O-5 CALIFORNIA NATIVE PLANT SOCIETY SAN DIEGO

O-5-1 The comment provides introductory remarks about the commenter and serves as an introduction to comments that follow. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-2 The comment expresses a general opinion of the commenter regarding the Proposed Project. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-3 The comment serves as a summary of comments to follow. The comment addresses general subject areas, including impacts to native plants, fire risks to residents, greenhouse gasses, and legal challenges to the Multiple Species Conservation Program (MSCP). These subject areas were analyzed in the Draft EIR, specifically in Sections 2.4, Biological Resources; 3.1.1, Hazards and Hazardous Materials (Subsections 3.1.1.2.4, Wildfire Hazard, and 3.1.1.2.5, Evacuation Plans); and 2.7, Greenhouse Gas Emissions. Consistency with the MSCP Plan and MSCP County Subarea Plan is analyzed in Sections 3.1.3.2.3 and 2.4.3.5. This comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-4 This comment reiterates the commenter's concerns identified in Comment O-5-3, and recommends against approval of the Proposed Project, and expresses support for the No Project Alternative. The County acknowledges the commenter's opposition to the Proposed Project and the commenter's support for the No Project Alternative. This comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-5 The comment provides an introduction to comments that follow. This comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-6 The commenter questions why impacts to only some sensitive plant species were mitigated, why take of some species was not mitigated to the full extent of take, and why impacts to many species were "ignored."

The County disagrees with the comment. The Otay Ranch RMP outlines objectives and policies for the preservation of sensitive plant species within Otay Ranch (Policies 2.6 and 2.7 under Objective 2 – Preservation of Sensitive Resources). These policies, which apply throughout Otay Ranch, include preservation goals for select sensitive plant species, including those affected by the Proposed Project. The

preservation goals, portrayed as a percentage of populations preserved, are based on known occurrences of special-status plants at the time of Otay Ranch RMP development. The goal of the Otay Ranch RMP is to retain these population percentages within the Otay Ranch RMP Preserve as Otay Ranch is developed and landowners convey property to the Otay Ranch RMP Preserve. Because the Proposed Project conforms to the original Otay Ranch GDP/SRP boundary, any populations of special-status plant species recorded within the Otay Ranch RMP Preserve would contribute to the Ranch-wide Preserve and help to achieve the Otay Ranch RMP goals of conservation. The Proposed Project's impacts to species would be mitigated by following the provisions set out in the Otay Ranch RMP, the MSCP Plan, the MSCP County Subarea Plan, MSCP City of San Diego Subarea Plan, City of San Diego Land Development Code Biology Guidelines (City of San Diego 2012), and/or the MSCP Chula Vista Subarea Plan. For clarity on this point, Section 2.4.2.3 of the Final EIR has been revised to include a listing of the Otay Ranch RMP preservation goals and mitigation requirements.

One of the Objectives of the Proposed Project is to "Implement the Goals, Objectives and Policies embedded in the … Otay Ranch Phase 1 and Phase 2 Resource Management Plan…" In other words, the Proposed Project is intended to facilitate achievement of the Otay Ranch RMP and, for that reason, has been designed both to comply with it and to advance its goals. In Section 3.1.3.1.2, Land Use and Planning - Regulatory Setting, the Draft EIR discusses this point, noting that, according to the MSCP County Subarea Plan: "All conditions and exceptions listed in the Otay Ranch approval documents, including the Resource Management Plan (Volume I) are hereby incorporated by reference, with respect to…revegetation requirements." The Draft EIR then concludes that:

> The Proposed Project conforms to the goals and requirements outlined in the applicable regional planning efforts, MSCP County Subarea Plan, City of San Diego's MHPA, City of Chula Vista MSCP Subarea Plan, and Otay Ranch RMP. Several sensitive species observed in the Project Area are not classified as Covered Species by the MSCP County Subarea Plan, but are addressed by the Otay Ranch RMP and include Ranch-wide preservation goals. The Proposed Project's contribution to the MSCP and Otay Ranch RMP Preserve would mitigate impacts by providing suitable habitat in a configuration that preserves genetic exchange and species viability (see Section 2.4 of this EIR for more information). Therefore, the Proposed Project is consistent with the MSCP Plan, MSCP County Subarea Plan, and Otay Ranch RMP.

(See Draft EIR, Section 3.1.3.2.3, Land Use and Planning – Conflicts with Habitat Conservation Plan or Natural Communities Conservation Plan.)

Further, the County notes that Appendix 2.4-1, Biological Resources Technical Report, and Section 2.4, Biological Resources, of the Draft EIR were prepared in accordance with the County's Guidelines for Preparing Biological Resources Technical Report and Guidelines for Determining Significance, Biological Resources.

In addition, the Final EIR, at Sections 2.4.2.3 and 2.4.3.1 have been revised to include information on the Otay Ranch RMP conservation goals and mitigation requirements that apply to the special status plant species (including County List A and B plants) affected by the Proposed Project.

Per the County Guidelines, impacts to List C and D plant species are not considered significant unless the impacts would affect the local long-term survival of such species. As explained in the Draft EIR, the Proposed Project would not affect the local long-term survival of any List C or D plant.

Lastly, the County notes that the commenter's use of "take" is inaccurate and should instead be considered as "impacts to." Take is not a CEQA issue, rather, the Draft EIR analyzed impacts to sensitive plant and animal species and determined whether those impacts comply with the MSCP County Subarea Plan, Otay Ranch RMP and other guiding plans and documents.

Please refer to **Response to Comments O-5-7** through **O-5-31**, below, regarding species-specific comments.

O-5-7 The commenter questions why Otay tarplant was only surveyed for between April 23 and May 1, 2014, and why focused surveys were not conducted in season. In addition, the commenter questions why focused surveys for Otay tarplant were not conducted over the entire Project Area from 2015–2017 when surveyors were in the field during the correct time to find blooming plants.

As described in the Draft EIR, Section 2.4.1, Existing Conditions, on page 2.4-8, focused surveys for special-status plant species were conducted in spring 2014. These surveys were conducted as a survey for the main suite of special-status plants with potential to occur in the Project Area. The County acknowledges that the spring surveys alone would not be adequate for Otay tarplant, a later blooming species. In late spring/early summer 2015, rare plant surveys were conducted with a focus on Otay tarplant across the entire Project Area. As noted in Section 3.4 of Appendix 2.4-1, Biological Resources Technical Report, nearby reference sites were visited to

determine the bloom status of this species, and surveys were initiated within the Project Area based on detection of blooming plants within the reference sites; therefore, surveys were conducted within the appropriate time to detect Otay tarplant. In spring/summer 2016, additional focused surveys were conducted for just the applicant-owned portion of the Village 14 Development. A second season of focused surveys within the areas designated for development in Planning Areas 16/19 were conducted in spring and summer 2017. The 2016 focused surveys were conducted within Village 14 to supplement the 2014 and 2015 surveys. At the time of those surveys, the Project Applicant was pursuing the Land Exchange Alternative and Planning Areas 16/19 were not proposed for development. An agreement was not made for the Land Exchange Alternative; therefore, additional surveys were conducted for Planning Areas 16/19 in 2017 to supplement the 2014/2015 surveys. Thus, surveys for Otay tarplant were conducted in season and were conducted across the entire Project Area.

O-5-8 The commenter asks how many Otay tarplant individuals would be impacted by the Proctor Valley Road improvements. This comment also expresses the commenter's opinions. Approximately 25 Otay tarplant individuals were recorded in the Proctor Valley Road South off-site improvement area within City of Chula Vista–owned land of the City of Chula Vista MSCP Subarea Plan (Draft EIR, Section 2.4.1.5 Special-Status Plant Species, page 2.4-28). All 25 individuals would be impacted by the Proposed Project. The portion of the road to be improved is within a 100% Conservation Area and is subject to the narrow endemic species (which includes Otay tarplant) protection provisions of the City of Chula Vista MSCP Subarea Plan.

As explained in the Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, on pages 2.4-74, road improvement impacts on narrow endemic species, including Otay tarplant, have been mitigated through measures implemented by the Rolling Hills Ranch project. The road improvements are part of the Rolling Hills Ranch project, which is a Covered Project with hardline designations in the City of Chula Vista MSCP Subarea Plan. Therefore, this portion of the Proposed Project complies with the protection provisions of the City of Chula Vista MSCP Subarea Plan. As a result, direct off-site impacts to Otay tarplant individuals have already been mitigated, and additional mitigation is not warranted.

O-5-9 The commenter asks for details explaining why the Draft EIR does not analyze impacts to Otay tarplant or discuss mitigation further in the Draft EIR (page 2.4-74). The comment also asks why an agreement signed in 2001 for a separate project is still considered valid, partly because the current individuals are different from the original plants (i.e., descendants). The commenter asks where is the analysis of indirect

impacts to the species that have arisen since 2001, including weed management, clearance for fire protection, herbicide application, road maintenance, and greenhouse gasses.

As described **in Response to Comment O-5-8**, this population of Otay tarplant occurs within a previously analyzed and mitigated project (Rolling Hills Ranch), which is located within the City of Chula Vista MSCP Subarea Plan boundaries. The Otay tarplant is a Covered Species under the City of Chula Vista Subarea Plan. The fact that the current Otay tarplant individuals are descendants of the original plants and that the actual impact may occur 20 years later is irrelevant to the fact that the impacts to Otay tarplant within the Proctor Valley Road South off-site improvement area have been pre-mitigated under the City of Chula Vista MSCP Subarea Plan.

With respect to indirect effects to Otay tarplant associated with the Proposed Project, no Otay tarplant populations were detected in portions of the Project Area that would be in the Otay Ranch RMP Preserve or Conserved Open Space. Already conserved Otay tarplant is subject to long-term management and monitoring in the Otay Ranch RMP, which is a fully funded by the City of Chula Vista's Community Facilities District, managed preserve system that mitigates both direct and indirect impacts to biological resources within Otay Ranch (Draft EIR, Section 2.4, Biological Resources, page 2.4-1).

O-5-10 The commenter questions why the take of only 17 individuals of San Diego goldenstar is mitigated for, not 1,363 individuals that will be directly impacted by the Proposed Project. The commenter also asks where bulbs will be translocated to and how they will be treated. Finally, the commenter asks if this concentration of San Diego goldenstar is unusually high for the species and whether the local population critical is for the species.

The commenter provides incorrect impact numbers for San Diego goldenstar. According to the Draft EIR, Section 2.4.1.5, Special Status Plants, page 2.4-27, a total of 4,952 individuals was recorded, of which: 742 individuals would be directly impacted in the Village 14 Development Footprint and 2,065 individuals are in the proposed conveyance area to the Otay Ranch RMP Preserve; 33 individuals would be directly impacted in the Planning Area 16 Development Footprint and 836 individuals are in the proposed conveyance area to the Otay Ranch RMP Preserve; 588 individuals are in the un-graded Limited Development Area (LDA) and would have a conservation easement as required by the Otay Ranch RMP (see Draft EIR at 2.4-137); and 688 individuals are in Conserved Open Space. Total direct impacts would occur to 775 individuals (as shown in Draft EIR, Appendix 2.4-1, Biological Resources Technical

Report, Table 5-4, page 423), not 1,363 individuals stated by the commenter. It appears the commenter may have assumed there would be include direct impacts to 588 individuals in the un-graded LDA; however, these individuals would not be directly impacted because non-graded LDA areas would have a conservation easement as required by the Otay Ranch RMP (see Draft EIR at 2.4-137).

The Proposed Project's impacts to this species would be mitigated by following the provisions set out in the Otay Ranch RMP, the MSCP Plan, the MSCP County Subarea Plan, MSCP City of San Diego Subarea Plan, City of San Diego Land Development Code Biology Guidelines (City of San Diego 2012), and MSCP Chula Vista Subarea Plan. Because San Diego goldenstar is a Covered Species under the MSCP County Subarea Plan, impacts to 758 goldenstar individuals would be addressed by following the provisions of the Otay Ranch RMP (including translocation requirements), conveyance of land to the Otay Ranch/MSCP Preserve as required by the Otay Ranch RMP, and provisions of the MSCP County Subarea Plan's Biological Mitigation Ordinance (BMO). For additional clarity on the mitigation for San Diego goldenstar, Section 2.4.3.1's discussion of the Proposed Project impacts on County List A and B Plant species has been revised.

There are 17 individuals located within a portion of the Proposed Project that are subject to the BMO (Draft EIR, Table 2.4-7, Summary of Impacts to Sensitive Plants and Required Mitigation - County List A and B, Non-Covered, and Narrow Endemics, page 2.4-169). (Also see Draft EIR, Appendix 2.4-1. Biological Resources Technical Report, Appendix A.) The areas subject to the BMO are known as PV1, PV2, and PV3; these 17 individuals are located in PV3.

The 17 individuals directly impacted with the area subject to the BMO would be translocated, and 34 individuals would be planted per mitigation measure M-BI-11 (Resource Salvage and Restoration Plan) at a suitable receptor site(s) in the Otay Ranch RMP Preserve or Conserved Open Space, resulting in a 3:1 mitigation ratio (i.e., 51 plants) for San Diego goldenstar. The Resource Salvage and Restoration Plan is not yet prepared, so full details are not available to answer the commenter's question, but it will at a minimum, evaluate options for plant salvage and relocation, including individual plant salvage and additional plantings, native plant mulching, selective soil salvaging, and application/relocation of resources. The plan will provide an 80% relative native cover success criteria and 5-year monitoring plan. Per mitigation measure M-BI-11, the Resource Salvage and Restoration Plan shall be prepared by a biologist approved by the City of Chula Vista and County of San Diego, to the satisfaction of the Planning and Development Services Director (or her/his designee). See Draft EIR, mitigation measure M-BI-11, pages 4.2-141 and

4.2-142, for more details of the Resource Salvage and Restoration Plan and mitigation requirements.

The Consortium of California Herbaria has records of San Diego goldenstar throughout western San Diego County, from the Mexico border north to Rancho Santa Fe area. There are 120 records in the CNDDB, including 105 extant occurrences. According to the MSCP, a major population of San Diego goldenstar exists on Village 15, which has since be converted to open space/conservation uses. The Otay Ranch PEIR identified approximately 43 occurrences of San Diego goldenstar in Otay Ranch Village 15 and Planning Area 17. Village 15 has been acquired for conservation purposes. By contrast, the Otay Ranch PEIR identified approximately 13 occurrences of San Diego goldenstar in Village 14, seven of which are located on the "Inverted L" which has largely been acquired for conservation purposes, and 4 occurrences of which are on CDFW-owned land, thus, only approximately two occurrences of San Diego goldenstar as identified in the Otay Ranch PEIR would be affected by the Proposed Project, which is not considered a major population for this species.

O-5-11 The commenter questions why there is no avoidance or mitigation for 100% take of Orcutt's brodiaea.

Approximately 83 Orcutt's brodiaea individuals were observed within the Planning Area 16 Development Footprint (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-27). All 83 individuals would be impacted by the Proposed Project (Draft EIR, Table 2.4-6, page 2.4-168). As a Covered Species under the MSCP County Subarea Plan, all impacts to Orcutt's brodiaea would be mitigated through conveyance of land to the Otay Ranch/MSCP Preserve as required by the Otay Ranch RMP. Orcutt's brodiaea would not be impacted within the area of the Proposed Project subject to the BMO; therefore, no additional mitigation would be required.

O-5-12 The commenter questions why there is no avoidance or mitigation for 80% take of delicate clarkia. The commenter also suggests that because of drought conditions during surveys the number of individuals in the Project Area is likely much higher than observed.

All delicate clarkia in Village 14 would be avoided. One delicate clarkia individual was observed within the proposed conveyance area of the Otay Ranch RMP Preserve within Planning Area 16 and four individuals were observed within Planning Areas 16/19 off-site road improvements area (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-27). The four individuals within the Planning Areas 16/19 off-site

road improvement area would be impacted by the Proposed Project (Draft EIR, Table 2.4-6, page 2.4-168).

The surveys conducted in 2014 and 2015 for the entire Project Area and the surveys in Village 14 conducted in 2016, were during below average rainfall years, but the survey in Planning Area 16 was conducted in 2017, an above average rainfall year. The populations of delicate clarkia were observed during the 2014 and 2017 surveys (i.e., during both below and above average rainfall years). The five individuals observed in 2014 and 2017 in Planning Area 16 suggests that the population is not likely to be much higher.

