

O-6 ENDANGERED HABITATS LEAGUE (SHUTE MIHALY)

- O-6-1** The comment summarizes the Endangered Habitats League's (EHL's) role in conservation in California. 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.
- O-6-2** The comment summarizes the organizations that reviewed the comment letter. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-3** The comment expresses an opinion that the Proposed Project would violate the federal and state laws governing HCPs and natural community conservation plans (NCCPs). The County does not agree with the comment and refers the commenter to **Thematic Response - Baldwin Letter and PV1, PV2, and PV3**.
- O-6-4** The comment states that the Proposed Project would place approximately 340 homes on parcels commonly referred to as PV1, PV2, and PV3 that have been set aside for conservation for decades. The comment also asserts these conservation areas (PV1, PV2, and PV3) were created as part of the Multiple Species Conservation Program (MSCP) and related Subarea Plan. The comment correctly states that approximately 340 homes are proposed for PV1, PV2, and P3; however, the County does not agree that these areas were set aside for conservation under the MSCP County Subarea Plan. The County refers the commenter to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-5** The comment states that, unless the MSCP plans are amended at federal and state levels to provide suitable habitat replacement for developing preservation areas, approving the Proposed Project would violate the County's legal duties under the MSCP. Preliminarily, PV1, PV2, and PV3 are *not* included in a designated major or minor amendment area in the County Subarea Plan (See MSCP County Subarea Plan, Figure 1-2.) In addition, take authorization is beyond the scope of CEQA. The issue of "take" falls under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA), and is governed by rules and standards different from those in CEQA. The County refers the commenter to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-6** The comment states the Draft EIR does not acknowledge the existence of these Preserve areas, or grapple with legal and environmental consequences of developing conserved land. The County does not agree that PV1, PV2, and PV3 are Preserve

- areas. The County refers the commenter to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-7** The comment expresses the commenter’s opinion that in numerous other aspects, the Draft EIR also fails to comply with CEQA. The comment then cites a court case “*Laurel Heights I*.” The County notes that the Draft EIR was prepared in compliance CEQA and with the County of San Diego Format and Content Requirements for Environmental Impact Reports. The comment does not raise an issue related to the adequacy of the Draft EIR. Therefore, no further response is required or provided.
- O-6-8** The comment expresses the commenter’s opinions the Proposed Project is an example of sprawl development, placed in one of the most environmentally constrained areas of the County. This comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-9** The County acknowledges the comment as an introduction to comments that follow regarding impacts to wildlife, habitat, and biodiversity (**Comments O-6-18 through O-6-150**); greenhouse gas emissions (**Comments O-6-151 through O-6-193**); water supply (**Comments O-6-263 through O-6-298**); hydrology and water quality (**Comments O-6-299 through O-6-346**); and aesthetics (**Comments O-6-364 through O-6-428**). The comment does not raise a specific issue, and the County refers the commenter to **Responses to Comments O-6-18 through O-6-494**.
- O-6-10** The County acknowledges the comment as an introduction to comments that follow regarding wildfire and evacuation. The County does not agree with the comment that the Proposed Project does not provide adequate means of evacuation. The County refers the commenter to **Responses to Comments O-6-194 through O-6-262**. As described therein, the Proposed Project would have a less-than-significant impact due to wildfire hazards (see Section 3.1.1.2.4) and emergency response plans (see Section 3.1.1.2.5). Please also refer to **Thematic Response – Wildfire Protection and Evacuation**.
- O-6-11** The comment states that the Draft EIR does not address the above-referenced impact areas. The County does not agree with this comment and refers the commenter to **Response to Comments O-6-18 through O-6-495**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-12** The comment states that the Draft EIR fails to provide legally defensible analysis and mitigation for the significant impacts identified in the Draft EIR. The County does not agree with this comment and refers the commenter to **Response to Comment O-6-11**.

