

SUMMARY

S.1 Project Synopsis

Project Location

The proposed Otay Crossings Commerce Park project (hereinafter referred to as the proposed project) is located in the unincorporated community of East Otay Mesa within the Otay Subregional Planning Area in the southernmost portion of San Diego County (County), approximately two miles east of the future State Route (SR)-125/SR-905 interchange. The 311.5-acre project site is located within the southern section of Subarea 2 of the East Otay Mesa Specific Plan (EOMSP) area, southeast of the intersection of Otay Mesa and Alta roads. The northwest portion of the project site is bordered on the north by Otay Mesa Road, on the west by Alta Road and on the south by a currently unpaved extension of Airway Road. The southern portion of the project site extends as far south as the United States (U.S.)-Mexico International Border, and approximately one mile east of Alta Road.

Project Background

The Final Environmental Impact Report (EIR) for the EOMSP was certified on July 27, 1994. The EOMSP encompasses an area of approximately 3,300 unincorporated acres in the southwestern portion of San Diego County, adjacent to the U.S.-Mexico International Border, and adjoins the City of San Diego's (City's) 12,505-acre Otay Mesa Community Plan Area. The EOMSP Final EIR found significant effects from plan implementation to biological resources, noise, 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. With the exceptions of biological resources and noise (for which a Statement of Overriding Considerations was adopted by the County for significant and unmitigable impacts), it was determined that these effects could be avoided or mitigated to less-than-significant levels through implementation of adopted mitigation measures.

In the years since certification of the original EOMSP EIR, 21 addenda, 16 projects with reliance on the previous EIR unmodified, and 1 Supplemental EIR (Sunroad Centrum Tech Center) have been processed and approved by the County. The most significant amendments to the plan have been three County-initiated Specific Plan Amendments (SPAs). An amendment, approved in 2002, divided the EOMSP into two subareas, designating the western portion as Subarea 1 and the eastern portion as Subarea 2, and modifying the land use categories in Subarea 1. The project site is located in Subarea 2, which was not modified by the 2002 SPA; Subarea 2 includes 446 acres designated for Rural Residential, 727 acres designated for Mixed Industrial, and 110 acres of Road land uses. A County-initiated SPA, approved on August 1, 2007, addressed both subareas and revised the circulation plan, bicycle network, and regulatory standards relating to site plan requirements, fencing detail, driveway location criteria, and sidewalk design. The 2007 amendment also modified noise requirements for Subarea 2 to make them consistent with those of Subarea 1 (as discussed in Subchapter 3.5, *Noise*). In April 2009, the County modified the plan to correct minor issues related to landscape requirements for public roads, modify the land use plan for the Heavy Industrial area, define development standards for correctional facilities in Heavy Industrial, among other items. Most recently, an SPA (SPA 10-001) was approved by the Board of Supervisors on September 15, 2010. This SPA removed inconsistencies between Subareas 1 and 2 and combined the two subareas; modified streetscape, public

right-of-way, and landscape requirements; and allowed the use of chain link and decomposed granite surface for interim uses on the SR-11 right-of-way. In addition, the SPA included a Zone Reclassification (REZ 10-001) that modified the boundary of the EOMSP area in response to Proposition A, the East Otay Mesa Recycling Collection Center and Landfill Ordinance, and rezoned approximately 33 acres of land from S-88 to RS-40 to accommodate a future solid waste facility east of the EOMSP area. The SPA also specified that a 1,000-foot Landfill Overlay Buffer be established around the landfill site to prevent land use conflicts.

Due to changes in the project and changes in circumstances that could potentially cause new significant impacts and require new mitigation measures, if feasible, the County Department of Planning and Land Use (DPLU) determined that a Supplemental EIR (SEIR) would be necessary for the proposed project pursuant to Section 15163 of the State's California Environmental Quality Act Guidelines (State CEQA Guidelines). They include changes due to the fact that the project site falls within the County's 1997 Multiple Species Conservation Program (MSCP) Subarea Plan as a Major Amendment Area, Minor Amendment Area, and Minor Amendment Area Subject to Special Circumstances. The resource areas potentially affected by the changes included aesthetics, air quality, biological resources, cultural resources, noise, transportation/traffic and public services/utilities (County of San Diego 2006a).

The certified EOMSP Final EIR and associated technical appendices (State Clearinghouse [SCH] No. 92101099), as well as all updates thereto completed in conjunction with the March 28, 2002, August 1, 2007, and September 15, 2010 SPAs initiated by the County are incorporated by reference into this SEIR, as permitted by Section 15150 of the State CEQA Guidelines. Relevant portions of these documents are briefly summarized in the appropriate section(s) of this SEIR, and the relationship between the incorporated part of the referenced document and this SEIR is described.

