

3.4 Public Services and Utilities

3.4.1 Discussion of Existing Conditions Relating to Public Services and Utilities

Public services and utilities impacts are addressed in Section 4.11 of the EOMSP Final EIR. Public services included fire and police protection, recreation, libraries, gas and electricity, water, wastewater, solid waste, and schools. The previously certified EIR identified significant and mitigable impacts to public services and utilities related to schools, water, wastewater and solid waste due to the inadequate capacity of the providers to meet project-related increased demand. Mitigation measures were recommended to avoid or reduce potentially significant impacts.

An Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation was prepared by the County (Appendix A). Based on this analysis, the County determined that there have been changes in the project and/or changes in the circumstances that could result in a new significant impacts related to police protection and wastewater system capacity. The analysis concluded that a new police station is needed to serve EOMSP. It also concluded that wastewater system capacity could be insufficient to meet future demand within the EOMSP. As a result, the following discussion focuses on the police protection and wastewater system capacity impacts of the proposed project.

Water service is discussed in Subchapter 4.1.2, under Effects Found Not To Be Significant during the EIR Process. The other public services, including fire protection, schools, solid waste, and gas and electricity, are addressed in Subchapter 4.2.6. Service availability letters are contained in Appendix H of this report.

Police Protection

Police protection for the project area is provided by the San Diego County Sheriff's Department (Sheriff). The nearest station to the proposed project is the Imperial Beach Station, located approximately 9.5 miles west of East Otay Mesa. From this station, the Sheriff serves an area of approximately 4,200 square miles providing generalized patrol services as well as law enforcement investigative services.

According to response time standards established in the Public Facility Element of the County's General Plan, the minimum response times for areas such as the EOMSP area are eight minutes for priority calls and 16 minutes for non-priority calls. Considering its average response times, the Imperial Beach station is able to adequately serve the EOMSP area. Current response times to the area are under eight minutes for first priority calls (Parker 2006).

Although response times are currently adequate for the project area, the Sheriff's office has indicated that it will ultimately need an approximately 6,000-s.f. facility in the East Otay Mesa area to adequately serve the area (Mays 2008). The Sheriff's office has indicated in conversations with the East Otay Mesa property owners that an interim station (e.g. office trailer) is required to adequately serve the area in the near-term. An interim Sheriff's station was constructed and occupied at the intersection of Otay Mesa Road and Enrico Fermi Drive in October 2009. A permanent 6,000-s.f. Sheriff's station will be co-located with a future 8,000-s.f. fire station at the southeast corner of the intersection of Otay Mesa Road and Enrico Fermi Drive. Timing of the permanent station will be determined by the Sheriff's office and based on need within the area; the need determination will

occur between October 2014 and October 2019 and will take into consideration how much land is in use or permitted in unincorporated East Otay Mesa. The permanent station will be operational within 24 months of when need is established. Funding for the new police substation would be accomplished through the applicant(s) participation in a Sheriff-Fire community facilities district (CFD) for developing properties within the East Otay Mesa area.

Wastewater

Regional

The project site is located within the City of San Diego's Metro Sewer system. The Point Loma Wastewater Treatment Plant (WWTP) treats wastewater from the Metro System which includes the City of San Diego and 15 other cities and districts, including the County of San Diego. The Metro System serves over 2.2 million people in San Diego. Its service area is 450 square miles and it currently treats an average of 180 million gallons of wastewater per day (mgd). Planned improvements would increase wastewater treatment capacity to serve a projected population of 2.9 million individuals through the year 2050, at which time it is anticipated that approximately 340 million gallons of wastewater would be generated per day (City of San Diego 2006a, b).

Local

Sewer service to the subject property would be provided by the County's Wastewater Management (WWM) Section through the EOMSMD which was formed to collect fees required to obtain service through the Metro System. Wastewater flows originating within the EOMSMD are collected and transmitted through the Otay Mesa Trunk Sewer (OMTS) to the Point Loma WWTP for treatment and disposal.

Currently, the EOMSMD has the rights to send 1.0 mgd to the Point Loma WWTP but no transfer capacity is available. This capacity was purchased from the Spring Valley Sanitation District. It is estimated that buildout of the EOMSP will require a total sewer capacity of 4 mgd. The 1.0 mgd purchased by the EOMSMD is intended to accommodate the initial 400 acres of industrial development within the EOMSP.