While delicate clarkia is not a Covered Species under the MSCP County Subarea Plan, conservation goals for this species are addressed in the Otay Ranch RMP. As described in Section 2.4.3.1 of the Draft EIR, the Otay Ranch RMP outlines objectives and policies for the preservation of sensitive plant species within Otay Ranch (Policies 2.6 and 2.7 under Objective 2 – Preservation of Sensitive Resources). These policies, which apply throughout Otay Ranch, include preservation goals for select sensitive plant species, including delicate clarkia. The preservation goals, portrayed as a percentage of populations preserved, are based on known occurrences of special-status plants at the time of Otay Ranch RMP development. The locations within Proctor Valley are shown on Figure 6 (Sheet 2) of the Otay Ranch RMP. Figure 6 (Sheet 2) of the Otay Ranch RMP shows the locations for which the preservation standard for this species was derived. According to this figure, the impacted and preserved populations were observed during the original surveys and, therefore, would have been included in the preservation calculation. The goal of the Otay Ranch RMP is to retain these population percentages within the Otay Ranch RMP Preserve as Otay Ranch is developed and landowners convey property to the Otay Ranch RMP Preserve. Because the Proposed Project conforms to the original Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP) boundary, any populations recorded within the Otay Ranch RMP Preserve would contribute to the Otay Ranch-wide Preserve and help to achieve the Otay Ranch RMP goals of conservation. As required by mitigation measure M-BI-3, the Proposed Project would be required to convey Otay Ranch RMP Preserve for management by the Otay Ranch POM in accordance with the Otay Ranch RMP. Accordingly, the Proposed Project is consistent with the Otay Ranch RMP and would contribute towards the overall RMP preservation goals. Appendix K of the Biological Resources Technical Report (Appendix 2.4-1 to the Draft EIR) provides the RMP goals and MSCP Plan policies for applicable species within the Proposed Project's Otay Ranch RMP Preserve. Please also refer to **Response to Comment O-5-6**.

O-5-13 The commenter questions why there is no avoidance or mitigation for the Proposed Project's anticipated impacts to 52% San Diego marsh-elder located on the Project Area. According to the comment, 3,937 plants will be impacted but only 1,057 individuals will be salvaged.

The Draft EIR, Table 2.4-7, Summary of Impacts to Sensitive Plants and Required Mitigation – County List A and B, Non-Covered, and Narrow Endemics, pages 2.4-170 and 2.4-171, provides details on impacts and mitigation for San Diego marsh-elder. Impacts to 3,904 individuals of San Diego marsh-elder, a non-covered species under the MSCP County Subarea Plan, associated with on-site development and fuel modification would be mitigated in several ways.

As discussed above in **Response to Comment O-5-6**, the Proposed Project's impacts to County List A and B plant species would be mitigated by following the provisions set out in the Otay Ranch RMP and conveyance of land to the Otay Ranch RMP/MSCP Preserve as required by the Otay Ranch RMP. Section 2.4.2.3 of the Final EIR has been revised to provide a listing of the Otay Ranch RMP preservation goals and mitigation measures that apply to special-status plants, including translocation of San Diego marsh elder.

Note also that of the 3,904 individuals directly impacted in on-site areas of the Project Area, 2,643 individuals occur in PV2 and PV3, which are subject to the BMO and its mitigation requirement of a 1:1 ratio (i.e., 2,643 individuals). A total of 1,619 individuals would be preserved on site, with remaining mitigation required for an additional 1,024 individuals (Draft EIR, Appendix 2.4-1. Biological Resources Technical Report, Appendix A, page 79). This additional mitigation may occur through incorporation of the species in a conceptual upland and wetlands restoration plan, restoration of disturbed areas within the Otay Ranch RMP Preserve, or incorporation into a conceptual wetlands mitigation plan under mitigation measure M-BI-11 (Resource Salvage and Restoration Plan), described in **Response to Comment O-5-10**. Alternatively, if populations of San Diego marsh-elder are found within the off-site Otay Ranch RMP Conveyance area, preservation of these extant populations may be used for mitigation instead of restoration activities.

The remaining on-site impacts to 1,261 individuals (i.e., 3,904 minus 2,643 in PV2 and PV3), which occur outside of the area subject to the BMO, would be mitigated with existing populations in the Otay Ranch RMP/MSCP Preserve by following the guidelines of the Otay Ranch RMP and conveyance to the Otay Ranch RMP Preserve through implementation of mitigation measure **M-BI-3** (Habitat Conveyance and Preservation) and additional habitat in Conserved Open Space through M-BI-4

(Biological Open Space Easement). Finally, direct impacts to the additional 33 individuals in off-site improvement areas (Proctor Valley Road) would also be mitigated by mitigation measure **M-BI-11**. In addition, there are 0.65 acres (consisting of 125 individuals) of San Diego marsh elder located in intermittent drainages which are subject to the Otay Ranch PEIR and Otay Ranch RMP's 2:1 restoration requirement. Based on this finding, the Proposed Project would be required to restore 1.30 acres (containing a minimum of 250 individuals) of marsh-elder habitat in intermittent drainages within the Otay Ranch RMP Preserve.

For additional information on San Diego marsh elder, please see revised language in Section 2.4.3.1 of the Final EIR, as it relates to impacts on County List A and B Plants. Please also refer to **Response to Comment O-5-6**.

O-5-14 The commenter questions why there is no avoidance or mitigation for impacts to 11,734 Munz's sage individuals.

First the County would like to state that there are impacts to 11,713 individuals, not 11,734 as stated in the comment. As stated in Section 2.4.3.1 of the Draft EIR, the significance of potential permanent direct impacts to sensitive plant species is determined by applying the Otay Ranch RMP, MSCP Plan, MSCP County Subarea Plan, MSCP City of San Diego Subarea Plan, and City of Chula Vista MSCP Subarea Plan. While Munz's sage is not a covered species under the MSCP County Subarea Plan, conservation goals for this species are addressed in the Otay Ranch RMP. Appendix K of the Biological Resources Technical Report (Appendix 2.4-1 to the Draft EIR) provides the RMP goals and MSCP Plan policies for applicable species within the Proposed Project's Otay Ranch RMP Preserve. The Proposed Project would disturb approximately 2.5 acres of Munz's sage-dominated CSS. Although this impact is not considered significant from a CEQA perspective, the Otay Ranch RMP requires restoration of impacted Munz's sage-dominated coastal sage scrub at the 2:1 ratio identified in the 1993 PEIR, resulting in 5.0 acres of restoration. Section 2.4.3.1, of the Final EIR has been revised to clarify that, by following the guidelines of the Otay Ranch RMP and conveying the agreed upon acreage to the Otay Ranch RMP Preserve through mitigation measure **M-BI-3** and additional habitat through **M-BI-4**, the Proposed Project would contribute to the Ranch-wide preservation goals (see, e.g., Section 2.4.2.3 of the Final EIR). As discussed above, the Proposed Project's impacts to this species would be mitigated by following the provisions set out in the Otay Ranch RMP (including restoration of Munz's sage dominated CSS), and conveyance of land to the Otay Ranch/MSCP Preserve as required by the Otay Ranch RMP. Therefore, impacts to species addressed in the Otay Ranch RMP would be less than significant. For additional information on Munz's sage, please see revised

language in Section 2.4.3.1 of the Final EIR, as it relates to impacts on County List A and B Plants.

In addition, Munz's sage is a California Rare Plant Rank (CRPR) 2B.2 species, indicating it is moderately threatened in California, but more common elsewhere. Given preservation of large areas of potential habitat for this species, and 6,464 known individuals, in the Otay Ranch RMP Preserve and Conserved Open Space and its wide distribution in the Project Area, a direct impact to approximately 11,713 individuals is not expected to impact the local long-term survival of this species. The impacts to Munz's sage would be mitigated to less than significant through conveyance of Otay Ranch RMP Preserve and preservation within Conserved Open Space and restoration of Munz's dominated CSS as required by the RMP.

It should be noted that Munz's sage was added to Final EIR Table 2.4.7, Summary of Impacts to Sensitive Plants – List A and B. This table provides a summary of the impact analysis and significance determination. This species has been added to this table in the Final EIR. The revision does not result in a new or greater significant impact. Please also refer to **Response to Comment O-5-6**.

O-5-15 The commenter questions the accuracy of the estimate for Munz's sage and the timing of the surveys given that the Draft EIR indicates that more individuals could occur in the Project Area. The commenter also questions why CDFW survey protocols were not followed.

As an initial matter, CEQA does not require that surveys for any species follow any particular protocol.

The Draft EIR, Section 2.4.1.5, Special Status Plants, pages 4.2-29 and 4.2-30 characterizes Munz's sage as common and occurring throughout coastal sage scrub and chaparral in the Project Area. This conclusion was repeated in the MSCP EIS/EIR, which explains why the Wildlife Agencies did not consider it necessary to include Munz's sage as a "Covered Species" under the plan (see MSCP EIS/EIR Responses to Comments 26(w)). Although not all *Salvia* individuals could be identified to species due to the timing of the rare plant surveys, approximately 18,178 individuals were confirmed as Munz's sage. Munz's sage occurs throughout the Project Area (Figures 2.4-10 through 2.4-10cc). The Proposed Project would affect 11,812 of these plants. Within the 1,369-acre Project Area, Munz's sage was observed on approximately 67.1 acres, of which 48.2 acres would be disturbed and 19 acres would be preserved. Note also that of the 150 Munz's sage occurrences (ranch-wide) mapped as part of the 1993 PEIR, the Proposed Project, along with the other

Otay Ranch projects, would preserve approximately 105 occurrences (i.e., 70 percent). Given the species' low listing status, impacts to this species would not be significant impact. Since Munz's sage is common and widely distributed within the Project Area, with an estimated 18,178 individuals, and the low listing status, the fact that not all individuals could be positively identified to species level because of survey timing is not a substantial limitation for analyzing impacts. In addition, the RMP requires restoration for Munz's sage-dominated coastal sage scrub and the amount of restoration required is based on density of the plant within areas of coastal sage scrub and not individuals.

Field survey methods and mapping of rare plants generally conformed to CNPS's *Botanical Survey Guidelines* (CNPS 2001); *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (CDFG 2000); and *General Rare Plant Survey Guidelines* (Cypher 2002). (Draft EIR, Appendix 2.4-1. Biological Resources Technical Report, Section 3.3.1 Focused Surveys and Habitat Assessment for Special-Status Plants, page 55). Rare plant surveys over the four survey years (2014 through 2017) ranged from early April to early June, capturing the peak flowering periods for the large majority of the special-status plants potentially occurring in the Project Area. Further, protocol surveys for California gnatcatcher, Quino checkerspot butterfly, Hermes Copper butterfly and San Diego Fairy Shrimp were conducted.

O-5-16 The commenter questions why there is no avoidance or mitigation for 100% take of Palmer's grapplinghook.

Palmer's grapplinghook was observed within the center of the southern portion of the Village 14 Development Footprint at five locations totaling 40 individuals, but it was not observed in the Otay Ranch RMP Preserve within the Project Area (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-30). The County agrees that the Proposed Project would impact the 40 individuals of Palmer's grapplinghook (see Draft EIR, Table 2.4-6, page 1.4-269).

There is no mitigation proposed for Palmer's grapplinghook because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174). Nevertheless, impacts to all 40 individuals would be mitigated by following the guidelines of the Otay Ranch RMP and conveying the required acreage to the Otay Ranch RMP Preserve through mitigation measure M-BI-3 and additional habitat through M-BI-4.

In addition, Palmer's grapplinghook is a CRPR 4.2 species, indicating it has a limited distribution and is moderately threatened in California. Given its low sensitivity ranking and that it is known from 40 quads in Southern California (CNPS 2017), impacts to 40 individuals is not expected to impact the local long-term survival of this species (Draft EIR, Table 2.4-8, Summary of Impacts to Sensitive Plants – List C and D, page 2.4-172).

O-5-17 The commenter questions the accuracy of the estimate for Palmer's grapplinghook given that the Draft EIR indicates that more individuals could occur in the Project Area and questions why CDFW survey protocols were not followed.

See **Response to Comment O-5-15**.

O-5-18 The commenter questions why there is no avoidance or mitigation proposed for the 56 Robinson's pepper-grass individuals not covered by mitigation measure M-BI-11.

Section 2.4.3.1 of the Final EIR has been revised to include information that clarifies the impacts to, and mitigation for, Robinson's pepper-grass. Specifically, fourteen Robinson's pepper-grass occurrences were observed in two concentrated areas within Village 14, including 168 individuals within the Development Footprint and 6 individuals within the proposed conveyance area to the Otay Ranch RMP Preserve (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-29). Of the 168 individuals directly impacted in on-site areas of the Project Area, 112 individuals occur in PV2 and PV3. Impacted individuals within PV2 and PV3 are subject to the BMO mitigation requirement of a 2:1 ratio (i.e., 224 individuals), resulting in a net gain of individuals. Six individuals would be preserved on site, with remaining mitigation required for an additional 218 individuals (Draft EIR, Appendix 2.4-1. Biological Resources Technical Report, Appendix A, page 79) thus resulting in no-net-loss of the species. This additional mitigation may occur through incorporation of the species in a conceptual upland and wetlands restoration plan, restoration of disturbed areas within the Otay Ranch RMP Preserve, or incorporation into a conceptual wetlands mitigation plan under mitigation measure M-BI-11 (Resource Salvage and Restoration Plan), described above in **Response to Comment O-5-10**. The remaining on-site impacts to the 56 individuals (i.e., 168 minus 112 in PV2 and PV3) indicated in the comment would be mitigated with existing populations in the Otay Ranch RMP Preserve by following the guidelines of the Otay Ranch RMP Preserve and conveying agreed-upon acreage to the Otay Ranch RMP Preserve through implementation of mitigation measure M-BI-3 (Habitat Conveyance and Preservation) and additional habitat in Conserved Open Space through M-BI-4 (Biological Open Space Easement). This mitigation may include preservation of off-

site populations of the species should they occur within the off-site preservation required for the Proposed Project. Please also refer to **Response to Comment O-5-6**.

O-5-19 The commenter questions why the survey data for Robinson's pepper-grass only show observations in 2016, a dry year. The commenter also questions why surveys were not conducted in 2017, a wet year, especially because according to the commenter populations can vary two orders of magnitude.

Special-status plant surveys were conducted throughout the Project Area in 2014 and 2015, and for portions of the Project Area in 2016 and 2017, as explained in **Response to Comment O-5-7**. Therefore, surveys were conducted over multiple years in order to establish a baseline population for purposes of CEQA. CEQA does not require "wet-year surveys."

O-5-20 The commenter asks why mitigation is not based on the wet-year population. CEQA does not require that mitigation measures be based on "wet-year populations."

In addition, mitigation for Robinson's pepper-grass is not based on the wet-year population because surveys were not conducted in Village 14 in 2017, as explained in **Response to Comment O-5-7** and **O-5-19;** therefore, there are no data to provide a quantitative base for the mitigation.

O-5-21 The commenter questions why there is no avoidance or mitigation proposed for the 39% take of San Diego County needle grass.

A total of 168 San Diego County needle grass individuals was observed in Planning Area 16. These include 27 individuals in the Otay Ranch RMP Preserve, 80 individuals in non-graded LDA that would be placed in an open space easement, and 61 individuals in the Development Footprint. An additional 7 individuals were observed within the off-site Planning Areas 16/19 road improvements area (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-32). Of the total 175 individuals within Planning Area 16 and off-site improvement areas, 68 individuals (39%) would be directly impacted.

There is no species-specific mitigation proposed for San Diego County needle grass because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85). Although impacts to this species is not considered significant, suitable habitat for this species would be conserved within the Otay Ranch RMP Preserve (mitigation measure M-BI-3) and within Conserved Open Space (mitigation measure M-BI-4). The Otay Ranch RMP requires an open space easement to be

placed over areas of non-graded LDA which would provide additional habitat preservation. Also see **Response to Comment O-5-16** for significance determination rationale for List D species. Preservation goals for this species are outlined within the Otay Ranch RMP; therefore, conveyance of land to the Otay Ranch RMP Preserve would contribute towards the overall Otay Ranch RMP preservation goals for this species (see **Response to Comment O-5-12**).

San Diego County needle grass was inadvertently omitted from Draft EIR Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-173 through 2.4-175. This table provides a summary of the impact analysis and significance determination. This species has been added to this table in the Final EIR in ~~strikeout~~/underline. The revision does not result in a new or greater significant impact. Please also refer to **Response to Comment O-5-6**.

O-5-22 The commenter questions why there is no avoidance or mitigation proposed for the 25% take of San Diego sagewort.

Three occurrences of San Diego sagewort, totaling 16 individuals, were observed in Planning Area 16: 4 individuals in the Otay Ranch RMP Preserve, 4 individuals in the Development Footprint, and 8 individuals in non-graded Limited Development Area which would be placed in an open space easement (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-30 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174). There is no mitigation proposed for San Diego sagewort because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174), and as explained in **Response to Comment O-5-16**. Preservation goals for this species are outlined within the Otay Ranch RMP; therefore, conveyance of land to the Otay Ranch RMP Preserve would contribute towards the overall Otay Ranch RMP preservation goals for this species (see **Response to Comment O-5-12**).

O-5-23 The commenter questions why there is no avoidance or mitigation proposed for the 36% take of San Diego County viguiera.

San Diego County viguiera is a common shrub in some areas of the coastal sage scrub on site. A total of 18,599 individuals were observed throughout the Project Area (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-31 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-

174). Approximately 6,731 individuals would be impacted by the Proposed Project (see Draft EIR, Table 2.4-6 at page 2.4-169).

No mitigation is proposed for San Diego County viguiera because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174), and as explained in **Response to Comment O-5-16**. As discussed above, the Proposed Project's impacts to species would be mitigated by following the provisions set out in the Otay Ranch RMP and conveyance of land to the Otay Ranch/MSCP Preserve as required by the Otay Ranch RMP. Specifically, as required by the RMP, approximately 0.9 acres of coastal sage scrub dominated by San Diego County viguiera will be mitigated at a 2:1 ratio. Preservation goals for this species are outlined within the Otay Ranch RMP; therefore, conveyance of land to the Otay Ranch RMP Preserve would contribute towards the overall Otay Ranch RMP preservation goals for this species (see **Response to Comment O-5-12**). Please also refer to **Response to Comment O-5-6**.