State Route 11 (SR-11) Background

At the same time as the project applicant is requesting approval of various entitlements, the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) are conducting engineering and environmental studies on site for the proposed extension of SR-11 from SR-125 across the southern portion of the EOMSP area toward the U.S.-Mexico International Border. The freeway extension would connect with a proposed new federal port-of-entry (POE) along the U.S.-Mexico International Border. The EOMSP, as amended, identifies both SR-11 and the future POE as being located on the proposed project site. FHWA and Caltrans have evaluated two corridors for the freeway and are currently evaluating a number of design and operational options, while the U.S. General Services Administration (GSA) is evaluating various configurations for the federal POE. The Mexican government has already determined that its future POE will be located south of the project site on the southern side of the U.S.-Mexico International Border.

Although the SR-11 and future POE projects are being proposed by two separate agencies, they are interconnected in that they would not be constructed without one another. For that reason, FHWA/Caltrans and GSA prepared a joint programmatic environmental document (i.e., joint CEQA/National Environmental Policy Act [NEPA] document) to evaluate the program-level issues of the freeway and future POE. Caltrans is responsible for complying with CEQA, while FHWA took the lead on the NEPA portion of the joint document on behalf of the GSA. A Final Program Environmental Impact Report/Phase I Environmental Impact Statement (PEIR/PEIS) for this joint program was approved and a federal Record of Decision signed in October 2008 (Caltrans 2008), identifying the Western Alternative as the Preferred Alternative for implementation of the

SR-11/POE program. The Western Alternative corresponds to the SR-11 and POE right-of-way (ROW) locations defined in the proposed Otay Crossings site plan. With the program-level document now approved, FHWA, Caltrans and GSA are pursuing project-level engineering studies and environmental clearances for SR-11 and the Otay Mesa East POE. A preferred alternative for the design of the interchanges has not been identified to date; however, the footprint shown on the Otay Crossings Commerce Park Tentative Map is consistent with the County's Circulation Element and the latest engineering input from Caltrans at the time this SEIR was drafted. Construction timing for SR-11 and the POE is dependent on approval of the planning and environmental documentation and securing sufficient funding for the facilities (Caltrans 2008). SR-11 is not yet fully funded (Caltrans 2011).

In December 2010, Caltrans circulated the Tier II Draft EIR/EIS for the SR-11/POE project. In the document, three alternatives were evaluated, two of which would cross through the project site. The SR-11 alternative that includes a half interchange at Siempre Viva Road would result in approximately 15.6 acres of additional ROW take within the project site, which would include take of portions of several lots within Units 1, 3 and 4. The SR-11 alternative that includes a full interchange at Siempre Viva Road would result in approximately 29.4 acres of additional ROW take within the project site, including take of portions of several lots within Units 1, 2, 3 and 4. Unit 5 of the proposed project has always been considered ROW take for the POE.

Project Components and Parts

The Otay Crossings Commerce Park project proposes the subdivision and grading of 311.5 acres into 59 individual lots in preparation for future development of an industrial park. The project application includes a Tentative Map (TM) application, Preliminary Grading Plan review (Tract 5405), as well as off-site roadway and utility improvements to support the project site development.

The proposed Otay Crossings project would reserve ROW and grade industrial lots that could ultimately be acquired for the western alignment of SR-11 and the POE, but would not construct any facilities associated with these projects. Impacts associated with the construction and operation of SR-11 and the POE are not analyzed in this SEIR. For the purposes of this SEIR, it is assumed that the SR-11 corridor and POE site could be developed with industrial uses, in the event that these facilities are located elsewhere on the mesa or not implemented by the state or federal governments.

Tentative Map and Preliminary Grading Plan

The 56 industrial lots and three open space lots of the proposed project would range in size from 0.9 net acre to 59.1 net acres. About three-quarters of the lots would be less than 4 acres in size, and all but three lots would have an area of less than 7 acres. The lots would be divided and recorded in five separate units, comprising the industrial and open space lots (285.5 acres), internal on-site public streets (20.4 acres), and half-widths up to the center lines of Otay Mesa Road, Alta Road and Airway Road immediately adjacent to the site (5.6 acres). An additional 30.6 to 35.0 acres would consist of off-site roadway and utility improvements, including sewer, water, and drainage improvements (see Figures 1-5a, 1-5b 1-6, and 1-7 in Chapter 1.0). A total of 47.7 acres of steep slopes and sensitive hillsides on site would be contained in open space lots (see Figure 1-4 in Chapter 1.0 of this SEIR). The conservation easements would correspond to the land on site within the "G" Designator Area of the Specific Plan and would serve to protect the slopes and sensitive habitats in the northeast corners of the project site and along its southern boundary by placing them in separate open space lots (Lots 57, 58 and 59). The Landfill Buffer Overlay specified by SPA 10-001 crosses through open space Lot 58.