- O-6-13** The comment states that the Draft EIR does not identify and analyze a reasonable range of alternatives. The County does not agree with this comment and refers the commenter to **Responses to Comments O-6-492 through O-6-552**, and **Thematic Response – Alternatives**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-14** The comment states the Draft EIR fails to meet CEQA's fundamental purpose of providing disclosure of the Proposed Project's effects. The County does not agree that the Draft EIR fails to provide disclosure of the Proposed Project's environmental effects. The County refers the commenter to **Responses to Comments O-6-18 through O-6-555**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-15** The comment states that that because the Draft EIR fails to fully and accurately inform the decision makers and the public of the environmental consequences of the Proposed Project, it does not satisfy the basic goals of CEQA. The comment further asserts due to the Draft EIR's inadequacies, there can be no meaningful public review of the Proposed Project. The County does not agree that the Draft EIR fails to satisfy the goals of CEQA and refers the commenter to **Responses to Comments O-6-18 through O-6-495**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no more specific response is required or provided.
- O-6-16** The comment expresses the commenter's opinion that due to the magnitude of revisions required, recirculation of the revised Draft EIR will be required. The County does not agree that the publication of the Final EIR requires the recirculation of a revised Draft EIR. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

Nonetheless, the Draft EIR has been revised in response to comments received during the public review period, and those revisions have been shown in ~~strikeout~~/underline format in the Final EIR. The County notes that those revisions have not significantly changed the analysis contained in the Draft EIR nor identified any new or greater impacts or mitigation measures that would trigger recirculation.

- O-6-17** The comment refers to the exhibits to the comment letter. The comment then requests the County respond to both the comments in this letter and each of the comments in the attached reports. The County acknowledges the comment and refers the commenter to **Responses to Comment Letters O-6.1 (Hamilton Biological Review), O-6.2 (Quino Review), O-6.3 (Horner Hydrology Report), O-6.4 (Reax Engineering), and O-6.5 (Griffin Cove Transportation)** for responses to each

exhibit as requested by the commenter. The County notes that where applicable, the following responses to comments refer back to these technical responses, as well as other responses to comments.

The County also notes that comments which are included as additional exhibits to **Comment Letter O-6**, which are not explicit to the Proposed Project (i.e., Osborne and Ballmer comments on the Village 13 project), have been reviewed and considered, but because these comments are not specific to the analysis contained in the Draft EIR and do not raise an issue regarding the adequacy of the Draft EIR, no further responses are required or provided.

Lastly, the County notes that for attachments which were not specific to the Proposed Project or the analysis contained in the Draft EIR are addressed **as Response to Comments O-6.6 through O-6.39**.

- O-6-18** The comment expresses an opinion that the Proposed Project is “predicated on a fiction” that the County can approve development of the entire Proposed Project as proposed. The comment further asserts that the areas identified as PV1, PV2, and PV3 are not available for development, rather, they were set aside for preservation in the MSCP County Subarea Plan. Contrary to statements in the comment, PV1, PV2, and PV3 were not set aside for preservation in the MSCP County Subarea Plan. The proposal to designate these areas as MSCP Preserve was never formalized into an agreement. Thus, their development entitlements never changed. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-19** The comment states that the MSCP County Subarea Plan is a combined HCP and NCCP and that the County is required to abide by its terms. The County agrees. As noted in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, and as analyzed throughout the Draft EIR, the Proposed Project is consistent with the MSCP Plan and MSCP County Subarea Plan, as well as the County General Plan, Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP), and Otay Ranch RMP regarding development of these areas. The comment provides an introduction to comments which follow. Please also refer to **Responses to Comments O-6-20 through O-6-104**.
- O-6-20** The comment expresses the commenter’s opinion that because PV1, PV2, and PV3 have been identified for preservation, any approval to develop these areas would violate the Subarea Plan and therefore be unlawful. As stated in **Response to Comment O-6-18**, no agreement to eliminate the development entitlements for these areas and designate them as part of the MSCP Preserve was ever executed. Thus,