O-5-24 The commenter questions why there is no avoidance or mitigation proposed for the 100% take of western dichondra.

Nine occurrences of western dichondra were observed within four general areas of the Village 14 Development Footprint totaling 0.23 acres and 1 occurrence totaling less than 0.05 acres was observed in Planning Area 16 Conserved Open Space (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-30 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174). There is no mitigation proposed for western dichondra because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85, and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174), and as explained in **Response to Comment O-5-16**. Preservation goals for this species are outlined within the Otay Ranch RMP; therefore, conveyance of land to the Otay Ranch RMP Preserve would contribute towards the overall Otay Ranch RMP preservation goals for this species (see **Response to Comment O-5-12**).

O-5-25 The commenter questions why there is no avoidance or mitigation proposed for the 100% take of graceful tarplant.

One population of 5 graceful tarplant individuals was observed in the southern Village 14 Development Footprint and 15 individuals were observed in the Planning

Area 16 Development Footprint (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-30 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174). There is no mitigation proposed for graceful tarplant because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174), and as explained in **Response to Comment O-5-16**.

O-5-26 The commenter questions whether the total count of 20 graceful tarplant individuals is accurate considering that the survey was conducted in a drought year, and whether thousands of individuals could be impacted without mitigation.

The surveys conducted in 2014 and 2015 for the entire Project Area and the survey conducted in Village 14 in 2016 were in drought years, but the survey in Planning Area 16 was conducted in 2017, a wet year. It is unknown whether the 2016 data are an undercount, but the 15 individuals observed in 2017 in Planning Area 16 suggests that the population Village 14 is unlikely to be in the thousands. In any case, even if the 2016 data reflect an undercount of the extant population in Village 14, the rationale for a less-than-significant finding and the fact that habitat conveyance to the Otay Ranch RMP Preserve would benefit this List D species, as explained in **Response to Comment O-5-16**, would still apply to graceful tarplant.

O-5-27 The commenter questions why there is no avoidance or mitigation proposed for the 50% take of golden-rayed pentachaeta.

Approximately 12,608 golden-rayed pentachaeta individuals were observed within the Project Area, including 10,267 individuals in Planning Area 16 and 2,341 individuals in Village 14, and of which approximately 6,350 individuals would be directly impacted (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-31 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174). There is no mitigation proposed for golden-rayed pentachaeta because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174), and as explained in **Response to Comment O-5-16**.

O-5-28 The commenter states that the count of golden-rayed pentachaeta is "suspiciously accurate" given a survey rate of an acre per/hour, that individuals are "tiny" annuals,

and that occurrences of other small plants such as western dichondra and ashy spike-moss are reported as acreages.

The methods, including survey rate, precision of counts, and accuracy of the special-status plant surveys are discussed in **Response to Comment O-5-32** and **Response to Comment O-5-40**.

O-5-29 The commenter questions whether the count of golden-rayed pentachaeta is low because the survey was conducted in a drought year.

As noted in **Response to Comment O-5-26,** the survey in Village 14 was conducted in 2016, a drought year, but the survey in Planning Area 16 was conducted in 2017, a wet year. As with graceful tarplant, as explained in **Response to Comment O-5-26**, if the 2016 data reflect an undercount of the extant population of golden-rayed pentachaeta in Village 14, the rationale for a less-than-significant finding and the fact that habitat conveyance to the Otay Ranch RMP Preserve would benefit this List D species would still apply to golden-rayed pentachaeta.

O-5-30 The commenter questions why there is no avoidance or mitigation proposed for the 55% take of ashy spike-moss.

Ashy spike-moss was observed throughout certain portions of the Project Area. Specifically, the ashy spike-moss populations covered a total of 1.73 acres in Village 14 and 4.84 acres within Planning Area 16 (Draft EIR, Section 2.4.1.5, Special Status Plants, page 4.2-31 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174).

No mitigation is proposed for ashy spike-moss because it is a County List D species and these impacts are not considered significant (Draft EIR, Section 2.4.3.1, Guideline 4.1: Candidate, Sensitive, or Special-Status Species, page 2.4-85 and Table 2.4.8, Summary of Impacts to Sensitive Plants – List C and D, pages 2.4-172 through 2.4-174), and as explained in **Response to Comment O-5-16**. Preservation goals for this species are outlined within the Otay Ranch RMP; therefore, conveyance of land to the Otay Ranch RMP Preserve would contribute towards the overall Otay Ranch RMP preservation goals for this species (see **Response to Comment O-5-12**).

O-5-31 The commenter indicates that ashy spike-moss is often an indicator of cryptogamic crust which can support other special-status species and asks whether such other species were surveyed for.

Please refer to **Response to Comments O-5-36** through **O-5-39**.

O-5-32 The commenter asks why were CDFW survey protocols not followed, specifically why surveys were not conducted during times when rare plants were blooming or fruiting.

As detailed in **Response to Comment O-5-7**, prior to commencement of plant surveys, nearby reference sites were visited to determine the bloom status of key species, and surveys were initiated within the Project Area based on detection of blooming plants within the reference sites.

O-5-33 The commenter asks why no surveys were conducted for spreading navarretia in 2017, a wet year that allowed for growth of vernal pool plants.

Please refer to **Response to Comment O-5-7** regarding the 2017 surveys. Biologists familiar with vernal pool species conducted wet season vernal pool surveys for the Project Area in 2014/2015 and 2015/2016. These surveys, in conjunction with the 2014, 2016 and 2017 focused rare plant surveys, would have been adequate to locate spreading navarretia if it were present.

O-5-34 The commenter asks whether winter surveys were conducted for California adders'-tongue, noting in his experience it has only been detectable from December to March on Del Mar Mesa, and that according to the San Diego Plant Atlas it has been collected within the "Project Site."

The County appreciates the commenter's information regarding the limited time period for detectability of this species on Del Mar Mesa. However, based on various sources, California adders'-tongue blooms aboveground and blooms from December to June (CNPS 2018; Jepson eFlora 2018; and Calflora 2018).

It is unknown whether environmental or ecological conditions specific to Del Mar Mesa play a role in limiting the time period this species is aboveground and detectable, or whether this is a broader regional phenomenon that may apply to the Project Area. In any case, the species was not detected in any of the special-status plant surveys conducted in the Project Area as early as April in the 2014 through 2017 surveys. While the species was not documented during the surveys, there are two records in the California Consortium of Herbaria of this species nearby the Project Area. The County further notes that California adders'-tongue is a County List D species and impacts would be less than significant based on the treatment of List D species in the Draft EIR, as explained in **Response to Comment O-5-16**. In particular, by following the guidelines of the Otay Ranch RMP and conveying the agreed-upon acreage to the Otay Ranch RMP Preserve through mitigation measure

M-BI-3 and additional habitat through M-BI-4, any potential impacts to List D species would be mitigated to less than significant.

O-5-35 The commenter asks whether surveys were conducted for little mousetail.

Little mousetail was not observed during focused rare plant surveys conducted for the Proposed Project nor was it observed during focused surveys for listed large branchiopods. Please refer to Appendix I1, Special-Status Plant Species Observed or Potentially Occurring in the Project Area, to the Biological Resources Technical Report (Appendix 2.4-1 of the Draft EIR). There is one documented occurrence in the California Consortium of Herbaria near Proctor Valley Road outside of the Project Area. However, because it is a MSCP Covered Species and a County List C species, it was not discussed in the Draft EIR for two reasons: (1) Covered Species would be mitigated through conveyance of habitat to the Otay Ranch/MSCP Preserve (e.g., see **Response to Comment O-5-8**) and (2) as a List C species, impacts would have been considered less than significant in any case (see **Response to Comment O-5-16**).

O-5-36 The commenter asks if proper surveys were carried out for Campbell's liverwort (*Geothallus tuberosus*, CRPR List 1B.1), bottle liverwort (*Sphaerocarpos drewei*, CRPR List 1B.1), and woven-spored lichen (*Texosporium sancti-jacobi*, CRPR List 3).

Surveys for non-vascular species were habitat based, due to the difficulty detecting these diminutive species. As noted by the commenter, the habitat for these species is vernal pools and perched water tables in undisturbed cryptogamic crust. Vernal pool habitats do not occur within the Project Area. There is one vernal pool (B2) located outside the Project Area but within the defined study area for vernal pool branchiopods habitat assessment and surveys. The study area used for conducting vernal pool branchiopods habitat assessment and surveys included areas outside of the Project Area that could be impacted by the Proposed Project. Areas that support a perched water table are associated with road ruts, and are disturbed. Therefore, the potential for the presence of these species was determined to be low.

O-5-37 The commenter asks if proper habitat occurs on the "Project Site" for any of the non-vascular species noted in comment O-5-36.

Please refer to **Response to Comment O-5-36** regarding suitability of habitat and surveys.

O-5-38 The commenter notes that undisturbed cryptogamic crust may be present on site, associated with ashy spike-moss, and that the undisturbed cryptogamic crust may be suitable habitat for the non-vascular species noted in comment O-5-36.

The Project Area supports ashy spike-moss. However, as noted in **Response to Comment O-5-36**, the Project Area does not support vernal pools or undisturbed areas with perched water tables that would be suitable habitat for these species.

O-5-39 The commenter asks if good soil crusts were seen near old chaparral, and if soil crust lichens were plentiful.

The Project Area supports chaparral habitat and soil crusts. However, the chaparral habitat and soil crusts are not associated with vernal pools or undisturbed perched water tables. Please refer to **Response to Comment O-5-36** regarding suitability of habitat and surveys.

O-5-40 The commenter asks whether survey efforts were sufficient given that the majority of surveys were conducted in the drought years of 2014 and 2015. The comment asks why more surveys were not conducted in 2017.

With respect to the overall adequacy of the surveys please refer to **Response to Comment O-5-41**. With respect to the limited 2017 surveys, please refer to **Response to Comment O-5-7**. The surveys conducted in 2014 and 2015 for the entire Project Area and the surveys in Village 14 conducted in 2016, were during below average rainfall years. The survey in Planning Area 16 conducted in 2017 was during an above-average rainfall year.

O-5-41 The commenter asks if the rate of surveys was adequate to detect and map special-status species, particularly small plants.

The botanical surveys were conducted over a 3-year period between 2015 and 2017. Multiple passes during variable seasonal conditions increases the probability of detecting special-status plant species, particularly small annual species that grow in response to favorable weather patterns. Several small annual species (e.g., delicate clarkia, western dichondra, Palmer's grapplinghook, Robinson's peppergrass, golden-rayed pentachaeta) were detected and mapped during the surveys indicating that the rate of surveys was adequate to detect and map small species.

O-5-42 The commenter asks if surveys were sufficient to find all variegated dudleya (*Dudleya variegata*).

Variegated dudleya was one of the target species for the survey effort, and was discovered on site during the surveys (see Draft EIR at page 2.4-28). The surveys were conducted during the blooming period when the yellow flowers of this species are open and the species is most easily detectable. Therefore, surveys for this species were considered to be sufficient.

The County further refers the commenter to page 2.4-122 of the Draft EIR, which analyzes the Proposed Project's impacts to narrow endemic species. As analyzed therein:

> Approximately 35 variegated dudleya individuals were recorded within the southern portion of the Village 14 Development Footprint. Since variegated dudleya is a narrow endemic, additional mitigation in the form of translocation and plantings would be provided (M-BI-11). In addition to relocation of existing populations for variegated dudleya to a suitable receptor site within the MSCP Chula Vista Subarea Plan Preserve, a Biological Resource Salvage Plan would require additional plantings of this species to achieve a 2:1 mitigation ratio.

Through implementation of the recommended mitigation measures, the Draft EIR determined that impacts to variegated dudleya would be reduced to less than significant. See also Table 2.4-7 on page 2.4-170 of the Draft EIR.

O-5-43 The commenter asks whether surveys for San Diego barrel cactus were adequate to find all individuals, especially given that more than 50% will be impacted.

San Diego barrel cactus is a perennial cactus and easily detected during any time of the year. The 2014–2017 plant surveys were sufficient to detect and map this species. Also see **Response to Comment O-5-41**.

O-5-44 The commenter asks why no vernal pool indicator plants are on the species list.

While there is a vernal pool near the Project Area (B2), it occurs off site (see **Response to Comment O-5-36**). The depressions within the Project Area that were surveyed for fairy shrimp are road ruts. Vernal pool indicator plant species were not observed within or associated with these depressions. Therefore, vernal pool indicator species were not observed during surveys for the Project Area, and thus were not included in the plant compendium.

O-5-45 The commenter asks why vernal pool indicator plants were not noted, considering they are known to occur in Proctor Valley.

The County refers the commenter to **Response to Comment O-5-44** regarding vernal pool indicator species.

O-5-46 The commenter asks why no vernal pool indicator plants were noted when there were surveys conducted for fairy shrimp.

The County refers the commenter to **Response to Comment O-5-44** regarding the presence of vernal pool indicator species. Two full years (2014/2015 and 2015/2016) of protocol surveys, each consisting of both wet and dry surveys, were conducted for listed large branchiopods. All features with the potential to be affected by the Proposed Project were surveyed. The USFWS survey protocol states "A complete survey consists of one wet season survey and one dry season survey conducted and completed in accordance with these guidelines and conducted within a 3-year period" (USFWS 2015). Therefore the Proposed Project met its survey requirements for vernal pools according to the USFWS protocol.

O-5-47 The commenter asks whether vegetation restoration is sufficient to support both plants and animals, or will it fail. For example, CNPS has found problems with *Phytophthora* species (water molds) being propagated through native plant nurseries and transferred to the wild.

A habitat restoration plan would be prepared to address restoration of temporary impacts in accordance with mitigation measure M-BI-12. The restoration plan will require approval and will include ensuring healthy, disease-free plants are used for restoration. The plan will include a diverse plant palette suitable for wildlife. The plan will outline maintenance measures to address pests and disease. The plan would be performance based, and will include an implementation plan, maintenance and monitoring program, estimated completion time, 80% success criteria, and any relevant contingency measures to ensure that no-net-loss is achieved.

O-5-48 The commenter questions whether wildlife corridors will be protected for plant pollination and dispersal throughout the construction phase of the Proposed Project and thereafter.

As described in the Draft EIR, Section 2.4.1.8, Wildlife Corridors and Habitat Linkages, pages 2.4-54 through 2.4-56, the local and regional wildlife corridors are primarily located in open space areas managed by various entities and programs such as CDFW, BLM, the Otay Ranch RMP Preserve, and the MSCP Preserve. However, the Draft EIR, Section 2.4.3.4, Guideline 4.4: Wildlife Movement and Nursery Sites, does address potential temporary construction-related indirect impacts to wildlife

corridors under two County guidelines. (1) Guideline 4A: Would the project impede wildlife access to foraging habitat, breeding habitat, water sources, or other areas necessary for their reproduction? and (2) Guideline 4D: Would the project increase noise and/or nighttime lighting in a wildlife corridor or linkage to levels likely to affect the behavior of the animals identified in a site-specific analysis of wildlife movement?

Under both guidelines, the Draft EIR concludes that significant temporary construction-related indirect impacts could occur to wildlife movement and corridors (e.g., inadvertent clearing or trampling of vegetation outside the authorized development footprint, lighting, noise) and provides mitigation to reduce potential indirect impacts to less than significant, including mitigation measures M-BI-1 (biological monitoring), M-BI-2 (temporary construction fencing), M-BI-12 (restoration of temporary impacts), M-BI-18 (noise), and M-BI-20 (lighting). These mitigation measures will serve to mitigate potential effects on plant pollinators (e.g., various insects) and potential plant and seed dispersers (e.g., birds and mammals) by maintaining habitat suitability within the corridors for these species during construction. Common highly mobile pollinators such as European honeybees (*Apis mellifera*) should not be inhibited by construction activities.

O-5-49 The commenter asks what will the effect of construction activities be on existing wildlife corridors through the site.

Please refer to **Response to Comment O-5-48**.

O-5-50 The commenter asks what effects to plant movement through pollination and dispersal will occur from traffic when the Proposed Project is completed. The main potential effects of traffic on wildlife movement, including pollinators/dispersers, would occur at various locations where roads cross the wildlife corridors. At-grade crossings by insects, birds and mammals will result in collisions, but it is expected that successful crossings will occur frequently enough both at grade and at planned wildlife crossings such that plant pollination/dispersal will occur at levels sufficient to maintain genetic flows and plant recruitment. Four wildlife crossings would be provided as design features of the Proposed Project (see Draft EIR Figure 2.4-16). Three crossings were designed to facilitate wildlife movement under Proctor Valley Road, and one crossing is planned for an internal road to a residential area (R12) which crosses over L4 (Draft EIR, Section 2.4.3.4, Guideline 4.4: Wildlife Movement and Nursery Sites 2.4-103). Design parameters (i.e., width, height, substrate and fencing) of the crossing are described in more detail in Draft EIR, Appendix 2.4-1. Biological Resources Technical Report, Section 5.5.1, Direct Impacts to Habitat Connectivity and Wildlife Corridors, page 461. The design of the

wildlife crossings were developed to incorporate the MSCP County Subarea Plan design criteria guidelines for culverts and wildlife crossings to the extent feasible and also to be consistent with the scientific literature to the maximum extent practical. In general, the wildlife crossings would be large and open enough for mule deer passages which will accommodate many other smaller species that may be pollinators/dispersers.