The proposed project would entail the phased grading of the property, with building pads generally sited on the level and gently sloping portions of the property. Earthwork on site would be balanced by phase, with an estimated total volume of 1,882,000 cubic yards of cut and the same volume of fill. All temporary cut slope ratios would be 2:1 (horizontal to vertical), while all permanent slopes would be constructed at a ratio of 3:1. Limited blasting may be required when oversized material is encountered during grading. Grading Phase 1 would be expected to begin in mid-2012. Grading Phase 2 would be expected to take place in mid-2014. There is the possibility that both grading phases could occur simultaneously. Air quality impacts of this possible scenario have been evaluated in Chapter 2.2 of this report. Off-site grading is proposed as part of both phases of grading within the public ROW for Otay Mesa Road, Alta Road, Airway Road and Siempre Viva Road and to install off-site storm drain structures south of Airway Road and Siempre Viva Road. Adjacent property owners would implement additional grading as development occurs in the area and future roadway improvements and storm drains are fully implemented. No deviations from the County Grading Ordinance are requested. All graded slopes three or more feet in vertical height, including slopes associated with detention basins, would be landscaped to prevent erosion of soils.

Site preparation and grading are anticipated to begin in mid-2012, and take as little as three years and as much as five years to complete, depending on the ultimate project schedule. It is assumed that up to 40 acres of the site would be actively graded on any given day, with a total anticipated disturbance area of approximately 265 acres (excluding open space easements) on site and a total of 37.6 acres off site. Construction vehicles would access the site via Otay Mesa Road, and construction staging areas would be located within the proposed grading areas for the site.

Pursuant to Subchapter 3.1 and Table 3.1-1 of the EOMSP, future development of industrial lots would require processing of a minor or major use permit or site plan for each lot. No design details are currently proposed, but all lots are anticipated to be developed with light industrial uses with non-stationary source emissions, in conformance with County ordinances, regulations and the EOMSP Site Planning and Design Guidelines (County of San Diego 1994b). All future industrial site plans and minor or major use permit applications would undergo review by County staff. The Landfill Buffer Overlay identified in SPA 10-001 would not place any restrictions on future site plans as it only encompasses planned open space; none of the proposed industrial lots are within 1,000 feet of the future landfill site.

Roadways

Access to the site would be from Otay Mesa Road, Alta Road, Airway Road and Siempre Viva Road. Several public roads would provide internal circulation.

To accommodate proposed project traffic and improve traffic flow in the vicinity, the proposed project would build and dedicate public ROW for the eventual extension of roads fronting and crossing the project site, if these roads are not otherwise constructed by other development proposals in the area. Specifically, the project would grade and construct half-width improvements for segments of Otay Mesa Road and Alta Road. The project would grade full-width off-site sections and build half-widths of these sections of Airway Road east of Alta Road and Siempre Viva Road east of its proposed intersection with Airway Road. The project would grade and build full-width sections of Lone Star Road (formerly known as Loop Road) and other internal connectors on site. The project would also grade, but not construct, off-site segments of Alta Road and Siempre Viva Road east of Alta Road, to facilitate installation of underground utilities. Dedication of the ROW and the eventual construction

of the full improvements would satisfy and implement the road standards contained in the EOMSP, as amended. No pedestrian or bike paths were originally proposed for this area in the EOMSP, as amended. However, the proposed Otay Mesa Road improvements across the northern project boundary would include bike lanes.

Additional off-site road improvements would be required for traffic mitigation (see Subchapter 2.1, *Transportation/Circulation*, for additional description of the required off-site improvements and right-of-way dedications).

Landscape Concept Plan

The proposed project would provide fuel modification zones on either side of roadways and adjacent to on-site open space, pursuant to the Consolidated Fire Code, and the Public Resources Code for Minimum Statewide Clearance of Brush. These measures also would be consistent with the Wildland/Urban Interface Standards of the County Fire Code, which require a minimum 100-foot fuel modification zone from structures and a minimum of 30 feet of clearance on either side of roadways, within the proposed ROW and/or limits of disturbance. A Fire Protection Plan has been prepared for the proposed project and is referenced in Subchapter 4.2 of this SEIR.