Two options have been identified for serving the wastewater conveyance needs of the EOMSP area. One option is contained in the Sewer Master Plan prepared by PBS&J in 2005, and revised in the 2006 update, and summarized in a project-specific Sewer Study (PBS&J 2008). A second option is presented in East Otay Mesa Basin No. 6 Regional Sewer Study (PBS&J 2009).

The Sewer Master Plan recommends a total of three pump stations. One of two proposed regional pump stations is located within the subject property and would be constructed with Unit 1 of the proposed project. A second regional pump station is proposed near the intersection of Alta Road and Via de la Amistad. A third private pump station is proposed at the new federal POE. The East Otay Mesa Basin No. 6 Regional Sewer Study, completed by PBS&J in 2009, identified a second option with one regional pump station. Both options are discussed below.

The Sewer Master Plan proposal to construct regional pump stations includes several variations. The preferred variation (Option A) would pump wastewater westerly in Siempre Viva Road to Enrico Fermi Drive. From this point, the new sewer line would parallel the existing 12-inch and 15-inch

sewer south to the intersection of Enrico Fermi Drive and Via de la Amistad. Due to proposed elevations in the area, a gravity sewer system could not be constructed to meet the existing invert at the intersection of Enrico Fermi Drive and Siempre Viva Road, so a parallel sewer in Enrico Fermi Drive is planned. Additional flows from East Otay Mesa Basin No. 5 would be added at this intersection. Due to topographical conditions, the gravity sewer lines in Siempre Viva Road and Enrico Fermi Drive would need to be constructed at depths of 25 to 40 feet. Refer to Figure 1-5a for a graphic depiction of this sewer option.

A second option (Option B), identified in the East Otay Mesa Basin No. 6 Regional Sewer Study would involve only one regional pump station located in the southwest corner (Lot C) of TM 5505. The regional pump station on the Otay Crossings property would be eliminated. This option would also avoid the large pumped area and deep sewer construction associated with the Sewer Master Plan recommendation. This sewer service option would involve gravity sewer lines to convey the sewer flows to a single regional pump station at the southern end of Alta Road. Instead of a second regional pump station on the project site, gravity lines would run through the neighboring parcel (i.e., Paragon property) more directly to the single regional pump station to tie into the City's trunk sewer system. From the regional pump station at the end of Alta Road, flow would be conveyed in one of two ways. Option B-1 would convey flows through an eight-inch force main along Via de la Amistad to connect with the existing connection to the City's trunk sewer. Alternatively (Option B-2), the force main could run from the pump station north along Alta Road to 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 at Via Amistad. Refer to Figure 1-5b for a graphic depiction of this sewer service option with both force main alternatives.

One of the proposed regional pump stations would be owned and operated by the EOMSMD following facility construction. As not all properties would develop at the same time or rate, the EOMSMD pump station is proposed to be developed in two phases, with the first phase including the proposed project and the adjacent Paragon property (TM 5505). The second phase would serve the remaining tributary properties. Pumps to accommodate lower flows for first phase of development would be upgraded when the second phase of development receives entitlements. Force mains installed during the first phase would accommodate phase two flows. The pump station capacity during the first phase would be 1.1 mgd. The capacity with completion of phase two would be 2.45 mgd. These estimates include a contingency of 30 percent additional flow. Refer to EIR Appendix J for additional details on the sewer station layout and design.

Each option includes a private pump station at the proposed federal POE. Under the option recommended by the Sewer Master Plan, flows would first be pumped north to connect with the pump station on the proposed project property. Under the second option, flows from the POE would enter the system near the southeast corner of the subject property and then flow downstream via gravity. It is also expected that this pump would be sized to handle emergency storage for the future POE (PBS&J 2009).

Prior to initiation of construction improvement plans, the project applicant would work with the EOMSMD to identify the preferred option for providing sewer service to the project site.

3.4.2 Guidelines for the Determination of Significance

The identified guidelines for significance are based on Appendix G of the CEQA Guidelines and the Public Facility Element of the County General Plan, and are intended to ensure that adequate public services and utilities are available for local residents and businesses.

The proposed project would have a significant impact on public services and utilities if it would:

1. Substantially impact the ability of the existing police service to meet the needs of the area served by the San Diego County Sheriff.
2. Substantially impact the ability of the wastewater system to meet the needs of the area served by the EOMSMD.

3.4.3 Analysis of Project Effects and Determination as to Significance

Police Protection (Guideline 1)

The proposed project would generate additional demand for police protection services.