PV1, PV2, and PV3 are not MSCP Preserve, and development of these areas would not violate the MSCP County Subarea Plan. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

- O-6-21** The comment criticizes the Draft EIR for not acknowledging that PV1, PV2, and PV3 have been set aside for preservation and cannot be developed under the Subarea Plan without a major amendment and concurrence from the Wildlife Agencies. The County disagrees with the comment. As explained in **Responses to Comments O-6-18 and O-6-20**, and **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, the land in question—PV1, PV2, and PV3—was not designated as MSCP Preserve or otherwise set aside for preservation. As a result, these three areas retain their longstanding development designation, as originally applied in the 1993 Otay Ranch GDP/SRP. PV1, PV2, and PV3 are *not* included in a designated major or minor amendment area in the County Subarea Plan (see MSCP County Subarea Plan, Figure 1-2). Accordingly, these areas are not MSCP Preserve, and their development does not require a major amendment to the MSCP County Subarea Plan.

Lastly, whether the applicant would need an ESA and/or CESA incidental take permit and can secure such permits is beyond the scope of CEQA and, thus, beyond the scope of this EIR. There is nothing in the Implementing Agreement or any state or federal statute that would prevent the applicant from seeking separate take authority under ESA or CESA. Rather, as indicated in the **Response to Comment A-3-15**, the appropriate process for analyzing the proposed development within PV1, PV2, and PV3 is the BMO. The Draft EIR describes the areas accurately.

- O-6-22** The comment states that before the County can proceed with its consideration of the Proposed Project's application, the County must require the applicant to remove any proposals to develop PV1, PV2, and PV3 (or obtain a major amendment of the Subarea Plan) and revise and recirculate the Draft EIR to account for that change. The County disagrees that there is a legal requirement to remove development entitlements from PV1, PV2, and PV3. As explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, these areas are developable under the Otay Ranch GDP/SRP and County General Plan, as analyzed in the Draft EIR. No change to the Proposed Project is required, and therefore, revisions to recirculation of the Draft EIR is not necessary.
- O-6-23** The comment provides legal background information on the federal ESA. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-24** The comment provides legal background information on federal take permits and HCPs. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-25** The comment provides legal background information on CESA and NCCPs. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-26** The comment provides legal background information on take permits. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-27** The comment provides background information on the MSCP County Subarea Plan. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-28** The comment asserts that the MSCP County Subarea Plan and Implementing Agreement prohibit development on PV1, PV2, and PV3. The comment further asserts development in these areas would violate the Subarea Plan, the associated Implementing Agreement, and state and federal law. The County does not agree. As explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, development is not prohibited in these areas. In fact, as described therein, the Implementing Agreement explicitly acknowledges that the provisions of the Baldwin Letter would only be implemented if a future agreement was reached between the parties. Specifically:

The County shall require ... “[p]rotection of the areas identified as preserved in the boundaries of the Otay Ranch project including approximately 11,375 acres... *Additional lands* associated with agreements, as outlined in the letter attached to the South County Segment from the Baldwin Company dated November 10, 1995, *will be included if the agreements are reached*” [emphasis added].

Such an agreement was never reached. The comment provides an introduction to comments which follow. Please refer to **Responses to Comments O-6-29 through O-6-58**.

Note also that Section 3.4.4.7 of the MSCP County Subarea Plan expressly discusses the ongoing and incomplete nature of the negotiations then being conducted between Baldwin and the Wildlife Agencies with respect to various lands in Proctor Valley, which included PV1, PV2, and PV3:

Since the adoption of the General Development Plan, negotiations are continue between Village Development [Baldwin] and the Wildlife agencies which would result in additional lands in Proctor Valley, east of the approved resort, and additional lands south of Lower Otay Lake being placed in open space. In return, additional development would be approved in the Poggi Canyon area, the area on the eastern edge of Village 10 and west of Salt Creek, and a portion of Village 4, east of Rock Mountain. This project modification would require the County and the City of Chula Vista to amend the General Plan.