Open Space and Easements

Conservation easements are proposed over land within the “G” Designator Area of the Specific Plan to protect slopes and biological resources. The steeper slopes on site would be located in three open space lots with open space easements in the northeastern corners of the site and along its southern boundary (i.e., Lots 57, 58 and 59). The open space easements (47.7 acres) placed over these lots would also serve to protect steep slopes and sensitive habitats, including Diegan coastal sage scrub and non-native grassland. A 100-foot-wide Limited Building Zone (LBZ) would be established on portions of proposed Lots 16 through 24 and 56, which would be adjacent to proposed open space (Lots 57 through 59), pursuant to standard conditions required by DPLU when on-site biological open space is proposed. The open space easement along the southern boundary lies within the proposed footprint for the future ROW for SR-11 and the future POE. Upon transfer of the property to the State of California or the federal government, the open space easement would be extinguished only after the impacts to the preserved biological resources have been mitigated.

Utilities

Currently, no service is provided to the project site. Water, electric and gas lines exist within the Specific Plan area on or near the subdivision boundary. Sewer service exists within the Specific Plan area, but not on site. Ties into those existing lines are proposed within the roadway network and would be constructed as the project builds out. Gravity mains and trunk lines are proposed on and off site to convey sewage produced on site to the City’s 27-inch trunk sewer main at Via de la Amistad and Enrico Fermi Drive. Two sewer service options have been recommended for the proposed project. Under Sewer Option A (Figure 1-5a), the project would build on-site gravity sewer mains that would convey wastewater flows by way of a proposed off-site 15-inch gravity trunk sewer located at the intersection of Airway and Alta roads. This, in turn, would connect to a proposed 18-inch sewer main in Siempre Viva west of Alta Road. Phase 2 wastewater would flow by gravity to a 1.66-million gallon per day (mgd) regional sewer pump station to be built as part of the proposed project adjacent to Lone Star Road, at the southern edge of Lot 34. Alternatively, a second option (Sewer Option B;

Figure 1-5b) for conveying sewage off site has also been proposed that would avoid the large pumped area and deep sewer construction associated with the first option. An alignment of gravity sewer lines would convey the sewer flows to a regional pump station at the southern end of Alta Road (rather than on site). In this case, the project's gravity lines would run through the neighboring parcel (i.e., Paragon [TM5505] property) more directly to the single regional pump station to then tie into the City's trunk sewer system. From the regional pump station at the end of Alta Road, flow would be conveyed through an eight-inch force main along Via de la Amistad to connect with the existing connection to the City's trunk sewer or the force main could run from the pump station along Siempre Viva Road to then be conveyed by an 18-inch gravity line in Enrico Fermi Drive to tie into the City's trunk sewer. Prior to initiation of construction improvement plans, the project applicant would work with the East Otay Mesa Sewer Maintenance District (EOMSMD) to identify the preferred option for providing sewer service to the project site. Refer also to Subchapter 3.4 of this SEIR for a discussion of utilities.

The project also would install connections and mains from existing water mains in part of Otay Mesa Road, Alta Road and Airway Road. The proposed water facilities would include 10- to 12-inch water mains in Calle Ventner, Airway Road, Otay Mesa Road, Lone Star Road, Siempre Viva Road, and Streets A through D. In addition, the project would install recycled water mains in Alta Road, Lone Star Road, and Streets A through C. Future recycled water mains that are not to be constructed by the project would be located in Airway Road west of Alta Road, and parts of Otay Mesa Road west of Alta Road. All proposed utilities would be placed underground.

The Otay Water District (OWD) has prepared a Water Supply Assessment for the proposed project that complies with Water Code sections 10910 and 10911 (refer to Appendix I to this SEIR [OWD 2007]). The Water Supply Assessment was approved by OWD on December 5, 2007. The results of the assessment are summarized in Subchapter 4.1, under Public Services and Utilities.

Currently, the project site drains to the south toward the U.S.-Mexico International Border via three on-site natural drainages and one off-site drainage. The TM proposes one piped north-south running drainage channel in the western portion of the site, one north-south trending open vegetated drainage in the central part of the site, and another open vegetated drainage channel just off site along portions of the eastern project site boundary. In addition, the existing drainage that extends across the southeastern portion of the property would be protected in place within a proposed biological open space easement. The proposed project would utilize a system of storm drains connected to individual desilting/detention basins on Lots 1 through 53 and 55, with these proposed basins initially providing both filtration and detention functions. At a later date, once the industrial uses had been built on applicable lots, detention basins and separate water quality facilities would replace the noted desilting basins, although the detention basins on Lots 54 and 56 would remain.

