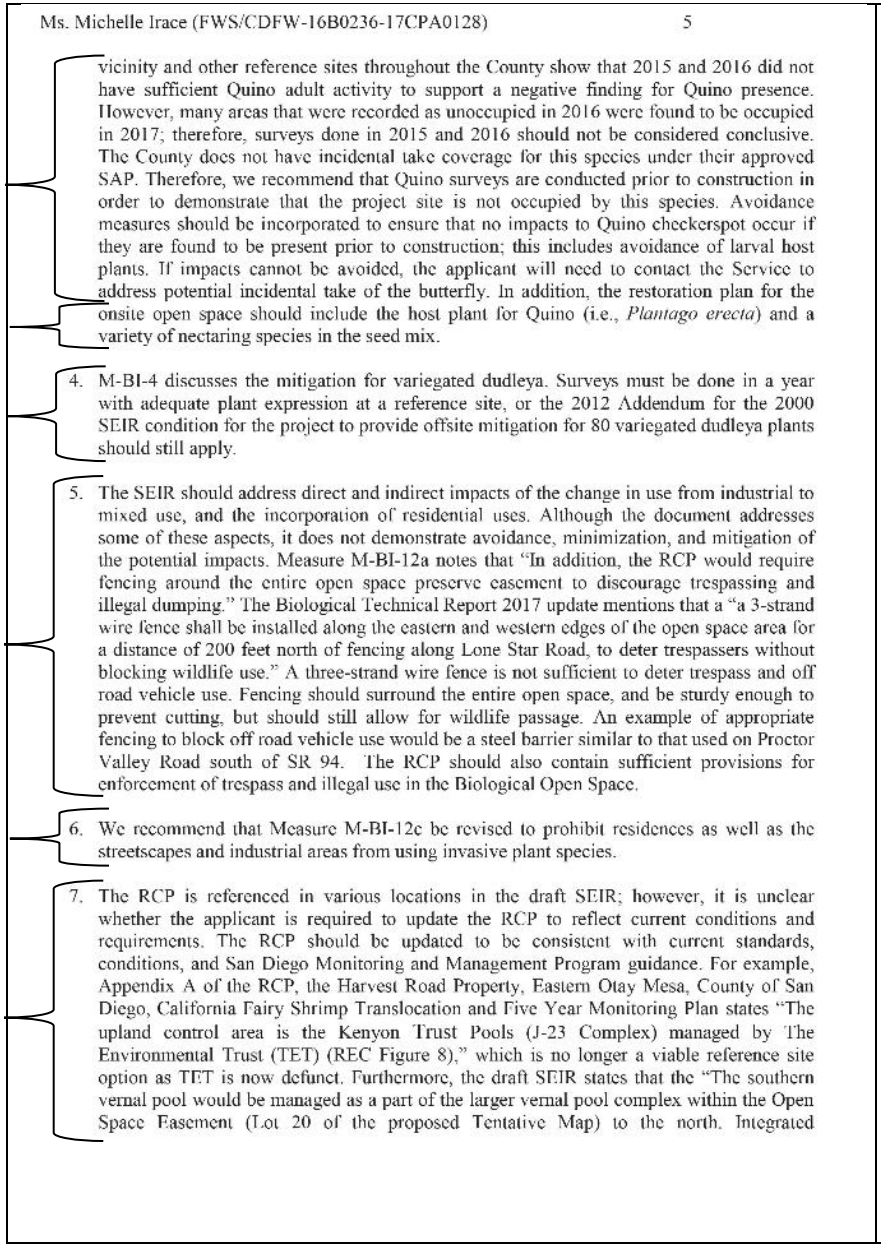
**F1/S1-13** Biological Technical Report Table 2-2 has been added to the SEIR as Table 2.2-3.

**F1/S1-14** As stated on page 2.2-50 of the SEIR, the previous coastal sage scrub-grassland matrix in the mima-mound area was consumed by fire on or around May 3, 2013. This area occurs within both the area proposed for development, as well as the BOS. The approximate date of the fire has been added to the SEIR (see table 8-2 above).

**F1/S1-15** Updated surveys have not been completed; however, the Final SEIR includes mitigation measures which require surveys for San Diego button celery, San Diego and Riverside fairy shrimp, and variegated dudleya prior to grading or other ground disturbance. A condition of approval will require Quino checkerspot butterfly surveys prior to grading or other ground disturbance; see response to comment F1/S1-16 below.

**F1/S1-16** As stated in the SEIR, no Quino Checkerspot Butterfly (QCB) critical habitat occurs on-site; the closest critical habitat is located approximately 1,300 feet north and west of the Project boundary. A protocol survey was conducted in 1999 over the northern mima

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| | mound area. In the 1999 survey, no QCB were detected, and the primary host plant, dot-seed plantain, was not found on-site. In 2001, QCB surveys were conducted again; no QCB were detected. The 2001 report concluded "in that neither larvae nor adults of the QCB were identified during the protocol survey; and, only an extremely limited population of food plants suitable for the QCB were identified within the boundaries of the property, it would appear that development of the Sunroad Centrum Property will have no effect on the endangered Quino Checkerspot Butterfly." In 2015 and early 2016, primary host plant dot-seed plantain was found on-site where vegetation was recolonizing the disturbed Lone Star Road alignment. Nectar plants, including common goldfields (*Lasthenia gracilis*), were also observed. Based on the presence of dot-seed plantain, a third protocol survey was conducted in March 2016. Results of the survey were negative for QCB. The 2016 report concluded "although a medium density population of a Quino larval host plant was identified on-site, no larvae nor adults of the Quino Checkerspot were identified during the 2016 protocol survey.<br><br>Although there are no potentially significant impacts associated with Quino checkerspot butterfly, as a precautionary approach the Applicant has committed to the following condition of approval:<br><br>Within one year of construction, surveys for Quino checkerspot butterfly shall be conducted prior to grading or other ground disturbance in accordance with the most up to date protocol. If Quino checkerspot butterfly are found, the applicant shall consult with the USFWS to ensure there is no take of the species. The Project Biologist shall prepare the survey report and submit it to the PDS and USFWS. Timing: Prior to grading or other ground disturbance. Monitoring: PDS shall review the survey report for compliance with this condition. |



Ms. Michelle Irace (FWS/CDFW-16B0236-17CPA0128) 5

vicinity and other reference sites throughout the County show that 2015 and 2016 did not have sufficient Quino adult activity to support a negative finding for Quino presence. However, many areas that were recorded as unoccupied in 2016 were found to be occupied in 2017; therefore, surveys done in 2015 and 2016 should not be considered conclusive. The County does not have incidental take coverage for this species under their approved SAP. Therefore, we recommend that Quino surveys are conducted prior to construction in order to demonstrate that the project site is not occupied by this species. Avoidance measures should be incorporated to ensure that no impacts to Quino checkerspot occur if they are found to be present prior to construction; this includes avoidance of larval host plants. If impacts cannot be avoided, the applicant will need to contact the Service to address potential incidental take of the butterfly. In addition, the restoration plan for the onsite open space should include the host plant for Quino (i.e., *Plantago erecta*) and a variety of nectaring species in the seed mix.

4. M-BI-4 discusses the mitigation for variegated dudleya. Surveys must be done in a year with adequate plant expression at a reference site, or the 2012 Addendum for the 2000 SEIR condition for the project to provide offsite mitigation for 80 variegated dudleya plants should still apply.

5. The SEIR should address direct and indirect impacts of the change in use from industrial to mixed use, and the incorporation of residential uses. Although the document addresses some of these aspects, it does not demonstrate avoidance, minimization, and mitigation of the potential impacts. Measure M-BI-12a notes that "In addition, the RCP would require fencing around the entire open space preserve easement to discourage trespassing and illegal dumping." The Biological Technical Report 2017 update mentions that a "a 3-strand wire fence shall be installed along the eastern and western edges of the open space area for a distance of 200 feet north of fencing along Lone Star Road, to deter trespassers without blocking wildlife use." A three-strand wire fence is not sufficient to deter trespass and off road vehicle use. Fencing should surround the entire open space, and be sturdy enough to prevent cutting, but should still allow for wildlife passage. An example of appropriate fencing to block off road vehicle use would be a steel barrier similar to that used on Proctor Valley Road south of SR 94. The RCP should also contain sufficient provisions for enforcement of trespass and illegal use in the Biological Open Space.

6. We recommend that Measure M-BI-12c be revised to prohibit residences as well as the streetscapes and industrial areas from using invasive plant species.

7. The RCP is referenced in various locations in the draft SEIR; however, it is unclear whether the applicant is required to update the RCP to reflect current conditions and requirements. The RCP should be updated to be consistent with current standards, conditions, and San Diego Monitoring and Management Program guidance. For example, Appendix A of the RCP, the Harvest Road Property, Eastern Otay Mesa, County of San Diego, California Fairy Shrimp Translocation and Five Year Monitoring Plan states "The upland control area is the Kenyon Trust Pools (J-23 Complex) managed by The Environmental Trust (TET) (REC Figure 8)," which is no longer a viable reference site option as TET is now defunct. Furthermore, the draft SEIR states that the "The southern vernal pool would be managed as a part of the larger vernal pool complex within the Open Space Easement (Lot 20 of the proposed Tentative Map) to the north. Integrated

**F1/S1-16 (cont.)**

**F1/S1-17**

**F1/S1-18**

**F1/S1-19**

**F1/S1-20**

**F1/S1-21**

**F1/S1-17.** The Resource Conservation Plan (RCP) approved in 2003 will not be revised; however, a condition of approval will require that the seed mix for restoration of the onsite open space include *Plantago erecta* and a variety of nectaring species.

**F1/S1-18** As shown in Table 8-2, M-BI-4 has been expanded in the SEIR (page 2.2-56) to require that variegated dudleya surveys be conducted in a year with adequate plant expression at a reference site with a 1:1 off-site mitigation for dudleya plants. If surveys are conducted in a year that does not have adequate plant expression, then off-site mitigation for 80 variegated dudleya plants shall be required.

**F1/S1-19** The SEIR concludes that the Project could cause indirect impacts to preserved land in open space through increased human access; increasing competition from exotic species; and alteration of natural drainage (in particular impacting vernal pool hydrology). These indirect impacts are potentially significant and would require mitigation (Impact BI-12). Indirect impacts to preserved land in open space through increased human access would be mitigated to below a level of significance with mitigation measure M-BI-12, as specified in Section 2.2.5 of the SEIR.

According to the approved RCP (Section 5.0, page 23):

- The southern boundary of the open space area north of Lone Star Road and the vernal pool to the south of Lone Star Road will be fenced using a 4-foot temporary fence installed prior to any clearing or grubbing on the Project site.
- The open space area along Lone Star Road (to the north of the easement dedicated for construction of Lone Star Road) shall be fenced with permanent four-foot chain-link fencing.
- In addition to the fencing along Lone Star Road, a 3-strand wire fence will be installed along the eastern and western edges of the open space area for a distance of 200 feet remaining open space boundary.
- Four-foot chain-link fencing for the vernal pool south of Lone Star Road shall be placed around the perimeter of the vernal pool's watershed.

management of the southern pool with the rest of the vernal pool complex would ensure the long term viability of this pool and associated plant populations." Yet the RCP document does not discuss how the southern pool will be hydrologically connected to the northern pools, which may be an important factor in keeping the populations genetically connected to reduce the potential of inbreeding depression in the southern pool. A hydrological study of the watershed supporting this pool should be completed as part of the update to the restoration plan to ensure that this pool will remain viable. The current RCP and associated translocation plans should be updated to current standards and conditions as part of M-BI-12n, which states that RCP must be completed prior to initiation of construction. We recommend that the RCP and any associated restoration plans be updated and submitted to the Wildlife Agencies for review and approval prior to project construction.

**F1/ S1-21, (cont.)**

8. Page 11 of the draft SEIR discusses spreading navarretia (*Navarretia fossalis*) but shows an inconsistency in the species name and observation data described in the document that needs to be clarified. For instance, the document refers to the plant as both spreading navarretia and prostrate navarretia (*Navarretia prostrata*), which are different species. The document also in one paragraph says, "During the 1991 County of San Diego surveys approximately 12 individuals were detected in the J22 vernal pool complex north of Lone Star Road. It has not been documented on-site since that time." The following paragraph states that it has not been seen since 1979. Since there is the potential for the seeds to be stored in the seed bank, management for this species should be included in the RCP.

**F1/ S1-22**

9. Mitigation Measure M-BI-8 for white-tailed kite (*Elanus leucurus*) states, "Mitigation requirements for the loss of foraging habitat and potential breeding habitat for white-tailed kite (BI-8) would be met by requiring a qualified biologist to monitor the construction area for suitable nesting habitat (e.g., trees) in the vicinity of construction during the breeding season. The RCP would require that a 'construction-free zone' be created around any identified nesting sites until fledging has occurred. The biologist would coordinate with County staff during the monitoring efforts to determine the size of any required construction zone." The white-tailed kite is a State Fully Protected species Under Fish and Game section 3511, and no take of individuals is allowed. If white-tailed kite is found nesting within the project area during pre-construction surveys, please notify the Department for recommendations to help avoid any potential impacts.

**F1/ S1-23**

We appreciate the opportunity to comment on this draft SEIR. If you have questions or comments regarding this letter, please contact Elyse Levy of the Department at (858) 467-4237, or Susan Wynn of the Service at (760) 431-9440 extension 216.

Sincerely,

DOREEN STADTLANDER
For
Karen Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Gail K. Sevrens
Environmental Program Manager
California Department of Fish and Wildlife

cc: State Clearinghouse

These measures have been implemented as part of the RCP. The fencing provisions of the RCP will discourage trespassing and illegal dumping. Signs, in English and Spanish, will be posted every 100 feet along the permanent fencing, stating that any persons found vandalizing or trespassing shall be prosecuted to the full extent of the law. Signs shall also provide information as to why access to the site is restricted, as well as the contact number for both the biological monitor and maintenance contractor so that vandalism or suspicious activity can be reported. The County will be responsible for enforcing trespassing and illegal uses. Additionally, as requested in this comment, mitigation measure M-BI-12 has been revised to require installation of a sturdy fence to prevent access into the western, northern, and eastern edges of the northern Open Space Easement (Lot 20 of the proposed Tentative Map).

**F1/S1-20** According to the East Otay Mesa Business Park Specific Plan, "*[d]rought tolerant, non-invasive, and fire-wise landscaping is required throughout East Otay Mesa.*" The County has no control over what private homeowners may plant in their private yards; however, the landscaping plan for common open space will require drought tolerant, non-invasive, and fire wise landscaping.

**F1/S1-21** As described in response no. F1/S1-5, the Project is not required to update the Resource Conservation Plan (RCP). The RCP received Director approval December 2003. In a letter dated November 14, 2003, the Wildlife Agencies provided conditions concurrence for the Sunroad Minor Amendment, provided certain conditions are met, including the approval of a RCP.

The RCP (pages 34 – 35 and Appendix F) addresses integrated management of the southern pools with the vernal pool complex within the Biological Open Space (BOS) and includes removal of non-native species, repairs to fencing and signage, trash removal, monitoring of the vernal pool complex twice a year, visual estimate of exotic plant species cover and vernal pool species cove twice a year, and examination of the health of the pools in terms of increase of vernal pool plant species cover. If monitoring findings reveal a decline in the health of the vernal pool complex, an analysis of the cause(s) of failure shall be prepared and, if

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| | determined necessary by the County, remedial action will be recommended. Remedial actions may include revising the maintenance schedule, thereby increasing weeding and monitoring frequency or the preparation of a vernal pool enhancement program that might include additional plantings or restoration activities. The RCP does not state that the pools should be hydrologically connected. In fact, this is not possible as a future County Circulation Element roadway (Lone Star Road) will separate the BOS from the southern pools.<br><br>**F1/S1-22** Revisions have been made to the SEIR (pages 2.2-6, 2.2-9. 2.2-11, 2.2-31) to change references to "prostrate" navarretia to spreading navarretia and to change the reference date to 1991. (See Table 8-2.)<br><br>Spreading navarretia is known from just three areas within the County including San Marcos, National City, and Otay Mesa. During the 1991 County of San Diego surveys approximately 12 individuals were detected in the J22 vernal pool complex north of Lone Star Road. It has not been documented on-site since that time. Furthermore, because spreading navarretia has not been reported on-site since the 1991 vernal pools survey, it is unlikely to have high potential to occur on-site. Therefore, the County has determined that updates to the RCP are not necessary.<br><br>**F1/S1-23** M-BI-8 (page 2.2-58) has been revised (see Table 8-2) to require that notification be sent to the County and wildlife agencies, if white-tailed kite is found nesting within the Project area during pre-construction surveys. |

**Comment Letter S2**

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

May 9, 2017

Michelle Irace
San Diego County
5510 Overland Ave, Suite 310
San Diego, CA 92123

Subject: Otay 250 Sunroad- East Otay Mesa Business Park Specific Plan Amendment
SCH#: 2016031028

Dear Michelle Irace:

S2-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 8, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Response to Comment Letter S2**

**State Clearinghouse**
**Scott Morgan, Director**
**May 9, 2017**

**S2-1** This letter acknowledges compliance with the State Clearinghouse review requirements for draft environmental documents. No further response is required.

S2-1, (cont.)

**Document Details Report**
**State Clearinghouse Data Base**

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| SCH# | 2016031028 |
| Project Title | Otay 250 Sunroad- East Otay Mesa Business Park Specific Plan Amendment |
| Lead Agency | San Diego County |
| Type | EIR Draft EIR |
| Description | The project proposes a Specific Plan Amendment (SPA) to the East Otay Mesa Business Park Specific Plan to establish a new Mixed-Use Village Core area within the Specific Plan Area, which would allow for the establishment of a mix employment, retail, and residential emphases. Approval of the project would allow for the entitlement of a maximum of 3,156 dwelling units, 78,000 sf of general commercial uses, and 765,000 sf of employment uses and approximately 51.3 acres of permanent biological open space. |

**Lead Agency Contact**

| | | | |
|---|---|---|---|
| Name | Michelle Irace | | |
| Agency | San Diego County | | |
| Phone | 858-505-6857 | Fax | |
| email | | | |
| Address | 5510 Overland Ave, Suite 310 | | |
| City | San Diego | State CA | Zip 92123 |

**Project Location**

| | | | | |
|---|---|---|---|---|
| County | San Diego | | | |
| City | | | | |
| Region | | | | |
| Lat / Long | 32° 34' 04.4" N / 116° 56' 41.1" W | | | |
| Cross Streets | Otay Mesa Rd/Harvest Rd | | | |
| Parcel No. | 646-240-3000 | | | |
| Township | | Range | Section | Base |

**Proximity to:**

| | |
|---|---|
| Highways | SR-125 |
| Airports | Brown Field Municipal Airport |
| Railways | |
| Waterways | |
| Schools | |
| Land Use | Village-Regional Category; Specific Plan Area-Land Use Designation: S-88-Zoning-Technology Business Park |
| Project Issues | Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Traffic/Circulation; Landuse; Aesthetic/Visual; Cumulative Effects |
| Reviewing Agencies | Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Native American Heritage Commission; Cal Fire; Department of Parks and Recreation; Office of Emergency Services, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Department of Housing and Community Development; Regional Water Quality Control Board, Region 9; State Water Resources Control Board, Division of Drinking Water; Air Resources Board; Public Utilities Commission |

Date Received 03/23/2017 Start of Review 03/23/2017 End of Review 05/08/2017

**Comment Letter S3**

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**
DISTRICT 11, DIVISION OF PLANNING
4050 TAYLOR ST, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov

*Making Conservation A California Way of Life.*

May 8, 2017

11-SD-125, PM 0.0
11-SD-905, PM 8.5 & 9.5
Otay 250 Sunroad - East Otay Mesa Business Park
Draft SEIR
SCH #2016031028

Ms. Michelle Irace
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Ms. Irace:

The California Department of Transportation (Caltrans) has reviewed the Draft Supplement Environmental Impact Report (DSEIR) and the responses to Caltrans Comments dated August 23, 2016, the revised Traffic Impact Analysis (TIA) dated December 08, 2016 and has the following comments:

1. Comment on response to Comment 1: Caltrans existing volumes are taken for a 7 day/24 hour period duration. Taking traffic counts for one day does not give a good representation of actual volume counts. If possible, take counts for an additional day (Monday through Thursday). Please refer to the original comment to compare your one day counts with the Caltrans traffic counts, if needed.
2. Comment on response to Comment 2: Caltrans agrees that the State Route 125 (SR-125) is much less congested, that it is closest to the proposed development, and that San Diego Association of Governments (SANDAG) reduced toll prices as of June 30, 2012. The reality is that even though SANDAG reduced the toll prices, Caltrans has not seen a 70:30 split in usage by travelers. This could be because the travelers' destination would still take them to either Eastbound (EB) SR-54, EB SR-94, or EB SR-52, which are all congested. Taking the SR-125 would only take them to a congested route and they would have to pay a toll versus taking the SR-905 to the Interstate (I) 805 would still be congested, but they do not have to pay a toll. Caltrans believes that 32% assumption of traffic volumes using Northbound (NB) SR-125 is too high.
3. New Comment: The revised TIA, Section 10.0 Project Access and On-Site Circulation, states that "The Ultimate Improvements are not needed to mitigate the Project's

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**S3-1**

**S3-2**

**S3-3**

## Response to Comment Letter S3

**Department of Transportation, District 11**
**Maurice Eaton, Chief**
**May 8, 2017**

**S3-1** The standard of practice for conducting intersection traffic counts in traffic impact studies in the San Diego region is to count on one weekday. Additional count days are not warranted.

LLG retained a sub-consultant, Accurate Video Counts, Inc. (AVC) to conduct the traffic counts which were conducted on Thursday, May 14, 2015. AVC specializes in conducting traffic counts and has completed thousands of such counts in the past few years. The counts were conducted using video technology. It is not clear during what time period Caltrans' counts were conducted.

LLG checked all existing traffic count sheets in the appendices of the TIA and found that they matched those reported in the TIA. The counts in the TIA were found to be accurate.