O-5-52 The commenter asks what impacts will occur from uses such as mountain biking. The commenter also asks whether has there been outreach to the mountain bike community; have they participated in trail design meetings; what land management practices will be used to minimize illegal trails; and how many people will be hired for this effort.

Impacts from off-road use/human activity, including mountain biking, is analyzed as an indirect effect in the Draft EIR Section 2.4.3.1. The Otay Ranch RMP Preserve is managed by the Preserve Owner/Manager (POM) via the guidelines provided in the Otay Ranch RMP. The Otay Ranch RMP Phase I identifies Preserve areas within Otay Ranch and contains policies for species and habitat conservation and long-term management of the Otay Ranch RMP Preserve. The Draft Otay Ranch RMP Phase II includes Otay Ranch-wide studies that provide details on conveyance, management, and funding for the Otay Ranch RMP Preserve. Portions of the RMP Phase II were adopted by the County of San Diego, and the Otay Ranch RMP has been incorporated in the City of Chula Vista MSCP Subarea Plan (City of Chula Vista and County of San Diego 1993a). The County of San Diego and the City of Chula Vista were in the process of updating the Phase 2 Otay Ranch RMP as of the writing of the Draft EIR. The Otay Ranch RMP Preserve was designed and is managed specifically for protection and enhancement of multiple species present on Otay Ranch. These guidelines include management of illegal access and unauthorized trail use.

The remaining questions regarding coordination with the mountain biking community and land management practices do not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-53 The commenter asks about the effects of invasive species on the "unbuilt" areas and what will be done about controlling invasive species, and includes a list of invasive plants species that are common in Southern California.

For purposes of this response, it is assumed that the term "unbuilt areas" refers to the Otay Ranch RMP Preserve, Conserved Open Space, and ungraded-LDA in proximity to development. The Draft EIR includes three main approaches to controlling long-

term indirect impacts of invasive plants and animals: (1) the Preserve Edge Plan (Otay Ranch Village 14 and Planning Areas 16/19 Specific Plan, Appendix Preserve Edge Plan); (2) mitigation measures; and (3) Otay Ranch RMP Preserve and Conserved Open Space management.

The Preserve Edge Plan includes a 100-feet buffer between development and Otay Ranch RMP Preserve and Conserved Open Space. The Preserve Edge Plan also cites Otay Ranch RMP (Policy 7.2) Guideline: 5) Landscaping or block walls shall be used in appropriate areas adjacent to the edge to reduce impacts of noise and light. Appropriate landscaping and block walls will also serve to inhibit the spread of invasive species.

The Preserve Edge Plan describes water quality and drainage facilities in the buffer zone within 100 feet of the Preserve edge. These facilities include a hydro-modification/water quality basin, canyon subdrains, a culvert, storm drain outlets and maintenance access roads. In addition, drainage will generally be controlled by requiring that all new and proposed parking lots and developed areas in and adjacent to the Otay Ranch RMP Preserve must not drain directly into the Preserve. These design features will help prevent hydromodification of open space areas that could facilitate colonization by invasive plants and animals (e.g., Argentine ants).

The Preserve Edge Plan also addresses landscape materials such that "where feasible, plant materials used to landscape manufactured open space, road cuts/fills and recreational facilities should consist of native species similar/compatible with the adjacent habitat in the preserve. If possible, those species should be based on plants with genetic materials of the area" (Preserve Edge Plan, page 27). Using native plants for landscaping will reduce the chance of invasive plant species colonizing the Otay Ranch RMP Preserve and Conserved Open Space. Best management practices would be employed along Otay Ranch RMP Preserve and Conserved Open Space interfaces with Development, including irrigation measures (e.g., automatic shut-off valves and soil moisture probes) to avoid excessive runoff into the Otay Ranch RMP Preserve and invasive plant materials and management. An Approved Plant List has been developed for landscaping within the 100-feet buffer that excludes any invasive species. The Draft EIR, Section 2.4.3, Analysis of Project Effects and Determination as to Significance, provides a summary on the intent and function of the 100-foot Preserve edge buffer (see also **Responses to Comments O-5-52** and **O-5-54**). A full description of the Preserve edge is project in the *Preserve Edge Plan: Otay Ranch Village 14 and Planning Areas 16/19*, which is Appendix 1 of the Specific Plan. Weeding would be performed as needed in the 100-feet buffer on manufactured slopes adjacent to the Otay Rach RMP Preserve. As stated in the Preserve Edge Plan,

weed control efforts shall occur quarterly, or as needed, to provide weed control to ensure that no invasive species migrate into the adjacent Otay Ranch RMP Preserve. Either the Home Owners Association (HOA) or County's landscape monitoring firm would be responsible to check the irrigated slopes during plant establishment to verify that excessive runoff does not occur and that any weed infestations are controlled.

Several mitigation measures in the Draft EIR will help prevent invasive plant and animal species from entering the Otay Ranch RMP Preserve and Conserved Open Space. Mitigation measure M-BI-5 (permanent fencing and signage) will include an open space wall in designated areas, as described in the Preserve Edge Plan. Mitigation measure M-BI-14 (stormwater pollution plan) requires the Proposed Project applicant or its designee shall develop a stormwater pollution plan prior to issuance of grading permits in portions of the Development Footprint that are adjacent to the Otay Ranch RMP Preserve. Mitigation measure M-BI-16 (Prevention of Invasive Plant Species) requires the County-approved plant list, as described in the Preserve Edge Plan and summarized above. Mitigation measure M-BI-19 (Fire Protection) requires all features of the Fire Protection Plan for Otay Ranch Village 14 and Planning Areas 16/19 to be implemented in conjunction with development of the Proposed Project to minimize the potential exposure of the Project Area, including the Otay Ranch RMP Preserve and Conserved Open Space, to fire hazards. Reducing fire hazards in the Project Area will help deter invasive species colonization in the Otay Ranch RMP Preserve and Conserved Open Space and potential type conversions of habitat, such as coastal sage scrub to annual grassland if fires become too frequent.

Finally, the Otay Ranch RMP Preserve has mechanisms in place that require long term funding for the RMP Preserve that will (CFD No. 99-7 was formed for the City of Chula Vista projects and the County will condition unincorporated projects to form a similar funding program) allow management of the Otay Ranch RMP Preserve system that includes habitat management activities. For example, invasive species treatments are described in the *Phase 2 Resource Management Plan* (April 2015), including non-native vegetation treatment and removal and brown-headed cowbird trapping.

O-5-54 The commenter asks what will be done to control the spread of invasive species

A Preserve Edge Plan has been prepared for the Proposed Project, as required by the Otay Ranch RMP. As described in **Response to Comments O-5-52 and O-5-53**, the Preserve Edge Plan includes the Fire Management Zone (FMZ) adjacent to the Otay Ranch RMP Preserve. The Proposed Project would include a 100-foot Preserve edge buffer, which is detailed in the Preserve Edge Plan. The Preserve edge is a 100-foot

buffer between the Preserve and development and is not located within the Otay Ranch RMP Preserve. The 100-foot buffer is intended to lessen the edge effects of development on the Otay Ranch RMP Preserve. The Preserve Edge Plan details the uses allowed within the 100-foot-wide Preserve edge and provides a list of plant species that are appropriate adjacent to the Otay Ranch RMP Preserve. Non-native invasive species are prohibited from the buffer along the Preserve edge. The Preserve Edge Plan (RH Consulting Group et al. 2018) also addresses drainage, toxic substances, lighting, noise, and fencing (page 2.4-72 of the Draft EIR).

O-5-55 The comment restates information contained in the Draft EIR that the Project Area is within the area that burned in the 2007 Harris Fire and that there have been occasional fires since 1910, as detailed in Section 2.2.6, Fire History, of Appendix 3.1.1-2, Fire Protection Plan (FPP), of the Draft EIR. The Project Area fire history and potential for future fires were analyzed within Appendix 3.1.1-2 and informed design, layout, and fire protection features that would be requirements of the Proposed Project.

The County notes that, due to its location, the Proposed Project is required by the San Diego County Consolidated Fire Code, County Building Code, and SRA Fire Safe Regulations detailed in 14 CCR 1270 et seq. to incorporate fire protection features for structures, fire apparatus access, water availability, defensible space, and community "hardening" against the types of wildfires that the area is subject to. The Proposed Project meets or exceeds all of these requirements.

O-5-56 The comment restates information contained in the Draft EIR regarding the Proposed Project's compliance with applicable requirement and fire codes. The comment questions the determination of a less-than-significant impact relating to wildfire hazards. The Draft EIR analyzed the Proposed Project in conformance with the County's Guidelines for Determining Significance: Wildland Fire and Fire Protection. As stated on page 3.1.1-24, of the Draft EIR:

> An affirmative response to, or confirmation of, any one of the following guidelines would generally be considered a significant impact related to wildland fire and fire protection as a result of a project, in the absence of evidence to the contrary (County of San Diego 2010b):
>
> - A comprehensive Fire Protection Plan has been accepted, and the project is inconsistent with its recommendations.
> - The project does not meet the emergency response objectives identified in the Public Facilities Element of the County General Plan

or offer feasible alternatives that achieve comparable emergency response objectives.

- The project cannot demonstrate compliance with all applicable fire codes.

The Draft EIR analyzed the Proposed Project against these thresholds and determined that the "Proposed Project demonstrates compliance with applicable fire codes, consistency with the Proposed Project's FPP, and the ability to meet the County's emergency response objectives. Table 3.1.1-2 lists project design features that exceed code standards" (page 3.1.1-29 of the Draft EIR).

The County also refers the commenter to Appendix 3.1.1-2, FPP, which analyzed whether the Proposed Project would comply with the strict requirements for building in fire hazard severity areas and wildland/urban interface areas. Refer to **Response to Comment O-6-201**.

Because the analysis did not indicate a significant impact associated with any of these criteria questions, the result is that the conclusions are justified under the CEQA significance criteria.

O-5-57 The comment questions whether the County was able to provide adequate emergency response to the 2007 fires, and, if not, how the County would now be able to provide adequate response with more people in the area. The County acknowledges that the comment addresses the 2007 fires and does not address a specific inadequacy of the analysis contained in the Draft EIR. The County refers the commenter to **Response to Comment O-5-56**, above, regarding the finding of less-than-significant impacts in the Draft EIR.

The County acknowledges the comment regarding fire response adequacy. The San Diego County Guidelines for Determining Significance: Wildland Fire and Fire Protection for Fire Hazard and Risk Analysis requires evaluation of fire response for the Proposed Project. Fire response to large wildfires is provided on a larger scale by several agencies and is evaluated outside of project-level assessments. Project-level evaluations are limited to determining whether the County's travel time standards can be met, and whether the response is adequate for the various types of emergency calls that may be generated.

Wildfires occur in Southern California on a periodic basis, and have for many thousands of years. Many of the vegetation types and plant species have adapted to this fire regime and quickly re-sprout. Therefore, because wildfires periodically occur in native vegetation in San Diego County, and because the desire to preserve open

space ensures that large tracts of native vegetation will be bordered by developed areas, there will continue to be a fire threat in Southern California. This fire threat has been identified in previous projects, and measures to protect people and structures have been developed and applied in many master-planned communities. The results have found that the protection features are working to protect these communities. Dense development with an unbroken landscape (as opposed to low-density wildland/urban intermix projects) has been found to perform well against wildfires (Syphard et al. 2015; IBHS 2008).

As summarized in Section 3.1.1.2.4, Wildfire Hazards, of the Draft EIR, and further detailed in Appendix 3.1.1-2, the Proposed Project would include a robust fire protection system that employs land use planning, site design, and ignition-resistant materials and methods to minimize fire risk and provide a "fire-hardened" development. This same robust fire protection system that would protect the Proposed Project's structures, persons, and property would also protect on-site fires from spreading to off-site vegetation. Accidental fires within the landscape or structures in the Project Area would have limited ability to spread because the landscape throughout the Project Area and on its perimeter would be highly maintained and much of it irrigated, which would further reduce its ignition potential. Structures would be highly ignition resistant on the exterior, and the interiors would be protected with automatic sprinkler systems, which have a high success rate for confining fires or extinguishing them. Additionally, Draft EIR Section 3.1.1.2.4 Wildfire Hazards, discussed that, in addition to existing fire protection services for the area, the proposed fire station within the Project Area would reduce the response time to wildfire ignitions and increase the likelihood of successful initial attacks that limit the spread of wildfires.

It is these features that assist fire response by reducing the resources that need to be allocated to structure defense and enabling more resources to be allocated to wildfire suppression. Response to large wildfires in Southern California can be considered successful given the large number of assets needing protection and the seasonal winds that can make wildfire suppression difficult to impossible.

The ignition-resistant requirements for new communities built in fire hazard severity zones have been determined by state and local fire agencies to provide acceptable resistance to ignition from the types of wildland fires produced by the County's wildland fuels, terrain, and weather. San Diego County conducted after-fire assessments that strongly indicate that the building codes are working in preventing home loss. Of the 15,000 structures within the 2003 Cedar Fire perimeter, 17% (1,050) were damaged or destroyed. However, of the 400 structures built to the 2001

codes (the most recent at the time), only 4% (16) were damaged or destroyed. Further, of the 8,300 homes that were within the 2007 Witch Creek Fire perimeter, 17% were damaged or destroyed. Only 3% of the 789 homes that were built to 2001 codes were impacted, and only 2% of the 1,218 structures built to the 2004 codes were impacted. Many of the newer structures that were lost were due to human error (IBHS 2008).

Similarly, of the 194 structures lost or damaged in the Orange County Freeway Complex Fire (2008), there were no structures within the fire perimeter lost that were built to at least the 1996 fire codes (similar to California Building Code Chapter 7-A requirements) enacted by the City of Yorba Linda (OCFA 2008). Those codes require "structure hardening" against wildfire, but are less restrictive and result in less-ignition-resistant structures than current San Diego County Building and Fire Code requirements. Structures built to the 2016 Fire and Building Codes result in highly ignition- and ember-resistant structures. When combined with maintained fuel modification zones, fire apparatus access, water (fire flow), and an equipped and trained responding fire agency, the result is a defensible project.

O-5-58 The comment summarizes and directly quotes a 2011 research article. The comment appears to accurately quote the article, which predominantly supports the findings of the Draft EIR. For example, the quote from the article states that developments have a lower likelihood of burning if they are located away from steep slopes (the Proposed Project is located in a valley, and steep slopes occur at a distance from the Project Area and slope up and away from the area). The quote continues that if homes are arranged in intermediate to high densities, the likelihood of burning is lower; the Proposed Project includes these density levels, with a conversion of flammable fuels to managed, ignition-resistant landscapes and hardscapes.

Further, independent researchers, such as those cited above (see footnotes), have found master-planned communities like the Proposed Project to perform well against wildfires. Newer communities, especially those within jurisdictions that have adopted the latest State Fire and Building Codes (including San Diego County), and that have a well-defined fuel modification zone requirement, perform well against wildfires. Examples of these types of communities include 4S Ranch in San Diego County, Stevenson's Ranch in Santa Clarita, and Serrano Heights and many others in Orange County. Conversely, structures that burn are typically in older communities that were built before strict ignition-resistant construction was required and where suitable fuel modification is not present. Numerous post-wildfire action assessments (San Diego County 2003 and 2007 fire storms) indicate that losses are primarily from older communities, and losses in newer communities are typically limited to damage, not

loss of the structure. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-59 The comment asks why build the Proposed Project in the opposite way recommended by the 2011 article: inland, higher elevation, long two-lane roads, low-density housing, and a complex interface between vegetation and homes. The County notes the Proposed Project would have ignition-resistant structures with interiors protected with automatic sprinkler systems, and would be surrounded by managed, irrigated fuel modification zones. Defensible space was a focus of Appendix 3.1.1-2, Village 14 and Planning Areas 16/19 FPP, and the Proposed Project was designed to cluster development and minimize or avoid islands, peninsulas, and pockets of fuel within the developed areas. On larger lots in Planning Area 16, a fuel modification zone would be provided around structures, along with enforcement and annual inspections to ensure that the fuel modification zones are functioning to the intent of the FPP and County requirements. See the Executive Summary, Section 6, and Figure 6 in Appendix 3.1.1-2, and Draft EIR Table 3.1.1-2.

With respect to the two-lane road accessing the Project Area, the County notes that Proctor Valley Road is a County General Plan Mobility Element roadway, and is proposed to be improved from its current, partially improved condition, and includes a series of roundabouts rather than stop-controlled intersections. The County refers the commenter to Appendix 3.1.1-3, Wildland Fire Protection Plan, and the responses to **Comment Letter O-6.5** (Griffin Cove Transportation), specifically **Responses to Comments O-6.5-8** and **O-6.5-14.**

With respect to the density of the Proposed Project, the County notes that the Proposed Project is consistent with the underlying land use and zoning designations of the County General Plan and Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP). Village 14 would cluster approximately 994 homes at an overall density of approximately 2.4 dwelling units per acre, and would be surrounded by a 100-foot, managed fuel modification zone. Lower-density areas at higher elevations in Planning Area 16 would include additional fuel modification protection around structures, as shown in Figure 6, Typical Lots Greater Than 2 Areas – FMZ Scenarios, of Appendix 3.1.1-2.