Storm water drainage associated with the regional sewer pump station site to be built as part of the proposed project on Lot 34 also would initially utilize the associated desilting/detention basin, with this facility ultimately to be replaced as noted above. In addition to the eastern vegetated drainage channel mentioned above, off-site drainage/storm water/flood control facilities would include several storm water outlet structures to be placed immediately south of the full improvements to Airway Road near Alta Road and southeast of the intersection of Siempre Viva Road and Airway Road. These outlet structures would likely be temporary until permanent storm water/drainage infrastructure would be constructed in conjunction with urban development on the adjacent property to the south.

Project Setting

The project site is currently undeveloped and features a broadly rolling mesa that ascends north and off site to the San Ysidro Mountains. To the south, the project site and surroundings flatten and steadily descend toward the U.S.-Mexico International Border. Two unnamed drainages cross north-south through the northern half of the project site, while a third unnamed drainage traverses in a northeast-southwest direction across the southern edge of the property. A series of narrow dirt roads also crisscross the site and are maintained by the U.S. Border Patrol. No unique or prominent landforms or rock outcrops occur on the property.

Site elevations range from a high of 674 feet above mean sea level (amsl) in the northeast to a low of 400 feet amsl in the southern portion of the site near the U.S.-Mexico International Border. A slope analysis conducted for the project site using the County slope classifications determined that approximately 1.9 acres (0.6 percent) of the project site contain steep slopes greater than 25 percent gradient. The steep slopes occur primarily in the northeast corner of the property, with minor pockets of steep slopes occurring within the on-site drainage courses.

The site is characterized by undeveloped open space, and features non-native grassland on the broader sections of the property and coastal sage scrub patches on the steeper slopes in the northeast. The drainages on site are primarily unvegetated, with small sections of non-native vegetation occurring sporadically. The vegetation communities occurring on site include the following: tamarisk scrub, disturbed wetland, non-vegetated channel, Diegan coastal sage scrub (including disturbed), non-native grassland, eucalyptus woodland, agriculture, disturbed habitat and developed land. Tamarisk scrub, disturbed wetland, Diegan coastal sage scrub (including disturbed) and non-native grassland are considered sensitive communities. In addition, 31 road pools were mapped on the site. In addition to the habitats noted above, vernal pools, mulefat scrub (disturbed), native grassland and one additional road pool occur in the off-site improvement area.

Federal (U.S. Army Corps of Engineers [Corps]) jurisdictional disturbed wetlands and non-wetland Waters of the U.S. occur on site, as do State (California Department of Fish and Game [CDFG]) jurisdictional areas. County Resource Protection Ordinance (RPO) wetlands on site include disturbed wetlands in the southeastern corner of the property.

Uses surrounding the project site include undeveloped land, industrial uses and scattered rural residential uses. All land immediately adjacent to the site is vacant, with the exception of an auto storage, wrecking and recycling facility located at the northwest corner of the site. Beyond the immediate area of the proposed project site, a power plant is operating north of the site. Two correctional facilities are located between one and one-and-a-half miles north of the site. Several industrial parks are situated approximately one mile west of the project site, while additional industrial development is located immediately south of the site across the U.S.-Mexico International Border. The existing Otay Mesa POE is approximately 1.5 miles west of the project site. Brown Field, a general aviation airport, and the Tijuana International Airport are located within two to three miles of the project site, respectively.

Project Objectives

The proposed project addresses the following objectives:

1. To provide a well-organized, large-scale industrial park with lots suitable for construction and operation of border-oriented light industrial facilities with non-stationary source emissions that will attract and accommodate forecasted industrial growth in the East Otay Mesa area in accordance with the EOMSP land use plan.
2. To provide a well-designed road network capable of handling project-related and predicted cumulative traffic at acceptable service levels, helping to link the future federal POE, Brown Field aviation and regional roadways, thus stimulating and supporting industrial development in the area.
3. To accommodate the future SR-11 and POE by reserving ROW that would be restricted to interim uses, conducting preliminary grading to clear the ROW, and realigning surface roads to allow for future connections.
4. To provide a high quality identity along public roads and effective erosion control during the site development process through implementation of a comprehensive landscape plan.
5. To provide a public utilities network capable of serving the proposed project and surroundings.
6. To help alleviate unemployment and jobs-housing imbalance in the southern area of San Diego County by attracting investment in industrial facilities.

