

X-1 CITY OF SAN DIEGO

Comment Letter X-1



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emailed rec. 5/7/2018

May 7, 2018

County of San Diego
Planning & Development Services
Attn: Greg Mattson
5510 Overland Avenue, Suite 310
San Diego, CA 92123-1801

Submitted via email to: Gregory.Mattson@sdcounty.ca.gov

Subject: **CITY OF SAN DIEGO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OTAY RANCH VILLAGE 14 AND PLANNING AREAS 16 & 19 PROJECT**

The City of San Diego ("City") Planning Department has received the Draft Environmental Impact Report (DEIR) for the Otay Ranch Village 14 and Planning Areas 16 & 19 Project, PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-STP-16-027 and Log No. PDS2016-ER-16-19-006, prepared by the County of San Diego (County) and distributed to applicable City departments for review. The City, in its role as a Responsible Agency under CEQA, appreciates the opportunity to provide comments to the County of San Diego on the adequacy of the DEIR; however, based on initial comments received from multiple City departments, the 45-day public review period did not provide sufficient time for thorough analysis to determine if the City's concerns have been adequately addressed for reliance on the County's final EIR for issuance of subsequent discretionary permits pursuant to State CEQA Guidelines Section 15162 (PRC Section 21166). Given the breadth of the analysis, and our role as a Responsible Agency under CEQA, the City appreciates the additional time to complete our review of the DEIR and the County accepting our comments after the close of public review.

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One of the major components of the CEQA process is meaningful disclosure through the public review process. This is a factor for the City because the final EIR will be utilized by the project proponent ("Developer") of the Otay Ranch Village 14 to support subsequent discretionary actions by the City of San Diego for issuance of permits in accordance with the City's Municipal Code (SDMC) and Land Development Code (LDC) to allow impacts to resources on City-owned land/open space and applicable public rights-of-way associated with the Proctor Valley Road Site Development Permit (SDP) Project No. 572683. Furthermore, the environmental analysis and associated EIR must also take into consideration comments provided by City staff in their review of the SDP to meet City standards; specifically, the need for a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment and City MSCP consistency analysis, including effects on the City's Cornerstone Lands, all of which must be included in the revised draft Biology Report, possible easements for expanded road rights-of-way (Proctor Valley Road), required brush management and analysis, as well as compliance with the City's Stormwater Standards for work on City-owned land. These items, and others identified during public review could require further analysis by the City prior to any future action(s) on the project within the City's jurisdiction.

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In response to this request for public comments, the City has identified potential environmental issues that may result in a significant impact to the environment for which the City as a Responsible Agency will have permit and land use authority. Continued coordination between the City, the County, and other local, regional, state, and federal agencies will be essential as the project moves forward. Following are comments on the DEIR for your consideration.

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Myra Herrmann - Senior Planner/Archaeology/Tribal Liaison
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Cultural Resources

The proposed project will require off-site road improvements to connect, realign and construct Proctor Valley Road, affecting City-owned/managed open space. Based on a review of the Cultural Resources Report prepared by Dudek, and archaeological site data for the area, it appears that these roadway improvements will impact recorded archaeological sites and tribal cultural resources within the jurisdiction of the City of San Diego (i.e., areas within City Cornerstone Lands). These sites may have already been determined significant under CEQA by the County, and as such, are automatically eligible for local designation by the City's Historical Resources Board requiring a Site Development Permit for direct impacts if mitigation cannot be accomplished in accordance with the City's Historical Resources Regulations, Historical Resources Guidelines or the Secretary of the Interior Standards for Archaeological Resources. For this reason, qualified City staff recommends revisions to the Cultural Resources Report to include a discussion of the resources under our jurisdiction, demonstrating how they would be mitigated to meet City standards. This includes the provision for a Native American monitor during all phases of the archaeological program to ensure that tribal cultural resources are being addressed appropriately.

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In our 2017 NOP comments, qualified City staff specifically requested coordination with the County early in the CEQA review process to address the treatment of any sites that are within the City's owned/managed open space that will require review for permitting in accordance with the City's Historical Resources Regulations. We also requested a copy of the draft cultural resources report and confidential maps so we could determine which sites within our jurisdiction and permitting authority would require further oversight. Although qualified staff has reviewed the archaeological analysis and generally concurs with the proposed mitigation, we are still unclear which resources under the City's jurisdiction would be impacted, and as such, are again requesting a confidential figure showing ownership along the Proctor Valley Road Alignment, where it interfaces with City-owned/managed open space for further review/analysis. We also request that the mitigation program be revised to require coordination with City staff prior to implementation of any testing, data recovery or monitoring. This includes notification of preconstruction meetings and any associated field changes that could affect resources within City-owned/managed open space or public right-of-way. We strongly recommend coordination with qualified City staff to address these issues/concerns, and for guidance on required edits to the technical report and DEIR section.