Although response times are currently adequate to the project area, the Sheriff's office anticipates there will be increasing difficulty meeting the future police protection needs in the project area without a new substation (Diosdado 2004). Thus, the proposed project would have a significant, direct impact with respect to police protection and, therefore, would meet Significance Guideline 1 (PSUI-1).

Wastewater (Guideline 2)

The proposed development would generate up to 248,850 gpd of wastewater which would flow into the OMTS and ultimately be treated at the Point Loma WWTP (PBS&J 2009). To service the project site, the applicant would construct the sewer mains and collection lines shown in Figures 1-5a or 1-5b, including connections across TM5505. The regional pump station proposed on site would also be constructed with Unit 1. While the amount of wastewater generated by the proposed project is included in the assumptions for the Sewer Master Plan and City Metro System, it may cause the overall wastewater generated within the EOMSP to exceed the initial 1.0 mgd allotment purchased by the EOMSMD because this capacity is only adequate for up to 400 acres of industrial development. Although the EOMSMD has provided a will-serve letter (EIR Appendix H) that indicates that sewer service is expected to be available, it is possible that development occurring before the proposed project would use up the 400-acre allocation. In this event, insufficient capacity would be available to serve the proposed project. As a result, implementation of the proposed project could have a significant, direct impact on wastewater service in the EOMSP area and, therefore, would meet Significance Guideline 2 (PSUI-2).

3.4.4 Cumulative Impact Analysis

Cumulative public services and utilities impacts from implementing the EOMSP were discussed in Section 7.11 of the EOMSP Final EIR. That prior analysis determined that the cumulative development proposed for the East Otay Mesa area is generally planned to occur in conjunction with

the expansion or extension of the necessary services and infrastructure, so that in most cases, significant cumulative impacts would not occur.

Although impacts with respect to police protection and wastewater system capacity were not identified in the EOMSP Final EIR as having the potential for cumulative impacts, conditions have changed which warrant a re-examination of the cumulative impacts related to police protection and wastewater system capacity.

Police Protection

In addition to having a significant, direct impact on the ability of the County Sheriff to provide police protection to the project area, the additional demand generated by the proposed project would combine with demand created by other planned development in the EOMSP area. The combined additional demand would result in a cumulative impact on police protection services. Currently, an interim sheriff substation facility has been constructed and is in operation. As the timing for a permanent police station is uncertain and because funds have not been collected for its construction, the proposed project is determined to have a significant, cumulative impact on police protection services and, therefore, would meet Significance Guideline 1 (PSUI-3).

Response times to the project area are currently adequate, and it is uncertain when construction of a permanent facility to address the project's contribution to cumulative impacts on police protection services will be required by the Sheriff's Department. As a result, there is no project for the future construction of a permanent sheriff substation facility, and it is not currently possible to analyze potential environmental effects from construction of such a facility. Once the need for a permanent facility is determined by the Sheriff's Department, and a final project design is completed, the proposed project would be analyzed under CEQA prior to construction of the permanent substation.

Wastewater

In addition to having a significant, direct impact related to the wastewater system capacity available from the EOMSMD, the wastewater generated by the proposed project, in combination with other new development in the EOMSP, could cause the initial 1.0 mgd allocation to be exceeded. This would constitute a significant, cumulative impact until additional system capacity could be secured by the EOMSMD and, therefore, would meet Significance Guideline 2 (PSUI-4).

In addition, the combined flows of development within EOMSP could exceed the peak flow capacity of the OMTS. According to the 2008 OMTS Refinement and Phasing Report, the peak flows from the County to the City's trunk sewer are anticipated to be 1.7 mgd in 2030, based on 50 percent buildout of County property and a peaking factor of 1.9 which equates to an average flow of 0.9 mgd. Flows in excess of this value could require upgrades to the City's pump station. While the proposed project would not cause the County flow to exceed this value, it would contribute to the ultimate need to upgrade the City's trunk sewer and, therefore, would meet Significance Guideline 2 (PSUI-4).

Adequate wastewater transportation capacity currently exists, and it is uncertain when expansion of current capacity would be required by the EOMSMD and/or the City of San Diego to address the project's contribution to cumulative impacts on wastewater services. As a result, there is no definite proposal for the future expansion of wastewater transportation capacity, and it is not currently possible to analyze potential environmental effects from construction of such a project. Once it becomes

necessary to increase wastewater transportation capacity, the proposed expansion would be analyzed under CEQA prior to construction.