As explained above, the negotiations never produced an agreement and, as a result, no amendments were ever made to the County or City of Chula Vista general plans to reflect the terms of the Baldwin proposal.

- O-6-29** The comment expresses the commenter’s opinion that the County cannot approve development that includes areas PV1, PV2, and PV3 because the Subarea Plan clearly provides that no take authorization may be issued for those areas. Take authorization, however, is a matter determined under the federal ESA and CESA, not CEQA. For this reason, the Draft EIR does not address take authorization per se but instead analyzes the Proposed Project’s actual impacts on species and their habitats. If development of PV1, PV2, and PV3 requires take authorization, the applicant will address the issue either through the County’s Section 10a permit or through other provisions in the federal ESA and/or CESA. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-30** The comment expresses the opinion that, at the time the MSCP Plan was being developed, the Otay Ranch development, which contemplated development on PV1, PV2, and PV3, “faced the significant risk FWS [U.S. Fish and Wildlife Service] and DFW [California Department of Fish and Wildlife] would not approve it for inclusion in the proposed MSCP due to the severe habitat fragmentation that the development would cause.” The comment, however, cites no authority to substantiate the opinion expressed therein. Moreover, the comment does not raise an issue regarding to the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-31** The comment provides background information about the Proposed Project’s location within the Otay Ranch GDP/SRP community. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-32 The comment provides factual background information about the Otay Ranch GDP/SRP. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-33 The comment expresses the commenter's opinion regarding the need for the County and the Otay Ranch property owner to obtain take authorization from USFWS and CDFW (collectively, "Wildlife Agencies") before development could proceed as anticipated in the Otay Ranch GDP/SRP.

Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** for additional information regarding the history of the Baldwin Letter. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-34 The comment provides factual background information about the Otay Ranch GDP/SRP and the processing of MSCP and MSCP Subarea Plans in the County of San Diego and City of Chula Vista. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-35 The comment asserts that during the MSCP process, the USFWS and CDFW informed the County that, as approved, the Otay Ranch project would not satisfy the requirements for establishing an HCP and NCCP. The comment provides information regarding conversations or communications that may have taken place between the County and the Wildlife Agencies during the MSCP process more than 20 years ago. The comment provides no documentation or other evidence to verify the communication alleged in the comment. In any event, the final MSCP Subarea Plan and the Implementing Agreement govern the County's assessment of the Proposed Project's consistency with applicable planning documents, not conversations that took place during development of the MSCP Plan, and the County's incidental take permit was issued with development rights on PV1, PV2, and PV3. Please to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR, therefore, no further response is required or provided.

O-6-36 The comment restates information from a joint April 14, 1995, letter from the Wildlife Agencies to the County.

The County notes that the language referenced does not explicitly prohibit development of the Otay Ranch or PV1, PV2, and PV3 as the commenter and Comment O-6-25 suggest. Rather, the County notes that the comment states that

development of Otay Ranch would fragment a large block of habitat and result in problems for achieving the tenets of the plan. Moreover, the letter cited in the comment represents a snapshot in time, 3 years before the County received its incidental take permit for the MSCP, during the lengthy MSCP development process—a process that involved many negotiations and compromises ultimately leading to the Final MSCP Plan, the County Subarea Plan, and a formally adopted Implementing Agreement. The final MSCP Plan, County Subarea Plan, and the Implementing Agreement—not a letter issued by the Wildlife Agencies in the early part of the MSCP process—reflect the final disposition of the Otay Ranch project and PV1, PV2, and PV3. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