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Additionally, although the County of San Diego is Lead Agency under for CEQA for this project, if human remains are encountered within City-owned public right-of-way or open space during any phase of the archaeological mitigation program (testing, data recovery or monitoring), consultation in accordance with the California Health and Safety Code and the Public Resources Code must include qualified archaeological staff from the City of San Diego in order to assure that resources under our jurisdiction are being treated in accordance with City requirements. The

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treatment of human remains, associated artifacts, and soils discovered on projects within the City's jurisdiction may result in a different recovery, repatriation, or curation process than would be required under the County's permitting authority. This is true not only for Native American human remains, but for any archaeological site within the City jurisdiction. For this reason, early coordination on any archaeological issues within City-owned/managed open space will be required. This may require modification to the County's archaeological mitigation program or acknowledgment that additional measures may be adopted by the City for resources within our permitting authority.

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During the City's discretionary permit review process, it is the intent that the decision-maker would likely adopt the County's MMRP for Archaeology, Tribal Cultural Resources, and Paleontology, with the additional City requirements incorporated into the Final EIR and addressed as part of the mitigation program. If not, then the City could require further analysis and mitigation measures for the Site Development Permit to be adopted by the applicable City decision-maker.

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Biological Resources

The Biological Resources Section 2.4 of the DEIR indicates, direct, indirect, permanent and temporary impacts to biological resources within City-owned/managed Cornerstone Lands. However, staff was unable to clearly ascertain exactly where the impacts occur and how the acreages were obtained. As such, the DEIR should include a figure clearly indicating the land use authority for meaningful review by Responsible Agencies" under CEQA.

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The Biological Resources Section also doesn't clearly state what mitigation ratios were used to calculate mitigation requirements for impacts within City-owned land. At a minimum, the DEIR section should include a discussion of how the project complies with the City's Environmentally Sensitive Lands Regulation (ESL), Vernal Pool Habitat Conservation Plan (VPHCP) and the Biological Resources Guidelines, including applicable mitigation ratios and mitigation requirements. Failure to adequately address the City's requirements would render the document unsuitable for the purposes of subsequent discretionary permit issuance by the City.

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It should also be noted that Section 2.4.3 of the DEIR defers the analysis of "Take Authority" for impacts to Fairy Shrimp within Cornerstone Lands to the City of San Diego. The direct impact to Fairy Shrimp should be analyzed in this EIR rather than deferring the analysis. Only permit issuance for "Take" of any covered vernal species within City-owned Cornerstone Lands would be covered under the City's recently adopted VPHCP.

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The EIR should also clearly demonstrate how proposed mitigation for impacts to the City's Cornerstone Lands meet the conservation goals of the MSCP Subarea Plan.

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OVERVIEW

The Public Utilities owns and manages Upper and Lower Otay Reservoirs and nearly 1,300 acres in Proctor Valley and surrounding the reservoirs. We manage these lands for source water protection and other ecosystem services. The lands are designated Cornerstone Lands under the City of San Diego's MSCP and are considered critical habitat. The drinking source water reservoirs are located adjacent to and immediately downstream of the proposed Project. Proctor Creek is the main conveyance of local water to Upper Otay Reservoir. Development of the natural landscape, including altering the localized hydrology in Proctor Valley and north along Jamul Creek, is likely to lead to significant cumulative impacts to Public Utilities Cornerstone Lands over time.

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The DEIR does not address many of the externalities and unintended consequences that are likely to occur because of the proposed Project. If built, the proposed Project will push the regional wildland-urban interface further east, creating an urban island (Village 14) surrounded by preserved lands. The biotic and abiotic effects of the anthropogenic impacts over time are inevitable and should be analyzed in the EIR.

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General Comments

The DEIR for the proposed Project is a voluminous document. Due to the limitations of reviewing such a lengthy document in the 45 days allotted for public review, our comments are broad in scope. They include five general topics of concern due to the potential cumulative effects on water quality, and the potential financial burden of managing the Project's externalities over time.

The five categories include:

1. Hydrology and Water Quality
2. Stormwater
3. Anthropogenic Impacts
4. Invasive Species
5. Mapping

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Cornerstone Lands

To these broad categories one specific comment is provided regarding the take of Cornerstone Lands. Although the County's MSCP anticipated the improvements of roads such as Proctor Valley, it is not clear how this take of Cornerstone Lands is mitigated. The City of San Diego's Cornerstone Lands must be made whole through the acquisition of property and a Multi-Habitat Preserve Area Boundary Line Adjustment.

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Hydrology and Water Quality

KEY CONCERN: Altered hydrology and habitat degradation resulting in source water degradation.

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Over 3 miles of streams and drainages flow freely over and under the Cornerstone Lands in Proctor Valley. This system is the local source water that feeds Upper Otay Reservoir. The distribution and density of proposed development may directly affect water quality and stream hydrology as water drains off the developed landscape.

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The Proposed project will significantly alter the landscape to accommodate a minimum of 1,119 single-family residential units, as well as commercial uses, a village core, and miles of roads necessary to connect the development. The proposed Project seeks to realign Proctor Valley Road to accommodate the influx of vehicles bound for new residential, commercial, and public uses proposed by the Project. The realignment could significantly alter the existing stream. Therefore,

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any bridge constructed on Cornerstone Lands should span the floodplain, not merely the stream, to assure the hydrologic function remains as it now exists. All bridges on tributary streams should also span the floodplain to protect hydrologic function and water quality.