With respect to the Proposed Project location and topography, each of these are addressed in Appendix 3.1.1-2. Specifically, please refer to Section 1.3.1, Location and Section 2.2.1, Topography, which have been considered and incorporated into the fire behavior modeling and travel time analyses.

O-5-60 The comment asks why the fire hazard analysis relies on a poorly stated model that focuses exclusively on vegetation characteristics and fire history. The County does not agree that the fire hazard analysis is not adequate. The comment includes inaccurate assumptions about the Proposed Project's fire threat modeling. Please refer to **Response to Comment O-5-61.**

O-5-61 The comment provides results of an analysis of the state's fire hazard maps from a 2011 study.

The County notes that the Proposed Project's fire hazard analysis did not rely solely on the state's fire hazard maps. The fire hazard maps were referenced in Appendix 3.1.1-2, FPP, because those maps determine where a project would be required to incorporate the ignition-resistant codes from Chapter 7A of the California Building Code. The Project Area is considered to be within a Very High Fire Hazard Severity Zone, so it is required to incorporate these measures. As discussed in Sections 2 and 4 of the FPP (Appendix 3.1.1-2 to the Draft EIR), the Proposed Project's fire hazard and risk were based on a site-specific analysis that includes an evaluation of the terrain, fuels, wind alignments, fire history, and overall fire environment. The results of that assessment, not just the state's fire hazard mapping, informed the types of protection features that would be required of the Proposed Project.

Further, the County notes that the referenced Tubbs Fire caused damage primarily to homes that were vulnerable to embers and did not include managed, maintained defensible space. Thus, the County does not agree that the Tubbs Fire should be directly compared to the Proposed Project.

O-5-62 The comment states that the Draft EIR appendices do not support the notion that rapid evacuation is possible, nor shelter-in-place is possible, although the homes are designed to be fire resistant.

The Draft EIR, Appendix 3.1.1-3 Wildland Fire Evacuation Plan was prepared to provide a calculated estimate of the time that may be required for a community-wide evacuation. As indicated therein, it may require 3 hours or more to evacuate the community, depending on road conditions.

The Wildland Fire Evacuation Plan did consider roundabouts, since they are part of the Proposed Project. Traffic studies indicate that roundabouts improve circulation volume. More vehicles per measure of time are able to move through intersections with roundabouts than signalized intersections. Single-lane roundabouts can handle high traffic flows (frequently 2,000 vehicles per hour for a single-lane design) because the

alternation of flows at the intersection is entirely traffic responsive (i.e., motorists do not always have to stop). This is a higher capacity than considered in the Wildland Evacuation Plan. Roundabouts are required to be sized to accommodate two-way traffic entering into the roundabouts, and to accommodate large vehicles, including fire engines.

Further, because there are no urbanized areas in the Project Area where roads are capable of handling a mass evacuation without some delay due to traffic congestion, the Proposed Project's FPP describes a contingency option that is available to law enforcement and emergency response decision-makers. If a scenario occurs, as referenced in the comment, where there is less time available than needed to fully evacuate, a decision to shelter some or all residents on site can be made, since the Proposed Project's homes, school, and other designated areas can provide safe, temporary refuge during a wildfire. Appendix 3.1.1-3, Section 4.2 (page 18) and Section 6 (page 26) discuss potential scenarios where evacuation to the north is not possible due to road conditions or fire approach, and a contingency option is available. Further, Section 3.3.2, Section 4 (page 13), and Section 6.3 (page 30) of Appendix 3.1.1-3 discuss the contingency option of temporarily sheltering on site within protected homes, the school, or other designated areas when road conditions are considered unsafe, which includes the scenario described in the comment. Also as explained in Appendix 3.1.1-3 in Section 6.3 (page 30), although it is not possible to anticipate every type of evacuation scenario, it is possible that problems will arise during an evacuation, and a contingency option needs to be provided. Problems include fires that prevent safe passage along planned evacuation routes, inadequate time to safely evacuate, blocked traffic, and others. The ability of the County Office of Emergency Services, incident command, and on-site law enforcement and fire personnel to direct residents to temporarily remain in their homes provides a contingency option for the Proposed Project if evacuation is considered unsafe.

Village 14 and Planning Areas 16/19 were designed to highly restrictive, ignition-resistant standards that have been proven to work in reducing exposure to wildland fires and minimizing impacts to structures and persons. The fuel modification features will be monitored so that they remain in a functional condition and provide a layered fire protection system. Most newer, master-planned communities offer the contingency option to shelter on site if it is considered safer than evacuation, such as during a short-notice event where roads are blocked, visibility is hampered, or conditions are too unsafe in a vehicle. In these cases, temporarily sheltering in a well-protected structure on site as directed by emergency management personnel may be preferable than a late evacuation.

O-5-63 The comment expresses an opinion that a single fire station is consider sufficient to handle a wildfire risk.

There is no stated or implied notion that the on-site fire station is provided to protect the entire Project Area during a wildfire. The fire station is provided in the Project Area primarily so that fast, reliable emergency response for the Proposed Project and surrounding area meets the General Plan Safety Element travel time standard. Protection during wildfires is provided through fire protection features that are redundant and layered, and have been shown to result in highly defensible structures. These fire protection measures result in a community that may not require heavy response. Rather, it is possible that limited resources can protect the structures because they are designed and constructed to minimize vulnerabilities to fire and embers. The presence of the Proposed Project's fire station would result in fast response to wildfire ignitions in the area, and a likelihood of containment at the incipient stages, which would have a positive impact on limiting the number of acres burned from these types of fires. Further, during large wildfires, fire resources are provided from a variety of fire agencies, including CAL FIRE, which would provide their full weight of fire-fighting resources, including strike teams, ground crews, and aircraft. These significant resources would be used to fight wildfires and protect assets.

O-5-64 The comment expresses an opinion that regarding inclusion of flammable plant species within the Proposed Project's suggested plant list is not acceptable of defensible spaces. The FPP and Preserve Edge Plan species lists has been reviewed based on this comment and there is no conflict between these lists (Appendix 3.1.1-2 of the Draft EIR).

O-5-65 The County acknowledges the comment regarding whether the Proposed Project's homes could be used for shelter-in-place during a wildfire. Please refer the Draft EIR, Appendix 3.1.1-2 (page 34), which states that the Proposed Project is capable of being used as a temporary shelter site during wildfires where it is considered safer to remain in protected structures like the residences, the school, and other locations on site, including some open air locations, than to leave the area during a late-notice evacuation. The Proposed Project's homes include the same features as officially designated "shelter-in-place" communities (such as referenced in Rancho Santa Fe), including ongoing inspections to ensure that the various features are maintained to the FPP's and County's requirements. In addition, as explained in Section 7 of Appendix 3.1.1-2 and Section 5 of Appendix 3.1.1-3, ongoing resident education is mandated to occur at least annually. The Proposed Project's homeowner's association would provide ongoing education and outreach regarding fire threat, evacuations, and the

contingency option if evacuation is not considered safe. Please refer to **Responses to Comments O-5-62** and **O-5-63**.

O-5-66 The comment questions whether Proctor Valley Road is an appropriate evacuation corridor.

The County Consolidated Fire Code allows the fire code official to require additional access for new projects to provide an option in case one or the other is not accessible during an emergency. Proctor Valley Road provides two separated access points into the Project Area—one from the north and one from the south—and would be improved by the Proposed Project to meet applicable codes for width.

Under an evacuation, Proctor Valley Road (west/east directions) would be improved from its current state to facilitate evacuation for existing Jamul residents and project residents; these improvements would include roundabouts instead of intersections to facilitate the flow of traffic through the Project Area, and there are no intersections on Proctor Valley Road from the Project Area south until reaching developed areas in the City of Chula Vista, with a limited number of intersections to State Route 125. Law enforcement and emergency responders would be able to control intersections as part of a pre-planned protocol. Therefore, Proctor Valley Road is considered appropriate for evacuation in this area.

The design capacity of Proctor Valley Road provides a reasonable estimate of the amount of time that may be necessary to move all residents off site, given that there may be other traffic and impedances. However, as explained in Appendix 3.1.1-3, evacuation on Proctor Valley Road is not the only option. Regardless of the length of time needed to evacuate, at any point during an evacuation, evacuations could be ceased and residents, and potentially non-resident traffic, could be directed to shelter on site if it is considered safer than a late evacuation where evacuees could be exposed to fire in their vehicles. The fire from the north/northeast example in the comment would either be a short-notice event, in which case, it would be preferable to shelter on site at the Proposed Project, or it would be a longer-notice event and there would be time to direct traffic out of the area, including traffic from Jamul.

Everyday traffic flow is subject to programmed flow controls at intersections and follows pre-determined signalized patterns, but evacuation traffic is typically allowed to flow more consistently, with intersections controlled by law enforcement personnel, enabling more cars to proceed through intersections. Proctor Valley Road from the Project Area to Chula Vista includes no intersections until within developed

portions of the City of Chula Vista, aiding law enforcement's ability to control down-stream intersections.

Further, if a wildfire occurred during a peak-hour period, law enforcement would likely suspend traffic entering the area from the north and south (unless it was safe to move traffic), minimizing the additional flows of vehicles into the area and opening the road to residents.

In addition, the Jamul community (which is a semi-rural population area located northeast of the Project Area) has a variety of other evacuation routes depending on the location of an approaching fire. Those other routes include State Route (SR) 94 to the west and SR-94 south to Otay Lakes Road and west into the City of Chula Vista. Both SR-94 and Otay Lakes Road near the Project Area are fully improved two-lane roads with paved shoulders.

During a mass evacuation, congestion can occur. During a fire ignited near the Project Area in Santa Ana wind conditions, it is unlikely that a mass evacuation of the Proposed Project would be enacted; rather, Appendices 3.1.1-2 and 3.1.1-2 anticipate that some residents could remain on site in protected homes, the school, or other designated fire-safe areas. The availability of the contingency plan to temporarily shelter on site alleviates the reliance on Proctor Valley Road to evacuate all residents when there may not be enough time to do so.

O-5-67 The comment expresses an opinion that raises economic, social, or political issues (fiscal impacts of fire service) that do not appear to relate to any physical effect on the environment. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore no further response is required or provided.

O-5-68 The County acknowledges the comment and notes that it provides the opinion of the commenter and does not raise any new issues with the Draft EIR or its analysis. Please refer to **Responses to Comments O-5-55** through **O-5-67**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-69 The comment expresses an opinion that the Draft EIR is insufficient because it does not include certain case law.

The County in response notes that CEQA does not require EIRs to include stand-alone regulatory background discussions.[4] However, as a matter of preference, the County recommends that EIR consultants include relevant regulatory information, where applicable, to help inform the significance evaluation process.

It also is noted that the comment mischaracterizes the parameters of the regulatory background discussion in Section 2.7, Greenhouse Gas Emissions. The commenter indicates the discussion is limited to the County's General Plan; however, that is inaccurate. Section 2.7.2, Regulatory Setting, discusses pertinent federal, state and local elements of the existing regulatory framework over the course of approximately 13 pages. Table 2.7-4, Regulatory Compliance Measures that Reduce Greenhouse Gas Emissions, also identifies regulatory compliance measures applicable to the Proposed Project that would serve to regulate and reduce Project-related greenhouse gas (GHG) emissions. Additionally, Section 2.7.3.2, Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases, considers the Proposed Project's consistency with SANDAG's 2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the County's General Plan, and the statewide reduction objectives set by Senate Bill (SB 32) and Executive Order (EO) S-3-05. As analyzed therein, the Proposed Project was determined to be consistent with SANDAG's RTP/SCS and the County's General Plan. Further, with implementation of mitigation measures M-GHG-1 through M-GHG-4, the Draft EIR concluded the Proposed Project would be consistent with SB 32 and EO S-3-05 because the Proposed Project would result in no net increase in GHG emissions.

O-5-70 The comment raises concerns on how the *Center for Biological Diversity v. California Department of Fish and Wildlife*, the California Supreme Court decision affects the Proposed Project and if so, impacts, mitigations or avoidance should have been addressed.

The court case considered whether the use of a "business-as-usual" emissions reduction target, established relative to *statewide* emissions inventory data, was appropriate for determining *project-specific* impacts under CEQA. Based on the record before it, the Court held that application of the business-as-usual target was not supported by substantial evidence. The subject case is not discussed in Section 2.7, Greenhouse Gas Emissions of the Draft EIR because the analysis does not utilize a

[4] CEQA Guidelines Section 15125(a) requires that an EIR "include a description of the *physical* environmental conditions in the vicinity of the project." (Italics added.)

business-as-usual target to determine the significance of the Proposed Project's GHG emissions. Please also see **Response to Comment O-5-69**, for information regarding why a case law-driven regulatory background discussion is not required by CEQA.

O-5-71 The comment raises concerns on how the *Massachusetts v. EPA* decision affects the Proposed Project and if so, impacts, mitigations or avoidance should have been addressed.

The Draft EIR discussed on pages 2.7-7 and 2.7-8 that the decision, issued by the U.S. Supreme Court, established the foundation for the regulation of GHG emissions under the federal Clean Air Act. Following that decision, the U.S. Environmental Protection Agency undertook rulemaking proceedings for GHG emissions associated with motor vehicles/engines and large stationary sources. The effects of the federal vehicle standards discussed in Section 2.7, Greenhouse Gas Emissions (see pages 2.7-8 and 2.7-9) are accounted for in the California Emissions Estimator Model (CalEEMod). As the Proposed Project does not include large stationary sources, those aspects of the federal regulatory framework are not relevant. Please also see **Response to Comment O-5-69** above, for information regarding why a case law-driven regulatory background discussion is not required by CEQA.

O-5-72 The comment raises concerns on why the Energy Independence and Security Act analysis was not provided and whether it has an effect on the Proposed Project and if so, impacts, mitigations or avoidance should have been addressed. As discussed on page 2.7-8 of the Draft EIR. The act directs federal agencies to develop rules, regulations, and standards to reduce national GHG emissions from various sources, but does not directly regulate private land use development. There are no Proposed Project impacts or required mitigation related to the Energy Independence and Security Act.

O-5-73 The comment raises a question on how the California Air Resources Board's (CARB's) "six key focus areas" will affect the Proposed Project and where is the analysis.

The Draft EIR, Section 2.7, Greenhouse Gas Emissions, describes that the six key focus areas are from the 2014 First Update to the Climate Change Scoping Plan and are identified on page 2.7-10. As identified therein, the focus areas are energy, transportation, agriculture, water, waste management, and natural/working lands. Project-related emissions associated with these focus areas were estimated and presented in the Draft EIR; see, e.g., Table 2.7-9, Estimated Annual Operational Greenhouse Gas Emissions (2028). Of note, the focus areas were identified to

establish a logical organizational framework for CARB's development of various emissions-reducing strategies. The focus areas are not de facto significance thresholds, as implied by the comment. Further, the Proposed Project's consistency with the emission reduction targets that CARB's Scoping Plans are designed to achieve is evaluated in Section 2.7.3.2 of the Draft EIR.

O-5-74 The comment raises a question on how the CARB's 2017 Climate Change Scoping Plan (second update) will affect the Proposed Project and where is the analysis.

The Draft EIR, Section 2.7 Greenhouse Gas Emissions, provides analysis of the CARB's 2017 Second Update to the Scoping Plan and are discussed on pages 2.7-11 and 2.7-30. Of note, CARB's Scoping Plans (including the Second Update) do not establish mandatory, project-level CEQA thresholds – rather, in accordance with CEQA, the determination of significance is left to lead agencies. That being said, in the 2017 Second Update (see page 101 therein), CARB states that "[a]chieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." With implementation of mitigation measures M-GHG-1 through M-GHG-4, the Proposed Project would achieve this objective. Accordingly, the Proposed Project would not result in impacts or require mitigation measures per the 2017 Second Update to the Scoping Plan, the purpose of which is to enable the State's achievement of the SB 32 reduction target (40% reduction below 1990 statewide emissions level by 2030).

O-5-75 The comment raises a question on how the SANDAG's *San Diego Forward: The Regional Plan* will affect the Proposed Project and where is the analysis.

The Draft EIR, Section 2.7 Greenhouse Gas Emissions, provides analysis of the SANDAG's San Diego Forward: The Regional Plan is discussed on pages 2.7-15 and pages 2.7-28 through 2.7-29. Additionally, Table 2.7-12 analyzes the Proposed Project's consistency with applicable goals and policies of that plan. As discussed therein, the Proposed Project is part of the planned and approved Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP); since approval of that planning framework in 1993, local and regional agencies have anticipated build-out of the Otay Ranch community. The Proposed Project implements a portion of the Otay Ranch community's approved framework. Additionally, the Proposed Project's design features, which include a transportation demand management (TDM) program, complement and would be consistent with SANDAG's SCS and the policies of its enabling legislation (SB 375). Finally, by setting forth a mitigation framework that requires achievement of net zero GHG emissions, the Draft EIR ensures that the Proposed Project would not obstruct

attainment of SANDAG's regional GHG emissions reduction targets, as adopted by CARB.