- O-6-37** The comment provides background information regarding areas identified by the Wildlife Agencies, including “mid-Proctor Valley,” which the Wildlife Agencies stated needed to be addressed as part of the MSCP planning process. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-38** This comment, and the next 20 comments to follow (**Comments O-8-39 through O-6-58**) provide background information and opinions regarding the disposition of PV1, PV2, and PV3 in relation to the MSCP Plan, the County Subarea Plan, and the Implementing Agreement. The County disagrees and has prepared a detailed Thematic Response to address these and similar comments. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. Please also refer to **Responses to Comments A-3-5 through A-3-58 (CDFW)**.
- O-6-39** The comment states the cornerstone of the agreement was the proposal to eliminate certain development entitlements in the Otay Ranch GDP/SRP and to designate such areas MSCP Preserve. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-40** The comment refers to areas PV1, PV2, and PV3 as among the areas where entitlements were eliminated in favor of designation as MSCP Preserve. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-41** The comment asserts that “On February 22, 1996, DFW and FWS agreed to the proposed exchange of development areas for preserve areas and clarified other elements of the Baldwin Company’s proposed agreement.” The County notes that the comment mischaracterizes the nature of the CDFW and USFWS response to the Baldwin proposal. Rather than “clarifying” elements of the Baldwin proposal, the CDFW and USFWS response categorically *rejected* elements of the proposal and indicated it could accept other components of the proposal only if certain newly identified conditions could be satisfied. The response also stated that any agreement needed to be finalized, which never occurred. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-42** The comment asserts that in the letter dated February 22, 1996, the agencies acknowledged they would process the application for necessary take permits for Otay Ranch consistent with the Otay Ranch GDP/SRP and as modified by the Baldwin Letter proposal. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-43** The comment asserts that the County’s Subarea Plan memorializes this land exchange.

The County does not agree with the comment. As explained in **Response to Comment A-3-5**, the Baldwin Letter was never executed as an agreement and thus there was no memorialization of a land exchange. The Baldwin Letter itself states “The following are elements of a proposed Agreement.” Also the CDFW’s and USFWS’s (collectively the “Wildlife Agencies”) response to the Baldwin Letter, dated February 22, 1996, rejected certain elements of the proposal and offered only qualified acceptance of others. There was never any meeting of the minds. Thus, although the MSCP County Subarea Plan, when adopted in 1997, attached a copy of the Baldwin Letter to document continuing negotiations as related to the November 1995 Baldwin Letter proposal under the assumption that an agreement, or agreements, would be reached in the future, that agreement, as related to the Proposed Project and PV1, PV2, and PV3, was never finalized and the assumption proved false. For this reason, the Baldwin Letter, including whatever terms, conditions, or proposals are contained therein, does not constitute any portion of the MSCP County Subarea Plan and has no regulatory function. The Baldwin Letter articulated a proposal that the Wildlife Agencies never accepted. It has no effect on the MSCP County Subarea Plan or the ongoing management of the MSCP Preserve, nor does it bear upon the County’s land use decisions with respect to this Proposed Project or any other. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and**

- PV3.** The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-44** The comment restates information and refers to figures in the MSCP County Subarea Plan. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-45** The comment states the County Subarea Plan explains that Figure 1-2 depicts “green ‘preserve’ areas” where development will not occur. The County disagrees. The County Subarea Plan states “Figure 1-1 shows the County Subarea Plan area, Figure 1-2 shows the areas authorized for take, and Figure 1-3 shows the conservation areas” (page 1-1). The County notes that the legend on Figure 1-2 depicts “no take authorized” as green and hardline “take authorized” as red. The County further notes that the County Subarea Plan definition of MSCP Preserve is not “no take authorized”; rather, it is “areas titled “Public Lands and Dedicated Private Open Space.” These lands are hereafter referred to as “preserve areas” (page 1-2). The County notes that PV1, PV2, and PV3 are not designated “Public Lands and Dedicated Private Open Space” as identified by colors in the legends of figures contained in the MSCP Subarea Plan. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-46** The comment asserts that the Implementing Agreement further confirms that PV1, PV2, and PV3 are designated preserved land. The comment further states the Implementing Agreement and the County Subarea Plan designates these areas as “Where No Take Permit Will be Issued.” Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. As explained in the Thematic Response, the comment mischaracterizes the provisions of the Implementing Agreement. The Implementing Agreement does not designate PV1, PV2, and PV3 as Preserve areas. Rather, Section 10.5.A.2 of the Implementing Agreement indicates that PV1, PV2, and PV3 are approved for development and can be added to the MSCP Preserve only if future agreements are reached. The comment references Exhibit F to the Implementing Agreement (which was part of the MSCP County Subarea Plan and actually pre-dated the Implementing Agreement). The only reference to Exhibit F in the Implementing Agreement, however, is in Section 2.28, wherein Exhibit F is used to depict the boundaries of the County MSCP Subarea Plan. It is not referenced in any manner to interpret the Baldwin Letter.
- O-6-47** The comment asserts that after adopting the Subarea Plan and executing the Implementing Agreement, the County has consistently recognized that the Baldwin Letter proposal resulted in hardline Preserve areas, most significantly areas PV1,