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The vernal pools on the Cornerstone Lands in Proctor Valley are critical habitat. Restoration and enhancement of the pools began over ten years ago, initiated with the exclusion of off road vehicles funded by a SANDAG TransNet Environmental Mitigation Program grant. The EIR should address how drainage off the project site will be managed to protect storm water from entering the vernal pool watersheds.

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Stormwater

KEY CONCERN: Funding and oversight to maintain the Stormwater Facilities designed function in perpetuity.

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In December 2017, Public Utilities staff emailed comments on the stormwater technical reports for the Project. The response to Comment 1 did not answer the question. The question was: what is the remedy if the biofiltration system is not able to bioremediate runoff? The failure of a biofiltration system for a development of this kind, surrounded by preserved land, is a worst-case-scenario, not best case. The EIR should identify how the Project would manage a bio-system failure upstream of a regional drinking water reservoir. Deferring this remedy to a future organization is not appropriate.

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The Project proposes the use of engineered solutions to handle the stormwater load running through and off the project. Such engineered systems include biofiltration basins, proprietary basins, and flow through pre-treatment units. Maintenance of biofilters, swales, detention ponds, dry weather flow diversion systems, and other stormwater management features will require funding in perpetuity. If not properly maintained the systems will not perform as designed and may fail.

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Other potential pollutants from stormwater include pesticides and fertilizer runoff. Residential pesticide use is of concern for water quality and habitat function because it is rarely monitored and generally unrestricted. Pesticides may include herbicides, rodenticides, insecticides, or fungicides. The use of synthetic fertilizer is also quite common and can lead to eutrophication and habitat conversion.

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The Public Utilities and its water rate payers need assurance that funding for the proposed stormwater facilities is sufficient and will be available over time. The EIR should reveal how the maintenance for the proposed Project's stormwater systems will be financed, in perpetuity, to meet the intended design function. Further, the EIR should reveal how the biomass and contaminated soils resulting from predictable maintenance will be disposed of, in perpetuity. The EIR should reveal how stormwater monitoring will occur to document water quality and assure system functionality.

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Anthropogenic Impacts

KEY CONCERN: No analysis of cumulative effects from anthropogenic impacts

Anthropogenic impacts from unauthorized access are unavoidable. The Project proposes the use of permanent fencing and signage as a solution for unauthorized access. Unauthorized access on a local, regional, or national level is difficult to achieve with fencing alone. It is a regional financial and staffing challenge to manage impacts related to authorized access. Managing unauthorized access is exponentially more difficult. The EIR should reveal how unauthorized access to the Cornerstone Lands will be monitored and eliminated to assure no trespass occurs over time and how the Project will mitigate potential impacts should the monitoring and control/deterrent measures fail.

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Anthropogenic impacts to air quality will likely result in increased nitrogen and VOC deposition as well as increased particulate matter on the reservoir and native landscape. The vehicular traffic through the valley is expected to increase dramatically, from the Project and from the neighboring community of Jamul. In combination, landscape and hardscape maintenance crews will likely introduce gas powered equipment to facility maintenance. The DEIR states that outdoor/exterior electric outlets will facilitate the use of electric landscape maintenance equipment. The EIR should show how compliance with the use of electric tools is assured. The EIR should also analyze cumulative impacts of deposition from the increase in vehicle use and maintenance equipment use on the native landscape and water quality.

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Greenhouse gas emissions carbon offsets should include the loss of sequestration and storage from soils and soil biomass.

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Invasive Species

KEY CONCERN: No analysis of the cumulative effects to biotic systems

Biotic disturbance in the wildland-urban interface include many challenges for land management. The interactions may include the introduction and spread of non-native flora species, including horticultural plants and landscape weeds. The EIR should analyze the potential impacts if the development becomes a vector for invasive weeds.

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The introduction of feral cats or release of aquarium or terrarium pets on the landscape is also a concern with little possibility for identifying the source. In general, and because Village 14 is surrounded by conserved lands, the EIR should analyze the potential cumulative impacts from biotic disturbance, over time.

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Mapping

KEY CONCERN: inconsistent legends and lack of hydrology

Most maps do not contain spatial representation of the local hydrology. Without the geospatial information it is difficult to evaluate and comment on some of the analysis, in particular, Exhibit 1C - Drainage Management Area. Exhibit 1C also lacks a legend identifying the land uses. Figure 3.1.2-1 Proctor Valley Drainages does not show any streams or drainages in Proctor Valley.

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All maps identifying existing land use, biological resources, and land use conversion should have a stream system layer to better understand the Project impact.