O-5-76 The County acknowledges the comment related to the County's Climate Action Plan (CAP). The CAP was approved shortly (approximately 14 days) before the release of the Draft EIR; for this reason, the Draft EIR and the Proposed Project do not rely on or tier from the CAP. Note, however, that the Proposed Project does not conflict with the CAP. Regarding consistency with the CAP, please refer to **Thematic Response – CAP Consistency**. As discussed therein, the Proposed Project would implement applicable reduction measures identified in the CAP Consistency Review Checklist, which is one of the documents approved by the County to facilitate CAP implementation.

O-5-77 The County acknowledges that the CAP is currently the subject of litigation. Importantly, the CEQA analysis prepared for the Proposed Project does not rely on or use the CAP to streamline the Proposed Project's environmental analysis (under CEQA Guidelines Section 15183.5). Rather, the Proposed Project renders significance determinations (using the criteria contained in CEQA Guidelines Appendix G, and informed by CEQA Guidelines Section 15064.4) that are independent of the CAP. As such, in the event that the CAP does not withstand judicial scrutiny, the Proposed Project's EIR would continue to provide a separate, stand-alone basis for the finding that the Proposed Project's GHG emissions would not significantly impact the environment, with implementation of mitigation measures M-GHG-1 through M-GHG-4. Please also refer to **Thematic Response – CAP Consistency**.

O-5-78 The County acknowledges the comment and refers the commenter to **Response to Comment O-5-77**, which explains that the Proposed Project's Draft EIR does not rely upon or use the CAP to streamline the environmental analysis provided. The County also refers the commenter to the **Thematic Response – CAP Consistency.**

O-5-79 The County acknowledges the comment as a summary of comments above, and refers the commenter to **Responses to Comments O-5-69 through O-5-78.** The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-80 This comment serves as an introduction to comments which follow regarding the Proposed Project's consistency with the County's General Plan. The substantive nature of the commenter's concerns are addressed in **Responses to Comments O-5-82 through O-5-89**. The County directs the commenter to Appendix 3.1.3-1, General Plan Amendment Report for a complete analysis of how the Proposed Project is consistent with the County's General Plan.

O-5-81 The commenter raises a concern on the types of trees and taller trees could cause problems with solar panels and whether the Proposed Project is consistent with COS-4.1 and COS-4.2. The Draft EIR, Section 2.7 Greenhouse Gas Emissions, Table 2.7-3 and Appendix 3.1.3-1 discusses the plant palette and the coast live oak naturally occur on site and are native to the region. The landscape palette also is designed to place certain trees, shrubs, and herb plantings in environments that are conducive to the long-term viability of these species. The Proposed Project is required to comply with the County's Water Conservation in Landscaping regulations (County Code of Regulatory Ordinances Section 86.701 et seq.). In addition, water demand for irrigation of trees and open space areas is included in the estimated total water usage for the Proposed Project.

O-5-82 The commenter is correct with respect to the inability to use recycled water, given the Proposed Project's location relative to Lower Otay Reservoir (a drinking water reservoir for the City of San Diego). However, the inability to use recycled water is not a reason to conclude that the Proposed Project conflicts with the General Plan because nothing in COS-4.2 mandates the use of recycled water. The focus of COS-4.2 is on the use of efficient irrigation systems, and the use of native, non-invasive, drought-tolerant landscaping. The Proposed Project would comply with these objectives.

The following text edits were made in ~~strikeout~~/underline and are reflected in the Final EIR:

Page 2.7-39:

COS-4.2 Drought-Efficient Landscaping. Require efficient irrigation systems and in new development encourage the use of native plant species and non-invasive drought tolerant/low water use plants in landscaping.	*Consistent*. The Proposed Project would utilize efficient irrigation systems and vegetate the Site with native, non-invasive ~~implement~~ drought-tolerant landscaping ~~and use recycled water for landscape irrigation~~. (See Final EIR Section 3.1.8.2 (pg. 3.1.8-33, PDF-UT-4), Appendix 3.1.2-3, Water Conservation Plan (page 19), and Specific Plan pages 155-156.)

Page 2.7-45:

REG-GHG-10	Reduction in Outdoor Water Use	The Proposed Project would comply with EO B-29-15, which calls for a 25% reduction in total water use below 2013 levels. To achieve this reduction, the Proposed Project would employ efficient irrigation systems and drought-tolerant landscaping ~~and recycled water for irrigation~~.	Reductions associated with EO B-29-15 and the County's Landscape Ordinance and Water Efficient Landscape Design Manual (County of San Diego 2010) were accounted for in the Water Conservation Plan (Appendix 3.1.2-3). No further reductions were assumed in emissions estimates.

		In addition, through the Proposed Project's plan process, and, in the case of individual homeowners, the Proposed Project's Covenants, Codes, and Restrictions (CC&Rs), the Proposed Project would be required to comply with the County of San Diego's Landscape Ordinance and Water Efficient Landscape Design Manual for all outdoor landscapes, including common areas, public spaces, parkways, medians, parking lots, parks, and all builder- and homeowner-installed private front yard and backyard landscaping.	

O-5-83 The comment states a general concern with the ability of future Proposed Project residents to speedily evacuate during a wildfire. The Draft EIR Section 3.1.1.2.5, Emergency Response Plans, pages 3.1.1-29 and 3.1.1-30, and Appendix 3.1.1-3, Wildland Fire Evacuation Plan, describe and provide analysis of site assessments, circulation patterns and roadway capacities. For additional discussion of wildland fire evacuation, please refer to **Thematic Response – Wildfire Protection and Evacuation.**

The commenter also is referred to Appendix 3.1.6-1, General Plan Amendment Report, page 105 for an analysis regarding the Proposed Project's consistency with COS-14.1. As stated therein,

> The Proposed Project locates school and park uses in proximity to residential areas to encourage pedestrian and bicycle travel as an alternative to the automobile. Bike lanes and the Community Pathway as well as the internal park to park loop system and DG walkway within Planning Areas 16 provide alternative travel modes to reduce emissions.

Regarding the Proposed Project providing non-automobile access to the Project Area (i.e. bicycle lanes and walking paths), traffic-related hazards to pedestrians, bicyclists, and equestrians received extensive analysis in Section 2.9.3.7, Hazards to Pedestrians or Bicyclists, of the Draft EIR. Further, no significant impacts were identified regarding disruption of automobile traffic from introduction of non-automobile access to the Project Area in the transportation/circulation analysis in Section 2.9, Transportation and Traffic of the Draft EIR.

O-5-84 The comment raises a concern that conserving open space would put residents at greater risk of fire and how the Proposed Project can be consistent with COS-14.3. The Draft EIR, Section 3.1.1, Appendices 3.1.1-2, Wildfire Protection Plan, and

3.1.1-3, Wildland Fire Evacuation Plan provide analysis of Project related internal and perimeter open space areas. With respect to the Proposed Project's consistency with COS-14.3, the County refers the commenter to Appendix 3.1.3-1, General Plan Amendment Report/Plan Consistency Analysis, specifically pages 105 and 106, which states that, when combined with other land use design elements of the Specific Plan, both the Energy Conservation Plan and Water Conservation Plan ensure that the Proposed Project will result in sustainable development and, therefore, will be consistent with COS-14.3. Further, consistency with COS-14.3 and open space conservation would not result in greater impacts from wildfire; as discussed in Section 3.1.1.2.4, Wildfire Hazards,

> the fire protection strategies provided in the FPP [Fire Protection Plan; Appendix 3.1.1-2 of the Draft EIR] would significantly reduce the potential fire threat to vegetation from the Proposed Project and conversely, from vegetation on the structures, and should assist the fire authority in responding to emergencies in the Project Area.

Fuel modification will occur on perimeter edges adjacent to open space/conservation areas, and throughout the interior of the Proposed Project to protect residences from risk of wildland fire. For additional discussion of wildland fire response efforts and evacuation, please see **Thematic Response – Wildfire Protection and Evacuation.**

O-5-85 The comment cites COS-14.4 and asks how the Proposed Project can be consistent with this goal. The County refers the commenter to Table 2.7-3 of Section 2.7, Greenhouse Gas Emissions of the Draft EIR. As described therein, the Proposed Project would be consistent with this policy as follows:

> The Proposed Project's residences would meet ZNE [Zero Net Energy] design standards as defined by the California Energy Commission (CEC). The Proposed Project would also include the installation of EV charging equipment in the garages of half of all residential units, and the installation of charging stations in the Village Core. Additionally, the Proposed Project would meet the most recent Title 24 standards, and would feature drought-tolerant landscaping. These project features would contribute to the conservation of resources; would be compatible with community character; and would increase the self-sufficiency of individual communities, residents, and businesses.

The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-86 The comment notes a concern about why only half of the houses being fitted with vehicle chargers and where is the electricity for these chargers coming from.

The Draft EIR, Section 2.7 Greenhouse Gas Emissions, provides analysis and use of vehicle charger stations on the Project Area. In addition, charging infrastructure design features (PDF-AQ/GHG-6 pf the Draft EIR; PDF-AQ/GHG-10 of the Final EIR) has been revised as follows:

> **Electric Vehicle Charging Stations**. Prior to the issuance of residential building permits, the Proposed Project applicant or its designee shall submit plans for the installation of a dedicated 208/240 dedicated branch circuit in each garage of every residential unit and one Level 2 electric vehicle (EV) charging station in the garage in half of all residential units to San Diego County for review and approval. Prior to the issuance of non-residential building permits, the applicant or its designee shall submit plans for the installation of ten (10) Level 2 EV charging stations in parking spaces located in the Village Core's commercial development area and P1 through P4 park areas to San Diego County for review and approval.

Conservatively, no emissions reduction was assigned to the Proposed Project's installation of electric vehicle chargers (see PDF AQ/GHG-6 in Table 2.7-5 of the Draft EIR). The County notes that the operation of electric vehicles (EVs) would reduce the Proposed Project's GHG and criteria air pollutant emissions, as compared to the emissions per mile resulting from a standard petroleum-fueled car in 2028.

The GHG intensity of petroleum-fueled cars is determined by the vehicle's efficiency and the GHG intensity of burning fuel, while the GHG intensity of EVs is determined by the efficiency of the car and GHG intensity of energy on the local power grid. The increased efficiency of EVs and the high proportion of renewable energy in California results in 80% fewer GHG emissions annually, when comparing petroleum-fueled cars and EVs in California (DOE 2017). SDG&E currently provides a higher proportion of renewable energy than the state-wide averages; therefore, EVs operated within SDG&E's service area result in fewer emissions than reflected in state-wide data. Therefore, by not adjusting the fleet mix to include a higher percentage of electric vehicles (and a lower percentage for gasoline and diesel-fueled vehicles), the Proposed Project's transportation-related emissions are overestimated.

As to the source of the electricity for the electric vehicle chargers, PDF-AQ/GHG-2 requires that the Proposed Project's residences be designed to achieve the CEC's Zero Net Energy (ZNE) design standards. Based on technical analysis provided by the

Proposed Project's building efficiency design expert (ConSol), the residences are anticipated to provide rooftop solar to assist with the ZNE demonstration. Therefore, it is reasonably expected that the residences' electric vehicle chargers will be powered, at least in part, by renewable energy resources located on each residential rooftop.

O-5-87 The comment raises a concern on residential design and space requirements for the individual storage batteries, and how to handle emissions from charging at night.

Energy storage or battery technologies may be appropriate for facilitating ZNE compliance. For example, batteries can help store excess power generated from a solar panel and allow a consumer to use it at times when the panel is not generating energy. Specifically, storage could allow for the residence or business to refrain from taking energy from the grid at peak times, when it is most likely that natural gas plants are fired up in order to meet demand. Currently, there are potential limitations that could hinder the implementation of energy storage in certain circumstances, including (1) capacity issues; (2) space requirements; (3) cost-effectiveness; and (4) safety. The Proposed Project, however, would not preclude the installation of batteries. While, in-home battery storage is currently not common practice, PDF-AQ/GHG-2 is specifically designed to provide the flexibility to incorporate advancing technologies over time while defining the performance standard to be achieved. Specifically, if battery technology improves, it may be used as a compliance pathway to meet ZNE standards.

Additionally, EVs do not require Level 2 chargers or storage batteries; therefore, residences would not be required to use the Village Core charging stations, which are intended for visitors. Additionally, it should be noted that SDG&E encourages EV owners to charge late at night during super off-peak hours, when GHG emissions associated with electricity generation are substantially lower than afternoon peak periods due to decreased demand (Next 10 2013; SDG&E 2018). The County refers the commenter to **Response to Comment O-5-86** for additional discussion on charging related emissions.

O-5-88 The comment expresses a concern that the Proposed Project will not have enough south- and west-facing roof tops.

As set forth in PDF-AQ/GHG-2 (see Draft EIR Table 2.7-5), prior to the issuance of residential building permits, the Proposed Project shall submit building plans illustrating compliance with ZNE design standards, as defined by the California Energy Commission. Consol prepared a Building Analysis, which has been included

in the Final EIR as an attachment to this response to comment. Attachment A to Letter O-5 contains ConSol's analysis of a sample single-family residential building design, representing a typical home, for the Proposed Project. Attachment A discusses the anticipated photovoltaic (PV) system size needed to achieve ZNE, and was conducted using the worst-case building orientation thereby representing the largest PV system required to achieve ZNE. ConSol concluded that, with consideration of rooftop design, the prototype residence could accommodate the PV system size required to achieve ZNE design.

O-5-89 The County acknowledges the comment as an introduction to comments that follow. The County refers the commenter to **Responses to Comments O-5-90 through O-5-99**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-90 The comment raises concerns about the presented construction GHG emissions and questions the lifetime calculation for the Proposed Project.

First, the County has reviewed the Draft EIR and has not found the referenced typo. Total construction emissions were recalculated to include blasting as reflected in **Thematic Response – Blasting (GHG)**.

Regarding the "lifetime" assumption, as discussed on page 2.7-33, the use of 30-year project life is a methodological determination that is strongly supported on at least six grounds, each of which provides an independent basis for utilizing the subject analytic framework:

1. CARB, the state agency charged with the responsibility for and expertise to administer the state's GHG emissions policies (Health & Safety Code, Section 38510), has approved the use of a 30-year project life when mitigating operational GHG emissions associated with land use development projects in furtherance of achieving a no net increase in GHG emissions levels. Specifically, when working with the California Department of Fish and Wildlife (CDFW) to evaluate the environmental impacts of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP), which would facilitate the development of a large-scale, master-planned community in Los Angeles County, CARB determined that utilization of a 30-year mitigation period would enable the RMDP/SCP project to achieve net zero GHG emissions (see CDFW, *Final Additional Environmental Analysis for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan*

(SCH No. 2000011025) (June 2017), Appendix 1.; CARB, *California's2017 Climate Change Scoping Plan* (December 2017), p. 102; and, Letter from CARB to CDFW re: "[CARB] Review of the [GHG] Analysis in the Final Additional Environmental Analysis for the Newhall Ranch [RMDP/SCP]" (June 7, 2017)).

2. In an analogous setting, CARB also has approved the use of a 30-year project life when certifying Assembly Bill (AB) 900 "leadership projects" (Public Resources Code Sections 21178 through 21189.3). AB 900 requires leadership projects to mitigate all project-related GHG emissions to net zero.

   While the Village 14 and Planning Areas 16/19 project (Proposed Project) has not submitted an application for the "leadership project" designation, the Draft EIR for the Proposed Project incorporates mitigation measures to mitigate all project-related GHG emissions to net zero, consistent with the AB 900 designation (and akin to the mitigation framework established for the Newhall Ranch RMDP/SCP project).

3. Guidance from the South Coast Air Quality Management District (SCAQMD) supports using a 30-year project life to analyze a project's GHG emissions under CEQA.

4. A 30-year project life also is widely used in CEQA documents by expert consultants and lead agencies—including San Diego County, the local land use agency with jurisdiction over the Project Area —for analyzing a project's GHG emissions under CEQA.

5. Executive Order (EO) S-3-05 established 2050 as the target year for an 80 percent reduction in statewide GHG emissions below 1990 levels. The regulatory framework needed to achieve this target requires transforming the state's transportation, energy, and industrial sectors. As such, the future GHG emission profiles for these sectors are not generally known. And, modeling emissions beyond 2050 requires speculation about GHG emissions that are not knowable or known.

   Here, the Proposed Project's mitigation period under Mitigation Measure M-GHG-2 is 30 years. Because the mitigation obligation is subject to phased implementation, based on the incremental portion of development associated with each Site Plan and its corresponding building permits, the mitigation period extends beyond 2050 for Site Plans with corresponding building

permits that are issued later in the Proposed Project's construction schedule. For example, the anticipated buildout year of the Proposed Project is 2028. If any building permits for implementing Site Plans are issued in 2028, the mitigation period for the associated buildings would extend to 2056.

Given known and knowable information beyond 2050, a 30-year project life (that extends beyond the target year established by the referenced EO) has been established as the period of time for which GHG emissions can be reasonably estimated without undue speculation.