Matrix of Project Approvals and Permits

This environmental analysis has been prepared to support the discretionary actions and approvals necessary for implementation of the proposed project. The proposed project would require the following approvals and permits:

Discretionary Approval/Permit	Approving Agency
Tentative Map 5405 Grading Permit Execution of Irrevocable Offer to Dedicate ROW Site Plan/Major Use Permit/Minor Use Permit	County of San Diego
Minor and Major Amendments to MSCP Subarea Plan Modification to Pre-Approved Mitigation Map Exception to Biological Mitigation Ordinance	County of San Diego U.S. Fish and Wildlife Service (USFWS) California Department of Fish and Game (CDFG)
Clean Water Act Section 404 Permit	U.S. Army Corps of Engineers
Biological Opinion for Section 7 Consultation or Section 10a Permit for take of Quino Checkerspot Butterfly	USFWS CDFG
Biological Opinion for Section 7 Consultation for take of Riverside and San Diego Fairy shrimp	USFWS CDFG
California Fish and Game Section 1602 Streambed Alteration Agreement	CDFG
Clean Water Act Section 401 Certification	California Regional Water Quality Control Board
NPDES General Construction Activity Permit for Stormwater Discharges	State Water Resources Control Board
NPDES Municipal Storm Water Permit Compliance	County of San Diego California Regional Water Quality Control Board
General Waste Discharge Permit for Groundwater Extraction Waste Discharges (if necessary)	California Regional Water Quality Control Board

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

Table S-1 provides a summary of significant environmental impacts resulting from project implementation. A subchapter reference is provided in the table, referring to the detailed SEIR analysis for each significant impact. Table S-1 also includes mitigation measures to reduce and/or avoid the environmental effects, with a conclusion as to whether the impact would be mitigated to below a level of significance. The detailed analyses are found in Chapters 2.0 and 3.0 of the SEIR, with effects found not to be significant during preparation of the SEIR and during review of previously approved environmental documents found in Chapter 4.0.

Standard environmental design measures are proposed during the grading and construction phase to reduce environmental effects and impacts to issues associated with air quality, biological resources, noise, aesthetics and landform alteration, public services and utilities, geology and soils, and hydrology and water quality. These environmental design considerations are proposed as part of the project description and discussed in each of the relevant topical areas.

The mitigation measures listed in Table S-1 are also discussed within each of the relevant topical areas. Both design considerations and mitigation measures are included as Chapter 8.0 of the SEIR, *List of Mitigation Measures and Environmental Design Considerations*.

S.3 Areas of Controversy

Public comments were received on the Notice of Preparation (NOP) for this SEIR during the 30-day review period. Comments received reflect concerns or controversy over select environmental issues. (Refer to Appendix A for the NOP and NOP comment letters.) The issues raised in the six letters received in response to the NOP were taken into consideration during the development of the SEIR impacts analyses. Comments were received from the following organizations:

- Sierra Club, San Diego Chapter
- California Department of Transportation
- U.S. Fish and Wildlife Service and California Department of Fish and Game
- Endangered Habitats League
- San Diego County Archaeological Society, Inc.
- San Diego Gas and Electric

A public scoping meeting was held by the County, but no one attended the meeting.

Issues raised in the NOP comment letters include the following concerns:

- Impacts to vernal pools and related species such as fairy shrimp
- Loss of burrowing owl and raptor habitat
- Need for green roofs, sustainable building practices, and related systems
- Effects on the ground water table
- Need for restoration and/or preservation of habitat as mitigation
- Restoration of natural drainages
- Location of SR-11 alignment and the future POE
- Traffic impacts on the local community
- Fair share contributions to the State highway system
- Need for an encroachment permit for work within Caltrans ROW
- Direct and indirect impacts to sensitive and listed species and habitats
- Project's participation in the MSCP amendment process
- Potential impacts to cultural resources
- Potential impacts, including maintaining access, to utilities and related ROW
- The provision of services by the County Sheriff's office concurrent with need

Issues raised within these letters are evaluated in the Draft SEIR, in Chapters 2.0 through 4.0. In addition, during the preparation of the SEIR, several other areas of controversy were identified, including:

- Determining listed species mitigation for the proposed MSCP amendment
- Determining an acceptable mitigation approach to the burrowing owl and its habitat on East Otay Mesa
- Determining whether a Biological Mitigation Ordinance (BMO) exception is appropriate given the need for a MSCP Amendment

