

## **4.2 Effects Found Not to be Significant During Review of Previously Approved Environmental Document**

The County completed an *Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation*, in the place of an Initial Study, to determine the appropriate additional environmental documentation needed when there is a previously certified EIR covering the project for which a subsequent discretionary action is required (pursuant to Sections 15162 through 15164 of the State CEQA Guidelines). A number of issues were found to have less than significant effects as detailed in the *Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation* for Otay Crossings Commerce Park (refer to Appendix A, NOP and Comments to the NOP for a copy of the form). Although substantial changes in the circumstances under which the proposed project will be undertaken require this SEIR to be prepared, the County has determined that the previously adopted EOMSP Final EIR could be relied on for analysis of the resource areas discussed in this chapter. Thus, the following discussion is based in part on the EOMSP Final EIR, which is incorporated by reference herein, and on information contained in the *Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documentation*.

### **4.2.1 Agricultural Resources**

Agricultural resources are discussed under Land Use in Section 4.1 of the EOMSP Final EIR. The previous EIR concluded that the loss of Important Farmland within the EOMSP area would be a less than significant impact since the Important Farmland classification applies only to a limited area and agriculture could continue as an interim use prior to build-out of the Specific Plan. While the Otay Crossings Commerce Park project site contains Farmland of Local Importance and Grazing Land (see Figure 4.1-2 of the EOMSP Final EIR), no agricultural or grazing use of the land occurs at this time. Nonetheless, the cumulative loss of agricultural land within the Specific Plan area as a whole was found to be a significant and unavoidable impact, and the change in East Otay Mesa from scattered agricultural operations to a major industrial center was determined to be an irreversible environmental change (County of San Diego 1994; County of San Diego 2006a).

### **4.2.2 Hazards and Hazardous Materials**

A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by Marc Boogay, Consulting Engineer (Boogay 2007). As part of the ESA, the project site and adjacent properties were reconnoitered on March 29, 2007 to document existing conditions and potential hazards/hazardous materials concerns. In addition to the visit, the consulting engineer reviewed historical aerial photographs and reviewed questionnaires to assess previous on-site uses. Pertinent federal, state and local hazardous material databases were searched based on search radii varying between 0.125 and 1.0 mile, depending on individual list criteria. The project site was not listed within the prescribed search distance on any of the searched databases. The assessment revealed no evidence of recognized environmental conditions and concluded that Phase II efforts were not warranted.

Hazards and hazardous materials are addressed in Section 4.10 of the EOMSP Final EIR. The previously certified EIR identified significant and mitigable impacts for Health and Safety related to use of hazardous materials by industrial operations, transportation of hazardous materials, and possible exposure of residents and workers to hazardous materials used across the border in Mexico. However, Mitigation Measures 10A and 10B from the Final EIR require that: 1) any industrial development

adjacent to residential uses submit a Hazardous Materials and Management Plan (HMMP) to the County Department of Environmental Health (DEH) for approval and 2) any transportation of hazardous substances must be conducted in accordance with the California Code of Regulations (CCR) and the Code of Federal Regulations (CFR), as mitigation for such impacts (County of San Diego 2006a).

No specific mixed industrial uses or truck parking areas are proposed at this time. Regardless of the type of industrial development that would occur on the subdivided lots in the future and even though no residential uses presently occur adjacent to the site and are not anticipated in the future, the Department of Environmental Health, Hazardous Materials Division is required to regulate hazardous materials business plans, chemical inventory, hazardous waste, tiered permitting, underground storage tanks, and risk management plans for all businesses that are subject to this regulation. An HMMP would be required of the industrial operations that locate next to residential land uses, or are otherwise required, at the time of Site Plan or Major Use Permit application. Less than significant impacts would be expected.

#### **4.2.3 Land Use and Planning**

Land use and planning are addressed in Section 4.1 of the EOMSP Final EIR. The previously certified EIR identified significant and mitigable impacts related to land use and planning due to the change from undeveloped or agricultural land uses to industrial, commercial, and residential land uses. Specifically, land use compatibility impacts between residential and industrial/commercial development, impacts to future residences from the State prison and County detention facility, impacts to the boundary monument and the U.S./Mexico International Border, and impacts to important farmlands, as discussed above, were foreseen (County of San Diego 2006). Due to the identification of such impacts, Mitigation Measure 1A was included in the previous EIR and also would apply to development of the subdivided lots within the proposed project area: 1) a 25-foot landscaped buffer shall be included between the boundaries of residential/commercial/industrial properties, and homes shall be placed away from light sources, 2) adherence to noise mitigation measures and 3) industrial development that is proposed adjacent to residential uses shall submit an HMMP to the County DEH for approval. The proposed open space easement would remove any potential for impacts to Rural Residential. It should be noted that although no active applications to construct residences are on file, the EOMSP land use map indicates that Rural Residential [1 dwelling unit per 20 acres] could be developed east of the site at some point in the future. As noted in Subchapter 4.2.2, no HMMP would be required since no residential uses are proposed adjacent to the industrial lots, unless otherwise required by the County's hazardous materials regulations. Incorporation of this previously identified mitigation from the EOMSP Final EIR into the proposed project would eliminate any potential conflicts and less than significant impacts would arise during buildout of the Otay Crossing Commerce Park. Construction of a landfill and other solid waste facilities east of the project site, in accordance with the East Otay Mesa Recycling Collection Center and Landfill Ordinance, would not create any land use incompatibilities because none of the proposed industrial lots would be located within 1,000 feet of the landfill site (as represented by the Landfill Overlay Zone established for the landfill property which only crosses through open space Lot 58 of the project site).