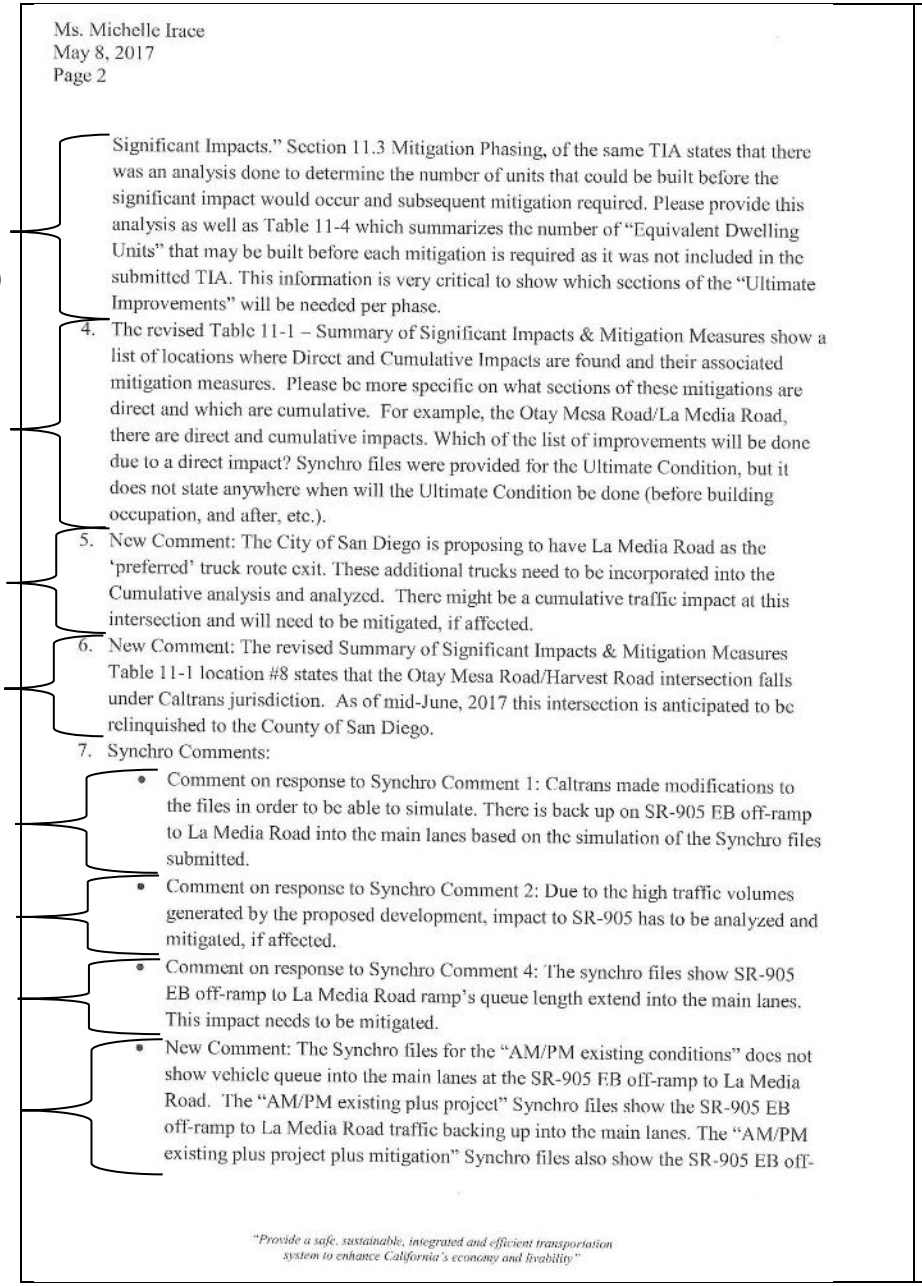
**S3-2 It** is understood that Caltrans believes the 32 percent distribution on SR 125 is high. The distribution is believed to be accurate for the following reasons:

a. The SR-125 operates with much less congestion as compared to the I-805 which likely makes the SR-125 a preferred route choice.
b. The SR-125 is located less than one mile from the Project site, as compared to I-805 which is located over five miles from the Project site which would make SR-125 a likelier preferred route choice.
c. Several segments of I-805 operate at LOS F during the peak hours and are among the most congested in the County.
d. As the operator of SR-125, SANDAG reduces prices for using the facility by up to 40% to adjust for peak and off-peak periods. Lower tolls function as an inducement for commuters to use SR-125 over other more congested routes like I-805.

**S3-3** A sensitivity analysis (i.e., running the analysis assuming an increasing number of dwelling units until the impact is triggered) was conducted to determine the amount of equivalent dwelling units which could be built before the mitigation is required. There is not a physical analysis sheet that can be provided. Table 11-4 is provided below and has been added to Section 2.8 of the SEIR as Table 2-18.

TABLE 11–4
PROJECT MITIGATION PHASING SUMMARY

| Impacted Location | EDU Before Impact is Triggered |
|---|---|
| **Intersections** | |
| 4. Otay Mesa Road / La Media Road | 35 EDU |
| 8. Otay Mesa Road / Harvest Road | 35 EDU |
| 9. Otay Mesa Road / Sanyo Avenue | 1,980 EDU |
| 10. Otay Mesa Road / Vann Centre Boulevard | 1,530 EDU |
| **Street Segments** | |
| Otay Mesa Road: Sanyo Ave to Vann Centre Blvd | 60 EDU |



Ms. Michelle Irace
May 8, 2017
Page 2

Significant Impacts." Section 11.3 Mitigation Phasing, of the same TIA states that there was an analysis done to determine the number of units that could be built before the significant impact would occur and subsequent mitigation required. Please provide this analysis as well as Table 11-4 which summarizes the number of "Equivalent Dwelling Units" that may be built before each mitigation is required as it was not included in the submitted TIA. This information is very critical to show which sections of the "Ultimate Improvements" will be needed per phase.

4. The revised Table 11-1 – Summary of Significant Impacts & Mitigation Measures show a list of locations where Direct and Cumulative Impacts are found and their associated mitigation measures. Please be more specific on what sections of these mitigations are direct and which are cumulative. For example, the Otay Mesa Road/La Media Road, there are direct and cumulative impacts. Which of the list of improvements will be done due to a direct impact? Synchro files were provided for the Ultimate Condition, but it does not state anywhere when will the Ultimate Condition be done (before building occupation, and after, etc.).
5. New Comment: The City of San Diego is proposing to have La Media Road as the 'preferred' truck route exit. These additional trucks need to be incorporated into the Cumulative analysis and analyzed. There might be a cumulative traffic impact at this intersection and will need to be mitigated, if affected.
6. New Comment: The revised Summary of Significant Impacts & Mitigation Measures Table 11-1 location #8 states that the Otay Mesa Road/Harvest Road intersection falls under Caltrans jurisdiction. As of mid-June, 2017 this intersection is anticipated to be relinquished to the County of San Diego.
7. Synchro Comments:
   - Comment on response to Synchro Comment 1: Caltrans made modifications to the files in order to be able to simulate. There is back up on SR-905 EB off-ramp to La Media Road into the main lanes based on the simulation of the Synchro files submitted.
   - Comment on response to Synchro Comment 2: Due to the high traffic volumes generated by the proposed development, impact to SR-905 has to be analyzed and mitigated, if affected.
   - Comment on response to Synchro Comment 4: The synchro files show SR-905 EB off-ramp to La Media Road ramp's queue length extend into the main lanes. This impact needs to be mitigated.
   - New Comment: The Synchro files for the "AM/PM existing conditions" does not show vehicle queue into the main lanes at the SR-905 EB off-ramp to La Media Road. The "AM/PM existing plus project" Synchro files show the SR-905 EB off-ramp to La Media Road traffic backing up into the main lanes. The "AM/PM existing plus project plus mitigation" Synchro files also show the SR-905 EB off-

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**S3-3 (cont.)**

**S3-4** All mitigation for "direct and cumulative" impacts must be implemented per the phasing summary. The Project Mitigation Summary Table has been added as Table 11-4 of the traffic study dated December 8, 2016 and Table 2-18 in the SEIR. The timing of when the mitigation must be implemented is included in the environmental document.

**S3-5 The** applicant has contacted the City and has confirmed that plans are not finalized. Therefore, the analysis as presented will not change.

**S3-6 As** of the date the traffic study was prepared, the Otay Mesa Road/ Harvest Road was under Caltrans jurisdiction and therefore, it is appropriate to assume it is a Caltrans-controlled intersection. Even if it was assumed to be County controlled by June 2017, no change to the analysis would occur

**S3-7** The variable/measure of effectiveness utilized to determine significant impacts in both the Caltrans and County of San Diego Guidelines is Level of Service (LOS) delay and not queues. Therefore, queues are not used to determine significant impacts. The analysis shows that acceptable LOS B/C is calculated at the La Media Road / SR 905 eastbound ramps intersection (see Table 9-1 of the traffic study). The intersection capacity analysis does not indicate a queue issue. Therefore, no significant impacts are calculated.

**S3-8** Table 9-3 of the traffic study contains a full analysis of SR 905, which is calculated to operate at LOS C or better under Year 2020 conditions.

**S3-9 See** response no. S3-7.

**S3-10**See response no. S3-7.

Ms. Michelle Irace
May 8, 2017
Page 3

S3-10, (cont.) ramp to La Media Road's traffic queue into the main lanes. This is a Direct Significant Impact and needs to be mitigated at this location.

S3-11 • New Comment: Comparing the Synchro AM & PM existing conditions plus project with the AM & PM existing plus project plus mitigation, the SR-905 EB off-ramp to La Media Road still backs up into the main lanes.

S3-12 • New Comment: The revised Summary of Significant Impacts & Mitigation Measures Table 11-1 has changed from the previous TIA dated August 2015. The synchro files "Existing AM/PM plus project mitigation" are still showing the improvements on Harvest Road/Otay Mesa Road from the previous mitigations. The new mitigations include less improvements to this intersection.

S3-13 • New Comment: The mitigation on Sanyo Road/Otay Mesa Road and Vann Centre Blvd./Otay Mesa Road are not included in the synchro files "Existing AM/PM plus project mitigation." These mitigations need to be included in order to analyze the entire transportation network.

S3-14 • New Comment: The improvements on Paseo de las Americas/Siempre Viva Road in the synchro files "Existing AM/PM plus mitigations" do not match the mitigations of the revised table.

If you have any questions, please contact Mark McCumsey at (619) 688-6802 or by email at mark.mccumsey@dot.ca.gov

Sincerely,

MAURICE EATON, Chief
Development Review Branch

c: Benjamin Mills, County of San Diego
John Boarman, LLG Engineers
Amelia Giacalone, LLG Engineers

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

**S3-11** See response no. S3-7.

**S3-12** The August 2015 TIA recommends the following improvements at the intersection of Otay Mesa Road / Harvest Road:

- Southbound movement: two dedicated right turn lanes with overlap phasing and a shared thru / left turn lane.
- Westbound movement: one dedicated right turn lane, three thru lanes and one dedicated left turn lane.
- Northbound movement: one shared thru / right turn lane and one dedicated left turn lane.
- Eastbound movement: one shared thru / right turn lane, two dedicated thru lanes and two dedicated left turn lanes.

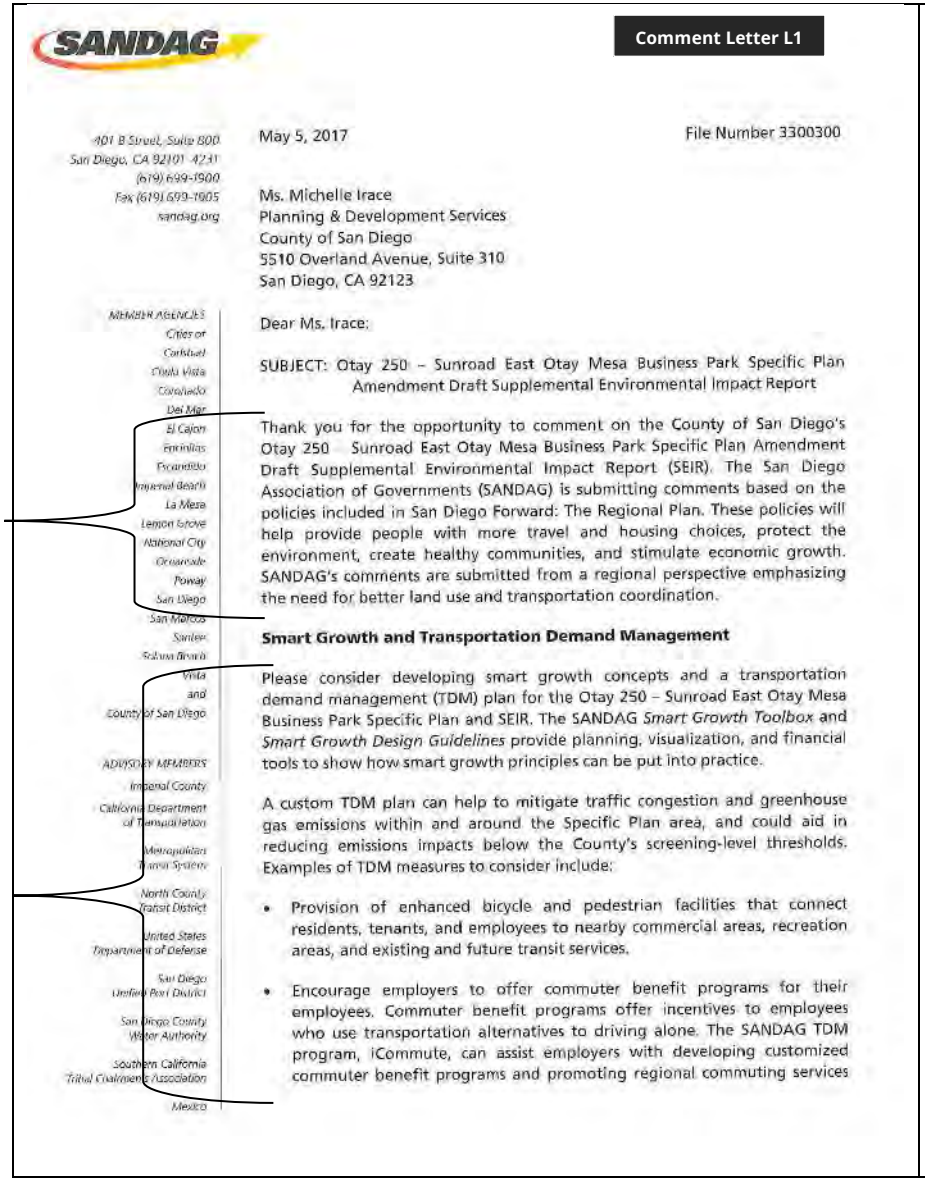
The December 2016 TIA recommends the following impact mitigation improvements at the intersection of Otay Mesa Road / Harvest Road:

- Southbound movement: one dedicated right turn lane with overlap phasing and a shared thru / left turn lane.
- Westbound movement: one shared thru / right turn lane, one dedicated thru lane and one dedicated left turn lane.
- Northbound movement: one shared thru / right turn / left turn lane.
- Eastbound movement: one shared thru / right turn lane, one dedicated thru lane and two dedicated left turn lanes.

This is the lane configuration that was assumed when conducting the post-mitigation analysis for the December 2016 study. The commenter should also review the ultimate access improvements shown in Figure 10-2 of the TIA.

**S3-13** The Synchro files in Appendix J of the traffic study were checked by the consulting traffic engineer and it was confirmed that reports for Sanyo Road/Otay Mesa Road as well as Vann Centre Blvd./Otay Mesa Road are included (See Intersection Analyses No. 9 and 10 of Appendix J of the traffic study). The mitigation measures are accurately included per Table 11-2 of the traffic study dated December 8, 2016.

| | |
|---|---|
| | **S3-14** Post-mitigation analysis was included for direct Project impacts as outlined in Table 11-2 of the traffic study. Since the impact at Paseo de las Americas / Siempre Viva Road was a cumulative impact, a post mitigation analysis is not included in Table 11-2 of the traffic study. |



SANDAG

Comment Letter L1

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

May 5, 2017

File Number 3300300

Ms. Michelle Irace
Planning & Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

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

Dear Ms. Irace:

SUBJECT: Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan Amendment Draft Supplemental Environmental Impact Report

L1-1 Thank you for the opportunity to comment on the County of San Diego's Otay 250 Sunroad East Otay Mesa Business Park Specific Plan Amendment Draft Supplemental Environmental Impact Report (SEIR). The San Diego Association of Governments (SANDAG) is submitting comments based on the policies included in San Diego Forward: The Regional Plan. These policies will help provide people with more travel and housing choices, protect the environment, create healthy communities, and stimulate economic growth. SANDAG's comments are submitted from a regional perspective emphasizing the need for better land use and transportation coordination.

**Smart Growth and Transportation Demand Management**

Please consider developing smart growth concepts and a transportation demand management (TDM) plan for the Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan and SEIR. The SANDAG *Smart Growth Toolbox* and *Smart Growth Design Guidelines* provide planning, visualization, and financial tools to show how smart growth principles can be put into practice.

A custom TDM plan can help to mitigate traffic congestion and greenhouse gas emissions within and around the Specific Plan area, and could aid in reducing emissions impacts below the County's screening-level thresholds. Examples of TDM measures to consider include:

L1-2
- Provision of enhanced bicycle and pedestrian facilities that connect residents, tenants, and employees to nearby commercial areas, recreation areas, and existing and future transit services.
- Encourage employers to offer commuter benefit programs for their employees. Commuter benefit programs offer incentives to employees who use transportation alternatives to driving alone. The SANDAG TDM program, iCommute, can assist employers with developing customized commuter benefit programs and promoting regional commuting services

**Response to Comment Letter L1**

**San Diego Association of Governments (SANDAG)**
**Seth Litchney, Senior Regional Planner**
**May 5, 2017**

**L1-1** This comment acknowledges SANDAG's receipt of the Draft SEIR for review and comment, states that review was based on the San Diego Forward: The Region Plan, and briefly summarizes the purpose of polices included in San Diego Forward. This comment does not address the adequacy of the EIR, therefore, no further response is required.

**L1-2** The Specific Plan Amendment has been modified to include a requirement that Transportation Demand Management (TDM) plans be considered at each Site Plan Review for future development. The requirement for a TDM at Site Plan Review will allow the development-specific TDM to be tailored to the specifics of the actual land use (commercial, business tech, etc.).

to their employees. This includes the SANDAG Vanpool Program, which offers a subsidy of up to $400 per month for eligible vans, the Guaranteed Ride Home service, online ridematching and trip planning, support for taking transit, and bike education and encouragement programs. More information on regional TDM programs can be accessed through iCommuteSD.com.

- Given the proximity to the forthcoming South Bay Bus *Rapid* Transit service, offer subsidized transit passes for residents and employees. Promote transit by offering interactive trip planning kiosks in employment areas that display real-time information about regional transit service and other transportation options.
- Implement parking management strategies that encourage transportation alternatives and maximize the parking supply, including shared parking among land uses, priced parking and parking cash-out, and designated parking for carpools and vanpools at employment sites.

L1-2, (cont.)

SANDAG has a number of additional resources that can be used for additional information or clarification on smart growth and TDM. These can be found on the SANDAG website at sandag.org/igr:

- SANDAG Regional Parking Management Toolbox
- Riding to 2050, the San Diego Regional Bike Plan
- Regional Multimodal Transportation Analysis: Alternative Approaches for Preparing Multimodal Transportation Analysis in Environmental Impact Reports
- Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region
- Integrating Transportation Demand Management into the Planning and Development Process – A Reference for Cities

**Air Quality**

There are two minor clarifications relating to air quality within the Draft SEIR:

- On Page 2.1-4, please see the updated text below regarding the San Diego Air Basin's non-attainment classification for the 2008 ozone standard:

  "Effective June 3, 2016, the U.S. Environmental Protection Agency (U.S. EPA) determined that 11 areas, including the San Diego air basin, failed to attain the 2008 ozone National Ambient Air Quality Standards (NAAQS) by the applicable attainment date of July 20, 2015, and thus are reclassified by operation of law as "Moderate" for the 2008 ozone NAAQS. States containing any or any portion of these new Moderate areas must submit State Implementation Plan (SIP) revisions that meet the statutory and regulatory requirements that apply to 2008 ozone nonattainment areas classified as Moderate by January 1, 2017. The San Diego Air Pollution Control District submitted an SIP revision addressing Moderate area requirements to the Air Resources Board (ARB). The revised SIP was adopted by ARB on March 23, 2017, and will be submitted to the U.S. EPA."

L1-3

- On Page 2.1-9, the Regional Air Quality Strategy was most recently published in 2016.

L1-4

2

**L1-3** This revision has been made in the Final SEIR (page 2.1-5) (see Table 8-2 above).

**L1-4** This date has been corrected in the Final SEIR (page 2.1-9) (see Table 8-2 above).

When available, please send any additional environmental documents related to this project to:

SANDAG
Attention: Intergovernmental Review
401 B Street, Suite 800
San Diego, CA 92101

We appreciate the opportunity to comment on County of San Diego's Otay 250 – Sunroad East Otay Mesa Business Park Draft SEIR. If you have any questions, please contact me at (619) 699-1943 or via email at seth.litchney@sandag.org.

Sincerely,

SETH LITCHNEY
Senior Regional Planner

SLI/KHE/abar

3

Comment Letter L2

**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

7 May 2017

To: Ms. Michelle Irace
Department of Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Draft Supplemental Environmental Impact Report
Otay 250 – Sunroad East Otay Mesa Business Park Specific Plan Amendment
PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007,
PDS2015-TM-5607, Log No. PDS2015-ER-15-98-190-13G

Dear Ms. Irace:

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

Based on the information contained in the DSEIR and its Appendix D, we have the following comments:

L2-1 1. As SDCAS has consistently noted, failure to curate the collections (excluding any human remains and directly associated burial items) results in a failure to complete the mitigation of impacts to cultural resources. Per CEQA, it thus requires a statement of overriding considerations to explain the failure to do so.

L2-2 2. Also as we have consistently noted, requiring the project archaeologist to *not* curate the collections results in potentially exposing that archaeologist to the Register of Professional Archaeologists' grievance process and, ultimately, suspension. That could, in turn, possibly expose the County to legal action.

L2-3 3. If collections are to be turned over rather than curated, the project archaeologist must be permitted to make 3D laser scans of any of the collection artifacts, at his/her own discretion. Those scans must be verified by producing at least one proof "print", and the digital files and a proof print shall be curated at the curation facility meeting 36CFR79 requirements.

L2-4 4. The third bullet under "Disposition of Cultural Material" in M-CR-2, on page 2.3-22 of the DSEIR, has an ambiguity which requires resolution. The wording needs to make clear that the material referred to is any material not otherwise collected as part of the monitoring process. That is, if the project archaeologist chooses, for any reason, not to include any items

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

**Response to Comment Letter L2**

**San Diego County Archaeological Society, Inc.**
**James W. Royle, Jr., Chairperson**
**May 7, 2017**

**L2-1** The County is aware that the San Diego County Archaeological Society (SDCAS) does not agree with the repatriation of prehistoric (Native American) cultural materials and that to do so would cause an impact requiring overriding considerations. The mitigation measures related to the disposition of prehistoric materials includes curating artifacts at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe. Historic materials may only be curated at a San Diego curation facility and may not be repatriated or curated at a Tribal curation facility. CEQA identifies that curation (§15126.4b) may be an appropriate mitigation measure should data recovery be implemented but does not require curation. In addition, the NOP post-dates the requirement for Assembly Bill 52 (AB-52) consultation and the consideration of tribal cultural resources. AB-52 consultation requires that culturally appropriate mitigation measures be considered and included in the environmental document. As a result of consultation, repatriation was requested by Viejas due to the sensitivity of the Project site.