3.4.5 Mitigation Measures Proposed to Minimize the Significant Effects

The proposed project would result in direct and cumulatively significant impacts with respect to police protection and wastewater system capacity because the demand for these services would exceed the existing capacity. Mitigation Measure **PSUM-1** would reduce impacts to police protection (**PSUI-1 and 3**) to less than significant. Mitigation Measure **PSUM-2** would reduce impacts to wastewater system capacity (**PSUI-2 and 4**) to less-than-significant levels.

PSUM-1 In order to provide adequate law enforcement services in compliance with the County General Plan and the Public Facilities Element (Section 2.4.7) of the East Otay Mesa Specific Plan, a Sheriff's Substation facility shall be established.

Description of Requirement: Annex into CFD #09-01 (East Otay Mesa) to fund the formation of the CFD and the construction of both the interim Sheriff's Substation and the permanent Sheriff's Substation, including, but not limited to, the land acquisition costs associated with the permanent Substation, development costs associated with both Substations, and land rental costs associated with the interim Substation, as described below:

- a. Permanent Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned,
 - (1) Acquire and dedicate to the County of San Diego, or obtain an irrevocable commitment for conveyance to the County, at no cost to the County, a parcel of land suitable in size, location and configuration for a Sheriff's Substation to satisfaction of the County of San Diego Sheriff's Department.
 - (2) At such time as the Sheriff's Department determines that the Permanent Sheriff Substation is needed, obtain all required discretionary and ministerial permits for and construct or provide a permanent building of approximately 6,000 s.f. and associated improvements determined to be necessary and adequate by the County of San Diego Sheriff's Department for a "turn key" Sheriff's Substation facility. The associated improvements include, but are not limited to, building and building fixtures, tenant improvements suitable for a Sheriff substation, signage, office furniture, security systems, parking, landscaping, lighting, fencing, and all utility and service connections. The associated improvements shall not include office equipment such as computers, printers, telephones, or radio equipment. Program requirements for the substation facility shall be provided by the County. Developer shall obtain County's approval of the design and specifications prior to construction of the substation facility.
- b. Interim Sheriff Substation. Either alone or in conjunction with other developers similarly conditioned, until such time as a permanent facility, satisfactory to the

Sheriff's Department, is ready for occupancy, provide a temporary site and facility (e.g., an office trailer or equivalent with appropriate fixtures and office furniture) suitable to accommodate Sheriff Department personnel, vehicles and equipment. The capital costs of this temporary facility shall be provided at no cost to the County of San Diego.

Documentation: The applicant shall provide documentation to the Department of Planning and Land Use that either alone or in conjunction with other developers similarly conditioned, the applicant has caused: 1) a financing mechanism to be in place and has further committed to pay the applicant's project's fair share of the financing to fund and construct a turn-key, permanent Sheriff's Substation facility, and an interim, temporary Sheriff's Substation facility; 2) a parcel of land to be acquired and dedicated to the County of San Diego as the permanent site for the required Sheriff's Substation or a parcel of land to be under contract for conveyance to the County of San Diego at no cost to the County subject only to the payment of an agreed upon purchase price by the CFD; and 3) a permanent or temporary turn-key Sheriff's Substation facility to be available for use.

Timing: Prior to recordation of the Final Map for Unit 1, the Sheriff's Substation shall be available for use in accordance with the above requirements.

Monitoring: The DPLU and Sheriff's Department shall review the submitted documentation. If, upon review, DPLU and the Sheriff's Department determine the documentation demonstrates conformance with this condition, the DPLU and Sheriff's Department shall approve the documentation and deem the condition satisfied.

PSUM-2 Prior to recordation of Final Map for Unit 1, the developer shall execute a covenant, to be provided by the City, to participate in and not object to the formation of a CFD, or other financing mechanism, to fund or reimburse the construction of the improvement phases as identified in the Otay Mesa Trunk Sewer Infrastructure Upgrades Cost Estimate and Constructability Review (Brown and Caldwell) dated June 9, 2009. The developer shall secure performance of this obligation by recording the covenant with the County Recorder with a copy to the City.

3.4.6 Conclusion

Implementation of the proposed project would result in significant direct and cumulative impacts with respect to police protection and wastewater treatment capacity. A mitigation program involving the provision of a new police substation and contribution towards future sewer facility upgrades in the City would reduce the impacts to less-than-significant levels.

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