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Kristy Forburger – Senior Planner
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Approvals required for the City of San Diego MSCP and Land Development Code

1. The City of San Diego is the land use authority for the City-owned land along the boundary proposed for Proctor Valley Road Improvements of the proposed project and is a "responsible" agency under CEQA for any permits or approvals for projects that may extend into its jurisdiction. These permits and approvals would include a Site Development Permit, right-of-way easements, and MHPA Boundary Line Adjustment.
2. The project site lies partially within the Multi-Habitat Planning Area (MHPA)/Cornerstone Lands of the City's MSCP. Please provide a map of the MHPA / Cornerstone Lands boundary on the project plans at the same scale as the project or a maximum scale of 1":200'. The following applies to project site and/or project features that would impact the City's MHPA/Cornerstone Lands:

MHPA Boundary Line Adjustment

1. The project would encroach into the City's MHPA/Cornerstone Lands. Although the County MSCP Subarea Plan anticipated improvements to Proctor Valley Road be located within the Cornerstone Lands of the City's MSCP, the DEIR has not demonstrated that replacement of Cornerstone lands is provided pursuant to the City's Cornerstone Land Bank Agreement. Direct take of Cornerstone Lands would be addressed concurrently with the City's Site Development Permit process for Proctor Valley Road Improvements PTS 572638 and a MHPA Boundary Line Adjustment may be necessary to make the Cornerstone MHPA lands "whole."
2. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.
3. A determination of functionally equivalent or higher biological value will be based on site-specific information (both quantitative and qualitative) that addresses the six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan (August 1998), which are as follows:
 - *Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats, as defined in Section 3.4.2 (of the MSCP Plan)).*
 - *Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species).*
 - *Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors);*
 - *Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection of biological resources);*
 - *Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve); and*

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- *Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state Endangered Species Acts).*

Effects on The City's MSCP Subarea Wildlife Corridor

The City's MSCP Subarea plan notes that over 80 percent of the Proctor Valley area will be conserved with most of the development occurring in the upper portion of the valley, away from the more likely nesting areas for raptors. The valley includes an historical nesting location for Harriers as well as provides forage for Golden Eagles. The proposed project does not cluster development adjacent to other developed areas on the north or south, but will represent an urban island surrounded by conserved lands. This type of planning represents significant challenges to wildlife.

Vernal Pool Resources

Construction of the Otay Ranch project could result in significant direct and indirect impacts to vernal pools, vernal pool listed and sensitive species, and other wetlands that should be addressed with project design and/or mitigation. Surveys indicate vernal pools at the R3+ site support San Diego fairy shrimp, San Diego button-celery, and the same pool identified in the DEIR as supporting Western spadefoot toads. These pools could be subject to indirect edge effects from the construction of the nearby Village 14 and Planning Areas 16/19 as well as from construction and edge effects from the realigned Proctor Valley Road that would be located immediately south of the R3+ site.

In 2012, the Chaparral Lands Conservancy (TCLC) and its contractor AECOM produced the Proctor Valley Vernal Pool Restoration Plan, which documented the distribution of vernal pools on public lands in Proctor Valley including the Otay Lakes Cornerstone Lands preserve, Rancho Jamul Ecological Reserve, and San Diego National Wildlife Refuge as well as to identify sites and opportunities for possible future vernal pool habitat restoration projects. In 2015 TCLC began to implement the Proctor Valley ORV Site A Vernal Pool & Uplands Habitat Restoration Project, located on the City of San Diego's Otay Lakes Land Preserve to the east of the current Proctor Valley Road and bordering the Project's development area. Because of the distribution of sensitive vernal pool habitat, geographic proximity to the project and current restoration efforts the City would like to emphasize the importance of reducing the projects impacts on these resources.

Development of the central portion of Village 14, and resulting alteration of vernal pool watershed within City Cornerstone Lands could therefore result in significant indirect impacts to vernal pools listed and sensitive vernal pool species, designated critical habitat, and restoration efforts.

Unauthorized Public Access

Unauthorized off-road vehicle usage has historically been an issue within Proctor Valley, and has been known to have a direct impact on the valley's significant natural resources.

Unauthorized public recreation and vehicle access from Otay Ranch project development areas, roads, and legitimate trails could result in significant impacts to sensitive biological resources within the Cornerstone Lands. Public outreach, signage and other management or mitigation strategies should be employed to deter unauthorized access to open space and the Cornerstone Lands.

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Invasive Plants

The origin and spread of invasive plant weeds from future residents of the Otay Ranch project pose a significant threat to the ecology of the Otay Lakes Cornerstone Lands preserve. To address this potentially significant impact, any invasive plants or potentially invasive plants identified by in the California Invasive Plant Council inventory should be prohibited from use anywhere in the Otay Ranch project area.

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Furthermore, construction of the Otay Ranch project could result in introduction of new invasive plants to the area, which would have direct negative impact the Cornerstone Lands Preserve's sensitive species. During all phases of the projects construction there must be an emphasis on adherence to any established mitigation measures, BMPS and monitoring to ensure there isn't any introduction of invasive species.

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As noted above, during review of the DEIR and associated appendices, it was determined that the City of San Diego Comment Letter on the Notice of Preparation (NOP) presented on pages 32-36 of Appendix 1-3 NOP Comment Letters, only shows odd numbered pages. The City's Storm Water Division comments were on page 8, along with a graphic attachment to the letter referenced in our 2017 NOP comments. The Final EIR must include the entire City comment letter.

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Thank you for the opportunity to provide comments on the DEIR. Please contact me directly if there are any questions regarding the contents of this letter or if the County would like to meet with City staff to discuss our comments. Please feel free to contact Myra Herrmann, Senior Planner, directly via email at mherrmann@sanidiego.gov or by phone at (619) 446-5372.