All scientific information is retained through the information provided in the cultural study and there are no unmitigated impacts. As such, overriding considerations are not required. No changes were made to the EIR as a result of this comment.

**L2-2** The comment is related to RPA standards and is not at variance with the environmental document. No changes were made to the EIR as a result of this comment.

**L2-3** The comment is related to the 3-D scanning of artifacts that were collected as part of the Project analysis and/or monitoring program. The cultural sites associated with the Project were previously tested by Gallegos and Kyle (1992) and Byrd et al. (1994). As such, additional testing was not conducted by Gallegos in 2008 or

| | |
|---|---|
| | by the current efforts of ASM (2016). Should artifacts be identified during monitoring, it is up to the discretion of the Project Archaeologist as to whether 3-D scanning would be conducted. 3-D scanning would be appropriate for artifacts that are considered unusual or of research value. Human remains and associated grave goods would inappropriate for 3-D scanning as they are considered sacred by the Native American community. |

L2-4, (cont.)

L2-5

as part of the collection to be taken from the field for analysis, the Native American monitor is free to rebury them onsite. The present wording could unintentionally set up an "I saw it first" competition between the monitors and thus diminish the overall mitigation of impacts.

5. Other than the above, we concur with the impact analysis and mitigation measures.

SDCAS appreciates the opportunity to participate in the environmental review process for this project.

Sincerely,

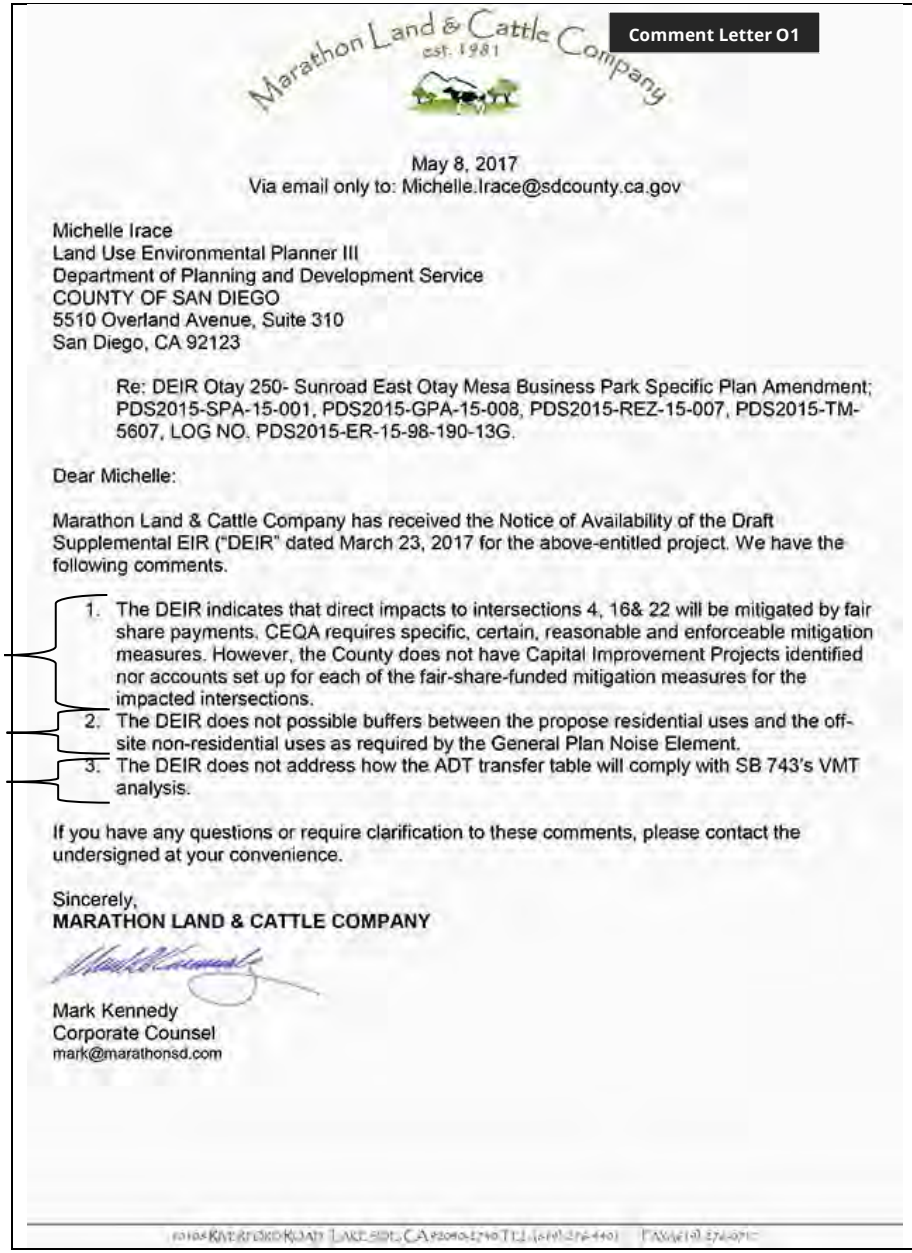
James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: ASM Affiliates
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

**L2-4** The comment identifies an ambiguity regarding the disposition of cultural materials and requests that only those materials not collected for curation be allowed to be repatriated. Under the Disposition of Cultural Materials discussion on page 2.3-22 of the SEIR, prehistoric cultural materials may be curated at a San Diego curation facility or Tribal curation facility, or may alternatively be repatriated to a culturally affiliated tribe. The subsection related to the repatriation within the Project site has been revised to indicate that repatriation would occur after artifact analysis. Also see response to comment L2-1.

**L2-5** This comment states that, other than comments expressed in the letter, SANDAG agrees with the impact analysis and mitigation measures presented in the SEIR. This comment does not address the adequacy of the EIR, therefore, no further response is required.



Comment Letter O1

Marathon Land & Cattle Company est. 1981

May 8, 2017
Via email only to: Michelle.Irace@sdcounty.ca.gov

Michelle Irace
Land Use Environmental Planner III
Department of Planning and Development Service
COUNTY OF SAN DIEGO
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: DEIR Otay 250- Sunroad East Otay Mesa Business Park Specific Plan Amendment; PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007, PDS2015-TM-5607, LOG NO. PDS2015-ER-15-98-190-13G.

Dear Michelle:

Marathon Land & Cattle Company has received the Notice of Availability of the Draft Supplemental EIR ("DEIR" dated March 23, 2017 for the above-entitled project. We have the following comments.

1. The DEIR indicates that direct impacts to intersections 4, 16& 22 will be mitigated by fair share payments. CEQA requires specific, certain, reasonable and enforceable mitigation measures. However, the County does not have Capital Improvement Projects identified nor accounts set up for each of the fair-share-funded mitigation measures for the impacted intersections.
2. The DEIR does not possible buffers between the propose residential uses and the off-site non-residential uses as required by the General Plan Noise Element.
3. The DEIR does not address how the ADT transfer table will comply with SB 743's VMT analysis.

O1-1
O1-2
O1-3

If you have any questions or require clarification to these comments, please contact the undersigned at your convenience.

Sincerely,
**MARATHON LAND & CATTLE COMPANY**

Mark Kennedy
Corporate Counsel
mark@marathonsd.com

**Response to Comment Letter O1**

**Marathon Land & Cattle Company**
**Mark Kennedy, Corporate Counsel**
**May 8, 2017**

**O1-1** These intersections with direct impacts and fair-share payments are in the jurisdiction of the City of San Diego, which has Facilities Benefit Assessment/Development Impact Fee accounts set up for these improvements.

**O1-2** It is unclear to which requirement of the General Plan Noise Element this comment is directed. General Plan Noise Element Goal N-2, Protection of Noise Sensitive Uses, and Policies N-2.1 and N-2.2 relate to this comment. Policy N-2.1 states, "Require an acoustical study to identify inappropriate noise level where development may directly result in any existing or future noise sensitive land uses being subject to noise levels equal to or greater than 60 dBA CNEL and require mitigation for sensitive uses in compliance with the noise standards listed in Table N-2." Policy N-2.2 states, "Assure that in developments where the exterior noise levels on patios or balconies for multi-family residences or mixed-use developments exceed 65 CNEL, a solid noise barrier is incorporated into the building design of the balconies and patios while still maintaining the openness of the patio or balcony."

The SEIR states that the Project site is currently zoned S-88 for agricultural use and is subject to the most restrictive 45 dBA requirements, which is the same requirement for residences. Thus, existing land uses adjacent to the Project site are currently restricted to noise level limits of 50 dBA Leq from 7:00 a.m. to 10:00 p.m. and 45 dBA Leq from 10:00 p.m. to 7:00 a.m. at property lines. With and without the Project, the 45 dBA requirement would continue to apply to the site. Therefore, the proposed Project's residential uses would not be subject to noise limits higher than the allowable limits for residential uses by off-site land uses. The Project would not require neighboring land uses to adopt a more restrictive property standard or the use of

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| | buffers between the proposed residential uses and the off-site non-residential uses.<br><br>**O1-3** The ADT Transfer table is based on average daily traffic associated with the various land uses that will develop on the Project site. Vehicle miles travel pertains to travel within a region and are not directly correlated with specific land use but rather transportation networks and land use patterns. The purpose of the ADT Transfer table provides a control such that the traffic associated with the Project is not exceeded, even with refinements in development intensities and densities in the future. Further, the pending changes required by SB 743 are not final and their implementation by a lead agency haven't been fully established. |

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May 8, 2017

**Via E-Mail and Federal Express**

Michelle Irace
San Diego County
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Re: Draft SEIR for Otay 250 Sunroad East Otay Mesa Business Park Specific Plan Amendment SCH No. 2016031028; Project Numbers PDS2015-SPA-15-001, PDS2015-GPA-15-008, PDS2015-REZ-15-007, PDS2015-TM-5607; LOG No. PDS2015-ER-15-98-190-13G

Dear Ms. Irace:

This firm represents the Endangered Habitats League ("EHL") in connection with the proposed Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment Project ("Project ") and its associated Draft Supplemental Environmental Impact Report ("DEIR"). EHL is southern California's only regional conservation organization and a long-term stakeholder in County planning efforts. It and its members have a direct stake in maintaining the health of Southern California's unparalleled biodiversity and the native ecosystems that support it. EHL is deeply concerned about the far-ranging environmental impacts that would result from implementation of the proposed Project.

O2-1

After reviewing the DEIR, we have concluded that the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq. As described below, the DEIR violates CEQA because it fails to properly analyze the Project's environmental impacts, in particular its impacts on climate change. It also fails to include adequate mitigation for the Project's significant climate change impacts. Such fundamental errors undermine the integrity of the DEIR.

**Response to Comment Letter O2**

**Endangered Habitats League**
**Joseph Petta - Shute, Mihaly & Weinberger LLP**
**May 8, 2017**

**O2-1** The County disagrees that the SEIR is inadequate or fails to properly analyze the Project's environmental impacts and provide adequate mitigation relative to climate change. The *Greenhouse Gas Evaluation* prepared by Scientific Resources Associated (February 3, 2017) for the proposed Project, included as Appendix E of this SEIR, relies on an efficiency metric based on the future statewide GHG emissions reductions goals divided by the statewide service population as a guideline for evaluating potential GHG emissions impacts. Since the time that the *Greenhouse Gas Evaluation* was prepared and the Draft SEIR was issued for public review, it has been determined that the service population efficiency metric cannot be used as the appropriate guideline. Therefore, the analysis in Section 2.4 of the Final SEIR relies on CEQA's guidance relative to evaluating GHG emissions.

Pursuant to Section 15064.4(b) of the State CEQA Guidelines, when addressing the significance of impacts from GHG emissions on the environment, the following factors were considered:

(1) The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting;
(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and
(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

The County does not currently have thresholds of significance for evaluating GHG emissions impacts. Additionally, the County has not yet adopted a Climate Action Plan for the reduction of GHG emissions; although the Draft CAP and Draft SEIR were released for public review in August 2017. Therefore, the analysis in the Final EIR relies on the first guideline outlined above: *the extent to which the project may increase or reduce GHG emissions as compared to the existing*

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| | *environmental setting* as the guideline for evaluating GHG emissions impacts.<br><br>With the revisions incorporated into the Final SEIR, the SEIR properly analyzes the proposed Project's impacts on climate change. Section 2.4 of the SEIR includes a detailed analysis of the proposed Project's GHG emissions. The Final SEIR provides an adequate analysis potential impacts associated with GHG emissions, in conformance with CEQA Guidelines Appendix G and Section 15064.4(b). In addition, subsequent to publishing and public review of the Draft SEIR, the Project applicant has voluntarily committed to achieve carbon neutrality. As concluded in Section 2.4.2 of the Final SEIR, the Project would result in significant GHG emissions impacts. To fully mitigate the project's impacts relative to GHG emissions, mitigation measures have been expanded to include a requirement for net zero emissions from future developments within the Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment area.<br><br>As detailed in Section 2.4.5 within the Final SEIR, CARB recommends that lead agencies prioritize on-site design features and direct investments in GHG reductions in the vicinity of the project. CARB also recommends that where further project design or regional investments are infeasible or not proved to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits issued by a recognized and reputable accredited carbon registry. Examples of off-site mitigation can include, among other mechanisms, the purchase of verifiable carbon "offsets" from a carbon registry that will undertake mitigation.<br><br>Table 2.4-7 lists the proposed project's on-site project design features to reduce GHG emissions. Based on the emissions inventory data presented in Table 2.4-8, the project will result in 37,554 MT CO2E with the incorporation of project design features. Note that this calculation under-represents the percentage of GHG emissions reductions that will be achieved through on-site features and measures because, as provided in Table 2.4-7, many of the features and measures conservatively were not assigned quantitative emissions reductions values. |

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| | Each phase of the project (i.e., implementing site plans) would be required to undergo a site plan review, and at that time, shall require the development to have net zero emissions. Because the project would result in a significant impact, mitigation measures (as fully detailed in Section 2.4 of the Final EIR) would reduce GHG impacts to less than significant.<br><br>With mitigation, the Project would result in net zero GHG emissions and, therefore, would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by 2030. Thus, GHG emissions impacts would be reduced to below a level of significance. |

The Environmental Impact Report ("EIR") is "the heart of CEQA." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 ("*Laurel Heights I*") (citations omitted). It "is an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (internal quotations and citations omitted).

O2-2

Where, as here, the environmental review document fails to fully and accurately inform decisionmakers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of either statute. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."). As a result of the DEIR's numerous and serious inadequacies, there can be no meaningful public review of the Project. San Diego County must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake.

**I. The DEIR's Analysis of and Mitigation for the Climate Impacts of the Proposed Project Are Inadequate.**

O2-3

The discussion of a proposed project's environmental impacts is at the core of an EIR. *See* Cal. Code Regs., tit. 14 (CEQA "Guidelines") §15126.2(a) ("[a]n EIR *shall* identify and focus on the significant environmental effects of the proposed project") (emphasis added). As explained below, the DEIR's environmental impacts analysis is deficient under CEQA because it fails to provide the necessary facts and analysis to allow the County and the public to make informed decisions about the Project. An EIR must effectuate the fundamental purpose of CEQA: to "inform the public and its responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 (citation omitted) ("*Laurel Heights II*"). To do so, an EIR must contain facts *and* analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. Thus, a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational mandate.



**O2-2** The County disagrees that the SEIR's analysis fails to provide the necessary facts and analysis to allow the County and the public to make informed decisions about the proposed Project. With the revisions incorporated into the Final SEIR, the SEIR fully and accurately informs decision makers and the public with detailed information about the effect of the proposed Project on climate change. Section 2.4 in the Final SEIR has been revised in regard to significance criteria and mitigation measures, as discussed in response to comment O2-1. The Final SEIR accurately identifies the significant impact associated with GHG emissions and provides mitigation measures that, in concert with the Project's design features presented in the Final SEIR, would reduce the GHG impacts to less than significant. As discussed in response to comment O2-1 above, the Project applicant has voluntarily agreed to condition the proposed Project to further reduce GHG emissions to a net-zero level. The addition of mitigation measures and other text revisions to Section 2.4 do not constitute significant new information. The new information clarifies and amplifies information in the SEIR. A new significant impact would not result from the project or from a new mitigation measure proposed to be implemented. A substantial increase in the severity of an environmental impact would not result. Thus, in accordance with CEQA, Section 15088.5, the Final SEIR does not require recirculation.

**O2-3** Comment O2-3 is a restatement of the law and does not pertain to the adequacy of the EIR. Furthermore, the County disagrees that the SEIR's analysis fails to provide the necessary facts and analysis to allow the County and the public to make informed decisions about the proposed Project. Refer to responses to comments O2-1 and O2-2 above. The Final SEIR includes feasible mitigation measures to reduce GHG emissions associated with the proposed Project to net zero.

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Additionally, an EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines §15126.4. Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects . . . ." Pub. Res. Code § 21002.

O2-3

The proposed Project has the potential to significantly contribute to GHG emissions, yet neither the public nor decisionmakers have any way of knowing the magnitude of this impact. As we explain below, the DEIR simply fails to provide detailed, accurate information about the Project's significant environmental impacts or to analyze mitigation measures that would reduce or avoid such impacts.

O2-4

**A. The DEIR Fails to Adequately Analyze and Mitigate Climate Change Impacts.**

The DEIR concludes that the Project would result in significant impacts related to climate change but that those impacts would be reduced to less than significant levels with proposed mitigation measures. As detailed below, the DEIR's analysis is fundamentally flawed. It unlawfully relies on the County's July 2016 GHG guidance, which itself was recently ruled to be in violation of CEQA in *Sierra Club v. County of San Diego*, San Diego County Superior Court Case No. 37-2012-00101054-CU-TT-CTL. As directed by the *Sierra Club* case and the County General Plan, the DEIR should have analyzed climate impacts pursuant to thresholds developed under the County's Climate Action Plan ("CAP"). But the County has failed to adopt a legally adequate CAP. In addition, the DEIR's analysis violates the California Supreme Court's direction in *Center for Biological Diversity v. California Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204 ("*Newhall Ranch*") because it relies on statewide thresholds without any evidence that they are relevant to individual projects. The DEIR's proposed mitigation—based primarily on installation of solar photovoltaic panels on rooftops of new homes—fails to sufficiently mitigate for GHG emissions resulting from the Project's increase in VMT.

O2-5

**1. The County May Not Rely On Its July 2016 GHG Guidance Recommending Use of the Efficiency Metric to Determine Significance.**

The DEIR analyzes GHG impacts based on guidance that its Planning and Development Services department issued in July 2016. *See* DEIR at 2.4-7 (failing to mention the Guidance by name but relying on its recommended thresholds verbatim). This guidance sets forth the County's recommended CEQA threshold of significance for GHG emissions. *See* County of San Diego, 2016 Climate Change Analysis Guidance,

O2-6

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**O2-4** The County disagrees that the public and decision makers have no way of knowing the magnitude of the impact. Please see the response to comment O2-1. The County evaluated the proposed Project's GHG emissions impacts by first calculating the Projects sources of greenhouse gas, as discussed in Section 2.4.2.5 of the Draft SEIR. As shown in Table 2.4-8 in the SEIR, the proposed Project's total $CO_2$ equivalent emissions were calculated to be 37,554 MTCO2e per year. After calculating the proposed Project's emissions, the County considered the following factors, which are outlined in CEQA Guidelines 15064.4 in the Final SEIR: (1) whether the project increases or reduces GHG emissions compared to the existing setting; (2) where the project emissions exceeded an applicable threshold of significance; and (3) whether the project complies with applicable regulations, plans or policies that have been adopted to reduce GHG emissions. As discussed in Section 2.4 of the Final SEIR, the proposed Project would have a potentially significant impact. Mitigation measures were then set forth in order to reduce the impact to less than significant. .

**O2-5** The commenter is correct in that the Draft SEIR relied on the 2016 Climate Change Analysis Guidance document. However, the SEIR was changed to reflect the outcome of *Sierra Club v. County of San Diego*; and the Final SEIR changes no longer relies on the County's' 2016 Guidelines for its significance analysis but rather uses CEQA Guidelines Section 15064.4.

The commenter incorrectly states that the SEIR should have analyzed climate impacts pursuant to thresholds developed under a County Climate Action Plan (CAP). Please refer to Section 2.4.2.1 of the Final EIR.

Pursuant to Section 15064.4(b) of the State CEQA Guidelines, when determining the significance of impacts from GHG emissions on the environment, the following factors should be considered:

(1) The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting;
(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

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| | (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.<br><br>The County cannot consider factor (2), because the County does not currently have thresholds or guidelines for significance for GHG emissions. The County adopted a Guidance Document in 2016. However, the Superior Court in Sierra Club v. County of San Diego, Case No. 2012-0101054/Golden Door Properties LLC v. County of San Diego, Case No. 2016-0037402 (April 28, 2017) ruled that the 2016 Guidance Document and its "County Efficiency Metric" may not be used to provide the basis for CEQA review of GHG impacts for development proposals within the unincorporated County lands. Factor (3) is also not considered due to the parallel processing of the proposed project and the County's Climate Action Plan (CAP). Although the CAP was very recently adopted by the Board of Supervisors on February 14, 2018, it has been determined that a standalone analysis independent of the Draft CAP is more appropriate at this time. Therefore, in the context of this project, when determining the significance of GHG emissions, the County may only use factor (1): the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.<br><br>**O2-6** The efficiency metric analysis previously included in the Draft SEIR has been removed in the Final SEIR. See response to comment O2-1. |

July 29, 2016 ("July 2016 GHG guidance"), attached as Exhibit 1. However, the July 2016 GHG guidance and thresholds were not developed through a public review process or adopted by ordinance, resolution, rule, or regulation, as required by CEQA. Guidelines § 15064.7. For this among other reasons, the July 2016 GHG guidance is currently the subject of four pending lawsuits, including one in which the San Diego County Superior Court ruled the July 2016 GHG guidance violated CEQA and may not be relied on for approval of any pending or future development projects in the County. *See* April 28, 2017 Decision in San Diego County Superior Court Case No. 37-2012-00101054-CU-TT-CTL, attached as Exhibit 2.[1]

O2-7

Even absent the *Sierra Club* court's injunction, the County could not rely on its July 2016 GHG guidance because it is substantively invalid under *Newhall Ranch*. There, the Court held that while a "Business As Usual" approach was not categorically unlawful, the agency's application of that methodology failed to comply with CEQA because the EIR "simply assume[d]" that the level of reduction effort required in the statewide context would be sufficient for the specific land use development at issue, failing to support its finding of no significant GHG impacts with substantial evidence. 62 Cal.4th at 226. The Court explained:

> At bottom, the EIR's deficiency stems from taking a quantitative comparison method developed by the Scoping Plan as a measure of the greenhouse gas emissions reduction effort required by the state as a whole, and attempting to use that method, without consideration of any changes or adjustments, for a purpose very different from its original design: To measure the efficiency and conservation measures incorporated in a specific land use development proposed for a specific location.

