



<div style="text-align: center;">  <p>Comment Letter O1</p> </div> <p style="text-align: center;">May 8, 2017 Via email only to: Michelle.Irace@sdcounty.ca.gov</p> <p>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</p> <p>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.</p> <p>Dear Michelle:</p> <p>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.</p> <ul style="list-style-type: none"> 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. <p>If you have any questions or require clarification to these comments, please contact the undersigned at your convenience.</p> <p>Sincerely, MARATHON LAND & CATTLE COMPANY</p>  <p>Mark Kennedy Corporate Counsel mark@marathonsd.com</p> <p style="font-size: small; text-align: center;">10108 RIVERFORD ROAD LAKEVIEW, CA 92040-2760 TEL: (619) 276-4401 FAX: (619) 276-0717</p>	<p style="text-align: center;">Response to Comment Letter O1</p> <p style="text-align: center;">Marathon Land & Cattle Company Mark Kennedy, Corporate Counsel May 8, 2017</p> <p>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.</p> <p>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."</p> <p>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</p>
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	<p>buffers between the proposed residential uses and the off-site non-residential uses.</p> <p>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.</p>
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