6. The modeling analysis likely overestimates the Proposed Project's GHG emissions because the modeling does not take into account reasonably foreseeable regulatory programs and other governmental strategies and technological factors that likely would result in further reductions in GHG emissions levels throughout California that are needed to achieve the 2030 and 2050 targets. For additional conservatism, the modeling also utilizes emissions factors for the first calendar year in which the Proposed Project is anticipated to become partially operational (2028) to calculate the quantitative parameters of the mitigation requirements, even though additional emissions reductions attributable to adopted reduction strategies (e.g., 50 percent Renewable Portfolio Standard (RPS) and Advanced Clean Cars Program)[5] will be realized after 2028.

In using the 30-year project life, San Diego County recognizes that the residential and non-residential development facilitated by the Proposed Project could continue to exist for more than 30 years. During and after the 30-year Proposed Project life period, the Proposed Project would be subject to a range of existing and future regulatory standards and policies applicable to the built environment. California is expected to implement numerous additional policies, regulations and programs to reduce statewide emissions to achieve the GHG reduction goals of SB 32 and EO S-3-05. San Diego County has exercised its discretion to determine that a 30-year project life is reasonable and supported by the substantial evidence.

O-5-91 The County acknowledges the comment and agrees that, if approved, the Proctor Valley North Option would result in an additional 9.27 metric tons of carbon dioxide equivalent (MT CO_2e) of construction-related emissions. The Draft EIR, Section 2.7 Greenhouse Gas Emissions, Table 2.7-8 presents the emissions from the Proposed

[5] The GHG analysis assumed a renewable mix of 46.6% in 2018. This was determined using a linear estimate between the 2020 and 2030 RPS goals of 33% and 50% respectively. This is conservative because SDG&E's renewable mix was 43% in 2016 (SDG&E 2016). Additionally CAP measure E-2.1 sets a goal of achieving 90% renewable electricity in the County by 2030 (County of San Diego 2018).

Project *without* the Proctor Valley Road Trail Option. As described in Chapter 1, Project Description, the Board of Supervisors has the discretion to determine whether to require the Proctor Valley Road Trail Option as part of any Project approvals. If the Trail Option is approved, the Proposed Project's construction-related emissions would total 12,387 MT CO_2e (instead of 12,378 MT CO_2e); the amortized construction emissions would not increase as the change is less than a metric ton over 30 years. If this Trail Option is selected by the Board, the additional 9.27 MT CO_2e would be added to the total offset requirements in Mitigation Measure M-GHG-1. This small amount of GHG emissions would not materially change the Proposed Project's total emissions inventory or change the determination of significance under CEQA.

O-5-92 The comment raises a question whether gas and electric GHG emissions should be calculated with the assumption that SDG&E will meet RPS standards of renewable energy for 33% in 2020 and 50% in 2030.

The Draft EIR, Section 2.7 Greenhouse Gas Emissions, analyzes GHG emissions and assumed that SDG&E will achieve a renewable mix of 46.6% in 2028. This was determined using an industry-standard linear estimate between the 2020 and 2030 Renewables Portfolio Standard (RPS) targets of 33% and 50%, respectively.[6] This is a conservative assumption because SDG&E's renewable mix already was 43% in 2016 (SDG&E 2016). Using SDG&E's 2016 renewable mix as the baseline and performing a similar linear estimate between 43% in 2016 and 50% in 2030 would yield a renewable mix of approximately 49% in 2028.

O-5-93 The comment states that the swimming pool analysis lacks details on where are the solar panels and how will these be used to meet needs. The Draft EIR, Section 2.7 Greenhouse Gas Emissions, provides details for PDF-AQ/GHG-5 (see Table 2.7-5), the location of the solar hot water system(s) for the swimming pools located at the on-site recreation centers will be determined when building plans are submitted to the County for review and approval. The solar hot water systems will be designed to meet the heating demands of the recreational swimming pools and facilities.

O-5-94 The commenter questions whether the Proposed Project's 75% reduction required by AB 341 can be attributed to CO_2e emissions of solid waste disposal and if not met how this account for in the Proposed Project analysis. The Draft EIR's GHG

[6] For more information on California's Renewables Portfolio Standard, please see http://www.energy.ca.gov/portfolio/.

emissions analysis are based on a generation rate of 3.6 tons per day. No additional diversion assumptions were included in the GHG assessment.

O-5-95 The County acknowledges the comment and refers the commenter to **Response to Comment O-5-91** regarding emissions associated with the Proctor Valley Road North Option.

O-5-96 The County acknowledges the Draft EIR contained minor typos as to the initial and final acreages referenced in Table 2.7-7.

The initial and final acres have been corrected in the Final EIR to 3.60 and 3.40 respectively; however, the net change and sequestration loss are correct as presented in the Draft EIR. The estimated net loss for forest land – trees remains 0.20 acre; therefore, the estimated loss of sequestered carbon remains as 22 MT CO_2. As such, the estimated total loss of sequestered carbon associated with implementation of the Proposed Project remains 10,382 MT CO_2. Text revisions are shown below in ~~strikeout~~/underline format.

The following text edits were made in the Draft EIR and are reflected in the Final EIR on Page 2.7-51:

Table 2.7-7
Vegetation Removal – Estimated Loss of Sequestered Carbon

Vegetation Type	CalEEMod Vegetation Land Use Category	CO_2 Emissions Factor (MT CO_2/acre)	Initial (acres)	Final (acres)	Net Loss (acres)	Loss of Sequestered Carbon (MT CO_2)
Forest Land	Scrub	14.3	1,216.50	516.60	699.90	10,009
Forest Land	Trees	111	3.60~~3.40~~	3.40~~0.20~~	0.20	22
Grassland	Grassland	4.31	111.50	30.00	81.50	351
		Total	**1,331.60~~1,370.80~~**	**550.00~~557.65~~**	**781.60~~810.15~~**	**10,382**

Source: CAPCOA 2016; see Appendix 2.7-1 for complete results.
MT CO_2 = metric tons carbon dioxide.

In addition, Appendix 2.7-1, Greenhouse Gas Technical Report, page 90 (Table 19, Vegetation Removal – Estimated Loss of Sequestered Carbon), has been revised to reflect the correct initial and final acreage totals.

O-5-97 The County acknowledges the comment and refers the commenter to **Response to Comment O-5-91** above regarding emissions associated with the Proctor Valley Road North Option.

O-5-98 The comment states the Draft EIR discussions related to solar panels is missing and without any analysis in the appendices is irrelevant.

The Draft EIR, Section 2.7, provides discussions on the Proposed Project residences to achieve ZNE standards, and the corresponding PV systems associated with attainment of ZNE design. The Proposed Project's incorporation of PV systems also is described when assessing the Proposed Project's consistency with General Plan COS-14.7. As described in Section 2.7.3, the energy demand of the Proposed Project was adjusted to reflect residential ZNE design, based on the analysis provided by the Proposed Project's building efficiency design expert (ConSol). Please see **Response to Comment O-5-88**.

O-5-99 The County acknowledges the comment and agrees that the numbers '5' and '9' were mistakenly transposed in the Draft EIR as they were presented both as 16,159 and 16,195, however, the operational emissions after vegetation should read "16,159" as the origin of this error was a transposition in Table 2.7-9, to which revisions are shown below in ~~strikeout~~/underline.

Table 2.7-9
Estimated Annual Operational Greenhouse Gas Emissions (2028)

Emission Source	CO_2e (Metric Tons per Year)
Area	13.91
Energy	1,136.97
Mobile	13,484.49
Solid Waste	660.81
Water and Wastewater	1,051.97
Total Emissions	**~~16,384~~16,348**

CO_2e = carbon dioxide equivalent.
Implementation of PDF-AQ/GHG-2 would result in an annual energy savings of 1,760 MT CO_2e annually.
Numbers may not add exactly due to rounding.
See Appendix 2.7-1 for complete results.

O-5-100 The comment states that the blasting emissions are not included and needs to be addressed. Refer to **Thematic Response – Blasting (GHG).**

O-5-101 The comment raises a concern that the GHG emissions model assume that emissions will take place in as "urban" environment.

The Draft EIR, Section 2.7 describes the selection of the urban or rural input in CalEEMod affects the default vehicle trip length applied by the model, which can be used to estimate mobile source emissions when a user relies on CalEEMod default

values rather than project-specific values. No other variables in CalEEMod are affected by the selection of the urban or rural input.

In the Draft EIR, the Proposed Project's operational vehicle miles traveled and associated GHG emissions calculations are not based on the CalEEMod default urban or rural input. Rather, as described in Section 4.3.3 (page 74) of Appendix 2.7-1, Greenhouse Gas Technical Report, operational vehicle miles traveled (VMT) was based on Proposed Project-specific VMT data prepared by traffic consultant Chen Ryan as part of the preparation of Appendix 2.9-1, Transportation Impact Study. The VMT information is from the SANDAG Series 11 traffic model, and was derived using a Select Zone Analysis for the Project Area to compare vehicle miles traveled with and without the Proposed Project. Accordingly, the analysis contained in the Draft EIR for the Proposed Project's operational GHG emissions is unaffected by the selection of the urban or rural input.

O-5-102 The comment wants to know what the GHG emissions would be if calculated properly as a rural project and how would it impact the VMT calculations. As described in O-5-101, the GHG emissions analysis contained in the Draft EIR does not rely on CalEEMod default values for operational trip lengths and associated VMT; therefore, the selection of the urban or rural input has no practical effect on the Proposed Project's emissions inventory. Please refer to **Response to Comment O-5-101.**

O-5-103 The comment wants to know the GHG emissions impact to nearby major urban and employment centers, including the city of Chula Vista mean in terms of commute distance and the likelihood of ridesharing and transit options for this Project.

The Draft EIR, Appendix 2.9-1, Transportation Impact Study, and specifically Appendix P, SB 743 Compliance and TDM Plan Evaluation Memo therein explain traffic impacts and mitigations. The TDM Plan Evaluation Memo analyzes the expected VMT reduction associated with implementation of PDF-TR-1, the Proposed Project's TDM Program. Based on the suite of 10 TDM Program measures, Appendix P (page 5) of the Transportation Impact Study calculated that the Proposed Project would experience an approximately 4.3% reduction in total VMT. Please refer specifically to Table 3 of Attachment A of Appendix P. As shown therein, the greatest contributor to anticipated VMT reduction is providing improvements to the pedestrian network (2% reduction in VMT); very little credit is assigned for future extension of traffic services as suggested by the comment.

As also discussed in Draft EIR Section 2.7, the Proposed Project's trip generation, including the trip rates and total trips, is based on the Transportation Impact Study prepared by Chen Ryan (Appendix 2.9-1). Appendix 2.7-1, Section 4.3.3 (Mobile Sources) specifically explains how total vehicle miles traveled calculated by Chen Ryan for the Proposed Project was translated into input values in CalEEMod, so that the VMT, which is an output in CalEEMod, would match the estimated total weekday VMT, to the extent possible (considering rounding of input values in CalEEMod). Chen Ryan utilized a suburban land use assumption for Village 14 and rural land use assumption for Planning Areas 16/19 to generate the operational VMT (Nguyen 2018).

Regarding the Proposed Project's proximity to employment centers, the City of Chula Vista and the south bay region is home to many major job centers such as: the Sweetwater Union High School District, which includes 13 high schools, Southwestern College, Sharp Chula Vista Medical Center, Scripps Mercy Hospital, and a number of retail centers.

Finally, PDF-TR-1, which requires implementation of the Proposed Project's TDM Program, includes the following strategy, "Coordinate with San Diego Metropolitan Transit System and SANDAG about the future siting of transit stops/stations within the Project Area." Because transit options and ridesharing programs involve coordination with and agreement from various agencies, including San Diego Metropolitan Transit System and SANDAG, these programs and improvements cannot be guaranteed by the Project Applicant without official agreement from other parties involved. As such, while the likelihood of future ridesharing and transit options cannot be estimated at this time, the Proposed Project's PDF-TR-1 will ensure that these options will be pursued.

O-5-104 The comment states that putting aside 426.7 acres of conserved land in the Multiple Species Conservation Program is occurring in an urbanize space and, therefore, represents a gain in sequestration.

The County does not agree with the comment that the Draft EIR is taking "credit" for carbon sequestration by maintaining 426.7 acres of open space through conveyance to the Otay Ranch Resource Management Plan Preserve. The Draft EIR, Appendix 2.7-1, Section 4.4.2, Gain of Sequestered Carbon (page 87), "Conservatively, this analysis does not consider carbon sequestration associated with land preservation or conservation." Accordingly, the GHG emissions analysis specifically discloses that no gain in carbon sequestration is assumed as a result of conserved land. In addition, as described in Section 4.7.3 of Appendix 2.7-1, sequestration gain from the planting of 8,000 trees is the only carbon sequestration gain calculated in the Draft EIR.

O-5-105 The comment serves as an introduction to comments which follow questioning the conflicts between fire protection, and evacuation measures aimed at reducing GHG emissions.

The comment addresses a general concern with resident's risk of exposure to wildfire, a topic which received extensive analysis in Section 3.1.1.2.4, Wildfire Hazards, pages 3.1.1-29 and 3.1.1-30, and Appendix 3.1.1-3, Wildland Fire Evacuation Plan, of the Draft EIR. Regarding emissions measures affecting residents' risk of wildfires, the County notes that no GHG measures are proposed that would encroach or locate materials within the defensible spaces created around structures. All mitigation measures applicable to emissions reductions are located in Section 2.7.6, Mitigation, of the Draft EIR. Please refer to **Thematic Response – Wildfire Protection and Evacuation**.

O-5-106 The comment raises a series of questions about evacuation plans and residents using electric vehicles.

The County acknowledges the comments and notes that the questions are too speculative regarding the future use and adoption of specific electric vehicles by each future resident and their charging habits. Note that the Proposed Project does not prohibit charging of electric vehicles at home (i.e., the Proposed Project does not require people to charge electric vehicles at public charging stations). Instead, the Proposed Project includes PDF-AQ/GHG-10, Electric Vehicle Charging Stations, which would entail installation of one Level 2 electric vehicle charging station in the garage in half of all residential units, thereby encouraging electric vehicle charging at home in addition to where available publicly.

From the County's perspective, theses comment raises questions that are not related to the Proposed Project's impacts on the environment, but rather the emergency preparedness status of future residents. The County notes that resources are available to assist the public in emergency preparedness.[7]

O-5-107 The comment expresses an opinion on awareness and use of electrical vehicles. Please refer to **Response to Comment O-5-106**.

O-5-108 The County acknowledges the comment and notes that it expresses the opinion of the commenter. Of note, however, neither the CPUC, CEC nor the County require the

[7] See ReadySanDiego website, at http://www.readysandiego.org/, which advises County residents on how to prepare for multiple kinds of disasters, including wildland fires.

complete elimination of natural gas from residential development. Further, marketplace demand indicates that homeowners and renters prefer the option of installing natural gas appliances. Finally, while the replacement of natural gas-supplied appliances with electricity-supplied appliances would result in a reduction of GHG emissions related to natural gas consumption, the substitution would result in an increase in GHG emissions related to electricity consumption as the appliances' energy demand would not be eliminated.

In any case, the Draft EIR provides mitigation measures M-GHG-1 through M-GHG-4, which would reduce the Proposed Project's GHG emissions to net zero (a less-than-significant impact level). Accordingly, no further mitigation, such as restrictions or prohibits on the installation of natural gas, is required under CEQA.

O-5-109 The comments raises a concern on how will the electricity from the PV system be stored and what are the emissions from using electrical appliances and charging at night.

Any excess energy generated by the Proposed Project's on-site, solar photovoltaic systems would be sent onto the SDG&E power grid for use by other electricity consumers. The excess power generated during the day by the residential photovoltaic systems that would be provided to the power grid would offset the demand from the Proposed Project's residences when the photovoltaic systems are not generating enough energy to meet demand (e.g., at night). Refer to **Response to Comment O-5-87** for additional information on the potential inclusion of batteries on the Project Area.

Reliable and affordable storage systems are not currently available and will not be included in the residential units; however, San Diego Gas & Electric is exploring wide-scale energy storage projects (SDG&E 2017).

O-5-110 The County acknowledges the comment, but does not agree that there is a major conflict between street trees and residential rooftop solar. The Draft EIR, Specific Plan provides details on street trees and how these will be used on site. First, the street trees referenced in the comment are predominately located along major roadways, in particular Proctor Valley Road, which does not provide direct access to any home in the Proposed Project. Accordingly, homes are set-back from Proctor Valley Road at distances that would minimizes conflicts between tall trees and rooftop solar panels. Second, the County notes that during the optimal time for solar panels to collect direct sunlight, i.e., mid-day, shadows are minimized due to the position of the sun in the sky.

O-5-111 The comment raises concerns about GHG emissions offsets, stating that there needs to be evidence that the subject mitigation measures requiring purchase of offsets will be feasible and effective. Draft EIR Section 2.7 describes the use of carbon offsets as a CEQA Guidelines-authorized mechanism to mitigate Project-related GHG emissions that is feasible, established, and commonly recognized and utilized in the discretionary development review process. The use of carbon offsets to mitigate GHG emissions is expressly authorized by CEQA Guidelines Section 15126.4(c)(3). The County refers the commenter to **Thematic Response – Carbon Offsets**.

O-5-112 The comment express an opinion that carbon offsets are currently not available in San Diego County and questions where the required offsets will be purchased. The geographic location associated with Project-required offsets will be determined at the time of purchase and in accordance with the mitigation measures' enumerated locational priority scheme. Of note, through implementation of the MMRP, the County would have a measured process in place to evaluate the Proposed Project's compliance with the geographic priority provisions. Please refer to **Thematic Response – Carbon Offsets**.