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Sincerely,



Alyssa Muto, Deputy Director
Planning Department

MJH/mjh

Attachment: City of San Diego March 1, 2017 Comment Letter on the NOP for the Otay Ranch Village 14 and Planning Areas 16 & 19 Project (including Aerial Photo of Rancho Jamul Mitigation Bank Phase IIB Area)

cc: Reviewing Departments (via email)
Review and Comment online file



March 1, 2017

County of San Diego
Planning & Development Services
Attn: Greg Mattson
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Submitted via email to: Gregory.Mattson@sdcounty.ca.gov

Subject: **CITY OF SAN DIEGO COMMENTS ON THE NOP FOR THE OTAY RANCH VILLAGE 14 AND PLANNING AREAS 16 & 19 PROJECT**

The City of San Diego ("City") Planning Department has received the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Otay Ranch Village 14 and Planning Areas 16 & 19 Project, PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-STP-16-027 and Log No. PDS2016-ER-16-19-006, prepared by the County of San Diego (County), which was distributed to multiple City departments for review. The City, as a Responsible Agency under CEQA, has reviewed the NOP and appreciates this opportunity to provide comments to the County.

In response to this request for public comments, the City has identified potential environmental issues that may result in a significant impact to the environment. Continued coordination between the City, the County, and other local, regional, state, and federal agencies will be essential. Following are comments on the NOP for your consideration.

Kristy Forburger – Senior Planner
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General Comments:

1. All figures associated with Surrounding Land Uses and Biological Resources shall include clear depiction of the City of San Diego Multi-Habitat Planning Area (MHPA) Boundaries and Cornerstone Lands.
2. Discussion of the City's Cornerstones Lands and MHPA should be included in Draft DEIR Sections addressing surrounding land uses and biological resources.
3. The City's Vernal Pool Habitat Conservation Plan (VPHCP) is currently in process. Upon adoption of the VPHCP, the associated interactive plan would be updated based upon site specific survey information as a result of the environmental analysis for this project.
4. It is difficult to determine if impacts to the Cornerstone Lands and MHPA would result with construction of Proctor Valley Road. The Initial Study states a Site Development Permit would be required from the City for Proctor Valley Road, implying impacts to Cornerstone Lands may result with project implementation. If impacts to the City's Cornerstone Lands and MHPA would result, a City of San Diego MHPA Boundary Line Adjustment would be required.

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5. The Draft EIR and associated Biological Technical Report shall include discussion of how the project would implement Area Specific Management Directives (ASMD's) for MSCP covered species with a moderate to high potential of occurrence. ASMD's are depicted in Table 3-5 of the Final MSCP Plan and Appendix A of the City's MSCP Subarea Plan.

Specific Comments

MHPA Boundary Line Adjustment

6. The project would encroach into conserved baseline MHPA land beyond the allowable development area [See Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 5 and 6 of the City's Biology Guidelines], requiring a MHPA boundary line adjustment for the replacement of the City baseline Cornerstone MHPA Land. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.
7. A determination of functionally equivalent or higher biological value will be based on site-specific information (both quantitative and qualitative) that addresses the six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan (August 1998), which are as follows:
 - *Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats, as defined in Section 3.4.2 [of the MSCP Plan]).*
 - *Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species).*
 - *Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors);*
 - *Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection of biological resources);*
 - *Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve); and*
 - *Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state Endangered Species Acts).*
8. The project biology report must include all the following elements:
 - A map showing the existing MHPA boundary, as approved in the MSCP, the proposed encroachment (in red) and proposed addition (in green).
 - An MHPA exchange table showing (by habitat tier) what is proposed to be removed and what is proposed to be added to the MHPA as well as the net change in acreage. The table should include the following columns/rows or equivalent: a) Tier; b) Habitat; c) Existing MHPA/Cornerstone Lands; d) Proposed Encroachment; e) Proposed Addition; and f) Net Change.
 - A written analysis of the adjustment's consistency with the six boundary adjustment criteria.

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9. The City's MSCP Subarea Plan states: "Any adjustment to the MHPA boundary will be disclosed in the environmental document (project description) prepared for the specific project. An evaluation of the proposed boundary adjustment will be provided in the biological technical report and summarized in the land use section of the environmental document. An adjustment that does not meet the equivalency test shall require an amendment to this Subarea Plan." As proposed, the County Draft EIR does not meet the equivalency test for a MHPA Boundary Line Adjustment; therefore, an amendment to the City's MSCP Subarea Plan may be necessary.

Consistency with the City of San Diego MSCP

10. The Land Use Section of the Draft EIR should include a Consistency Analysis with the City of San Diego MSCP Subarea Plan (SAP). The Analysis should be in tabular form and demonstrate how the project complies with MSCP SAP Sections 1.4.2, 1.4.3, and 1.5.2 and any specific management directives pertaining to Cornerstone Lands.

MHPA Land Use Adjacency Guidelines (MSCP Section 1.4.3)

11. Due to the adjacency to the MHPA and Cornerstone Lands, the development will need to conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the City's MSCP Subarea Plan. In particular, lighting, drainage, toxics, landscaping, grading, brush management, access, and noise must not adversely affect the MHPA. Please demonstrate in the project biology report and draft environmental document how these issues are being addressed. Provide mitigation measures and/or project conditions as well as notes/conditions on the construction plans, as appropriate.

