

**I-19      MARCIA AND MICHAEL SPURGEON**

**I-19-1**      The comment provides an introduction to comments that follow. No further response is required or provided.

**I-19-2**      The comment expresses the commenter's opinion that the County should not rely on the 1994 [sic] Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP) because it is 24 years old and many things have changed since it was approved. The County does not agree that the Proposed Project should not rely on the Otay Ranch GDP/SRP, which was processed in compliance with both the City of Chula Vista (City) and County of San Diego planning process, jointly approved by both agencies, and for which the Otay Ranch Final Program EIR (Otay Ranch PEIR) was certified. Since the adoption of the Otay Ranch GDP/SRP, the City has implemented Villages 1, 1 West, 2, and 3; portions of Village 4; Villages 5, 6, 7, 8 West, 8 East, 9, 10, and 11; the Freeway Commercial (Planning Area 12); and the Eastern Urban Center.

As explained in **Response to Comment T-2-17**, under CEQA, tiering from a certified EIR is permitted (CEQA Guidelines, Section 21094). The Otay Ranch PEIR was certified by both the County of San Diego and City of Chula Vista, and withstood legal challenges through the State Supreme Court (*Chaparral Greens vs. City of Chula Vista et al.*, 50 Cal.App.4th 1134, No. D023571).

The County reaffirmed development of the Project Area for the amount and type of development proposed by the Proposed Project as part of the County General Plan Update (County of San Diego 2011). As described in Section 3.1.3, Land Use and Planning, of the Draft EIR, the Proposed Project is consistent with the County's 2011 General Plan Update.

The Draft EIR for the Proposed Project provides project-specific technical analysis, as well as cumulative analysis, to analyze the potential impacts of the Proposed Project within the existing environmental and regulatory setting. This includes analysis contained in the Draft EIR, Sections 2.7, Greenhouse Gas Emissions, and 2.11, Tribal Cultural Resources, that addresses issue areas that were not part of the Otay Ranch PEIR analysis.

Lastly, cumulative impacts were considered as part of the Otay Ranch PEIR analysis for the entire Otay Ranch project area. The Draft EIR builds on this cumulative analysis by addressing cumulative projects throughout the Draft EIR. Where appropriate, Proposed Project-related cumulative impacts have been identified. The

County refers the commenter to the Draft EIR, Section 2.1, Aesthetics; Section 2.3, Air Quality; and Section 2.9, Transportation and Traffic.

Further, as discussed in Section 3.1.3 of the Draft EIR, the Draft EIR for the Proposed Project tiers from the Otay Ranch PEIR and the 2011 County of San Diego General Plan Update Program EIR, which addressed the Project Area as part of the Jamul/Dulzura Subregional Plan and concluded that the Jamul/Dulzura Subregional Plan would have no significant impacts relative to conflicts with land use plans, policies, or regulations. Land use decisions were made based on the County General Plan, the County of San Diego Zoning Ordinance, the Otay Ranch GDP/SRP, and the Jamul/Dulzura Subregional Plan. As such, the Otay Ranch GDP/SRP is not the only land use document that guided the Proposed Project.

- I-19-3** The comment expresses the commenter’s opinion that “[the] project alternative should be no project.” The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- I-19-4** The comment suggests that an alternative to the Proposed Project would be the Salt Creek Golf Course. The County does not agree that the requested alternative, development of the Salt Creek Golf Course, should be considered. First, CEQA does not require that all alternatives be considered, only that a reasonable range of alternatives be analyzed. As explained in **Thematic Response – Alternatives**, the Draft EIR analyzes a reasonable range of alternatives. Further, the Proposed Project applicant does not own the Salt Creek Golf Course property (it is owned by the Otay Water District). Also, the Salt Creek Golf Course property is located within the City of Chula Vista. Therefore, the requested alternative would not be feasible.
- I-19-5** The comment expresses an opinion that the Salt Creek Sewer agreement approved in 2016 is questionable. The comment also states that the Jamul/Dulzura Community Planning Group and the Jamul community were never informed or given the opportunity to comment on the extension of the sewer line into the Jamul/Dulzura Community Planning area boundaries. The County does not agree that the Salt Creek Transportation Agreement is questionable. Please refer to **Thematic Response – Sewer/Septic**. Since 1994, the Salt Creek Interceptor has been designed/sized in anticipation that Village 14 and Planning Areas 16/19 would be served by sewer service, and that the City would accommodate those sewage flows through its existing sewage transportation system. The County acknowledges the commenter’s concerns regarding the Jamul/Dulzura Community Planning Group and Jamul community not having had an opportunity to comment on the agreement. This

- comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- I-19-6** The comment states that a member of the Jamul/Dulzura Community Planning Group worked on the Otay Ranch Master Plan and that the sewer line would not extend into the Jamul/Dulzura area. The commenter does not provide specific evidence to the contrary. Please also refer to **Response to Comment I-19-1** and the **Thematic Response –Sewer/Septic**. This comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- I-19-7** The comment generally states that critical areas were overlooked in the Draft EIR, and that the Proposed Project is growth inducing. Please refer to the Draft EIR, Section 1.8, Growth-Inducing Impacts, and Section 3.1.5, Population and Housing.
- As stated on page 1-41 of the Draft EIR, “Although implementation of the Proposed Project would result in the establishment of new homes, businesses, and public facilities, the associated increases in population, housing, and employment represent growth previously planned for, and anticipated to occur within, the Otay Ranch planning area.” The analysis in the Draft EIR concludes that the Proposed Project, while accommodating growth already planned for, would not significantly induce growth. The comment does not raise a specific issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- I-19-8** The comment states that “the impacts to environmentally sensitive areas are not adequate.” The County assumes the commenter is referring to the analysis of impacts. Section 2.4, Biological Resources, of the Draft EIR analyzes impacts to sensitive habitat areas and species. The comment does not raise a specific issue regarding the analysis in the Draft EIR; therefore, no further response is required or provided.
- I-19-9** The comment expresses the commenter’s opinion that the Proposed Project will be dropped in the middle of the most sensitive wildlife and plants in the community. As described in Section 3.1.3, Land Use and Planning, of the Draft EIR, the Proposed Project is consistent with the current General Plan land use designations. The County approved the Project Area for the amount and type of development proposed by the Proposed Project as part of the County General Plan Update (County of San Diego 2011) and the Proposed Project is consistent with the Otay Ranch GDP/SRP and Otay Ranch Resource Management Plan (RMP) for this area. Additionally, please refer to Section 2.4, Biological Resources, of the Draft EIR. The comment does not raise an issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.

**I-19-10** The comment asks how mitigation will deal with wildlife migration and golden eagle nesting. Section 2.4, Biological Resources, of the Draft EIR analyzes the Proposed Project's impacts to wildlife, including golden eagles. As stated in Section 2.4, the Proposed Project would not result in lethal "take" of golden eagle individuals or disturbance of any active golden eagle nest. Also, the Proposed Project would not place human activity within 4,000 feet of an active golden eagle nest, per the conditions of the County's Multiple Species Conservation Program (MSCP) Plan, or within 3,000 feet of historical nests, per the Otay Ranch Raptor Management Study. As stated on pages 2.4-151 and 2.4-152 of the Draft EIR, the Proposed Project's individual impacts on golden eagle, including golden eagle nests and foraging habitat, would be less than significant, largely because golden eagle is a Covered Species under the MSCP Plan and the Proposed Project is consistent with the MSCP Plan, the County Subarea Plan, and the Otay Ranch RMP. The Proposed Project would preserve foraging/nesting habitat for golden eagle (mitigation measures M-BI-3, habitat conveyance and preservation, and M-BI-4, biological open space easement). Additionally, mitigation measures M-BI-5 (permanent fencing and signage) would provide mitigation for potential long-term impacts by deterring unauthorized activity within the Preserve. Please also refer to **Thematic Response – Golden Eagle**.

Impacts to migratory wildlife species are addressed in the Draft EIR in Section 2.4.3.4, under Guideline 4.4, which states that a significant impact would result if "The project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites." The Proposed Project would maintain and implement the originally designated hardline Preserve as identified in the Otay Ranch RMP, MSCP County Subarea Plan, and Implementing Agreement; therefore, it would retain the functions and values of the corridors identified in Baldwin Otay Ranch Wildlife Corridors Studies (Ogden 1992) and the Biological Resource Core Areas identified in the MSCP Plan. In addition, where necessary and as required by Policy 4.1 of the Otay Ranch RMP (City of Chula Vista and County of San Diego 1996), four wildlife crossings have been designed and would be constructed along Proctor Valley Road. Refer also to **Response to Comment A-3-190**. Therefore, the Proposed Project is not anticipated to impact long-term wildlife movement between the Jamul Mountains and San Miguel Mountain.

The Proposed Project could have both temporary and permanent indirect impacts to wildlife movement both during construction and once the Proposed Project becomes occupied (see Section 2.4.3.4, Guideline 4D, of the Draft EIR, pages 2.4-105 and 2.4-