O2-8

*Id.* Similarly, the County may not assume that the July 2016 GHG efficiency metric based on *statewide* reduction targets would be sufficient to attain those targets when applied to individual projects.

The County's July 2016 GHG guidance does exactly what the Supreme Court forbids. The DEIR explains that the efficiency metric "represents the rate of emissions

O2-9

[1] *Sierra Club v. County of San Diego* (SDSC Case No. 37-2012-00101054); *Golden Door Properties, LLC v. County of San Diego* (SDSC Case No. 37-2016-00037402); *Cleveland National Forest Foundation et al. v. County of San Diego* (SDSC Case No. No. 37-2017-00001628); *Sierra Club v. County of San Diego* (SDSC Case No. No. 37-2017-00001635).



**O2-7** The Draft SEIR relied on the 2016 Climate Change Analysis Guidance document. However, the SEIR was changed to reflect the outcome of *Sierra Club v. County of San Diego.* The GHG analysis in the Final SEIR is consistent with CEQA Guidelines Section 15064.4. The CEQA Guidelines offer two paths to evaluating GHG emissions impacts in CEQA documents: 1) Projects can tier off a "qualified" GHG Reduction Plan (CEQA Guidelines Section 15183.5); or 2) Projects can determine significance by calculating GHG emissions and assessing their significance (CEQA Guidelines Section 15064.4). Neither the CARB nor the San Diego Air Pollution Control District (SDAPCD) has adopted significance criteria applicable to land use development projects for the evaluation of GHG emissions under CEQA. OPR's Technical Advisory *CEQA and Climate Change: Addressing Climate Change through CEQA Review* states, "public agencies are encouraged, but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact." Furthermore, OPR's advisory document indicates, "in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact,' individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice."

**O2-8** The Draft SEIR relied on the 2016 Climate Change Analysis Guidance document. However, the SEIR was changed to reflect the outcome of *Sierra Club v. County of San Diego.* The climate change analysis in the Final SEIR does not rely on efficiency metric based on statewide reduction targets. Instead, the analysis in Section 2.4 of the Final SEIR relies on CEQA's guidance relative to evaluating GHG emissions. Discussion and references to the efficiency metric previously included in the Draft SEIR have been removed.

**O2-9** The Draft SEIR relied on the 2016 Climate Change Analysis Guidance document. However, the SEIR was changed to reflect the outcome of *Sierra Club v. County of San Diego.* The SEIR does not rely on the 2016 Climate Change Analysis Guidance document. Discussion, and references to the efficiency metric previously included

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| | in the Draft SEIR have been removed. Instead, the analysis in Section 2.4 of the Final SEIR relies on CEQA's guidance relative to evaluating GHG emissions. Furthermore, this comment does not address the adequacy of the EIR, therefore, no further response is required. |

needed to achieve a fair share of the State's emission mandate embodied in AB 32." DEIR at 2.4-7. The DEIR goes on to say that the use of "fair share" in this instance indicates the GHG efficiency level that, if applied statewide, would meet the AB 32 emissions target and support efforts to reduce emissions beyond 2020. *Id.* The DEIR then states that if the emissions per capita for the Project are lower than the state's average efficiency metric of 3.0 $MTCO_2e$ per service population in year 2028, the impact would be considered less-than-significant. *Id.*; *id.* at 2.4-8. However, it fails to provide evidence that new projects, like this one, need only meet the statewide per capita average for the statewide GHG targets to be met.

O2-10

The County should have bridged this analytic gap by preparing a legally sufficient CAP before embarking on this analysis. Without the CAP, the statewide metrics have only questionable relevance to San Diego County or its ability to achieve compliance with AB 32 and SB 32, and Executive Orders EO S-03-05 and B-30-15. In fact, the available San Diego County-specific data show that the County must do more to meet 2028 targets, and presumably *much* more to meet the 2050 target. *See* attached University of San Diego's 2013 GHG inventory (Exhibit 3), which shows that even in the rosiest of scenarios, the County is not on track to meeting AB 32 targets in 2020. To the extent the DEIR provides some of this analysis for the San Diego region, it is deemed "preliminary" since the County is still in the process of preparing the CAP and refining the emissions inventories. DEIR at 2.4-14. In short, the DEIR and the July 2016 GHG guidance both fail to explain why cumulative targets for the entire state or San Diego region should be presumptively sufficient for individual projects like this one.

O2-11

To be consistent with AB 32, SB 32 and the Executive Orders, any new individual project will likely need to provide significantly greater emission reductions than merely meeting a statewide target. Contrary to the methodology applied by the DEIR, there is no reason to presume without evidence that the Project's "fair share" of reductions would match a state or even regional average. The Court explained this point in *Newhall Ranch*: new projects may require a greater level of reduction because "[d]esigning new buildings and infrastructure for maximum energy efficiency and renewable energy use is likely to be easier, and is more likely to occur, than achieving the same savings by retrofitting of older structures and systems." 62 Cal.4th at 226. The DEIR ignores this reality and directly imports the statewide standards, assuming the reduction rate for new and existing development should be the same. The Scoping Plan, on which these methodologies are all based, is silent on the distinction between new and existing development in terms of the capacity to reduce emissions, but it stands to reason that new developments will need to reduce at a greater rate, as older development will continue to exist and emit at levels higher than the average. As the DEIR blindly assumes the same emissions reductions

O2-12



**O2-10** Section 2. 4.1.2 Methodology of the Final SEIR has been revised to remove the evaluation of the Proposed Project based on the efficiency metric. The analysis in Section 2.4 of the Final SEIR relies on CEQA's guidance relative to evaluating GHG emissions.

**O2-11** The County disagrees that a CAP must be prepared prior to conducting a GHG analysis for the proposed Project; see response to comment O2-5 above and O2-13 below. The text previously included in the Draft SEIR has been revised to remove the evaluation of the proposed Project based on statewide metrics. Instead, the analysis in Section 2.4 of the Final SEIR relies on CEQA's guidance relative to evaluating GHG emissions. The analysis in the Final SEIR is consistent with CEQA Guidelines Section 15064.4; refer to response to comment O2-7.

**O2-12** The proposed Project will reduce its contribution to greenhouse gas emissions through the Project applicant's commitment to achieve carbon neutrality. The Final SEIR includes several mitigation measures to reduce greenhouse gas emissions to a net-zero level. See response to comment O2-1.

O2-12, (cont.)

levels for statewide and project-specific compliance with AB 32, its GHG analysis is not supported by substantial evidence and the EIR is deprived of its "sufficiency as an informative document." *Id.* at 227 (citing *Laurel Heights*, 47 Cal.3d at 392 ).

**2. The County's Failure to Adopt a Legally Sufficient Climate Action Plan is the Root of the Problem.**

The County's General Plan contains a mitigation measure that requires the County to adopt a Climate Action Plan that will ensure that the County sufficiently reduces its GHG emissions to meet AB 32's goals and beyond. As the Court of Appeal stated:

> [Mitigation Measure] CC-1.2 requires the preparation of a County Climate Change Action Plan within six months from the adoption date of the General Plan Update. The Climate Change Action Plan will include a baseline inventory of greenhouse gas emissions from all sources and more detailed greenhouse gas emissions reduction targets and deadlines. The County Climate Change Action Plan will achieve comprehensive and enforceable GHG emissions reduction of 17% (totaling 23,572 $MTCO_2e$) from County operations from 2006 by 2020 and 9% reduction (totaling 479,717 $MTCO_2e$) in community emissions from 2006 by 2020.

O2-13

*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1159. This mitigation measure is a crucial aspect of the General Plan, and the General Plan EIR made it clear that adoption of the Climate Action Plan, among other measures, was necessary to mitigate the Plan's significant climate impacts. However, when the County adopted its Climate Action Plan, it failed to ensure that the Plan contained enforceable measures to reduce Countywide emissions to 1990 levels by 2020. Sierra Club successfully challenged the Climate Action Plan, which the court invalidated. *Id.*

Without the Climate Action Plan, the Project cannot be found consistent with the General Plan's climate-related policies. For example, the General Plan requires the CAP to establish thresholds:

> CC-1.8 Revise County Guidelines for Determining Significance based on the Climate Change Action Plan. The revisions will include guidance for proposed discretionary projects to achieve greater energy, water, waste, and transportation efficiency.

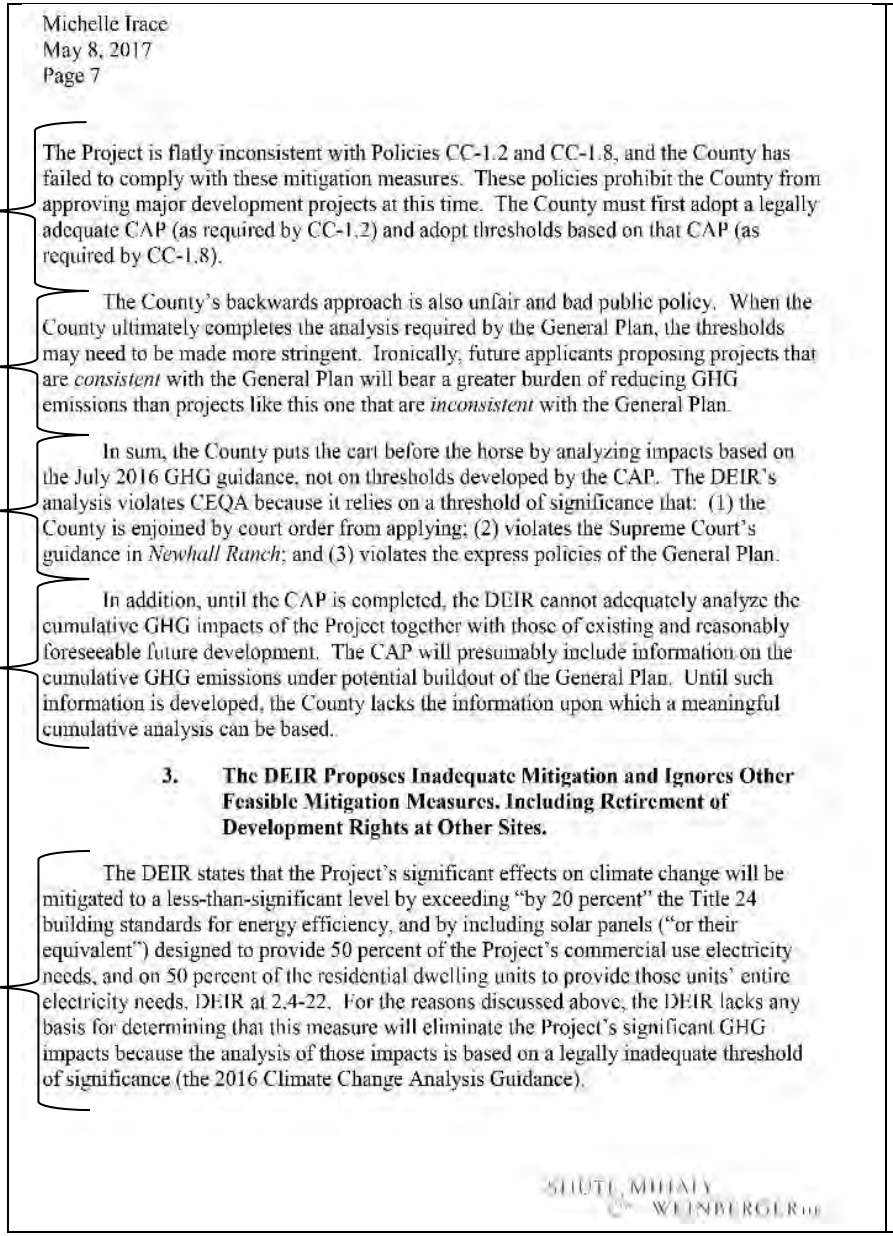


**O2-13** This comment states that because the County of San Diego does not have an adopted CAP and that the Draft EIR does not have sufficient impact thresholds to analyze the project's GHG emissions and impacts. Relatedly, comment O2-21 states the Draft EIR will have to be recirculated following adoption of a County CAP. The County does not agree with either of these comments for the reasons stated below.

First, the Program EIR (PEIR) for the General Plan Update (GPU) includes a mitigation measure that requires preparation of a CAP. Following certification of the Program EIR and adoption of the General Plan Update, the County prepared and adopted a CAP. However, litigation successfully challenged the validity of the County's CAP, the CEQA compliance documentation prepared for the CAP, and the thresholds of significance derived from the CAP. The County is working to issue and adopt an updated CAP, including thresholds of significance for GHG emissions in CEQA analysis, consistent with the mitigation parameters of the set forth in the GPU PEIR. It should be noted that the San Diego County Superior Court recently rejected arguments from the Sierra Club et al. to prevent the County from processing and approving projects prior to the adoption of a lawful CAP and corresponding CEQA significance thresholds. The Superior Court held that an injunction prohibiting the "County from undertaking its planning process is too broad." See Sierra Club v. County of San Diego (Case No. 2012-0101054) and Golden Door Properties LLV v. County of San Diego (Case No. 2016-0037402).

Second, the Draft EIR for the project has thresholds consistent with the parameters of CEQA Guidelines Section 15064.4. Specifically, as set forth in Section 2.4, Greenhouse Gas Emissions, the Final SEIR includes feasible mitigation measures to reduce GHG emissions associated with the proposed Project to net zero. Mitigation measure GHG-1a requires that the Project buildings will exceed Title 24 as of 2016 by 20 percent. Mitigation measure GHG-1b requires the Project to include photovoltaic solar panels designed to provide 50 percent of

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| | the Project's commercial electricity use needs and 50 percent of the residential dwelling units' electricity needs.<br><br>Therefore, the environmental analysis for the project has been developed to comply with the requirements of CEQA, which exist independent of the County's CAP. Further, the requirement to achieve no net increase in GHG emissions ensures that the project will not conflict with the CAP that is under development because it fully eliminates project-related GHG emissions. |



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The Project is flatly inconsistent with Policies CC-1.2 and CC-1.8, and the County has failed to comply with these mitigation measures. These policies prohibit the County from approving major development projects at this time. The County must first adopt a legally adequate CAP (as required by CC-1.2) and adopt thresholds based on that CAP (as required by CC-1.8).

O2-14

The County's backwards approach is also unfair and bad public policy. When the County ultimately completes the analysis required by the General Plan, the thresholds may need to be made more stringent. Ironically, future applicants proposing projects that are *consistent* with the General Plan will bear a greater burden of reducing GHG emissions than projects like this one that are *inconsistent* with the General Plan.

O2-15

In sum, the County puts the cart before the horse by analyzing impacts based on the July 2016 GHG guidance, not on thresholds developed by the CAP. The DEIR's analysis violates CEQA because it relies on a threshold of significance that: (1) the County is enjoined by court order from applying; (2) violates the Supreme Court's guidance in *Newhall Ranch*; and (3) violates the express policies of the General Plan.

O2-16

In addition, until the CAP is completed, the DEIR cannot adequately analyze the cumulative GHG impacts of the Project together with those of existing and reasonably foreseeable future development. The CAP will presumably include information on the cumulative GHG emissions under potential buildout of the General Plan. Until such information is developed, the County lacks the information upon which a meaningful cumulative analysis can be based.

O2-17

**3. The DEIR Proposes Inadequate Mitigation and Ignores Other Feasible Mitigation Measures, Including Retirement of Development Rights at Other Sites.**

The DEIR states that the Project's significant effects on climate change will be mitigated to a less-than-significant level by exceeding "by 20 percent" the Title 24 building standards for energy efficiency, and by including solar panels ("or their equivalent") designed to provide 50 percent of the Project's commercial use electricity needs, and on 50 percent of the residential dwelling units to provide those units' entire electricity needs. DEIR at 2.4-22. For the reasons discussed above, the DEIR lacks any basis for determining that this measure will eliminate the Project's significant GHG impacts because the analysis of those impacts is based on a legally inadequate threshold of significance (the 2016 Climate Change Analysis Guidance).

O2-18

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**O2-14** See responses to comments O2-5 and O2-13 above.

**O2-15** This comment does not address the adequacy of the EIR. Concerning the project at hand, as described in the response to comment O2-1, the Project applicant has committed to achieve a net-zero level of emissions. With incorporation of mitigation, impacts would be less than significant.

**O2-16** The Draft SEIR relied on the 2016 Climate Change Analysis Guidance document. However, the SEIR was changed to reflect the outcome of *Sierra Club v. County of San Diego.* The proposed Project has been designed and conditioned with additional mitigation to achieve carbon neutrality (i.e., net zero emissions), and thus does not violate CEQA. See responses to comments O2-1, O2-4, O2-6, and O2-13.

**O2-17** See responses to comments O2-5 and O2-13.

**O2-18** The Final SEIR includes mitigation measures to achieve carbon neutrality. The efficiency metric analysis has been removed from the Final SEIR. Instead, the analysis in Section 2.4 of the Final SEIR relies on CEQA's guidance relative to evaluating GHG emissions. Subsequent to publishing and public review of the Draft SEIR, the Project applicant has voluntarily committed to achieve carbon neutrality. To fully mitigate the project's impacts relative to GHG emissions, mitigation measures have been expanded to include a requirement for net zero emissions from future developments within the Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment area.

Table 2.4-7 lists the proposed project's on-site project design features to reduce GHG emissions. Based on the emissions inventory data presented in Table 2.4-8, the project will result in 37,554 MT CO2E with the incorporation of project design features. Note that this calculation under-represents the percentage of GHG emissions reductions that will be achieved through on-site features and measures because, as provided in Table 2.4-7, many of the features and measures conservatively were not assigned quantitative emissions reductions values.

| | |
|---|---|
| | Each phase of the project (i.e., implementing site plans) would be required to undergo a site plan review, and at that time, shall require the development to have net zero emissions. With mitigation, the Project would result in net zero GHG emissions and, therefore, would be consistent with the goals of Executive Order B-30-15 and SB 32 that requires the state to reduce its GHG emissions to 40 percent below 1990 levels by 2030. Thus, GHG emissions impacts would be reduced to below a level of significance. |

Furthermore, the DEIR ignores the fact that the mitigation proposed—building energy efficiency and solar panels on rooftops—addresses only energy use in the Project's buildings. While solar panels are laudable, they do nothing to mitigate the climate change impacts associated with Project's increase in vehicle miles traveled ("VMT"), the source of the largest share of the Project's GHG emissions by far. *See* DEIR at 2.4-33.

O2-19

EHL urges the County to require mitigation that will begin to address the most serious threat of increased VMT facing the County—proposed sprawl development that is auto-dependent and far from urban centers. EHL proposes that the Project mitigate emissions generated from increased VMT by acquiring and retiring development rights at other sites in the County that, if developed, could otherwise generate a comparable increase in VMT. Such a requirement would not only provide substantial mitigation for this Project, but could provide a model for addressing VMT at other sites in the County, and a framework for preventing development in the more remote parts of the County where it does not belong.

O2-20

**II. The DEIR Must Be Recirculated.**

Under California law, the present EIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances that require recirculation of a draft EIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." Guidelines § 15088.5.

O2-21

Here, both circumstances apply. Decisionmakers and the public cannot possibly assess the Project's impacts, or even its feasibility, through the present DEIR. In order to resolve these issues, the County must prepare a revised EIR that would necessarily include substantial new information.

**III. Conclusion**

As set forth above, the Project DEIR is inadequate under CEQA. The deficiencies of the DEIR necessitate extensive revision of the document and recirculation for public comment. EHL respectfully requests that the County reevaluate the Project and make changes to the design to reduce the Project's serious environmental impacts.

O2-22



**O2-19** The County disagrees with the contentions within this comment. See to response to comment O2-1 above.

There are a number of guiding documents that provide possible on-site design measures that subsequent site plans will be required to implement or otherwise prove to be infeasible in a subsequent GHG analysis, including requirements that future development achieve net zero emissions levels in addition to building efficiency and solar panels (see M-GHG-2). Additionally, as detailed in Section 2.4.2.5, it is important to recognize that the proposed Project is part of the planned and approved East Otay Mesa Business Park Specific Plan community, which contains a mix of residential, commercial, civic, recreational, and public facilities, all of which reduce the amount of vehicle miles traveled and corresponding GHG emissions. The proposed Project would further reduce the amount of vehicle miles traveled by incorporating into the Specific Plan an increase in residential units at high densities mixed with supporting retail and employment uses, adding to what was previously a primarily light industrial/technology center to create a mixed-use village setting. In addition to being part of a larger Specific Plan area, the proposed Project itself contributes a more integrated and balanced mix of uses, including community-serving commercial, light industrial employment uses, a 50.3-acre open space preserve, and trail amenities. The Project's mix of uses allows for the Project to internally capture approximately 15.04 percent of all vehicle trips. Further, the Project's mix of land uses, including residential in conjunction with the retail and employment, is coupled with an integrated pathway and trail plan and traffic calming features along internal streets and roads that promote a pedestrian experience for the Project's residents and visitors and facilitate non-vehicular travel.

**O2-20** See response to comment O2-19 above. VMT is not a metric used for traffic analysis in this SEIR. LOS is used for the traffic analysis, and the Project fully mitigates its impacts. The State has not provided final guidance for VMT.

**O2-21** The Final SEIR accurately identifies the significant impact associated with greenhouse gas emissions and provides mitigation measures that, in concert with the Project's design features presented in the SEIR, will reduce impacts to a net-zero level. The revisions in

| | |
|---|---|
| | the Final SEIR do not constitute significant new information that would require recirculation, in accordance with the CEQA, Section 15088.5. See response to comment O2-2.<br><br>**O2-22** See responses to comments O2-1 and O2-2. |

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Joseph Petta

cc: Dan Silver, Endangered Habitats League

**List of Exhibits:**

Exhibit 1: County of San Diego, 2016 Climate Change Analysis Guidance, July 29, 2016.

Exhibit 2: April 28, 2017 Decision in San Diego County Superior Court Case No. 37-2012-00101054-CU-TT-CTL.