O-5-113 The County acknowledges the comment provides background information and does not raise an issue regarding the adequacy of the Draft EIR. Therefore, no further response is required or provided. The County notes that the article cited by the commenter concerns the Clean Development Mechanism – that registry is not proposed for use under mitigation measures M-GHG-1 and M-GHG-2.

O-5-114 The comment questions how much of the offset programs identified in mitigation measure M-GHG-1 are fully compliant with California Air Resources. Board requirements.

The Draft EIR, states in both mitigation measures M-GHG-1 and M-GHG-2, all offsets purchased by the County will meet the standards set forth in Health and Safety Code Section 38562(d)(1). Specifically the County will ensure through implementation of the MMRP that "the purchased carbon offsets used to reduce operational GHG emissions shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions". The carbon offsets purchased by the Proposed Project would be from the voluntary marketplace (because the Proposed Project is not a regulated entity covered by and subject to CARB's Cap-and-Trade Program), but the offsets would not be unregulated because the offsets would be generated by projects subject to rigorous protocols, methodologies and accounting principles. Further, the offsets would be purchased from CARB-approved registries or registries with

demonstrated equivalence. Please see **Thematic Response – Carbon Offsets** for additional information.

O-5-115 The comment states that the Cap and Trade Program only allows 8% of a project GHG emissions to be offset, and asks why the Proposed Project assumes that all vehicular emissions can be offset successfully.

The County does not agree with the comment's suggestion that all VMT-related GHG emissions associated with the Proposed Project would be reduced through offsets. Contrary to the comment, the Proposed Project's TDM Program (PDF-TR-1) and installation of electric vehicle chargers (PDF-AQ/GHG-10) would first achieve VMT-related GHG emissions reductions through on-site actions. These PDFs are incorporated as mitigation requirements through Mitigation Measure M-GHG-4, and will be enforced as part of the MMRP. Also, as to the comment's reference to CARB's Cap-and-Trade Program, as provided in **Response to Comment O-5-114**, the Proposed Project specifically (and the land use development sector generally) is not a covered entity subject to that regulatory program. Entities regulated by the Cap-and-Trade Program have direct operational control of the long-term GHG emissions from the source profile, whereas land use developers do not have continuing control and authority over many if not all of the sources (e.g., homeowners decide when to turn appliances on and off; business owners decide their hours of operation).

O-5-116 The comment states that the Proposed Project should set up the offsets prior to the time at which any permits are granted and asks how compliance would be tracked or penalties assessed.

Please refer to **Response to Comment O-7-62.** Mitigation measures M-GHG-1 and M-GHG-2 require the Proposed Project to document purchase of the necessary carbon offsets during the permitting stage (grading and site plan, respectively), which would occur prior to any physical impact(s) to the environment and emissions of greenhouse gases associated with construction and operation of the Proposed Project.

O-5-117 The comments states that it is confusing why the Proposed Project plans to develop three areas, PV1, PV2 and PV3, set aside for preservation under the MSCP. The comment states that since the MSCP is a combined habitat conservation plan (HCP) and natural communities conservation plan (NCCP) under state and federal Law, development of these areas is illegal.

The County acknowledges the comment and refers the commenter to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. As explained in that Thematic

Response, PV1, PV2, and PV3 are not designated as hardline Preserve; rather, these areas are appropriately identified (and proposed) as "developable" under the Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP), and the County General Plan. Therefore, the Draft EIR analysis in Sections 2.4.3.5, Guideline 4.5: Local Policies, Ordinances, and Adopted Plans, and Section 3.1.3.2.3, Conflict with Habitat Conservation Plan or Natural Community Conservation Plan, and the conclusions therein, as summarized on page 3.1.3-30 of the Draft EIR is correct (emphasis added):

> The Proposed Project conforms to the goals and requirements outlined in the applicable regional planning efforts, MSCP County Subarea Plan, City of San Diego's MHPA, City of Chula Vista MSCP Subarea Plan, and Otay Ranch RMP. … The Proposed Project's contribution to the MSCP and Otay Ranch RMP Preserve would mitigate impacts by providing suitable habitat in a configuration that preserves genetic exchange and species viability (see Section 2.4 of this EIR for more information). Therefore, the Proposed Project is consistent with the MSCP Plan, MSCP County Subarea Plan, and Otay Ranch RMP. *The Proposed Project would not conflict with any applicable Habitat Conservation Plan or NCCP, and impacts would be less than significant.*

Please also refer to **Response to Comments A-3-5** through **A-3-58** (CDFW).

O-5-118 The comment asks what development of these areas does to the MSCP and if it violates the spirit and the letter of the "Baldwin Agreement" that underlies the MSCP. The comment asks how the Proposed Project can be made consistent with the "Baldwin Agreement" and MSCP. The County clarifies that the Baldwin Letter was never executed as an agreement. This is explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Response to Comment A-3-5**. Please also refer to **Response to Comment O-5-117** regarding the effect of the Proposed Project on the MSCP. No further response is required.

O-5-119 The comment asks if the Proposed Project violates the BMO, which implements the MSCP. The comment states that the commenter understands the BMO does not apply to areas PV1, PV2 and PV3 because these are areas where no take permits will be issued. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Responses to Comments A-3-15, A-3-17,** and **O-6.1-10** through **O-6.1-23**.

O-5-120 The comment states that if the Proposed Project, in order to conform to the MSCP, BMO, and "Baldwin agreement," does not develop PV1, PV2, and PV3, the Draft

EIR would not comply with CEQA and would have to be recirculated because such a revised project would be much smaller than the Proposed Project analyzed in the Draft EIR and was not considered as an alternative. Please refer to **Responses to Comments O-5-117 through O-5-119**, as well as **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The Proposed Project is not required to be revised as the comment implies. No further response is required.

O-5-121 The comment states that the commenter supports the No Project Alternative because it is the simplest solution to the problems presented in this comment letter. The County acknowledges the comment and notes that it does not raise an issue related to the adequacy of the Draft EIR; therefore, no further response is required or necessary.

O-5-122 The comment states that the Proposed Project does not appear to offer low income or affordable housing, and thus will be irrelevant to the County's worsening crisis in affordable housing. The County has not adopted an inclusionary affordable housing ordinance and it is therefore not legally permissible to require affordable housing units or an in-lieu fee pursuant to an ordinance. The County also cannot impose an ad hoc affordable housing requirement or in-lieu fee for the project: it is not County practice to require ad hoc affordable housing requirements, and the County has no reason to treat this project differently than other projects by imposing such a requirement; the County has not studied the nexus between general housing development and the need for affordable housing or in-lieu fees, nor has the County studied such a nexus for this particular project; and the County does not have data suggesting how much of an affordable housing requirement should be required or whether in-lieu fees should be allowed. Instead, the County relies on its General Plan requirements for new development to provide a broad range of housing for a mix of income levels.

Because the County does not have or enforce an affordable housing requirement due to the lack of an adopted inclusionary affordable housing ordinance, it does not have a legally permissible mechanism to impose an affordable housing on the Proposed Project.

The comment raises economic, social, or political issues (housing affordability) that do not appear to relate to any physical effect on the environment. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-5-123 The comment states the commenter has serious issues with the other Alternatives presented. The comment provides an introduction to comments that follow. Please

refer to **Responses to Comments O-5-124 through O-5-129**. No further response is required or provided.

O-5-124 The comment asks if the Low Density Alternative increases fire hazards because it requires more firefighters and does not include a fire station, which would lead to longer responses times. The comment asks where the analysis of fire hazards and mitigation are for this alternative.

As stated in Section 4.5.2, Comparison of the Effects of the Low Density Alternative to the Proposed Project, on page 4-30 of the Draft EIR. As stated in Section 4.5.2 of the Draft EIR:

> [T]he number of dwelling units and people exposed to potential hazards or hazardous materials would be reduced [under the Low Density Alternative] compared to the Proposed Project. The Low Density Alternative would not include a fire station; however, because lot sizes would be a minimum of 1 acre under the Low Density Alternative, the applicable travel time threshold would be 10 minutes. This travel time could be achieved from existing fire stations. Thus, although travel times would be greater under the Low Density Alternative due to the lot sizes, travel times would be consistent with the County General Plan, similar to the Proposed Project. The Low Density Alternative would result in less-than-significant impacts, similar to the Proposed Project.

Because the Draft EIR concluded the Proposed Project would have a less-than-significant impact relative to wildfire hazard, and the Low Density Alternative would have similar impacts, no mitigation would be required. The County notes that, due to the Project Area's location within a Very High Fire Hazard Severity Zone, a Fire Protection Plan, similar to the one developed for the Proposed Project, would be required for the Low Density Alternative if selected by the Board of Supervisors.

O-5-125 The comment questions whether the Draft EIR's statement that the Alternate Site Location is infeasible conflicts with the idea that land exchanges are possible. The comment asks if the Project Proponent does not own or control any of the land in question, why is one possible while the other is not.

As stated in Section 4.10 of the Draft EIR, pages 4-100 and 4-101:

> First, as noted in Section 4.6.4, the applicant neither owns nor controls all of the land needed to implement the Alternative Site Location Alternative, and has no reasonable means of acquiring it (see CEQA Guidelines Section 15126.6(f)(1)).

> Acquisition of the land would require successful negotiation with multiple parties having varying degrees of motivation or interest. The City of San Diego, for example, would need to relinquish title to MSCP Preserve Cornerstone Lands that were never anticipated for development by any entitlement documents. Although the City of San Diego must also relinquish title to some of its MSCP Preserve Cornerstone Lands for the Proctor Valley Road right-of-way in the Land Exchange Alternative, that action has been anticipated by the City of San Diego due to Proctor Valley Road being approved in the MSCP Plan as a planned facility through the Preserve.
>
> Likewise, the City of Chula Vista, in its capacity as one of the joint powers of the Otay Ranch POM, would need to relinquish title to, and allow development of, Otay Ranch RMP Preserve land that was never approved for development. The County of San Diego, in its capacity as the other joint power in the Otay Ranch POM, would also have to relinquish title to, and approve the development of, Otay Ranch RMP Preserve land that was never approved for development. Additionally, the cooperation of unrelated third-party private property owners would be required, since they have already paid for and used portions of the Alternate Site Location Alternative as mitigation in satisfaction of their Otay Ranch Preserve conveyance requirement. Substitute mitigation land, therefore, would need to be identified for these property owners, approved by the POM and possibly the Wildlife Agencies, and then possibly acquired through negotiation from yet another property owner or owners. The number of parties involved, the intricacy of the negotiations, and, as a result, the unlikelihood of success, render this alternative infeasible.

The Draft EIR goes on to explain why the Land Exchange Alternative, while also requiring a land exchange, is not burdened by the same infeasibility.

> By comparison, the Land Exchange Alternative, while also requiring the Proposed Project applicant to acquire property it does not currently own, is significantly more manageable in this regard, and, thus, is the environmentally superior alternative. The Land Exchange Alternative would require only that the Proposed Project applicant exchange identified lands with the California Department of Fish and Wildlife. Approval would only be needed from one party (i.e., California Department of Fish and Wildlife), with consent provided by USFWS. No other parties, properties, or negotiations would be involved.

Beyond these considerations, the Draft EIR also noted other challenges presented by the Alternative Site Location Alternative compared to the Land Exchange Alternative, including:

> [M]uch of the land included in the Alternate Site Location Alternative would have to be taken out of the RMP Preserve and converted to development. The environmental benefit of the Land Exchange Alternative, on the other hand, is that approximately 268 net acres of land currently approved for development would be converted from development and added to the RMP Preserve rather than taken from the Preserve as with the Alternate Site Location Alternative. In addition, even though the state is currently managing the proposed land exchange property as part of its Rancho Jamul Ecological Preserve, the majority of the exchange land (approximately 230 acres of the proposed 278-acre land exchange) is already approved for development under the Otay Ranch GDP/SRP. Thus, the land exchange, if implemented, would not generally remove land from the Preserve and convert it to development as would occur under the Alternate Site Location Alternative.
>
> Also, because the Alternative Site Location Alternative proposes that development occur in areas not previously approved for development, the discretionary approvals would require a General Plan Amendment to allow development where previously precluded, an Otay Ranch GDP/SRP Amendment, an Otay Ranch RMP Amendment, an MSCP County of San Diego Subarea Plan Boundary Adjustment, and a City of San Diego MSCP Boundary Adjustment for impacts to Cornerstone Lands. It is unlikely that all such amendments could be obtained, especially since the Alternate Site Location Alternative would effectively require that higher-quality habitat currently in Preserve be redesignated for development, and that lower-quality habitat be moved out of development and into Preserve.

Based on the above factors, the Draft EIR determined that the Alternative Site Location was not feasible compared to the Land Exchange Alternative. Please refer to **Responses to Comments O-6-477 through O-6-480**.

O-5-126 The comment asks if the Land Exchange Alternative causes new and serious impacts to Miguel and Otay Mountains and to critical wildlife corridors that connect the area. Impacts to biological resources from the Land Exchange Alternative were analyzed in Appendix 4.1-4, Land Exchange Alternative Biological Resources Technical Report.

Regarding Miguel and Otay Mountains, it is not clear to which impacts the comment is referring. With respect to impacts to wildlife corridors and San Miguel Mountain, Appendix 4.1-4 to the Draft EIR (page 496) determined that:

> The land exchange and boundary adjustment, in conjunction with the Land Exchange Alternative design, *retains the functions and values of the corridors identified within the Ogden study (1992b) and expands the wildlife corridor north of the proposed development. Therefore, the Land Exchange Alternative is not anticipated to impact long-term wildlife movement between the Jamul Mountains and San Miguel Mountain.*

Additionally, impacts to wildlife movement are discussed in Section 9 of Appendix 4.1-4.

O-5-127 The comment asks if the vegetation description for the Land Exchange Alternative is accurate, or if most of the vegetation is coastal sage scrub.

Please refer to Section 3, Survey Methodologies, of the Land Exchange Alternative Biological Resources Technical Report (Appendix 4.1-4 to the Draft EIR). All vegetation surveys for the Proposed Project and Land Exchange Alternative were completed by qualified biologists from 2014 through 2017. Accordingly, the description in Section 4.8 of the Draft EIR and Appendix 4.1-4, Biological Resource Technical Report for the Land Exchange Alternative is accurate because it is based on project-level surveys performed specifically for the Land Exchange Alternative.

O-5-128 The comment asks if the Land Exchange Alternative clusters development in areas where the most biological resources are clustered while preserving lower quality lands.

The 2015 equivalency analysis determined that the Land Exchange Alternative would provide for equal or superior preservation of biological resources than the designated Otay Ranch RMP Preserve. Appendix A, Proposed Boundary Adjustment Equivalency Analysis, of Appendix 4.1-4, provides a brief update to the 2015 equivalency analysis. As concluded therein:

> In order to provide the most recent data as a part of the equivalency analyses prepared for the Land Exchange Alternative, an updated species summary table from the Executive Summary (Table 4) is included in this addendum. This table provides updated populations of rare plant species preserved or proposed for development as a part of the two actions, as well as updated wildlife locations, and host plant or suitable habitat preservation and impacts. The updated table supports and reconfirms the conclusions presented in the 2015-equivalency analyses that these two actions would provide for more

> preservation of sensitive plant and wildlife species than the designated Otay Ranch RMP Preserve approved in the Otay Ranch General Development Plan/Subregional Plan (Otay GDP/SRP).

Please also refer to **Response to Comment O-6-449**.

O-5-129 The comment asks which of the alternatives would comply with the MSCP, BMO, NCCP and HCP.

The development footprints for the Low Density and GDP/SRP Proctor Valley Road Alternative are largely consistent with the Proposed Project and would have the same impact with respect to consistency with the MSCP, BMO, NCCP, and HCP. Concerning the Alternative Site Location Alternative, as explained in **Response to Comment O-5-125**:

> [T]he Alternative Site Location Alternative proposes that development occur in areas not previously approved for development, [therefore] the discretionary approvals would require … an Otay Ranch GDP/SRP Amendment, an Otay Ranch RMP Amendment, an MSCP County of San Diego Subarea Plan Boundary Adjustment, and a City of San Diego MSCP Boundary Adjustment for impacts to Cornerstone Lands.

These amendments required for the Alternative Site Location Alternative would have to comply with the provisions of the MSCP and, therefore, the provisions of the NCCP and HCP.

Regarding the Land Exchange Alternative, Section 4.8, Analysis of the Land Exchange Alternative of the Draft EIR, and Appendix 4.1-4, Land Exchange Alternative Biological Resources Technical Report address the Land Exchange Alternatives consistency with these documents. Specifically, Section 10, Local Policies, Ordinances, and Adopted Plans, of Appendix 4.1-4, "implementation of the Land Exchange Alternative does not conflict with currently established local policies, ordinances, or plans. Biological resources protected under these documents are expected to remain safeguarded given the compliance of the Land Exchange Alternative with the stipulations indicated in these regulations." Therefore, the Land Exchange Alternative would be in compliance with the MSCP, BMO, NCCP, and HCP, in addition with all other applicable local policies, ordinances, and plans.

O-5-130 The comment provides concluding remarks. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

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