- PV2, and PV3. The County disagrees with this comment. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.
- O-6-48** The comment refers to a 2001 General Plan Amendment Report in which County staff discussed the Baldwin Letter proposal’s land use changes, stating those changes were being phased into the County’s and City of Chula Vista’s land use plans through General Plan Amendments as development applications came forward. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. As explained in the Thematic Response, the 2001 General Plan Amendment (GPA) referenced in the comment was initiated by the property owner as a condition of a separately negotiated Interim Habitat Loss Permit in the City of Chula Vista. The Interim Habitat Loss Permit imposed obligations upon the property owner, including the processing of the GPA referred to in the comment, exceeding those anticipated by the Baldwin Letter. The GPA did ultimately effectuate certain components of the Baldwin Letter, but only because separately negotiated terms, payments, and mitigations were agreed upon wholly independent of the Baldwin Letter.
- O-6-49** The comment refers to the 2001 General Plan Amendment Report, which is attached to the comment letter as Exhibit 8. The comment then states that the County recognized that these necessary land use changes included “Reduced development in Central Proctor Valley (Village 14).” The County notes that the language of the General Plan Amendment Report, dated April 5, 2001, is from a staff report that merely explained staff’s understanding at that time and is not legally binding. No agreement or change to development rights has been effectuated to designate PV1, PV2, and PV3 as MSCP Preserve. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2 and PV3**.
- O-6-50** The comment states in 2002 the Board of Supervisors amended its 1996 Otay Ranch Phase 2 RMP to update the plan for conveying open space into the Preserve. The County notes the Board only partially adopted the Phase 2 RMP in 1996. In 2002, the Board approved amendments to the conveyance plan, but did not adopt the entire Phase 2 RMP. In September 2018, the Board of Supervisors adopted the Phase 2 RMP. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-51** The comment states that the only amendment to the Otay Ranch Phase 2 RMP (2002) “was to replace the original conveyance plan map with the new map that depicted

area PV-3 as ‘Preserve Conveyance Area’ and PV1 and PV2 as ‘balance of open space Preserve.’” According to the comment, the County Board of Supervisors amended the conveyance plan to memorialize the land exchange incorporated into the Subarea Plan through the Baldwin Letter proposal. The County acknowledges that Exhibit 14 in the 2002 Phase 2 RMP incorrectly depicted PV1, PV2, and PV3 as located within the MSCP Preserve; however, every exhibit in the 2002 Phase 2 RMP, other than the incorrect Exhibit 14, showed PV1, PV2 and PV3 as developable, e.g., Exhibit 1 (11,375-acre Preserve map), Exhibit 3, and Exhibits 31– 36. The Phase 2 RMP conveyance map is currently being amended as part of the Phase 2 RMP Update process, to correctly demonstrate development rights in Otay Ranch as approved by the Otay Ranch GDP/SRP, which has not been amended for Village 14, nor has any other County action converted PV1, PV2, and PV3 to MSCP Preserve. Note also that, as pointed out in **Response to Comment O-6-28**, the County MSCP Subarea Plan accurately described the negotiations involving PV1, PV2, and PV3 as ongoing and incomplete, and further explained that should the negotiations be finalized into an agreement, the County General Plan would have to be amended. The County notes that no such agreement occurred with respect to PV1, PV2, and PV3. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. Further, the County adopted an updated RMP 2 in September 2018 and corrected the figure in question.