#### **4.2.4 Mineral Resources**

Mineral resources are addressed in Section 4.5 of the EOMSP Final EIR. No impacts to mineral resources were anticipated in the previously certified EIR. Although the County has received an

application for the Otay Hills Extraction Operation Project (P04-004-RP04-001) which proposes a hard rock quarry operation adjacent to the northeast boundary of the proposed project and prospects were reported in the San Ysidro Mountains east of the Specific Plan area, no producing mines or quarries were known to exist in the Specific Plan boundaries (County of San Diego 2006a). Less than significant impacts to mineral resources would occur upon project development.

#### **4.2.5 Population and Housing**

Population and housing are addressed in Sections 4.12 and 9.0 of the EOMSP Final EIR. The previously certified EIR identified positive socioeconomic benefits from the EOMSP, which could result in a maximum of 37 housing units and provide 21,264 new jobs within the Specific Plan area, and from proposed cumulative development in the area (31,070 housing units, 85,818 new jobs). Although the proposed project would not provide housing, it also would not result in population and housing impacts through displacement of any existing housing or people or otherwise necessitating the construction of replacement housing. Therefore, less than significant impacts to population and housing are identified.

#### **4.2.6 Public Services and Utilities**

##### Fire Protection

Fire protection and emergency services are addressed in Section 4.11 of the EOMSP EIR. The previously certified EIR did not identify significant impacts to fire protection and emergency services and no mitigation was required. As discussed in that previously certified EIR, such services to the project site would be provided through the San Diego Rural Fire Protection District (SDRFPD), a public department comprised of a combination of paid and volunteer fire personnel. Additionally, the California Department of Forestry (CDF) has the responsibility for wildland fires in East Otay Mesa. The County received a will-serve letter from SDRFPD, which is contained in Appendix H to this SEIR. The letter indicates that its fire protection capabilities are currently adequate, or will be adequate to serve the proposed project, based on the capacity and capability of SDRFPD's existing and planned facilities (SDRFPD 2010). The County requested the project applicant prepare a Fire Protection Plan to comply with CCR Title 24, Part 9 (California Fire Code), the County Consolidated Fire Code and CCR Title 14 "SRA Fire Safe Regulations. The Fire Protection Plan is contained in Appendix M to this SEIR. The project site is located in "High" and "Very High" Fire Safety Severity Zones and State Responsibility Areas (SRA), Zoning S88. The plan determined that the proposed project would comply with the maximum five-minute travel time contained in the Public Facility Element of the County General Plan because the SDRFPD indicated they would respond from the nearest fire station (Station 65) (RC Biological Consulting, Inc. 2010). In addition, the 8,000 s.f. fire station planned in the EOMSP would increase fire service in the area. The fees collected by the SDRFPD from the project applicant and other projects in the service area would be used for the construction of the new station. Thus, project impacts to fire protection service would be less than significant. The Fire Protection Plan is contained in Appendix M to this report.

##### Schools

Schools are addressed in Section 4.11 of the EOMSP Final EIR. The previously certified EIR identified significant and mitigable impacts related to overcrowding in local schools. The project site is located in both the San Ysidro School District (SYSD) and Sweetwater Union High School District (SUHSD).

A preschool through grade 8 school district, made up of one preschool, five elementary schools, one K-8 elementary school, and one middle school (grades 7 and 8), SYSD serves over 5,550 students (SYSD 2006a, b). SUHSD is a middle through secondary school district, made up of ten middle schools, one junior high school, twelve senior high schools, one continuation high school, four adult schools, and an alternative program for grades 7 through 12. It serves approximately 39,000 students in grades 7 through 12, and 29,981 students in the adult education program within the communities of Bonita, Chula Vista, Eastlake, Imperial Beach, National City, Otay Mesa, South San Diego, and San Ysidro (SUHSD 2006).

The project site is located within approximately two miles of San Ysidro Elementary School, San Ysidro Middle School, and San Ysidro High School. The proposed project would not increase demand on local schools, however, as it would involve the development of an industrial park, and no residential units are proposed. As such, the proposed project would have no impact on school services, although future building owners would pay State-mandated school fees to the SYSD and SUHSD prior to the issuance of building permits.

#### Solid Waste

Solid waste is addressed in Section 4.11 of the EOMSP Final EIR. The previously certified EIR identified significant and mitigable impacts related to solid waste disposal. As discussed in the 1994 EOMSP EIR, the County was conducting ongoing efforts to site landfill facilities in the vicinity of East Otay Mesa in the South Bay. Although the County is no longer responsible for siting landfills, the nearby Otay Landfill was recently granted a permit to significantly increase its capacity, thereby enhancing its ability to serve customers in the South Bay, including East Otay Mesa (County of San Diego 2002). For these reasons, the solid waste disposal needs of future occupants of the Otay Crossings Commerce Park would be met by the Otay Landfill and project-related solid waste impacts would be less than significant.

#### Gas and Electricity

Gas and electricity are addressed in Section 4.11 of the EOMSP Final EIR. The previously certified EIR did not identify significant impacts related to power and natural gas and no mitigation was required. The proposed project would be developed and built out according to the underlying land use plan for the EOMSP and gas and electricity impacts would remain less than significant with no mitigation required. Future development of the property would comply with Title 24 or other resources related to energy efficiency standards. During the NOP review period, SDG&E did not indicate that the project would require additional generating facilities (B. Blessent pers. comm. 2006).

#### **4.2.7 Recreation**

Recreation is addressed in Section 9.0 of the EOMSP Final EIR. No impacts to recreation were anticipated in the previously certified EIR. The proposed project does not include recreational facilities, would not contribute to the use or deterioration of existing recreational facilities and would not require the construction or expansion of such facilities (County of San Diego 2006a). As such, impacts would be less than significant.