- Evaluating possible cumulative impacts to County Sheriff service in the South Bay region and developing a solution for expanding services to protect new development
- Evaluating how to fund sewer system upgrades in the South Bay region to convey wastewater to the City's Metro System
- Determining how the City and County will mitigate traffic impacts on East Otay Mesa from traffic produced in their respective jurisdictions
- Evaluating potential project impacts to paleontological resources

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

An EIR is an informational document intended to inform the public agency decision-makers and the public of the significant effects of a project, identify possible ways to minimize the significant effects and describe reasonable alternatives to the project. The lead agency (in this case the County of San Diego) must respond to each significant effect identified in this SEIR by making findings for each significant effect. The issues to be resolved include whether or how to mitigate the associated significant effects, including whether to implement a project alternative or combination of alternatives.

In particular, the County of San Diego must decide if the significant and unmitigated effects identified for the issues of traffic and air quality can be reduced further. In addition, the County must conclude whether all mitigation options have been adequately investigated and evaluated, and determine if significant impacts associated with biological, cultural, paleontological resources, public services and utilities and noise have been fully mitigated to below a level of significance. The County also must decide whether the proposed project conforms to the criteria set out in land use regulations and policies, including the EOMSP, BMO and whether the BMO exception is appropriate in the context of the Minor Amendment to the MSCP Subarea Plan required by the project. In addition, the County must determine whether any of the project alternatives substantially reduce significant and unmitigable traffic and air quality, effects while still meeting the key project objectives.

If the County accepts that the significant impacts associated with transportation/circulation and air quality are unmitigable, it must determine if there are adequate overriding considerations to justify approval, and adopt a Statement of Overriding Considerations as part of project approval.

S.5 Project Alternatives

Four project alternatives, including the No Project Alternative, are evaluated in the SEIR pursuant to Section 15126(d)(5) of the State CEQA Guidelines. A summary description and conclusion for each alternative is provided below. As detailed in Chapters 2.0 and 3.0, the proposed project would result in potentially significant and unmitigable impacts to transportation/circulation and air quality and potentially significant but mitigable impacts to biological resources, cultural resources, paleontological resources, public services and utilities and noise. The alternatives discussed below were developed and considered in detail with the goal of reducing or eliminating project impacts, while meeting the basic objectives of the proposed project listed above in this chapter of the SEIR.

No Project/No Development

Under the No Project/No Development Alternative, the 311-acre project site would remain as it is today, consisting of undeveloped land crossed by a series of dirt roads that are used by the U.S. Border Patrol and others for domestic security purposes. The industrial lots, open space lots and circulation element roads, road improvements and utility infrastructure proposed by the Otay Crossings Commerce Park project would not be constructed. Proposed ROW for the western alignment of SR-11 that would cross the project site and the federal POE would not be reserved by the project applicant under this alternative. In addition, the applicant would not grade the industrial pads where the potential ROW for SR-11 and POE may be developed. Others could construct the circulation element roads and utility infrastructure that are planned on site; in addition, Caltrans could construct the SR-11 and the GSA could implement the federal POE regardless of whether the proposed project is constructed. Although the No Project/No Development Alternative would avoid direct significant impacts to traffic, noise, air quality, biological resources, cultural resources and paleontological resources, it would not necessarily avoid cumulatively significant traffic and noise impacts caused by community buildout. Impacts to biological, cultural and paleontological resources may not be avoided by this alternative if other project applicants in the area are conditioned to construct the same roads and sewer mains or if Caltrans and GSA choose to construct SR-11 and the POE on site, as discussed further in Chapter 5.0 of this SEIR.

Reduced Development Footprint Alternative

The Reduced Development Footprint Alternative would eliminate all grading on lots east of Lone Star Road and place an open space easement across those portions of the project site (see Figure 5-1 in Chapter 5.0 of this SEIR). This alternative would still implement the entire easterly extension of Siempre Viva Road since it is a circulation element road envisioned in the EOMSP and required for access by property east of the project site. The purposes of this alternative would be to increase biological conservation on site, increase the distance between proposed industrial development and potential rural residential areas and sensitive biological habitat supporting breeding birds to the east, and to reduce traffic-related impacts of the proposed project, including noise and air quality. Eliminating 18 lots from the TM (equating to 48.6 acres) would increase open space dedication on site (to approximately 95.7 acres), but would not affect the project applicant's ability to reserve ROW for the western alignment of SR-11 and the federal POE. The industrial development area would be reduced in size under this alternative, a portion of which would still be reserved for interim use and ultimately for Caltrans ROW and the federal POE. Grading would still be conducted in two phases, although the phase boundary would change to ensure balanced grading. While this alternative would result in reduced grading and traffic compared to the proposed project, associated traffic and air quality impacts would be less but would remain significant and unmitigable. Less greenhouse gas (GHG) emissions would be produced by this alternative; however, emission reduction measures would be required to reduce "business as usual" emissions levels. Biology, cultural resources, paleontology, public services and utilities, and noise impacts would be lessened, but still significant and mitigable.