O-6-52 The comment asserts that both the City of Chula Vista and the County have implemented the Subarea Plan’s development and preservation designation that were set forth in the Baldwin Letter proposal. The County notes that while several elements of the Baldwin Letter proposal elements did occur, they were not implemented because of the Baldwin Letter proposal. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR, therefore, no further response is required or provided.

O-6-53 The comment refers to City of Chula Vista approvals for Villages 1, 2, 4, 9, 10, and 11 and refers to Exhibit 10 to the comment letter. The Baldwin Letter was never executed as an agreement.

The County notes that elements of the Baldwin Letter were not implemented because of the Baldwin Letter, rather, they occurred because of subsequent landowner negotiations, separate permits, and/or separate processing of the City of Chula Vista Subarea Plan. These separate negotiations were independent of the MSCP County Subarea Plan, the Implementing Agreement, and/or the County’s take permit. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The

- comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-54** The comment states the County has designated for preservation areas in Village 13 and 15 that were originally approved for development as part of the Otay Ranch GDP/SRP. Please refer to **Response to Comment O-6-48** and **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-55** The comment asserts that, like the County, CDFW and USFWS have continued to acknowledge that the Baldwin Letters proposed land exchange remains an integral part of the MSCP County Subarea Plan. For clarification, the County does not acknowledge the Baldwin Letter as an agreement or integral to the MSCP. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-56** The comment refers to a 2013 letter from USFWS to the County and City of Chula Vista, which addresses the transfer of dedicated lands to the Otay Ranch RMP Preserve, consistent with the Baldwin Letter and the USFWS and CDFW response in 1996. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** for a discussion of the Baldwin Letter and the Wildlife Agencies' response.
- O-6-57** The comment refers to the 2013 USFWS letter to the County, which is included as Exhibit 12 to the comment letter. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. The comment does not raise an issue regarding the adequacy of the Draft EIR, therefore, no further response is required or provided.
- O-6-58** The comment provides concluding remarks for comments above. Please refer to **Responses to Comments O-6-29 through O-6-57**. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-59** The comment restates information in the Draft EIR regarding the application of the County BMO to PV1, PV2, and PV3. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-60** The comment provides background information on the County's BMO. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-61** The comment asserts that the Subarea Plan clearly provides that the BMO does not apply to Preserve areas PV1, PV2 and PV3. By the terms of the BMO itself, the BMO

applies to all properties within the boundaries of the MSCP County Subarea Plan as shown in Exhibit A of the BMO (see BMO, Section 86.502). PV1, PV2, and PV3 are within that boundary. Some properties are exempt from the BMO, as they received hardline “take” authority when the County’s Subarea Plan was adopted (BMO, Section 86.503). Such properties are shown on Exhibit B to the BMO. PV1, PV2, and PV3 are not among the exempted properties (although the remainder of Village 14 and Planning Areas 16/19 *are* shown as take authorized and, therefore, exempt). When read together, Exhibits A and B demonstrate that the BMO applies to PV1, PV2, and PV3 (see BMO, Section 86.503(4)). The County refers the commenter to **Responses to Comments A-3-15 through A-3-19**. With respect to Footnote 2, see the following responses to the Hamilton Biological Report: **Responses to Comments O-6.1-7, O-6.1-10, O-6.1-13, O-6.1-18, and O-6.1-21**.