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Cultural Resources

The proposed project will require off-site road improvements to connect, realign and construct Proctor Valley Road, affecting City-owned/managed open space. Based on a preliminary review of archaeological site data for the area, these improvements have the potential to impact recorded archaeological sites and tribal cultural resources within the jurisdiction of the City of San Diego and as such, is subject to consultation in accordance with Assembly Bill 52 (Public Resources Code Section 21074). The CEQA Initial Study (Appendix G) prepared for the project does not acknowledge this requirement, nor does it incorporate the recent amendments to Appendix G addressing Tribal Cultural Resources as an issue area to be analyzed. As more information is obtained regarding potential impacts to such resources, coordinating with qualified City staff early in the process regarding the archaeological and tribal cultural resources analysis on City-owned lands, and during the AB 52 tribal consultation process, is highly recommended.

It should also be noted, that within the City of San Diego, archaeological sites which have been determined to be significant under CEQA are automatically eligible for local designation by the City's Historical Resources Board and could require a Site Development Permit if mitigation cannot be accomplished in accordance with the Historical Resources Regulations, Historical Resources Guidelines or the Secretary of the Interior Standards for Archaeological Resources. As such, qualified archaeological staff requests a copy of the draft cultural resources report and

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confidential maps so we can determine which sites within our jurisdiction and permitting authority will require further oversight as noted below. Of specific concern is the City's ability to coordinate with the County early in the CEQA review process for the treatment of any sites that are within the City's jurisdictional boundaries, including those within City-owned/managed open space that will require review for permitting in accordance with the City's Historical Resources Regulations.

Although the County of San Diego is Lead Agency under for CEQA for this project, if human remains are encountered within City-owned public right-of-way or open space during any phase of the archaeological mitigation program (data recovery or monitoring), consultation in accordance with the California Health and Safety Code and the Public Resources Code must include qualified archaeological staff from the City of San Diego in order to assure that resources under our jurisdiction are being treated in accordance with City requirements. The treatment of human remains, associated artifacts, and soils discovered on projects within the City's jurisdiction may result in a different recovery, repatriation, or curation process than would be required under the County's permitting authority. This is true not only for Native American human remains, but for any archaeological site within the City jurisdiction. For this reason, early coordination on any archaeological issues within City-owned/managed open space will be required. This may require modification to the County's archaeological mitigation program or acknowledgment that additional measures may be adopted by the City for resources within our permitting authority.

During the City's discretionary permit review process, it is the intent that the decision-maker would likely adopt the County's MMRP for Archaeology, Tribal Cultural Resources, and Paleontology, assuming that any additional City requirements can be incorporated or addressed as part of the mitigation program. If not, then the City would incorporate our own mitigation requirements to any permits issued by the appropriate decision-maker to be adopted by resolution.

Kim Wehinger – Associate Planner/Natural Resources Planner
Public Utilities Department – Watershed & Resource Protection
KWehinger@sandiego.gov | (619) 533-5222

We have reviewed the NOP for an EIR dated December 15, 2016, and appreciate the opportunity to comment. The City of San Diego owns and operates Upper and Lower Otay reservoirs, and owns and manages a 2,782-acre source water protection buffer around the reservoirs and in Proctor Valley. These combined sites are designated Cornerstone Lands under the City's Multiple Species Conservation Program (MSCP). The drinking source water reservoirs are located downstream of Proctor Valley and will be affected by the proposed 1,284-acre Otay Ranch Village 14 and Planning Areas 16 and 19 development.

Local rain runoff captured in Upper and Lower Otay reservoirs contributes to the water supply for 1.3 million people in the City and neighboring communities. Lower Otay Reservoir also stores water imported from the Colorado River and northern California. The proposed development will significantly alter the natural landscape in Proctor Valley, likely leading to direct affects to water quality as water drains over and under the landscape.

Over 15 miles of streams and smaller water courses flow over the development site. All of the drainages convey source water to Upper Otay Reservoir, via Proctor Creek. Water impounded in Upper Otay Reservoir is transferred to Lower Otay reservoir. Managing salt and nutrient loading from the catchment into the reservoirs is key to protecting water quality. It is important to understand how the proposed development will affect water quality in the City's drinking source

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water reservoirs. It is also important to understand how the proposed development will affect habitat health and the ecosystem services of the native landscape surrounding the site. There are several issues of concern that may occur in the reservoir catchment due to implementation of the proposed development.

General Comments

The Draft EIR should identify the City of San Diego's land and reservoirs on the project map and present a thorough analysis of the identified issues as well as reasonable alternatives, a cumulative analysis, and mitigation measures.

The City and the Village 14 share roughly two miles of parcel boundaries. It should be noted that potential unauthorized access to City land will likely result, due to the inclusion of 1,119 homes and associated Village Core on the 860-acre development adjacent to the City property.