Exhibit 3: University of San Diego's 2013 GHG inventory, Executive Summary, March 2013.

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EXHIBIT 1

County of San Diego

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## 2016 CLIMATE CHANGE ANALYSIS GUIDANCE

### *RECOMMENDED CONTENT AND FORMAT FOR CLIMATE CHANGE ANALYSIS REPORTS IN SUPPORT OF CEQA DOCUMENTS*

County of San Diego
Planning & Development Services (PDS)
July 29, 2016

**Background**

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects and consider feasible alternatives and mitigation measures to reduce significant adverse environmental effects. As part of this analysis, agencies must consider potential adverse effects from a proposed project's greenhouse gas (GHG) emissions. The California Natural Resources Agency adopted amendments to the CEQA Guidelines to address GHG emissions, consistent with Legislature's directive in Public Resources Code section 21083.05 (enacted as part of Senate Bill (SB) 97 [Chapter 185, Statutes 2007]). These amendments took effect in 2010.

This Climate Change Analysis guidance is being provided by the County of San Diego to assist in project-level analyses of GHGs for discretionary projects. The guidance will be modified as needed if and when more specific guidance is provided by the California Air Resources Board (ARB), the Governor's Office of Planning and Research (OPR), or in response to legislative or judicial action pertaining to this issue.

Instigated by Governor Schwarzenegger's Executive Order S-3-05, the Global Warming Solutions Act of 2006, also known as Assembly Bill 32 (AB 32), requires reduction of statewide GHG emissions to 1990 emissions levels by 2020. In 2008, ARB adopted a *Climate Change Scoping Plan* to identify the next steps in reaching AB 32 goals. ARB adopted an update to the Scoping Plan in 2014. California Governor Brown signed Executive Order B-30-15, which established a reduction target of 40 percent below 1990 levels by 2030 to reflect the need for continued pursuit of GHG reductions necessary to avoid the most environmentally damaging aspects of climate change. ARB is currently working on an update to the Scoping Plan to address this target. However, no specific emission reduction goal beyond 2020 has been formally adopted by ARB or the California State Legislature.

Project analyses prepared consistent with this guidance document will need to be reviewed and verified by the County and is subject to County staff approval. The guidance provided in this document does not supersede the County's discretionary authority. It is important to note that alternative approaches to evaluating GHG emissions may be utilized; however, any approach must be supported by fact-based rationale and substantial evidence to demonstrate compliance with applicable CEQA Guidelines.

Climate Change Analysis Guidance
County of San Diego

**Determination of Need for Climate Change Analysis**

Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. While the County encourages CEQA analyses to focus on the GHG efficiency of a proposed project, it also acknowledges that some projects are sufficiently small such that it is highly unlikely they would generate a level of GHGs that would be cumulatively considerable.

Thus, the County encourages the use of the project size-based screening levels published by the California Air Pollution Control Officers Association (CAPCOA), and presented here in Table 1, to determine whether Climate Change Analysis is needed to examine the GHG impacts of a proposed project.

The annual 900 metric ton carbon dioxide equivalent (MT $CO_2e$) screening level referenced in the CAPCOA white paper[1] is recommended by the County as a conservative screening criterion for determining which projects require further analysis and identification of project design features or potential mitigation measures with regard to GHG emissions. The CAPCOA white paper reports that the 900 metric ton screening level would capture more than 90 percent of development projects, allowing for mitigation towards achieving the State's GHG reduction goals. Table 1 shows the sizes of projects that would generally require additional analysis and mitigation.

**Table 1**
**Project Sizes that Would Typically Require a Climate Change Analysis ***

| Project Type** | Project Size Equivalency |
|---|---|
| Single Family Residential | 50 units or more |
| Apartments/Condominiums | 70 units or more |
| General Commercial Office Space | 35,000 square feet or more |
| Retail Space | 11,000 square feet or more |
| Supermarket/Grocery Space | 6,300 square feet or more |

Source: The screening levels are published in California Air Pollution Control Officers Association. 2008 (January). *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. Available at http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf

*A determination on the need for a climate change analysis for project types not included in the table will be made on a case-by-case basis considering the 900 metric ton criterion.

**A project with a combination of types may demonstrate compliance with the screening threshold through addition of the ratios of each contribution by the associated equivalency threshold.

If a proposed project is the same type and smaller than the project sizes listed in the table above, it is presumed that the construction and operational GHG emissions for that project would not exceed 900 MT $CO_2e$ per year, and there would be a less-than-cumulatively considerable impact. It should be noted that the screening level assumes that the project does not involve unusually extensive construction activities and does not involve operational characteristics that would generate unusually high GHG emissions. The applicability of the screening criteria presented in Table 1 will be evaluated by County staff on a project-by-project basis to determine if there is evidence to suggest that a project's

[1] California Air Pollution Control Officers Association. 2008 (January). *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. Available at http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf.

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unique attributes would lead to emissions that are higher than 900 MT $CO_2e$ per year, thus justifying the need for a complete Climate Change Analysis.

Though CAPCOA's recommended project size-based screening criteria are based on the mass emissions level of 900 MT $CO_2e$ per year, it does not mean that project-generated GHG levels greater than 900 MT $CO_2e$ per year are automatically deemed cumulatively considerable. Instead, the screening levels presented in Table 1 are to be used to determine whether it is necessary to conduct further analysis to quantify a project's GHG emissions and evaluate its GHG efficiency.

**Contents of Climate Change Analysis Reports**

The following are the minimum recommended components of a Climate Change Analysis consistent with CEQA, prepared for discretionary projects in the County that exceed the screening level identified in Table 1 above.

Introduction and Project Description. This section explains the purpose of the report and a summary of the most current scientific information related to climate change. A brief project description and general location is required, and it must include all elements of the project that would or could generate GHG emissions, with an estimated timeframe for project implementation. This section would also identify the project design and location features that have the effect of reducing GHG emissions.

Environmental Setting. This section includes a description of the existing environmental conditions or setting, without the project, which constitutes the baseline physical conditions for determining the project's impacts. Existing uses onsite that generate GHG emissions under baseline conditions must be disclosed and associated GHG emissions should be quantified to establish the baseline conditions.

Regulatory Setting. This section includes a discussion of the existing regulatory environment pertaining to climate change such as AB 32 and the California Building Efficiency Standards. In addition, a description of implementing plans, programs and policies including but not limited to the County General Plan, the San Diego Association of Governments (SANDAG) Regional Transportation Plan and associated Sustainable Communities Strategy, Executive Orders S-3-05 and B-30-15, ARB Scoping Plan (including any adopted and ongoing updates), and Advanced Clean Cars Program should be addressed as they relate to the proposed project. The list presented here is not all inclusive and the regulatory setting should address all regulations, programs, and policies directly relevant to the project.

Emissions Inventory. The Climate Change Analysis must provide a detailed accounting of the project's estimated construction and operational GHG emissions. Construction GHG emissions include an inventory of emissions associated with the use of heavy construction equipment, construction worker vehicle miles traveled (VMT), and truck trips required to deliver construction materials to the project site. Operational GHG emissions include energy use (including electricity, natural gas and other fuels) from land use development, water distribution, and wastewater treatment processes, off-gassing from solid waste generation, transportation VMT, and area sources (such as landscaping equipment and fireplaces). Emissions associated with other sectors, such as agricultural uses or industrial operations, should be quantified depending upon the individual project's proposed uses.

The analysis must also quantify the loss in sequestered carbon, expressed in $CO_2e$ that would result from any vegetation permanently removed as a result of project development. The total loss of sequestered carbon can be estimated using the Vegetation module in CalEEMod.

The GHG inventory must include justification and references to document the assumptions that are made about the emissions calculations. Activity data, such as trip distances, and emission factors

specific to the County must be used, where available. The County suggests the use of modeling tools such as the current version of CalEEMod. Alternatively, emissions may be estimated using emission factors from EMFAC or OFFROAD, provided the current versions are used and the sources are appropriately cited. The URBEMIS model is no longer acceptable for use by the County.

Because some GHG emissions models build in different statewide programs and mitigation measures, it is important to coordinate with County staff to ensure that the correct approach is being used to estimate the effects of statewide efforts, particularly since new statewide programs, regulations and mitigation measures are likely to be established over time and certain actions are likely to be included in updates to the various GHG emissions models.

**Significance Criteria**

Guidelines for Determining Significance. This section includes identification and justification of the selected significance criteria used to assess impacts. The report must discuss the reasons for choosing the significance criteria, referencing State legislation and implementing strategies that have been developed to reduce GHG emissions to meet statewide reduction targets. This section should explain that climate change is not generally considered a direct impact, but wshould be analyzed as a potential cumulative impact under CEQA. The significance criteria used in the Climate Change Analysis should include a statement and supporting analysis as to whether the subject project complies with GHG reduction requirements under AB 32, the Global Warming Solutions Act of 2006 for the year 2020; and whether the subject project is on the trajectory towards GHG emission reduction goals of Executive Orders S-3-05 and B-30-15 at buildout. Additional detail on the process to make the latter determination is provided below. Due to the range of project types processed by the County, significance criteria and analysis approaches may vary. The following sections identify one potential set of criteria and methodologies, along with supporting evidence that would be appropriate for a Climate Change Analysis.

This section should discuss the suggested questions referenced in the *CEQA Guidelines*, Appendix G, VII. Greenhouse Gas Emissions.

*Would the project:*

*Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

*Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The Study should describe how the appropriate significance criteria are used to address the above-referenced questions.

**Significance Determination**
The County Efficiency Metric is the recognized and recommended method by which a project may make impact significance determinations. The County is recommending a quantitative GHG analysis be conducted and the significance of the impact determined for project emissions at 2020 and buildout year (if post-2020). For a Climate Change Analysis to be considered adequate, the County recommends quantification of GHG emissions at 2020 and project buildout. The determination of a project's efficiency may be determined by using applicable efficiency metrics derived for those specific years, e.g. 2020 and project buildout (if post-2020). Other methods to determine the significance of

impacts relative to project emissions at 2020 and buildout will be considered on a case-by-case basis. All analysis (significance determination) results must be supported with substantial evidence.

**Horizon Year 2020.** For projects that exceed the screening criterion of 900 MT $CO_2e$, as determined through the screening levels in Table 1 or emissions quantification, and that would be operational (buildout) on or before 2020, the Climate Change Analysis must analyze and determine the significance of project emissions in 2020. The County recognizes the quantitative efficiency metric for 2020 to be 4.9 MT $CO_2e$/SP/year (where SP refers to the project's service population [residents + employees]).

**Buildout Year.** The County anticipates that some projects would have buildout dates beyond 2020. The County recommends quantification of project emissions for the year the project is anticipated to be fully constructed (buildout), in addition to 2020, and make a significance determination relative to the emissions reduction downward direction.

ARB has indicated in their 2030 Target Scoping Plan, October 1, 2015, that State GHG emissions would need to be reduced at an annual average rate of 5.2 percent between 2020 and 2050, representing an emission reduction downward direction ([2]) necessary to meet the goals advocated in Executive Orders S-3-05 and B-30-15.

**Efficiency Metric Background**

The Efficiency Metric assesses the GHG efficiency of a project on a "service population (SP)" basis (Efficiency Metric = project emissions divided by the sum of the number of jobs and the number of residents provided by a project). The metric represents the rate of emissions needed to achieve a fair share of the State's emissions mandate embodied in AB 32 and Executive Orders B-30-15 and S-3-05. The use of "fair share" in this instance indicates the GHG efficiency level that, if applied statewide, would meet the AB 32 emissions target and support efforts to reduce emissions beyond 2020.

The Efficiency Metric is based on the AB 32 GHG reduction target and GHG emissions inventory prepared for ARB's 2008 Scoping Plan. To develop the efficiency metric for 2020, land-use driven sectors in ARB's 1990 GHG inventory were identified and separated to tailor the inventory to land use projects. This process removes emission sources not applicable to land use projects. The land-use driven sector inventory for 1990 was divided by the service population projections for California in 2020. The Efficiency Metric allows the threshold to be applied evenly to most project types (residential, commercial/retail and mixed use) and employs an emissions inventory comprised only of emission sources from land-use related sectors. The Efficiency Metric allows lead agencies to assess whether any given project or plan would accommodate population and employment growth in a way that is consistent with the emissions limit established under AB 32.

If a project includes a use that would not be covered by the adjusted land use-driven inventory, a tailored efficiency metric may be derived. For example, a project that proposes agricultural uses onsite may not use the efficiency metrics shown above because the inventory used to develop the metric did not include agricultural emissions. Coordination with County staff is recommended to develop the appropriate efficiency metric for such projects.

[2] 2030 Target Scoping Plan Workshop Slides. Page 10 – Path to 2050 Greenhouse Gas Target. Available: http://www.arb.ca.gov/cc/scopingplan/meetings/10_1_15slides/2015slides.pdf. It should be noted that ARB did not establish interim year reduction targets using the 5.2 percent annual reduction rate; rather it was used to illustrate the average annual emissions reduction needed to achieve the long-term targets for 2030 and 2050. The 2030 Target Scoping Plan has not been adopted as of this writing and this information is considered preliminary (from the first public workshop for the 2030 Target Scoping Plan) and used only to establish interim year efficiency metrics for CEQA analyses.

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**2020 Efficiency Metric**
The GHG efficiency metric is 4.9 MT $CO_2e$/SP/year for 2020.

| California Service Population in 2020 | |
|---|---|
| 2020 Population Projection* = | 40,619,346 |
| 2020 Employment Projection** = | 18,511,200 |
| 2020 Service Population = | 59,130,546 SP |

| ARB's 1990 California GHG Inventory | |
|---|---|
| 1990 Total Emissions = | 431 MMT $CO_2e$ |
| 1990 Non-land Use Emissions = | 144.3 MMT $CO_2e$ |
| 1990 Land Use Emissions = | 286.7 MMT $CO_2e$ |

1990 Land Use Emissions/2020 SP, or 286.7 MMT/59,130,546 SP = 4.9 MT/SP
where MMT = million metric tons

Sources:
*California Department of Finance, Demographic Research Unit
Report P-2, State and County Population Projections by Race/Ethnicity and Age (5-year groups)
2010 through 2060 (as of July 1); December 15, 2014
**California Department of Finance, Employment Development Department
Industry Employment Projections, Labor Market Information Division, 2010-2020; May 23, 2012

**Post-2020 Efficiency Metric**
ARB has indicated that an average statewide GHG reduction of 5.2 percent per year between 2020 and 2050 is necessary to achieve the 2030 and 2050 emissions reduction goals of Executive Orders B-30-15 and S-3-05 (ARB 2015). Efficiency metrics can be derived for each year between 2020 and 2050 based on this identified reduction downward direction, or based on other sources if supported by substantial evidence. As previously noted, the intent of the 5.2 percent annual reduction data is not to establish interim year reduction targets for the State; rather it is meant to allow projects to develop and apply interim year Efficiency Metrics at their buildout year and demonstrate consistency with the overall State reduction downward direction.

In *Center for Biological Diversity v. California Department of Fish and Wildlife and Newhall Land and Farming (*2015) 224 Cal.App.4th 1105 *(CBD vs. CDFW)*, the California Supreme Court, citing the above-referenced Executive Orders, cautioned that those Environmental Impact Reports taking a goal-consistency approach to CEQA significance may "in the near future" need to consider the project's effects on meeting emission reduction targets beyond 2020. ARB is currently working on a second update to the Scoping Plan to reflect the 2030 target established in Executive Order B-30-15. Even though State policy for post-2020 GHG reduction is expressed in executive orders and programs, rather than legislation, CEQA impact evaluation in the context of longer term goals is advised. Additionally, certain regulations that are relevant to land use development will continue to be phased in after 2020 (e.g., Advanced Clean Cars, Renewables Portfolio Standard [RPS], SB 375) and result in additional GHG reductions. Thus, projects that are built out after 2020 should analyze consistency with the State's longer-term GHG reduction goals to provide a good-faith CEQA analysis.

For these reasons, the County requests a significance determination for a project's anticipated buildout year. Analysis of project emissions at buildout is consistent with current CEQA practice and available guidance from air districts on analyzing emissions from the first fully operational year (SMAQMD 2015:6-5, BAAQMD 2011:4-6). Operational emissions for a land use development project would be

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highest during the first year and continue to decline due to fleet turnover to cleaner vehicles and implementation of additional regulations at the State level.

**Service Population**

Recommended sources of information to determine a proposed project's service population are provided below. Other sources for this data will be considered on a case-by-case basis and should be from credible sources. Applicants are advised that use of different data sources from those listed below, should be approved by County staff prior to their use for an impact determination. Alternative sources of data such as State (Department of Finance), regional (SANDAG) or local government agencies (City of San Diego), industry groups or professional associations (Institute of Traffic Engineers), with clearly disclosed assumptions and limitations will be considered; provided the analysis clearly substantiates the representativeness of the data in terms of county-wide averages, planning area averages, census tracts, and others as applicable.

Alternative data sources should have San Diego region applicability and be supported with substantial evidence, including a discussion with fact based rationale explaining why the data source and its geographic representation are the most appropriate for the proposed project.

Service Population Data Sources
SANDAG Demographics and Other Data:
http://www.sandag.org/index.asp?classid=26&fuseaction=home.classhome

SANDAG Data Surfer for existing and forecasted socio-economic data:
http://datasurfer.sandag.org/

**Mitigation Measures**

Projects may be able to mitigate GHG emissions sufficiently to render impacts less than cumulatively significant. Such mitigation measures would be in addition to all project design features and may include measures that are not required by existing regulations (e.g., rooftop solar).

Mitigation measures must include specific, enforceable actions to reduce project emissions, and would need to provide some analysis about the emission reductions that would be achieved from each measure. To the extent feasible, each mitigation measure should include references or a logical, fact based explanation as to why a specific mitigation measure would achieve the stated reductions. While it will generally be possible to quantify reductions associated with energy and water related mitigation measures, other mitigation may require a qualitative discussion of reductions achieved.

Mitigation measures must be supported with substantial evidence. For example, a potential approach that can be considered is the inclusion of mitigation that requires certain GHG efficiency measures upon buildout of each development phase for projects that would develop over multiple phases across an extended period of time.

Many local, regional, and state agencies have produced lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions. These lists can be consulted when developing feasible mitigation measures for projects within the County, including, but not limited to:

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Governor's Office of Planning and Research. 2008. Technical Advisory. CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act (CEQA) Review. See Attachment 3, "Examples of GHG Reduction Measures." Available: http://opr.ca.gov/docs/june08-ceqa.pdf.

California Air Pollution Control Officers Association (CAPCOA). 2008 (January). CEQA & Climate Change. Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG." Available: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf.

California Air Pollution Control Officers Association (CAPCOA). 2010 (August). Quantifying Greenhouse Gas Mitigation Measures. A Resource for Local Government to Assess Emission Reduction from Greenhouse GasMitigation Measures. Available: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.

Attorney General of the State of California. 2008 (December). The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

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# EXHIBIT 2

**SUPERIOR COURT OF CALIFORNIA,**
COUNTY OF SAN DIEGO
HALL OF JUSTICE
TENTATIVE RULINGS - April 27, 2017

EVENT DATE: 04/28/2017 EVENT TIME: 01:30:00 PM DEPT.: C-72
JUDICIAL OFFICER: Timothy Taylor

CASE NO.: 37-2012-00101054-CU-TT-CTL

CASE TITLE: SIERRA CLUB VS. COUNTY OF SAN DIEGO [E-FILE]

CASE CATEGORY: Civil - Unlimited CASE TYPE: Toxic Tort/Environmental

EVENT TYPE: Motion Hearing (Civil)
CAUSAL DOCUMENT/DATE FILED:

**Tentative Rulings on 1) Second Amended/Supplemental Petition for Writ of Mandate; and 2) Petition for Writ of Mandate**

*Sierra Club v. County of San Diego*, Case No. 2012-0101054
*Golden Door Properties LLC v. County of San Diego*, Case No. 2016-0037402

April 28, 2017, 1:30 p.m., Dept. 72

**1. Overview and Procedural Posture.**

In late 2012 and early 2013, the court was required to address, in two CEQA cases, the controversial topics of greenhouse gases and global climate change. The first was *Cleveland Nat'l. Forest Foundation v. SANDAG*, Case No. 2011-00101593; that case was the subject of a learned opinion of the 4th DCA, Div. 1 [D063288, 180 Cal.Rptr.3d 548 (2014)], and remains pending review by the California Supreme Court [No. S223603, 343 P.2d 903 (2015)]. The Court has limited the issue in that case to "Must the environmental impact report for a regional transportation plan include an analysis of the plan's consistency with the greenhouse gas emission reduction goals reflected in Executive Order No. S–3–05 to comply with the California Environmental Quality Act?" As of this writing, there has been extensive party and *amicus* briefing, and the High Court has set a date early next month for oral argument.

In the second 2012 case, the Sierra Club contended that the County of San Diego's June 20, 2012 "Climate Action Plan" (CAP), was insufficient and violated CEQA in several respects: it did not comply with mitigation measures spelled out in the County's 2011 Program EIR (PEIR), adopted in connection with the 2011 General Plan Update (GPU) (AR 0441 *ff*); it failed to satisfy the requirements for adopting thresholds of significance for greenhouse gas emissions (GHG); and it should have been set forth in a stand-alone environmental document rather than in an addendum to the PEIR. The County denied these claims, and asserted that the CEQA challenge was time-barred, the CAP complied with all legal requirements, the use of an addendum was appropriate, and that all relief was barred by the Sierra Club's failure to notify the AG as required by Pub. Res. Code section 21167.7.

A little more than four years ago, the court ruled in favor of the Sierra Club on the original petition. ROA 33. The County appealed. ROA 44. The parties thereafter stipulated to stay the case while it was on appeal. ROA 60. But before they did, the Sierra Club had filed a supplemental petition. ROA 54. The stipulated stay prevented consideration of that document. Subsequently, the parties filed a stipulation

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regarding the disposition of the supplemental petition, depending on the disposition of the appeal. ROA 64.

In October of 2014, the 4th DCA, Div. 1 issued its learned opinion affirming this court, ultimately published at 231 Cal.App.4th 1152 (2014). On March 11, 2015, the Supreme Court denied review. A remittitur thereafter issued. ROA 105.

The parties were before the court on April 15, 2015. Petitioner asked that the stay be lifted, and that the case be restored to the civil active list. These requests were granted without objection.

The Sierra Club also wanted the court to sign an order, while the County wanted the court to sign a different order. There were two problems: first, the court had not received petitioner's version of the proposed order, nor had a chance to review the County's proposed order; and second, the parties were before the court while it was in the middle of a lengthy trial with jurors arriving shortly. The court continued the matter to the regular law and motion calendar of May 1, 2015. ROA 73.