- 106). Mitigation provided for impacts to migratory wildlife as it relates to these impacts include mitigation measures M-BI-1 (biological monitoring during construction), M-BI-2 (temporary construction fencing during construction), M-BI-3 (habitat conveyance and preservation), M-BI-4 (biological open space easement), M-BI-5 (permanent fencing and signage between the preserve and development interface), M-BI-12 (restoration of temporary impacts as a result of construction), M-BI-18 (noise), and M-BI-20 (lighting). In addition, any direct impacts that may occur to birds protected under the Migratory Bird Treaty Act would be mitigated through implementation of Mitigation Measure M-BI-6, which requires pre-construction surveys for nesting birds.
- I-19-11** The comment states that traffic in the Draft EIR is erroneously calculated and that the Draft EIR fails to address the impacts, particularly in the Jamul area from Proctor Valley to State Route (SR) 94. The comment also states the alternative should be No Project. Section 2.9, Transportation and Traffic, of the Draft EIR analyzed the Proposed Project's impacts to traffic. Please refer to **Response to Comment I-1-2** and **Thematic Response – SR 94 Improvements**. The comment does not provide specific evidence regarding why the traffic calculation is erroneous or raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- I-19-12** The comment states the Draft EIR fails to consider the impacts of very small lot size, which will create greater light emissions. The comment also references the dark skies policy. The County's Light Pollution Code is discussed on page 2.1-16 of the Draft EIR. Section 2.1.2.3, Light and Glare, analyzes the Proposed Project's impacts. The Proposed Project is required to comply with all applicable County ordinances, including the Light Pollution Code. The Project Area is located within Zone B, as defined by the Light Pollution Code. The Preserve Edge Plan (Specific Plan, Appendix 1) further restricts lighting adjacent to the Preserve to reduce indirect lighting impacts and to comply with the Dark Sky Ordinance. Based on the analysis in the Draft EIR in Section 2.1.2.3, and because the Proposed Project would conform to applicable local regulations related to dark skies during operation, long-term lighting impacts would be less than significant. The commenter does not raise any specific issue regarding the analysis or the adequacy of the Draft EIR; therefore, no further response is required or provided.
- I-19-13** The comment states that noise pollution from vehicle travel and from the clustered homes is not adequately addressed. The Draft EIR, Section 2.8, Noise, adequately analyses noise impacts and Section 2.8.3.1, Noise-Sensitive Land Uses Affected by Airborne Noise, offers additional analysis on noise impacts. As described further in

- Section 2.8.7, the conclusion is that all on- and off-site traffic-related noise impacts would be mitigated to less than significant. The comment does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.
- I-19-14** The comment states the impact of vehicle travel emissions will cause an adverse impact to the surrounding area. Section 2.3, Air Quality, of the Draft EIR analyzes the Proposed Project's air quality impacts, including vehicle emissions. The County acknowledges that the Proposed Project would result in significant and unavoidable impacts to air quality, as discussed in Section 2.3 of the Draft EIR. The commenter does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.
- I-19-15** The comment states that vehicle emissions will affect wildlife, including least Bell's vireo and (California) gnatcatcher. The comment does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.
- I-19-16** The comment states that public safety, including law enforcement and wildland fires, needs to be addressed. The comment also raises concerns regarding law enforcement response time. Please refer to Section 3.1.6, Public Services, and Section 3.1.1, Hazards and Hazardous Materials, of the Draft EIR. Specifically, the Proposed Project's impacts to law enforcement services were analyzed in Section 3.1.6.2.2 of the Draft EIR. The Draft EIR states that the Proposed Project would result in an increased demand for law enforcement services and potentially would affect response time thresholds. Appendix 3.1.6-2 to the Draft EIR, Law Enforcement Services Form, states that the Proposed Project would result in the need for additional staff and new or expanded facilities. The Proposed Project includes a 2.3-acre joint public safety site (fire/sheriff station) that could accommodate a Sheriff's storefront facility. As an alternative, as Sheriff's storefront facility could be accommodated in the commercial space. Based on the analysis in the Public Facilities Financing Plan (Appendix 3.1.6-1 to the Draft EIR), the Law Enforcement Services Form, the inclusion of the public safety site, and payment of general taxes, it is projected that law enforcement would be able to meet response times (see page 3.1.6-24 of the Draft EIR). Please refer to the **Thematic Response – Wildfire Protection and Evacuation** for wildfire responses.
- I-19-17** The comment addresses general concern for wildfire risk to homes and for emergency evacuation routes. Wildland fire hazards are analyzed in Section 3.1.1, Hazards and Hazardous Materials. A Fire Protection Plan, Appendix 3.1.1-2, and a Wildland

- Evacuation Plan, Appendix 3.1.1-3, are included in the Draft EIR, as well as in the **Thematic Response – Wildfire Protection and Evacuation**. The comment does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.
- I-19-18** The comment expresses the commenter’s concern regarding the small parcel of land for the school site. The Proposed Project identifies a 9.7-acre elementary school site. The comment does not raise an issue regarding the adequacy of Draft EIR; therefore, no further response is required or provided.
- I-19-19** The comment states that the school site is not adequate for the best learning environment for children and that the Jamul/Dulzura Union School District can better serve the children from this Proposed Project. The comment expresses the commenter’s opinions and does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- I-19-20** The comment expresses concern about Planning Areas 16/19 being processed at the same time as Village 14. The comment expresses the opinions of the commenter and does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

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