Specific Comments

Air Quality

Nutrient loading as a result of anthropogenic land use changes can adversely affect native habitats and water quality in streams and reservoirs. Nitrogen is of particular concern at a watershed scale. Nitrogen enters the water supply as non-point source pollution, including deposition. It is a primary contributor to eutrophication and drives algae blooms. Atmospheric nitrogen deposition can increase soil nitrogen content over time and may shift habitat type in favor of weedy, non-native grasses.^[1] This cumulative effect may affect native landscapes and local water resources by increasing nutrient loads.

The Draft EIR should thoroughly analyze and discuss the additional nitrogen and the cumulative effect of nitrogen on water quality and the native landscape as a result of the proposed project. The analysis should include construction, as well as long-term energy consumption, and all aspects of landscape maintenance.

Biological Resources

An intact, native landscape has a great influence on and is a prime indicator of stream health. Cumulative disruption of terrestrial biological systems can degrade water quality. Nutrient and salt loading are of particular concern on a landscape scale because the proposed development includes 1,119 homes, over 20 acres of the Village Core, and widening of Proctor Valley Road on 860-acres adjacent to the City's Cornerstone Lands.

The Draft EIR should identify the link between the cumulative impacts on ecosystem services resulting from the development. The analysis should include potential upland and riparian habitat and water quality degradation, salt and nutrient loading over time, and potential impacts to the City's Cornerstone Lands from unauthorized access, night lighting, and edge effect of the urbanization.

^[1] Allen, Edith B., Rao, L., Steers, R.J., Bytnerowicz, A., Fenn, M.E. 2009 *Impacts of Atmospheric Nitrogen Deposition on Vegetation and Soils at Joshua Tree National Park*

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Please discuss the landscaped areas adjacent to Cornerstone Lands and what plant pallet will be used. We respectfully request that no plant species be introduced at the proposed project that are deemed invasive by the California Invasive Plant Council.

The abandonment of a portion of the current alignment of Proctor Valley Road for one east of the current roadway, presents an opportunity to mitigate impacts to biological resources onsite and restore the site's original hydrology. The abandoned segment of road should be fully restored.

Hydrology and Water Quality

Please include the following text in the Draft EIR Hydrology and Water Quality Section: *The land around Otay Reservoir has been owned and controlled by the City of San Diego as part of its water system for more than one hundred years. The City's Public Utilities Department manages these lands for the overarching purpose of protecting water quality in the City's source waters. All other management goals are subordinate to ensuring the health and safety of the public's water supply. Other beneficial uses of this land, such as the MSCP Cornerstone Lands, are overlays to this fundamental purpose and use.*

Best Management Practices

The DEIR should define what specific actions are planned for implementation adjacent to swales, streams, or other waterways to protect water quality and native habitat downstream. Please include a water quality analysis and detailed drawings of all site design measures, source control Best Management Practices (BMPs), and treatment control BMPs proposed to limit potential storm water pollutants.

All plants used for phytoremediation in swales and other bioremediation systems for storm water management should be identified. The species should have a high nitrogen uptake ability over time and not be invasive.

Please discuss how maintenance of the storm water systems will be accomplished and how funding in perpetuity is assured, including irrigation needs, plant and medium replacement requirements over time, and who will be responsible.

Salt and Nutrient Loading

Regional storm water regulations do not address salt and nutrient loading at the level needed to fully protect drinking source water reservoirs. Analysis of salt and nutrient loading to Proctor Creek and Otay Reservoirs should be conducted and discussed in the Draft EIR.

Recreation

Pressure for recreational access to San Diego County backcountry is increasing. The potential detrimental effects to water quality and to MSCP Cornerstone Lands from the significant intensification of residential land uses in Proctor Valley and adjacent to Otay reservoirs cannot be overstated. The Draft EIR should evaluate these potential effects in detail in associated sections such as Land Use and Planning, Public Services, Biological Resources, and Growth-Inducing Impacts.

An expanded discussion of the potential impacts to the City's MSCP land due to increased recreational uses should be disclosed. Trails from the project area will not link with existing

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authorized trails in Proctor Valley and around Otay Reservoirs since they do not currently exist. The addition of people and their pets will lead to greater pressure for recreation on and around Upper and Lower Otay reservoirs. This will also lead, inexorably, to more unauthorized access and vandalism. History and experience show that development close to undeveloped rural reservoir properties greatly increases the scope and severity of problems such as trespassing, off road vehicle use, degradation of vegetation and soil, trash and hazardous material dumping, cultural resource looting, and a general increase in pollutants. At other city-owned reservoirs with adjacent development, there are dozens of unauthorized access points, miles of unauthorized trails, and continuing problems with vandalism, poaching, homeless encampments, and serious crime.

The Draft EIR should explicitly state that City-owned land around Otay Reservoirs and in Proctor Valley is not open to public use. This land is not parkland nor "open space." The Draft EIR should analyze the proposed project's effects on recreational uses, unauthorized access, off road vehicle use, etc. on City-owned land, even if these are unintended "spill over" effects.

The Draft EIR should explain how impacts from the network of proposed trails would be mitigated by this proposed project to reduce impacts on City-owned land and a major public water supply reservoir to less than significant.

Utilities and Service Systems

Please disclose what precautionary measures will be incorporated to protect water quality in Proctor Valley and Otay reservoirs should the sewer conveyance system malfunction. These precautionary measures should be included on the Tentative Map and in the permit conditions.