The court thereafter reviewed the parties' competing submissions. The central problem was that a dispute had arisen regarding the intent, import and meaning of the December 11, 2014 stipulation (ROA 64). The court, following several submissions and argument, resolved the dispute in May of 2015. ROA 91-92.

The Sierra Club's counsel thereafter sought an award of attorneys' fees. ROA 95-104. The amended moving papers (ROA 116, 117) made clear that the County agreed petitioner was entitled to fees; the only question was how much. Petitioner sought a lodestar of over $661,000.00 with a multiplier of two, for a total of over $1.3 million, plus fees necessary for the fee motion.

The County filed opposition. ROA 122-125. After presenting very focused argument, the County ended by making several specific "suggestions" for reducing the fee award: a combination of cutting hours, reducing rates, and denial of any multiplier. Petitioner filed reply. ROA 126-130. The court, after it had reviewed all the briefing and heard argument, granted a fee award in the amount of over $961,000.00. ROA 133. Judgment was thereafter entered in this amount, plus additional costs not challenged by the County. ROA 135. This occurred in September of 2015; at this point, the court (perhaps naively) considered the case to have been concluded. Neither side sought further appellate review of the attorneys' fee ruling or the May 2015 ruling.

In early 2016 and again the following summer, the County filed returns on the supplemental writ. ROA 137, 138. Both sides changed counsel. ROA 136, 147.

The Sierra Club filed its second amended petition on September 26, 2016. ROA 140. The County demurred to it on two grounds, including non-justiciability (ripeness). ROA 142. Following briefing and argument, the court overruled the demurrer on January 6, 2017. ROA 160. The County thereafter answered. ROA 161-162.

Also at the January 6, 2017 hearing, the court allowed the parties' stipulation whereby a more recently filed case, *Golden Door Properties LLC v. County of San Diego*, Case No. 2016-0037402, would be transferred to Dept. 72 and heard with the *Sierra Club* 2012 case. ROA 160. Both the current iteration of the *Sierra Club* 2012 case and the *Golden Door* 2016 case challenge the County's 2016 Climate Change Analysis Guidance Recommended Content and Format for Climate Change Analysis Reports in Support of CEQA Documents ("2016 Guidance Document" or "2016 Significance Document") prepared by the County's Department of Planning & Development Services.

The parties subsequently stipulated to a briefing schedule, which the court also allowed. ROA 167.

The court has reviewed the following briefing:

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Sierra Club's opening brief, request for judicial notice and joinder filed February 6, 2017 (ROA 169-173).

Golden Door's opening brief and request for judicial notice filed February 6, 2017 (ROA 24-25).

The County's answering briefs and supporting documents filed March 17, 2017 (ROA 30-34 and 180-184).

Sierra Club's reply brief, supporting documents, and joinder filed April 20, 2017 (ROA 85-189).

Golden Door's reply brief filed April 20, 2017 (ROA 36).

The court has also reviewed the administrative record materials submitted January 24, 2017 and April 14, 2017 (ROA 23, 35).

With its opposition brief in both cases, the County filed the Declaration of Peter Eichar (ROA 31, 181). With its reply brief, the Sierra Club filed the Declaration of Josh Chatten-Brown and the Declaration of Corey Briggs (ROA 186, 187). The Sierra Club also filed a tardy Second Declaration of Josh Chatten-Brown. ROA 190. The submission of the declarations is inconsistent with the oft-repeated rule in CEQA cases: "If it is not in the administrative record, it does not exist." *See Sierra Club v. Coastal Comm'n* (2005) 35 Cal.4th 839, 863; Code of Civil Procedure § 1094.5; *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 565. Evidentiary objections were not interposed. The declarations were therefore considered.

**2. Applicable Standards.**

**A.** The court incorporates part 2 of its own ruling of April 19, 2013. ROA 33. The court incorporates the learned opinion of the Fourth District Court of Appeal, Div. 1, published at 231 Cal.App.4th 1152 (2014). The court also incorporates its own rulings from May of 2015. ROA 91-92.

**B.** The ripeness element of the doctrine of justiciability is intended to prevent courts from issuing purely advisory opinions. *Pacific Legal Foundation v. California Coastal Com.* (1982) 33 Cal.3d 158, 170. It is "primarily bottomed on the recognition that judicial decisionmaking is best conducted in the context of an actual set of facts so that the issues will be framed with sufficient definiteness to enable the court to make a decree finally disposing of the controversy." (*Ibid.*) In an action for declaratory relief under Code of Civil Procedure section 1060, an " 'actual controversy' ... is one which admits of definitive and conclusive relief by judgment within the field of judicial administration, as distinguished from an advisory opinion upon a particular or hypothetical state of facts. The judgment must decree, not suggest, what the parties may or may not do. [Citations.]" *Selby Realty Co. v. City of San Buenaventura* (1973) 10 Cal.3d 110, 117; *Wilson & Wilson v. City Council of Redwood City* (2011) 191 Cal.App.4th 1559, 1573-74.
During the summer of 2016, the Court of Appeal considered ripeness in the context of a CEQA petition in *California Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2016) 2 Cal.App.5th 1067, 1088-89 (*Cal. BIA*):

District relies on inapposite case law in which the courts declined to use the remedy of mandamus to set aside interim actions by an agency during a multilayered review process. (*California High–Speed Rail Authority v. Superior Court* (2014) 228 Cal.App.4th 676, 708–713, 175 Cal.Rptr.3d 448 [no present duty to redo preliminary funding plan]; *California Water Impact Network v. Newhall County Water Dist.* (2008) 161 Cal.App.4th 1464, 1486, 75 Cal.Rptr.3d 393 [water assessment report providing information to be included in EIR was not final determination as necessary to obtain relief by mandamus].) The District Guidelines are not interim steps in a larger review process; rather, they are interpretive guidelines for CEQA analyses promulgated by an air district that acts as either the lead agency or a responsible agency on projects within its jurisdictional boundaries.

For purposes of assessing the propriety of a writ of mandate, the District Guidelines are akin to the guidelines issued by the California Coastal Commission and challenged in *Pacific Legal Foundation*,

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*supra*, 33 Cal.3d at page 163, 188 Cal.Rptr. 104, 655 P.2d 306. Those guidelines, though not binding on any agency, explained the Commission's interpretation of the public beach access provisions of the Coastal Act, and were asserted to be invalid on their face because they required property owners to dedicate easements giving beach access to the public as a condition of obtaining permit approval for proposed developments. Noting that the promulgation of the access guidelines was a quasi-legislative act reviewable by an action for declaratory relief or traditional mandamus (as opposed to administrative mandamus), the court went on to consider whether a ripe controversy existed. (*Id*. at p. 169, 188 Cal.Rptr. 104, 655 P.2d 306.)

Turning to the question of whether the challenge to the Coastal Commission's guidelines was ripe, the court applied a standard used by the federal courts and considered " 'both the fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration.' " (*Pacific Legal Foundation*, *supra*, 33 Cal.3d at p. 171, 188 Cal.Rptr. 104, 655 P.2d 306, italics omitted.) It concluded the facial challenge to the guidelines was not ripe: "Although it may be predicted with assurance that some of the plaintiff landowners will eventually wish to make improvements on their property, it is sheer guesswork to conclude that the Commission will abuse its authority by imposing impermissible conditions on any permits required. The guidelines are not mandatory. *They do not require the Commission to impose access conditions in any particular circumstances, but rather adopt a flexible approach: the Commission is to determine the appropriateness of access exactions on a case-by-case basis*." (*Id*. at p. 174, 188 Cal.Rptr. 104, 655 P.2d 306, italics added.)

Unlike the Coastal Commission guidelines at issue in *Pacific Legal Foundation*, the District Guidelines do not call for the Receptor Thresholds to be applied to projects on a case-by-case basis. Instead, they suggest a routine analysis of whether new receptors will be exposed to specific amounts of toxic air contaminants. Given the clarity of the Supreme Court's decision that such an analysis oversteps the bounds of CEQA except in specified circumstances (*Building Association*, *supra*, 62 Cal.4th at p. 392, 196 Cal.Rptr.3d 94, 362 P.3d 792), the issue is fit for judicial determination. The ripeness requirement "should not prevent courts from resolving concrete disputes if the consequence of a deferred decision will be lingering uncertainty in the law, especially when there is widespread public interest in the answer to a particular legal question." (*Pacific Legal Foundation*, *supra*, 33 Cal.3d at p. 170, 188 Cal.Rptr. 104, 655 P.2d 306.)

**C.** "Under the law-of-the-case doctrine, the determination by an appellate court of an issue of law is conclusive in subsequent proceedings in the same case. [Citation.] The doctrine applies only if the issue was actually presented to and determined by the appellate court. [Citation.] The doctrine is one of procedure that prevents parties from seeking reconsideration of an issue already decided absent some significant change in circumstances." *People v. Yokely* (2010) 183 Cal.App.4th 1264, 1273. Furthermore, "the law-of-the-case doctrine governs only the principles of law laid down by an appellate court, as applicable to a retrial of fact . . . ." *People v. Boyer* (2006) 38 Cal.4th 412, 442. "[T]he doctrine applies only to an appellate court's decision on a question of law; it does not apply to questions of fact." *People v. Barragan* (2004) 32 Cal.4th 236, 246. The doctrine applies only to rulings by appellate courts and not trial courts. *Yokely*, at p. 1273; *Boyer*, at p. 442; *Barragan*, at p. 246.

**D.** Since the court decided the first Sierra Club petition in April of 2013, and since the court's May 2015 ruling, the Supreme Court has decided two cases of importance to the current inquiry, particularly as they relate to the standard of review:

In *Center for Biological Diversity v. Calif. Dept. of Fish and Wildlife*, (November 30, 2015) 62 Cal.4th 204, the High Court held that the lead agency did not abuse its discretion in using AB 32 as a significance criterion in analyzing the GHG-related effects of a large, mixed use development. *Id*. at 222-223.

In *Banning Ranch Conservancy v. City of Newport Beach* (March 30, 2017) __ Cal.5th __, 2017 WL 1174436, the Court held that, in "punting" to the Coastal Commission, the City had failed to use its best efforts to investigate and disclose what it had discovered about environmentally sensitive areas in the project site. *Id*. at *11.

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**E.** An injunction is appropriate in a CEQA case where activities will prejudice the implementation of a mitigation measure. *Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Cal.App.4th 1, 21 ("a court can issue an order enjoining activities that could adversely change or alter the environment, if it finds that such activities 'will prejudice the consideration or implementation of particular mitigation measures or alternatives to the project ....' ")

**3. Requests for Judicial Notice.**

The Sierra Club seeks (ROA 170) judicial notice of two documents: (A) the October 20, 2016 Notice of Preparation of the County of San Diego Climate Action Plan and General Plan Amendment; and (B) a chart, prepared by the County, of the proposed and in-process General Plan Amendment applications within San Diego County.

Golden Door seeks (ROA 25) judicial notice of the County's October 21, 2009 CEQA Guidelines.

The petitioners' requests are made pursuant to Evid. Code section 452(c), official acts of a state political subdivision.

The County seeks judicial notice (ROA 32* and 182) of 20 documents (three in the *Golden Door* case and 17 in the *Sierra Club* case). These requests are made pursuant to Evid. Code sections 452(c), official acts of a state political subdivision, and 452(d), court records.

Courts of appeal review a trial court's ruling granting a request for judicial notice pursuant to the abuse of discretion standard of review. *In re Social Services Payment Cases* (2008) 166 Cal.App.4th 1249, 1271.

Evidence Code section 453 provides that a trial court must take judicial notice of any matter specified in Evidence Code section 452, upon a party's proper request.

In *People v. Harbolt* (1997) 61 Cal.App.4th 123, 126-127, the court discussed the limited purposes for which a court may take judicial notice of a court record:

"Evidence Code sections 452 and 453 permit the trial court to 'take judicial notice of the *existence* of judicial opinions and court documents, along with the truth of the results reached-in the documents such as orders, statements of decision, and judgments-but cannot take judicial notice of the truth of hearsay statements in decisions or court files, including pleadings, affidavits, testimony, or statements of fact.' [Citations.]

The County did not oppose either petitioner request, and they are granted. With regard to the County's requests, the court rules as follows:

Ex. 1, April 19, 2013 reporter's transcript: Granted
Ex. 2, April 24, 2013 Judgment: Granted
Ex. 3, April 19, 2013 Minutes: Granted
Ex. 4, April 24, 2013 Writ: Granted
Ex. 5 and Ex. 2, Nov. 7, 2013 Guidelines: Granted
Ex. 6, Supplemental Petition: Granted
Ex. 7, Stipulation and Order (ROA 64): Granted
Ex. 8, May 4, 2015 supplemental writ of mandate: Granted
Ex. 9 and Ex. 3, June 4, 2015 Initial Return: Granted
Ex. 10, January 5, 2016 Second Return: Granted
Ex. 11, June 29, 2016 Third Return: Granted
Ex. 12, Dec. 29 2016 Fourth return: Granted

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Ex. 13, Second Supp. Petition: Granted
Ex. 14, opposition to demurrer: Granted
Ex. 15 and Ex. 1, Bay Area June 2010 document: Denied
Ex. 16, 2007 San Bernardino document: Denied
Ex. 17, 2011 San Bernardino document: Denied

With regard to the latter three documents, the denial is based on lack of relevance and the fact that none of the three documents was, so far as the court can dicern, within the administrative record in these matters.

**4. Discussion and Rulings.**

**A. Law of the Case.**

The following are the holdings of the Fourth District Court of Appeal, Div. 1, in the 2012 *Sierra Club* case:

"[W]ith respect to the CAP as mitigation for a plan-level document, the County failed to proceed in the manner required by CEQA by proceeding with the CAP and Thresholds project in spite of the express language of Mitigation Measure CC-I.2 requiring that the CAP "include ... more detailed greenhouse gas emissions reduction targets and deadlines" and that the CAP "will achieve comprehensive and enforceable GHG emissions reduction" by 2020. With respect to the CAP as a plan-level document itself, the County failed to proceed in the manner required by law by failing to incorporate mitigation measures into the CAP as required by *Public Resources Code section 21081.6*."

231 Cal.App.4th at 1167 (italics in original).

"Instead of analyzing and making findings regarding the environmental effects of the CAP and Thresholds project, the County made an erroneous assumption that the CAP and Thresholds project was the same project as the general plan update. ... As a result, the County failed to render a "written determination of environmental impact" before approving the CAP and Thresholds project. ...This constitutes a failure to proceed in the manner required by law."

231 Cal.App.4th at 1170-71.

The "trial court did not err in finding a supplemental EIR was required."

231 Cal.App.4th at 1174.

The CAP "does not fulfill the County's commitment under CEQA and Mitigation Measure CC–1.2, to provide detailed deadlines and enforceable measures to ensure GHG emissions will be reduced."

231 Cal.App.4th at 1176.

**B. Contentions of the Parties.**

The Sierra Club contends the County's 2016 Guidance Document was not properly adopted, creates a threshold of significance, and violates CEQA; that the use of the 2016 Guidance Document violates the decision of the Court of Appeal and this court's supplemental writ of mandate, as well as the County's own previously adopted mitigation measure; that the County proceeded in the absence of substantial evidence; and that the County should be enjoined from processing and approving new, large-scale developments until a lawful CAP and threshold are in place to guide that development and ensure the County can meet its greenhouse gas reduction targets. In the reply brief (p. 5:19-20), the Sierra Club withdraws its request to enjoin the processing of designated projects and states it only seeks to enjoin project approvals until a lawful CAP and threshold are in place.

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Golden Door's arguments are similar; it contends the County violated CEQA's procedural requirements in adopting the 2016 Significance Document; that the County violated CEQA by failing to comply with County General Plan EIR Mitigation Measures CC-1.2 and CC-1.8; and that by approving the 2016 Significance Document before the CAP is approved and without environmental review, the County is "piecemealing" and thwarting the County's commitment to comprehensive GHG mitigation. Golden Door also agrees with the Sierra Club argument regarding the absence of substantial evidence as to the County's "Efficiency Metric."

The County contends that the claims of the Sierra Club and Golden Door are not ripe; that the 2016 Guidance Document is merely an advisory document to be used on a project-by-project basis, and not a formally adopted threshold of significance; that the 2016 Guidance Document is based on substantial evidence; that it is in full compliance with the earlier decisions of this court and the 4th DCA, Div. 1; and that petitioners are not entitled to injunctive relief [either to stop all large scale ("greenfields") development (Sierra Club) or to stop the use of the 2016 Guidance Document (Golden Door)].

**C. Rulings of the Court.**

**1.** Are the Claims Ripe for Decision?

Yes. It is somewhat ironic that in 2013, the County argued the Sierra Club's claims were time-barred, and now it argues they are not ripe. As the court held in overruling the demurrer, a definite and concrete dispute is raised in the Second Supplemental Petition (SSP). The SSP pleads that the 2016 Guidance Document contains or constitutes a threshold of significance. SSP, paragraphs 1-4, 15, 34-35, 41, 52. The 2016 Guidance Document contains interpretative guidelines for CEQA analysis prepared by the County for use when it acts as the lead agency or responsible agency on projects within its jurisdictional boundaries. AR 10976-10983. This scenario is similar to *Cal. BIA*, *supra*, in which the court was not persuaded by the District's argument that the District's guidelines are a nonbinding, advisory document. *Cal. BIA*, *supra*, 2 Cal.App.5th at 1088. If the County's approach was to proceed on a project-by-project basis, as it now claims, it would just do so; it would not need the 2016 Guidance Document. If, instead, the 2016 Guidance Document was intended as an interim set of thresholds of significance for use between now and the time the County finally gets around to complying with the decisions of this court and the Fourth District Court of Appeal, the County cannot be heard to complain that there is no definite and concrete dispute. The County's apparent failure to devote sufficient resources to complying with the decisions of the courts in a timely fashion cannot be held to allow the County to invoke the ripeness doctrine.

**2.** Is the 2016 Guidance Document a Threshold of Significance under CEQA Guideline 15064.7, or Is It Merely Advisory?

The 2016 Guidance Document is a threshold of significance under CEQA Guideline 15064.7.

CEQA Guideline 15064.7(a) provides, "[a] threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." CEQA Guideline 15064.7(a).

The 2016 Guidance Document meets this threshold of significance definition. It sets forth the "County Efficiency Metric" and recommends the use of the "Efficiency Metric" as a "quantitative GHG analysis." *See* AR 10979. It provides a "measuring stick" for the significance of GHG impacts as to the "Efficiency Metric." It sets 4.9 metric tons of $CO_2e$ per person per year as the level above which a project's GHG impacts are found significant and below which the impacts will be found less than significant. *See* AR 10980. It describes the "Efficiency Metric" as a "threshold"." *See* AR 10980. The metric is included in the 2016 Guidance Document in a section entitled "Significance Determination." *See* AR 10979-80.

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The fact that the "Efficiency Metric" is recommended, and not mandatory, does not mean that the 2016 Guidance Document is not a threshold of significance. See *Cal. BIA*, *supra,* 2 Cal.App.5th at 1088-89 ("District argues writ relief is inappropriate because the District Guidelines are a nonbinding, advisory document and their review is premature given the lack of a specific controversy. We are not persuaded .... The District Guidelines are not interim steps in a larger review process; rather, they are interpretive guidelines for CEQA analyses promulgated by an air district that acts as either the lead agency or a responsible agency on projects within its jurisdictional boundaries.") The same is true here. The 2016 Guidance Document contains interpretative guidelines for CEQA analysis. It was drafted by the County that acts as the responsible agency on projects within its jurisdictional boundaries.

Since the 2016 Guidance Document is a threshold of significance under CEQA, the County is required to comply with the CEQA's mandated procedures for adopting it. That is, CEQA requires that a threshold of significance "be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence." *See* CEQA Guidelines 15064.7(b). Thresholds of significance that are "clearly erroneous and unauthorized under CEQA" must be set aside. *Cal. BIA*, *supra*, 2 Cal.App.5th at 1088.

The County failed to comply with the CEQA-required procedures in adopting the 2016 Guidance Document. It did not adopt the 2016 Guidance Document by "ordinance, resolution, rule, or regulation." It did undertake a public review process. Also, the County's rules (ignored by the County) require that the 2016 Guidance Document be subject to public review. *See* Golden Door's RJN, Ex. 5, County's CEQA Guidelines, p. 5 ("Processing Departments shall prepare and maintain administrative guidance for determining the significance of environmental effects. Such guidance, if available, should be utilized in the preparation of Initial Studies and EIRs and updated periodically .... Before any administrative guidance or revisions are approved by the Processing Department, the proposal shall be circulated for public review and comments...") Accordingly, the 2016 Guidance Document is a threshold of significance under CEQA.

Interestingly, the 2016 Guidance Document allows more GHG emissions per year (4.9 metric tons of CO2e per year), as opposed to the County 2013 GHG Significance Document (4.3 metric tons of CO2e per year. AR 10349. However, the lower 4.32 metric tons of CO2e per year threshold was vacated by this court. ROA 92. CEQA was violated because there was no opportunity for public discussion of this determination.

**3.** Does the 2016 Guidance Document Violate Mitigation Measures CC-1.2 or CC-1.8?

Yes. In order to mitigate the climate change impacts of the 2011 GPU, the County approved mitigation measures requiring it to prepare a CAP (CC-1.2) and to revise its thresholds of significance (CC-1.8). AR 1317-1318 (CC-1.2, CC-1.8). The 2016 Guidance Document violates CC-1.2 and CC-1.8 when the County processes projects using the 2016 Guidance Document in lieu of a threshold of significance based on the CAP. The County got the cart before the horse.

**4.** Is the 2016 Guidance Document Supported by Substantial Evidence?

No. A threshold of significance must be based on substantial evidence. *See* CEQA Guideline 15064.7(c). The 2016 Guidance Document fails to bridge the analytical gap with substantial evidence, and thus is not supported by substantial evidence.

The 2016 Guidance Document relies on statewide service population and statewide GHG inventory to derive a "per person" limit of GHG emissions. AR 10981. It provides no data specific to San Diego County. It makes no effort to explain why the calculation of the "County Efficiency Metric" based only on statewide data is appropriate for San Diego County. It provides no information on what level of population was assumed for unincorporated San Diego County in the statewide service population number. It does not differentiate between various types of development, such as new, urban, and rural. Thus, it fails to bridge the analytical gap with substantial evidence explaining why calculation of the

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"County Efficiency Metric" based on statewide data is proper for San Diego County.