Reduced Daily Grading Alternative

Under the Reduced Daily Grading Alternative, the applicant would grade less of the project site on a daily basis in an effort to reduce short-term construction emissions of particulate matter and gaseous emissions below levels that are deemed significant under the County significance guidelines. In the case of the proposed project, grading would have to be reduced four-fold to no more than 10 acres of

grading disturbance per day. A commensurate reduction in the amount of construction equipment would also occur due to the reduced grading effort. Reducing the amount of construction equipment on site would permit the equipment to operate for the full (eight-hour) construction day, rather than for two-hour day predicted if no equipment reduction were implemented (see Subchapter 2.2 of the SEIR). Therefore, this alternative would reduce the maximum daily construction emissions associated with Grading Phase 1 (Units 1 through 3) below levels predicted in Table 2.3.3. The Reduced Daily Grading Alternative would not change the long-term, operational emissions of the proposed project; however, it would lengthen the period required to mass grade Units 1 through 3 and would increase the overall schedule for implementing the proposed project. This alternative would avoid significant emissions of particulate matter less than or equal to 10 microns (PM₁₀), volatile organic compounds (VOC) and oxides of nitrogen (NO_x) by limiting the extent of daily grading activities and restricting the amount of equipment used during grading operations. All other impacts associated with operating the proposed project would remain the same because the amount of industrial development would not change under this alternative. As such, project impacts to traffic would remain significant and unmitigable and impacts to biology, cultural resources, paleontology, public services and utilities, and noise would continue to be significant but mitigated.

On-site Biological Mitigation Alternative

The On-site Biological Mitigation Alternative would remove proposed grading from the southern half of the site (see Figure 5-2 in Chapter 5.0 of this SEIR) and reconfigure the proposed TM and Preliminary Grading Plan such that all project impacts to non-native grassland and burrowing owl habitat on the northern half would be mitigated on site in the southern half at a ratio of 1:1 (impact to mitigation). As such, the northern half of the site would be subdivided and graded while the southern half would be placed in open space. Mitigation for impacts in the north would be offset by the southern open space. This alternative would reduce the developed area by 110 acres, with grading to be restricted to the 155 acres in the Phase 1 grading area. No grading would be permitted on the eastern half of Lots 21 and 22. Grading would occur in a single phase under this alternative. Reducing two lots and eliminating 15 lots from the TM would provide for approximately 158 acres of open space preservation. The project applicant would only reserve ROW for the northern segment of SR-11; no land would be reserved for the southern segment of SR-11 or the future POE. The conceptual landscape plan would also be implemented on the northern half of the site.

The segment of Siempre Viva east of Lone Star Road and local road access to properties east of the project would be constructed under this alternative since it is a circulation element road connection needed to provide access to properties east of the project site. The On-site Biological Mitigation Alternative would require some sewer and water infrastructure, although the size of the mains could be reduced. The sewer pump station would not be required for this alternative since it is proposed to serve the southern portion of the site.

The On-site Biological Mitigation Alternative would reduce project impacts to biological resources, traffic, noise, air quality, cultural resources and paleontological resources as compared to the proposed project. It would substantially reduce grading and development impacts of the proposed project. Significant but mitigable impacts to sensitive habitat, sensitive plants and sensitive animal species would still be expected, but would these impacts would be reduced to below a level of significance through on-site avoidance and mitigation measures. The increased open space would not preserve any more marsh elder or barrel cactus than the proposed project and a BMO exception would still be required. Traffic generated by the proposed project would be reduced but would remain significant

and unmitigated, as would associated air quality impacts. Less GHG emissions would be produced by this alternative; however, emission reduction measures would be required to reduce “business as usual” emissions levels. Cultural resource and paleontology impacts would be less than the proposed project, but still potentially significant due to the presence of resources in the northern half of the site and within the off-site roads and sewer line. Significant direct and cumulative impacts to public services and utilities would still occur due to deficiencies in police protection facilities and downstream sewer line capacity. Off-site traffic noise and on-site industrial noise impacts would be similar to the proposed project.