Mark Stephens - Associate Planner
Transportation & Storm Water Department - Storm Water Division
MGStephens@sandiego.gov | (858) 541-4361

Initial Study

IV. Biological Resources (Pages 14-16). The NOP Initial Study indicates the proposed project would have "potentially significant impacts" on biological resources. The project site is located generally northwest of the Jamul Mitigation Bank Phase IIB (Bank), and a portion of the project site may extend into the Bank or otherwise affect it if developed. The scale of mapping provided doesn't yet allow a precise determination. The Bank proposes to conduct stream and wetland restoration in the form of wetland re-establishment and enhancement along Jamul Creek and its tributaries. The property is publically owned by the California Department of Fish and Wildlife (CDFW), a State resource agency, and managed as an ecological reserve for species and habitat. The City has purchased critical mitigation credits within the Bank, and requests that the County consult with the Bank applicant, Rancho Jamul II Holding, LLC (Wildlands). We would also be happy to discuss this with the County. Please note the location of the Bank in relation to the proposed project, and avoid any potential adverse effects on the Bank. (Please refer to the attached map relating to the Rancho Jamul Mitigation Bank.)

IX. Hydrology and Water Quality (Pages 24-29). Please update information presented regarding water quality requirements to reflect the most recent provisions in effect, including the San Diego County Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) effective February 26, 2016; the San Diego Regional Water Quality Control Board Municipal

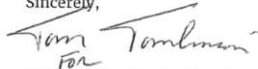
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Separate Storm Sewer System (MS4) Permit (Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 and Order No. R9-2015-0100, NPDES No. CAS0109266); San Diego County Jurisdictional Runoff Management Program (JRMP); and San Diego County Best Management Practice (BMP) Design Manual, which replaced the San Diego County Standard Urban Stormwater Mitigation Plan (SUSMP). Please also add the San Diego Bay Watershed Management Area Water Quality Improvement Plan (WQIP) now in effect to the listing of applicable documents. Please also make these updates to other appropriate places in the Initial Study and other related documents where these topics are referenced.

Attachment: Aerial Photo of Rancho Jamul Mitigation Bank Phase IIB Area

Thank you for the opportunity to provide comments on the NOP. Please contact me directly if there are any questions regarding the contents of this letter or if the County would like to meet with City staff to discuss our comments. Please feel free to contact Susan Morrison, Associate Planner, directly via email at SMorrison@sanidiego.gov or by phone at (619) 533-6492.

Sincerely,

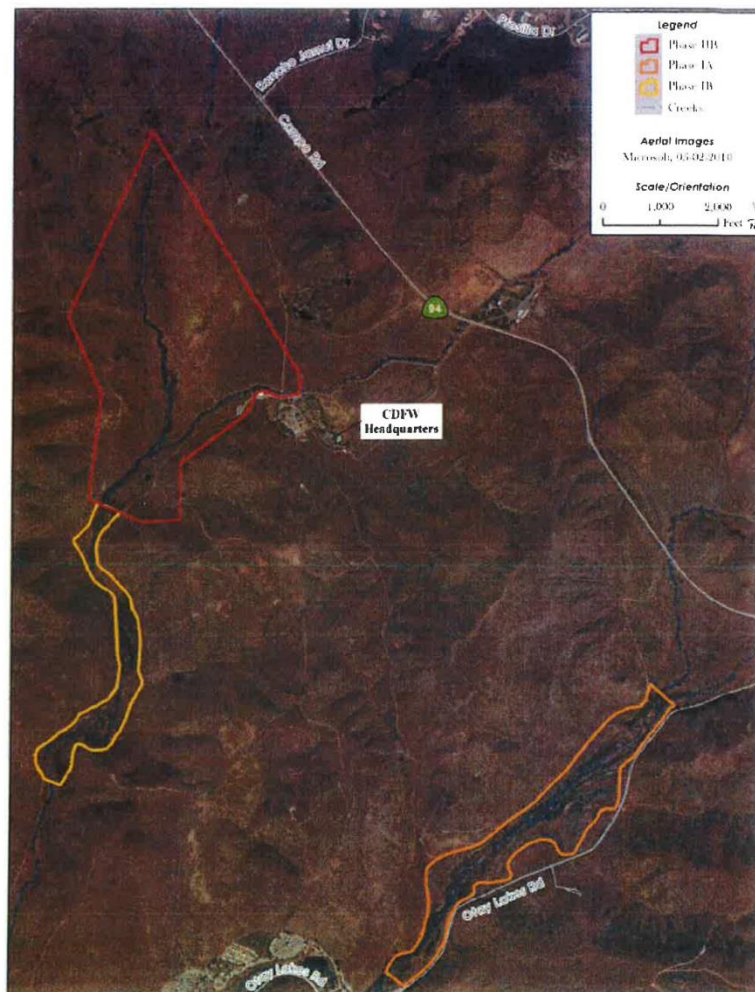


Alyssa Muto, Deputy Director
Planning Department

SM/sm

cc: Reviewing Departments (via email)
Review and Comment online file

ATTACHMENT



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