The matter is somewhat similar to *Cal. BIA*. In that case, the Supreme Court held that an EIR's GHG analysis was insufficient given it failed to provide substantial evidence that the statewide GHG reduction levels were a "proper measuring stick" at the project level. *Cal. BIA*, *supra*, 62 Cal.4th at 225-227. The Supreme Court's holding was partly premised on potential differences in new and existing development and differences in assumptions used in statewide models and in local models. *Id*. Here, the "County Efficiency Metric" is somewhat similar to the *Cal. BIA* EIR. It relies on statewide service population and statewide GHG inventory to derive a "per person" limit of GHG emissions. AR 10981. It provides no data specific to San Diego County (which has topography, marine influences, and an industrial mix different from many parts of the state (not to mention an international border no other part of the state has). It makes no effort to explain why the calculation of the "County Efficiency Metric" based only on statewide data is appropriate for San Diego County.

Golden Door does not (and is not required to) discuss the evidence supporting the County's statewide service population and statewide GHG inventory. Golden Door does not challenge the sufficiency of such evidence for statewide purposes.

The court grants Sierra Club's joinder in Golden Door's supporting and reply briefs regarding the lack of substantial evidence for the 2016 Guidance Document. ROA 171, 188.

**5.** Is the County in Compliance with This Court's Directives as Affirmed by the Court of Appeal?

No. The Court of Appeal in the 2012 *Sierra Club* case found that the CAP and thresholds of significance based on the CAP are a single project that is subject to environmental review. 231 Cal.App.4th at 175 ("As a plan-level document, the CAP and Thresholds project was required to undergo environmental review as a matter of law.") Three years later, the County has not completed a CAP. Also, it has not performed CEQA review for the 2016 Guidance Document. Thus, the 2016 Guidance Document violates the Court of Appeal ruling and is piecemeal environmental review.

**6.** Are Petitioners Entitled to Injunctive Relief?

Yes, although not the extent sought by the Sierra Club.

The Sierra Club seeks an injunction prohibiting the County from processing and approving new large scale developments on undeveloped land in San Diego County until the County approves a lawful CAP and thresholds regarding GHG impacts. The Sierra Club proposes to enjoin 17 in-process projects listed in the Serra Club's RJN, Ex. B (ROA 170).

The Sierra Club and Golden Door also seek an injunction prohibiting the County from using the 2016 Guidance Document and its "County Efficiency Metric" for CEQA review of GHG impacts for development proposals on undeveloped land in San Diego County.

The Sierra Club's request (injunction prohibiting the County from processing and approving new large scale developments on undeveloped land in San Diego County until the County approves a lawful CAP and thresholds) is denied. An injunction to prohibit the County from undertaking its planning process is too broad, and would embroil the court in County operations the court is not equipped to oversee. Further, there is the possibility that the County will deny some or all of the projects. Moreover, the Sierra Club has withdrawn its request to enjoin the processing of the designated projects. *See* reply brief, p. 5:18 ("The Club no longer seeks to enjoin the *processing* of the designated projects..."; italics in original).

The Sierra Club's request (injunction prohibiting the County from approving new large scale developments) is denied. The parties involved in the projects are not before the court, and thus, do not have the opportunity to address the request. This is a basic due process concern. Also, granting the request would probably prejudice the applicants in the projects. *Save Our Bay, Inc. v. San Diego Unified*

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Port District (1996) 42 Cal.App.4th 686, 696 ("the test is whether the person is one whose rights must necessarily be affected by the judgment in the proceeding"). Undoubtedly, some applicants have expended time and financial resources and would be obviously impacted by an injunction prohibiting the approval. In addition, the Sierra Club has an available adequate remedy - filing an individual lawsuit with respect to each project that is approved. In addition, the Sierra Club concedes the injunction request is a "novel situation" and that "it may be unusual for a court to issue the type of injunctive ... relief sought here". *See* opening brief, p. 23:21; *see also* reply brief, p. 11:14-15.

However, the court is very concerned that the County has not acted expeditiously and has allowed approximately 4 years to transpire since the court ordered the preparation of a new CAP and approximately 2 years to transpire since the High Court denied the County's petition for review. As such, the injunction is denied without prejudice for the Sierra Club to renew the request if it appears within the next couple of months that the County is still avoiding its obligation to effectuate a lawful CAP and threshold.

The joint injunction request is granted. The County is prohibited from using the 2016 Guidance Document and its "County Efficiency Metric" for CEQA review of GHG impacts for development proposals on undeveloped land in San Diego County. The injunction does not enjoin planning activities. It only prevents the County from utilizing an improper threshold of significance in the CEQA review of GHG impacts on undeveloped land in San Diego County. It only enjoins an action that is inconsistent with CEQA. *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 454-55.

Accordingly, let a writ of mandate issue forthwith, directing respondent the County of San Diego to set aside and vacate the 2016 Guidance Document; and let an injunction issue wherein the 2016 Guidance Document and its "County Efficiency Metric" may not be used to provide the basis for CEQA review of GHG impacts of development proposals on unincorporated County lands. The court declares that the 2016 Guidance Document and its "County Efficiency Metric" are legally inadequate and may not be used to provide the basis for CEQA review of GHG impacts of development proposals on unincorporated County lands.

The court believes it has addressed all of the principal controverted issues of the case, and the court therefore finds it unnecessary to address the other contentions in the second amended/supplemental petition for writ of mandate and petition for writ of mandate. *Compare Natter v. Palm Desert Rent Review Com.* (1987) 190 Cal.App.3d 994, 1001; *Young v. Three for One Oil Royalties* (1934) 1 Cal.2d 639, 647-648. By proceeding in this fashion, the court aims to deliver a prompt decision, bearing in mind that the trial court is most often just a waystation in the life of a CEQA case.

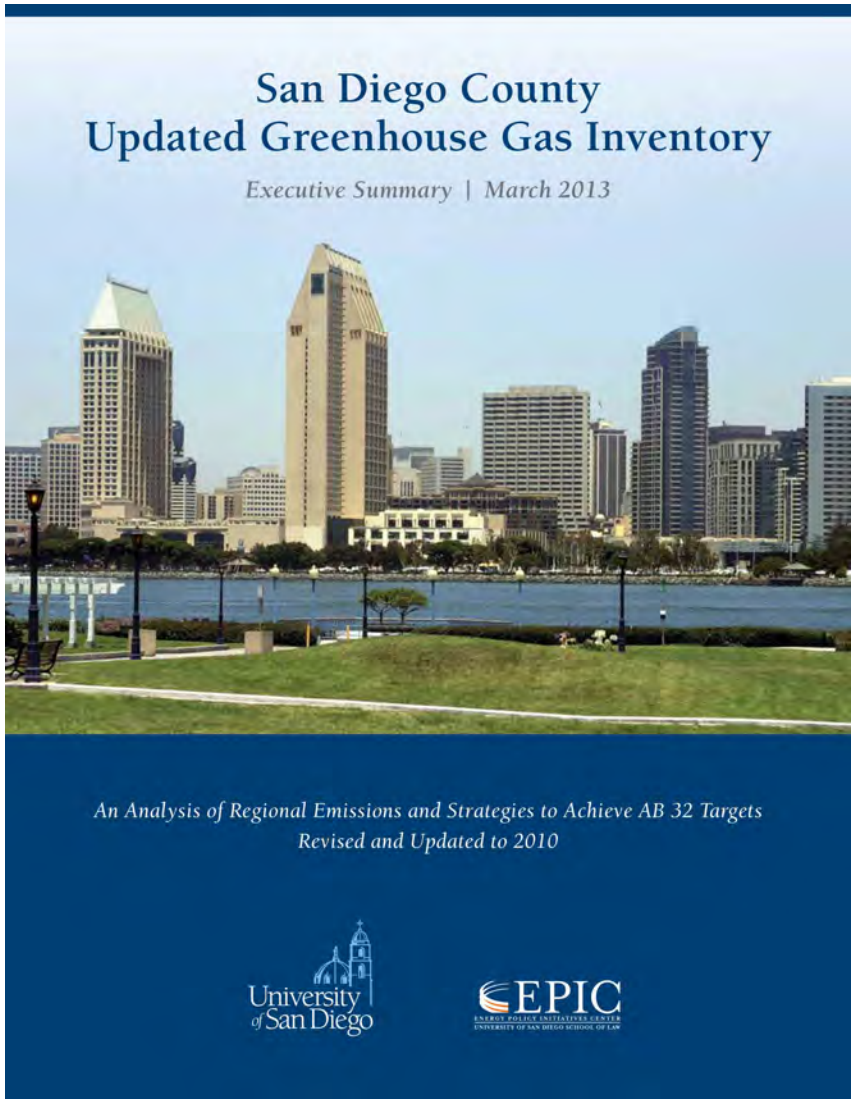
Attorneys' fees, if sought, may be addressed in a future noticed motion.

The court thanks the parties for their high-quality briefs. The court expects to return the lodged AR to the parties at the hearing so that it will be available for appellate proceedings should that be deemed appropriate. Accordingly, the parties should bring an extra briefcase to the hearing.

*The County's request in the *Golden Door* case is confusing, as it refers initially to "Exhibits A-P" but then only references and attaches Exhibits 1-3.

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| | | |
|---|---|---|
| | EXHIBIT 3 | |


San Diego County
Updated Greenhouse Gas Inventory
Executive Summary | March 2013
An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets
Revised and Updated to 2010
University of San Diego
EPIC

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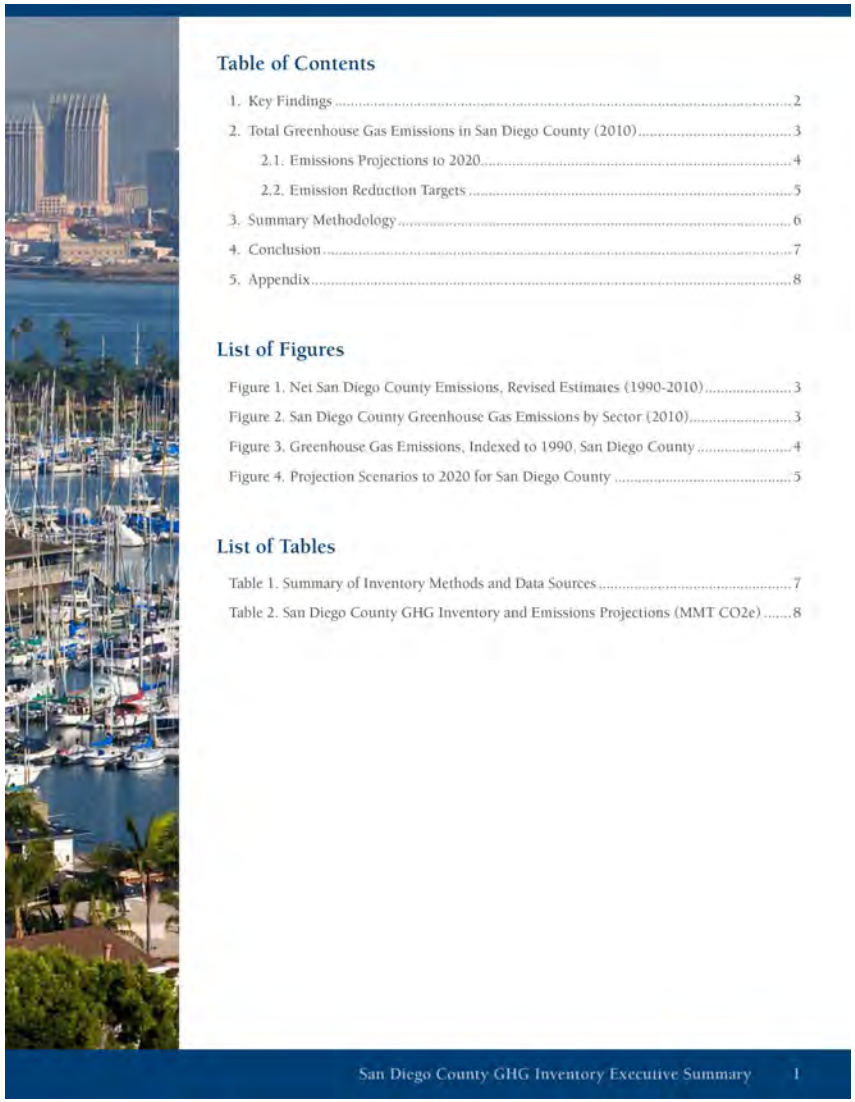
Acknowledgements:

The authors would like to thank the following individuals who contributed as authors to the regional greenhouse gas inventory of 2008 and on whose work this summary builds:

David O. De Haan, Ph.D.
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Sean Tanaka
*Energy and Environment Research Scientist and Engineer,*
*Tanaka Research.*

For an electronic copy of this summary report and the full documentation of the San Diego Greenhouse Gas Inventory project, go to www.sandiego.edu/epic/ghginventory.



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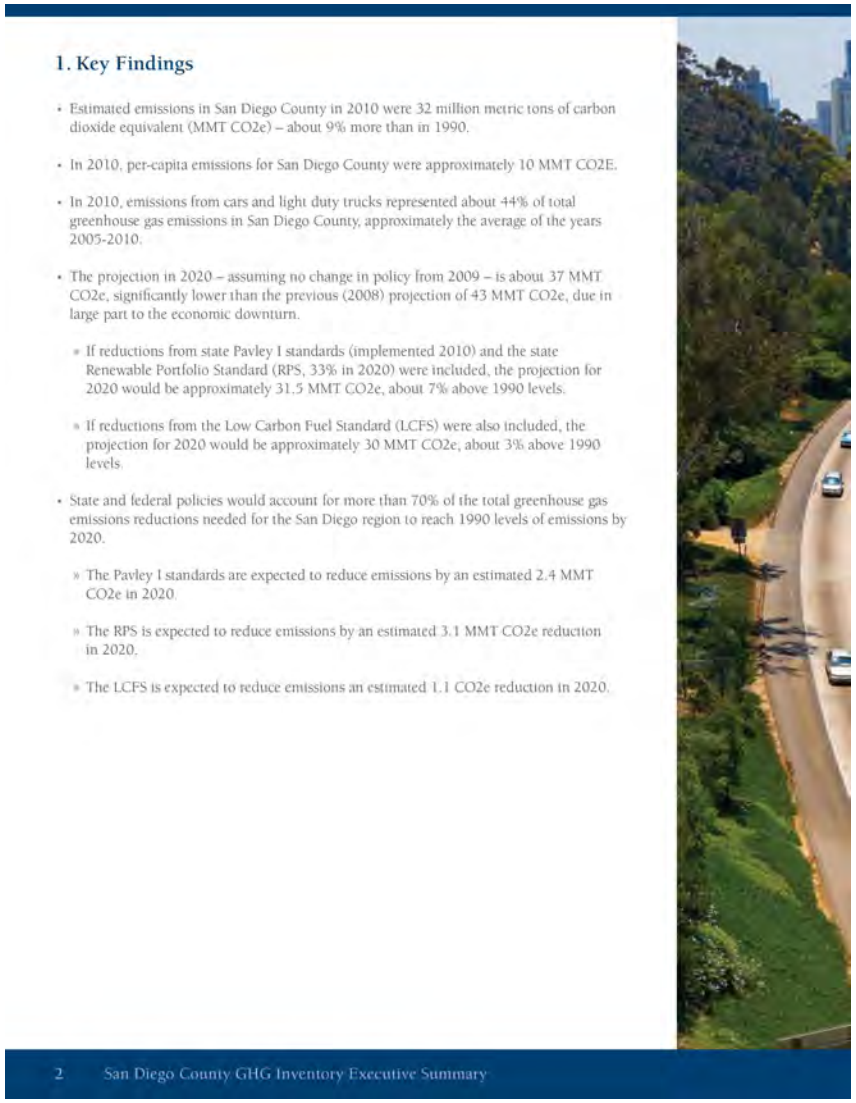
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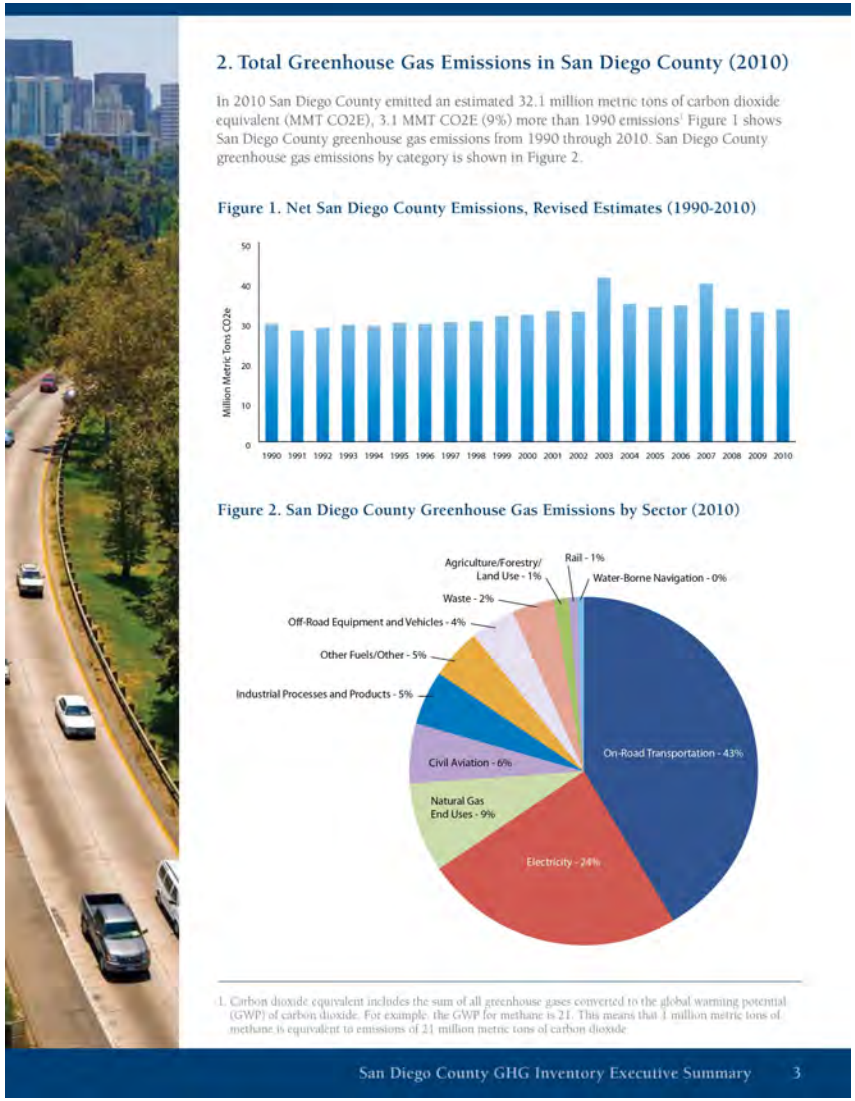


## 1. Key Findings

- Estimated emissions in San Diego County in 2010 were 32 million metric tons of carbon dioxide equivalent (MMT CO2e) – about 9% more than in 1990.
- In 2010, per-capita emissions for San Diego County were approximately 10 MMT CO2E.
- In 2010, emissions from cars and light duty trucks represented about 44% of total greenhouse gas emissions in San Diego County, approximately the average of the years 2005-2010.
- The projection in 2020 – assuming no change in policy from 2009 – is about 37 MMT CO2e, significantly lower than the previous (2008) projection of 43 MMT CO2e, due in large part to the economic downturn.
  - If reductions from state Pavley I standards (implemented 2010) and the state Renewable Portfolio Standard (RPS, 33% in 2020) were included, the projection for 2020 would be approximately 31.5 MMT CO2e, about 7% above 1990 levels.
  - If reductions from the Low Carbon Fuel Standard (LCFS) were also included, the projection for 2020 would be approximately 30 MMT CO2e, about 3% above 1990 levels.
- State and federal policies would account for more than 70% of the total greenhouse gas emissions reductions needed for the San Diego region to reach 1990 levels of emissions by 2020.
  - The Pavley I standards are expected to reduce emissions by an estimated 2.4 MMT CO2e in 2020.
  - The RPS is expected to reduce emissions by an estimated 3.1 MMT CO2e reduction in 2020.
  - The LCFS is expected to reduce emissions an estimated 1.1 CO2e reduction in 2020.



2 San Diego County GHG Inventory Executive Summary



## 2. Total Greenhouse Gas Emissions in San Diego County (2010)

In 2010 San Diego County emitted an estimated 32.1 million metric tons of carbon dioxide equivalent (MMT CO2E), 3.1 MMT CO2E (9%) more than 1990 emissions[1]. Figure 1 shows San Diego County greenhouse gas emissions from 1990 through 2010. San Diego County greenhouse gas emissions by category is shown in Figure 2.

**Figure 1. Net San Diego County Emissions, Revised Estimates (1990-2010)**




**Figure 2. San Diego County Greenhouse Gas Emissions by Sector (2010)**

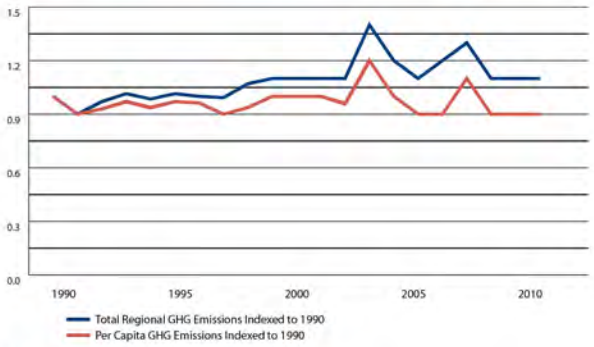



1. Carbon dioxide equivalent includes the sum of all greenhouse gases converted to the global warming potential (GWP) of carbon dioxide. For example: the GWP for methane is 21. This means that 1 million metric tons of methane is equivalent to emissions of 21 million metric tons of carbon dioxide.

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In 2010, per-capita greenhouse gas emissions for the San Diego region were 10.1 metric tons of CO2E, less than the 1990-2006 average of 11.2 metric tons. This decrease is explained partly by the economic downturn.

**Figure 3. Greenhouse Gas Emissions, Indexed to 1990, San Diego County**




## 2.1. Emissions Projections to 2020

At the time of the first (2008) regional greenhouse gas inventory, the state Pavley I standards were not in force and the Low Carbon Fuel Standard (LCFS) had not yet been adopted. By 2010, the Pavley I standards were being implemented and the Renewable Portfolio Standard (RPS) target was increased to 33% renewable electricity by 2020. For purposes of projecting emissions to 2020, we therefore present three scenarios:

- No Policy Changes - The first projection scenario is based on the policies in existence in 2009 and does not include reductions expected from the Pavley I standards and the increased RPS target. In this scenario, greenhouse gas emissions from San Diego County are estimated at 37 MMT CO2E in 2020.
- Pavley I + RPS 33% - The second projection includes reductions expected from implementation of Pavley I and the RPS 33%. In this scenario, San Diego County greenhouse gas emissions are estimated at 31.5 MMT CO2e in 2020.
- Pavley I + RPS 33% + LCFS - The third projection scenario includes reductions expected from Pavley I, the RPS of 33%, and the LCFS. In this scenario, greenhouse gas emissions from San Diego County are estimated to be approximately 30.3 MMT CO2E in 2020. Note that although the LCFS was adopted in 2010, its future is uncertain at this time due to litigation.[2]

2. Two cases challenge the LCFS. In *Poet, LLC v. California Air Resources Board*, (2009), Poet, the largest ethanol producer in the world, challenges the LCFS on the basis that CARB failed to comply with the California Environmental Quality Act. Poet's petition for writ of mandate was denied and has been appealed to the California Court of Appeals in November 2011. No further dates have been set. *Rocky Mountain Farmers Union v. Goldstene* (2010) challenges the LCFS rule as violating the Commerce Clause of the United States Constitution. In December 2011 the Eastern District of California invalidated parts of the LCFS rule. Federal district court stayed enforcement upon appeal in April 2012. The parties are now awaiting a decision.

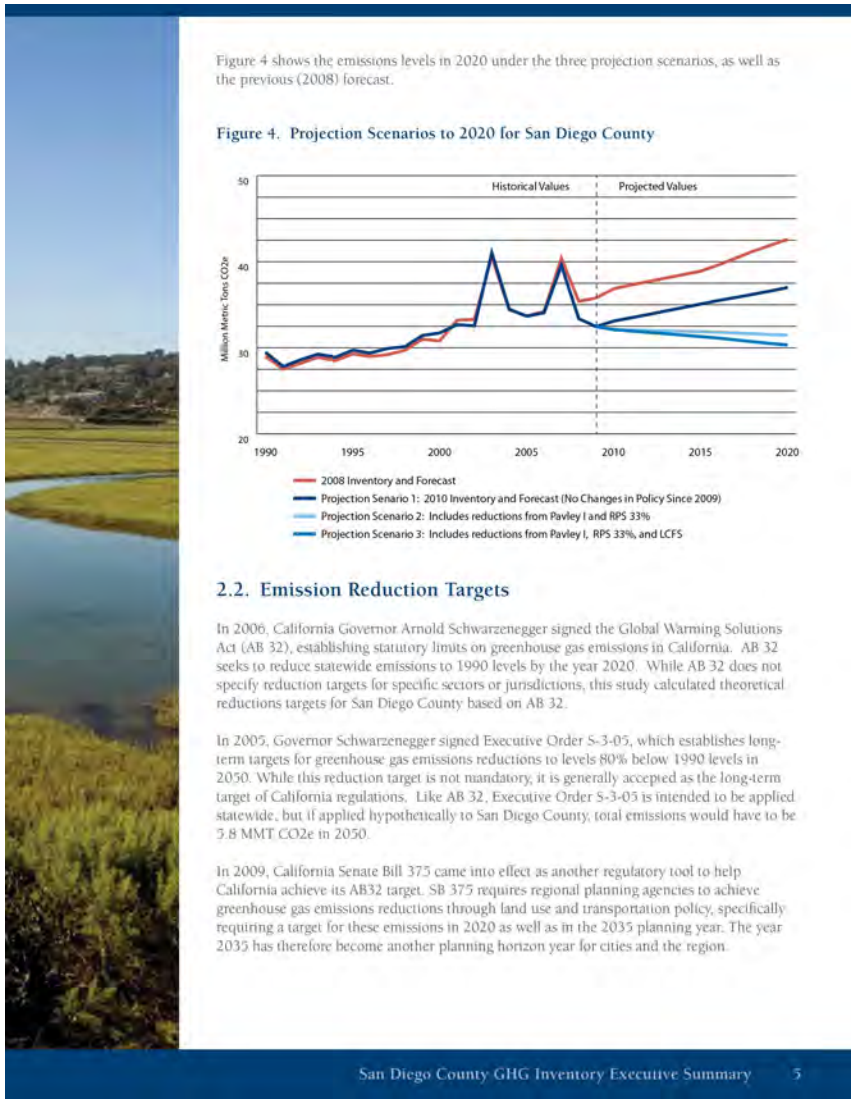


Figure 4 shows the emissions levels in 2020 under the three projection scenarios, as well as the previous (2008) forecast.

Figure 4. Projection Scenarios to 2020 for San Diego County



## 2.2. Emission Reduction Targets

In 2006, California Governor Arnold Schwarzenegger signed the Global Warming Solutions Act (AB 32), establishing statutory limits on greenhouse gas emissions in California. AB 32 seeks to reduce statewide emissions to 1990 levels by the year 2020. While AB 32 does not specify reduction targets for specific sectors or jurisdictions, this study calculated theoretical reductions targets for San Diego County based on AB 32.

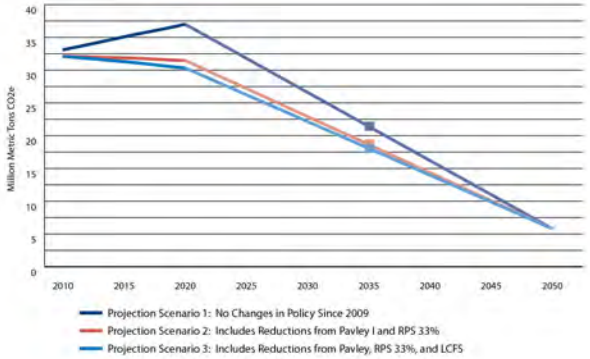
In 2005, Governor Schwarzenegger signed Executive Order S-3-05, which establishes long-term targets for greenhouse gas emissions reductions to levels 80% below 1990 levels in 2050. While this reduction target is not mandatory, it is generally accepted as the long-term target of California regulations. Like AB 32, Executive Order S-3-05 is intended to be applied statewide, but if applied hypothetically to San Diego County, total emissions would have to be 5.8 MMT $CO_2e$ in 2050.

In 2009, California Senate Bill 375 came into effect as another regulatory tool to help California achieve its AB32 target. SB 375 requires regional planning agencies to achieve greenhouse gas emissions reductions through land use and transportation policy, specifically requiring a target for these emissions in 2020 as well as in the 2035 planning year. The year 2035 has therefore become another planning horizon year for cities and the region.

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Figures 5 illustrates the theoretical decrease in emissions needed if San Diego County were required to meet both AB 32 and Executive Order S-3-05 targets along a linear trajectory. The 2035 planning year and its theoretical goals are also shown and depend on the projection chosen for 2020. The emissions goal for 2035 based on this linear trajectory varies, depending on the projection scenario, between 18.1 MMT CO2e and 21.4 MMT CO2e in order to achieve the 2050 target of 5.8 MMT CO2e.

**Figure 5. Applying Statewide Greenhouse Gas Reduction Targets in San Diego County**




## 3. Summary Methodology

EPIC updated historical greenhouse gas emissions to 2010 using the best available data and made revised estimated projections for future emissions to 2020 for San Diego County based on the updated information. To be consistent with revisions and refinements in methodology at the California Air Resources Board (CARB), EPIC revised some historical data used to calculate the 2008 inventory. For example, the electricity sector data were revised back to 1990. On-road transportation emissions were revised from 2008 based on revised vehicle miles traveled data from the regional transportation agency SANDAG. Waste emissions were revised from 2008 based on refined emissions factors obtained from CARB. The "Other Fuels", and "Industrial Processes" sectors were adjusted according to economic activity data through 2008. Civil aviation was updated using departure air miles through 2008. For the wildfire category, an average of emissions based on fires occurring since 1990 was used to project 2020 emissions levels. The "Off-road" and "Waterborne" category projections to 2020 remain the same as in the previous forecast of 2006. A summary of the methods is provided in Table 1. For a detailed presentation of the methods used, please see documents published in support of the 2008 inventory.[3]

3. See http://www.sandiego.edu/epic/ghginventory





**Table 1. Summary of Inventory Methods and Data Sources**

| Inventory Catetory | Method | Data Sources |
|---|---|---|
| ON-ROAD TRANSPORTATION | CARB EMFAC2007 Model for San Diego County | 1990-2008 CO2E Emissions from CARB On-Road EMFAC2007 Model, based on Series 12 input data from SANDAG, and VMT forecast data from SANDAG for 2020, 2035 |
| ELECTRICITY | Fuel-based, CARB emissions factors (lbs/MWh) and average emissions for power suppliers used where fuel data unavailable (CARB Method); 2020-2035 projection based on CEC forecast trend | FERC FORM 1, CEC Energy Forecast 2010-2020, SEC Form 10-K, EIA Form 861 |
| NATURAL GAS END USES | Fuel-based (CARB Method); 2020-2035 projection based on CEC forecast trend | FERC FORM 1, CEC Energy Forecast 2010-2020 |
| OFF-ROAD EQUIPMENT AND VEHICLES | CARB OFFROAD Model for San Diego County; linear projection from 2020 to 2035 | CO2E Emissions from CARB OFFROAD Model |
| CIVIL AVIATION | Fuel-based (Average of jet fuel sold and passenger miles traveled methods), interstate emissions included (Modified CARB Method); linear projection from 2020 projection to 2035 | Two main jet fuel and aviation gas suppliers to San Diego Int'l Airport, Bureau of Transportation Statistics Department (BTS RITA), San Diego Air Pollution Control District (natural gas) |
| WASTE | IPCC Mathematically Exact First Order Decay Model (CARB Method); linear projection from 2020 to 2035 | CARB (waste-water factors) , City of San Diego (waste disposed), San Diego County Public Works Department, CARB (waste disposed), CIWMB, USD EPA |
| INDUSTRIAL PROCESSES AND PRODUCTS | Source-based, some scaled from statewide inventory data (CARB Method); projection based on US Census Bureau economic forecast data to 2035 | CARB, US EPA, US Census Bureau, US Geological Survey, CA Dept. of Transportation, CEC |
| WATER-BORNE NAVIGATION | Based on CARB estimate (CARB Method); linear projection to 2035 | CARB estimate, adjusted by local port business plan to 2020 |
| RAIL TRANSPORTATION | Scaled from statewide inventory (CARB Method); linear projection from 2020 to 2035 | CARB statewide GHG inventory, US Census Bureau (economic data) |
| OTHER/OTHER FUELS | Scaled from statewide inventory (CARB Method); linear projection from 2020 to 2035 | CARB statewide GHG inventory, US Census Bureau (economic data) |
| AGRICULTURE (LIVESTOCK) | Scaled from statewide inventory (CARB Method); linear projection from previous 2020 value to 2035 | CARB statewide GHG inventory, US Department of Agriculture, and San Diego County (crop reports) |
| EMISSIONS FROM DEVELOPMENT (Loss of Vegetation) | GIS analysis of developed areas from 1990-2007 (Modified CARB); linear projection from previous 2020 value to 2035 | SANDAG and CA Dept of Forestry and Fire Protection (GIS data), Winrock International and C. Wiedenmyer paper (biomass data) |
| WILDFIRES | GIS analysis of burned areas from 1990-2007 (Modified CARB); annual projections from previous 2020 value to 2035 based on average annuals from 1990-2010. | SANDAG and CA Dept of Forestry and Fire Protection (GIS data), Winrock International and C. Wiedenmyer paper (biomass data), SANGIS (GIS burn areas) |
| SEQUESTRATION FROM LAND COVER | GIS analysis of San Diego County Vegetation 1990-2007 (Modified CARB); linear projection from previous 2020 value to 2035 | SANDAG and CA Dept of Forestry and Fire Protection (GIS data), Winrock International and C. Wiedenmyer paper (biomass data), SANGIS (GIS burn areas), H. Luo paper (carbon uptake by chaparral). |

## 4. Conclusion

San Diego County emitted approximately 32 million MMT CO2e in 2010 – about 9% above the 1990 level. This increase is not as large as previously projected due largely to the economic recession. Transportation remains the top emitting category, followed by electricity and natural gas. These highest emitting categories are significantly associated with activities by individuals (e.g., driving and home electricity and natural gas use); thus more than 70% of total regional emissions are associated with individual activities.

For 2020, we presented three projection scenarios. In the first, we projected emissions without changes to policy as of 2009. In the second projection scenario, we accounted for the reductions expected from Pavley I and the RPS 33%. In this second projection scenario, greenhouse gas emissions would be approximately 2 MMT CO2e above the 1990 level, meaning that San Diego County would have to decrease emissions by about 2 MMT CO2e in 2020 to reach the AB 32 target. In the third projection scenario, we included reductions expected from Pavley I, the RPS 33% standards reductions and the LCFS reductions by 2020. In this third projection scenario, San Diego County would need about 0.8 MMT CO2e additional reductions to meet the AB 32 target in 2020.

## 5. Appendix

**Table 2. San Diego County GHG Inventory and Emissions Projections (MMT Co2E)**

| | | | | | | Projected Values | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1990 | 1995 | 2000 | 2005 | 2010 | 2015 | 2020 | 2025 | 2030 | 2035 |
| **ON-ROAD TRANSPORTATION** | 14.3 | 13.3 | 13.9 | 15.9 | 14.4 | 15.0 | 15.7 | 16.8 | 18.0 | 18.3 |
| Passenger Vehicles | 7.4 | 6.5 | 6.3 | 8.2 | 5.9 | 6.1 | 6.4 | 6.7 | 7.1 | 7.3 |
| Light-Duty Vehicles | 5.1 | 5.1 | 5.9 | 7.6 | 7.0 | 7.2 | 7.4 | 7.8 | 8.3 | 8.6 |
| Heavy-Duty Trucks and Vehicles | 1.8 | 1.6 | 1.7 | 1.9 | 1.5 | 1.7 | 1.9 | 2.3 | 2.6 | 2.4 |
| Motorcycles | 0.04 | 0.03 | 0.02 | 0.06 | 0.04 | 0.05 | 0.05 | 0.05 | 0.05 | 0.05 |
| **ELECTRICITY*** | 6.6 | 7.5 | 6.5 | 7.7 | 8.3 | 8.9 | 9.5 | 10.0 | 10.6 | 11.2 |
| Residential | 2.6 | 2.8 | 2.6 | 2.8 | 3.1 | 3.4 | 3.7 | 3.9 | 4.1 | 4.3 |
| Commercial | 2.8 | 3.0 | 3.8 | 3.4 | 3.8 | 3.9 | 4.1 | 4.4 | 4.8 | 4.9 |
| Industrial | 0.7 | 0.7 | 0.8 | 0.8 | 0.8 | 0.7 | 0.7 | 0.7 | 0.8 | 0.8 |
| Mining | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 |
| Agricultural | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 |
| TCU | 0.6 | 0.7 | 0.8 | 0.7 | 0.7 | 0.7 | 0.8 | 0.8 | 0.8 | 0.9 |
| Street lighting | 0.03 | 0.04 | 0.04 | 0.04 | 0.05 | 0.05 | 0.05 | 0.05 | 0.06 | 0.06 |
| **NATURAL GAS END USES*** | 3.0 | 2.8 | 3.1 | 2.9 | 2.9 | 3.1 | 3.3 | 3.5 | 3.7 | 3.9 |
| Residential | 1.9 | 1.7 | 1.8 | 1.7 | 1.7 | 1.8 | 1.9 | 2.0 | 2.1 | 2.2 |
| Commercial | 0.9 | 0.8 | 0.5 | 0.8 | 0.8 | 0.9 | 1.0 | 1.1 | 1.2 | 1.3 |
| Industrial | 0.8 | 0.3 | 0.7 | 0.1 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 |
| Mining | 0.04 | 0.02 | 0.01 | 0.03 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 |
| Agricultural | 0.03 | 0.03 | 0.02 | 0.03 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 |
| Other** | 0.2 | 0.1 | 0.0 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.2 | 0.2 |
| **OFF-ROAD EQUIPMENT AND VEHICLES** | 1.0 | 1.0 | 1.2 | 1.3 | 1.4 | 1.5 | 1.6 | 1.7 | 1.8 | 1.9 |
| Construction and Mining Equipment | 0.4 | 0.5 | 0.6 | 0.6 | 0.7 | 0.7 | 0.8 | 0.8 | 0.9 | 1.0 |
| Pleasure Craft | 0.1 | 0.1 | 0.1 | 0.2 | 0.2 | 0.2 | 0.3 | 0.3 | 0.3 | 0.3 |
| Industrial Equipment | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 |
| Agriculture Equipment | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 |
| Other | 0.2 | 0.2 | 0.3 | 0.3 | 0.3 | 0.3 | 0.4 | 0.4 | 0.4 | 0.4 |
| **CIVIL AVIATION** | 1.2 | 1.4 | 1.8 | 1.8 | 1.9 | 2.0 | 2.1 | 2.2 | 2.4 | 2.5 |
| Interstate | 1.0 | 1.1 | 1.4 | 1.7 | 1.69 | 1.83 | 1.95 | 2.07 | 2.20 | 2.32 |
| Intrastate | 0.2 | 0.2 | 0.2 | 0.2 | 0.17 | 0.18 | 0.15 | 0.15 | 0.18 | 0.17 |
| **WASTE** | 0.9 | 1.1 | 0.4 | 0.4 | 0.6 | 0.7 | 0.7 | 0.8 | 1.0 | 1.1 |
| Landfills | 0.3 | 0.5 | 0.2 | 0.2 | 0.4 | 0.5 | 0.5 | 0.6 | 0.7 | 0.8 |
| Wastewater Treatment | 0.6 | 0.6 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.3 | 0.3 |
| **INDUSTRIAL PROCESSES AND PRODUCTS** | 0.5 | 0.7 | 1.6 | 1.9 | 1.9 | 1.9 | 1.9 | 2.0 | 2.1 | 2.12 |
| HFCs | 0.0 | 0.3 | 0.1 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 |
| SF6 | 0.2 | 0.1 | 1.2 | 1.3 | 1.0 | 0.9 | 0.7 | 0.8 | 0.8 | 0.8 |
| Other | 0.3 | 0.2 | 0.3 | 0.4 | 0.6 | 0.8 | 1.0 | 1.0 | 1.0 | 1.0 |
| **WATER-BORNE NAVIGATION** | 0.04 | 0.06 | 0.1 | 0.1 | 0.1 | 0.2 | 0.2 | 0.2 | 0.2 | 0.3 |
| Ocean Going Vessels (OGV) | 0.03 | 0.05 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.2 | 0.2 | 0.2 |
| Harbor Craft | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 |
| **RAIL** | 0.21 | 0.22 | 0.17 | 0.30 | 0.32 | 0.39 | 0.47 | 0.54 | 0.61 | 0.68 |
| **OTHER FUELS/OTHER** | 1.63 | 1.54 | 1.41 | 1.56 | 1.58 | 1.63 | 1.71 | 1.80 | 1.86 | 1.97 |
| Manufacturing | 0.71 | 0.56 | 0.44 | 0.45 | 0.43 | 0.39 | 0.36 | 0.32 | 0.28 | 0.25 |
| Transport | 0.20 | 0.13 | 0.19 | 0.19 | 0.12 | 0.10 | 0.09 | 0.08 | 0.07 | 0.06 |
| Residential | 0.16 | 0.14 | 0.13 | 0.18 | 0.21 | 0.25 | 0.30 | 0.35 | 0.39 | 0.44 |
| Energy | 0.01 | 0.01 | 0.01 | 0.02 | 0.03 | 0.04 | 0.05 | 0.06 | 0.07 | 0.08 |
| Commercial | 0.30 | 0.19 | 0.13 | 0.15 | 0.15 | 0.16 | 0.18 | 0.19 | 0.21 | 0.22 |
| Agriculture | 0.17 | 0.14 | 0.12 | 0.17 | 0.16 | 0.17 | 0.18 | 0.20 | 0.21 | 0.22 |
| Cogen Adjustment (Thermal) | 0.28 | 0.38 | 0.39 | 0.42 | 0.49 | 0.51 | 0.55 | 0.61 | 0.65 | 0.70 |
| **AGRICULTURE (Livestock)** | 0.15 | 0.12 | 0.09 | 0.07 | 0.05 | 0.04 | 0.03 | 0.02 | 0.02 | 0.01 |
| Enteric Fermentation | 0.07 | 0.09 | 0.05 | 0.04 | 0.03 | 0.02 | 0.02 | 0.01 | 0.01 | 0.01 |
| Manure | 0.07 | 0.06 | 0.04 | 0.03 | 0.02 | 0.02 | 0.01 | 0.01 | 0.00 | 0.00 |
| **LAND USE WILDFIRES** | 0.19 | 0.19 | 0.23 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 | 0.28 |
| Forest | 0.03 | 0.01 | 0.05 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 |
| Woodland growth | 0.01 | 0.05 | 0.04 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 | 0.02 |
| Chaparral, scrub, and grasslands | 0.14 | 0.13 | 0.15 | 0.23 | 0.23 | 0.23 | 0.23 | 0.23 | 0.23 | 0.23 |
| **DEVELOPMENT (LOSS OF VEGETATION)** | 0.06 | 0.06 | 0.19 | 0.20 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 | 0.18 |
| Loss of farmland | 0.04 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 | 0.03 |
| Loss of native vegetation | 0.02 | 0.03 | 0.17 | 0.17 | 0.15 | 0.15 | 0.15 | 0.15 | 0.15 | 0.15 |
| **SEQUESTRATION FROM LAND COVER** | (0.88) | (0.66) | (0.89) | (0.87) | (0.66) | (0.66) | (0.65) | (0.65) | (0.64) | (0.63) |
| Forest growth | (0.24) | (0.23) | (0.23) | (0.23) | (0.23) | (0.23) | (0.22) | (0.22) | (0.22) | (0.22) |
| Woodland growth | (0.07) | (0.07) | (0.07) | (0.07) | (0.07) | (0.07) | (0.07) | (0.06) | (0.06) | (0.06) |
| Chaparral, scrub, and grasslands | (0.38) | (0.36) | (0.58) | (0.57) | (0.37) | (0.36) | (0.36) | (0.36) | (0.36) | (0.35) |
| **TOTAL** | 29 | 30 | 32 | 34 | 33 | 35 | 37 | 40 | 42 | 44 |

*Historical Electricity and Natural Gas values based on the California Energy Commission 2009 energy forecast. Some values vary from 2008 Inventory.
**Natural Gas Other includes consumption from Civil Aviation and Waterborne Navigation categories.



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About the Energy Policy Initiatives Center (EPIC)

The Energy Policy Initiatives Center (EPIC) is a nonprofit academic and research center of the University of San Diego School of Law that studies energy policy issues affecting the San Diego region and California. EPIC integrates research and analysis, law school study and public education. The organization also serves as a source of legal and policy expertise and information in the development of sustainable solutions that meet our future energy needs.

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