- O-6-62** The comment restates information from the County Subarea Plan regarding geographical locations where the BMO applies. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided. See **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Responses to Comments A-3-15** and **O-6.1-10** regarding the applicability of the BMO to the Proposed Project.
- O-6-63** The comment expresses the commenter’s opinion that the BMO generally does not apply in the South County Segment of the Subarea Plan (aside from major or minor amendment areas) because the entire segment is designated as either hardline development or hardline Preserve. The County disagrees with the comment. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Responses to Comments A-3-15** and **O-6.1-10**.
- O-6-64** The comment quotes from the Draft EIR that only “Projects that do not have an agreed upon hardline boundary must demonstrate conformance with the BMO.” The County notes that after this statement on page 2.4-63, the Draft EIR explains why the BMO applies to PV1, PV2, and PV3. This comment and the next nine to follow (**O-6-65** through **O-6-73**) relate to the application of the BMO to PV1, PV2, and PV3. The County disagrees. The County notes that because PV1, PV2, and PV3 are neither hardline development nor hardline Preserve, the BMO applies to any development in these areas. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Responses to Comments A-3-15** and **O-6.1-10**.
- O-6-65** The comment restates information from the County Subarea Plan regarding the South County Segment. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-66** The comment reasserts previous comments that the Subarea Plan does not allow application of the BMO to PV1, PV2, and PV3. The County does not agree with this comment. Please refer to **Response to Comment O-6-61** and **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Responses to Comments A-3-15** and **O-6.1-10**.
- O-6-67** The comment asserts that the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the MSCP confirms the BMO’s limited application in the South County Segment. The comment also restates information from the EIR/EIS. The County disagrees that the BMO is not applicable to PV1, PV2, and PV3, which are located in the South County Segment of the County Subarea Plan. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Responses to Comments A-3-15** and **O-6.1-10**.
- O-6-68** The comment restates information from the EIR/EIS for the MSCP. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-69** The comment states that Category 3 (see **Comment O-6-67**) does not encompass PV1, PV2, and PV3 because they are included within the Subarea Plan and the South County Segment. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** and **Responses to Comments A-3-15** and **O-6.1-10**.
- O-6-70** The comment restates information from the EIR/EIS for the MSCP. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-71** The comment asserts that allowing take through application of the BMO in preservation areas PV1, PV2, and PV3 would conflict with other clear provisions in the Subarea Plan.

The County disagrees that the application of the BMO would conflict with MSCP County Subarea Plan. See **Responses to Comments A-3-15** and **O-6.1-10**. In addition, take authorization is beyond the scope of CEQA. The issue of “take” falls under the federal ESA and CESA, and is governed by rules and standards different from those in CEQA. The County further disagrees that PV1, PV2, and PV3 are preservation areas. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

O-6-72 The comment restates information in the MSCP plans regarding PV1, PV2, and PV3. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-73 The comment asserts that it is nonsensical that the BMO could allow take to occur in areas where the Subarea Plan clearly states no take can occur.

The County disagrees with this comment. First, the comment does not provide any accurate evidence to substantiate the commenter's unfounded assertion that the BMO does not apply to PV1, PV2, and PV3. As explained in **Responses to Comments A-3-15 and O-6.1-10**, the BMO applies to all properties within the boundaries of the MSCP County Subarea Plan as shown in Exhibit A of the BMO (see BMO, Section 86.502). PV1, PV2, and PV3 are within that boundary. Some properties are exempt from the BMO, as they received hardline "take" authority when the County's Subarea Plan was adopted (BMO, Section 86.503). Such properties are shown on Exhibit B to the BMO. PV1, PV2, and PV3 are not among the exempted properties (although the remainder of Village 14 and Planning Areas 16/19 *are* shown as take authorized and, therefore, exempt). When read together, Exhibits A and B demonstrate that the BMO applies to PV1, PV2, and PV3 (see BMO, Section 86.503(4)). Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

O-6-74 The comment summarizes comments above that the BMO is inapplicable to PV1, PV2, and PV3 and cannot be applied absent a major amendment of the Subarea Plan. The County disagrees and refers the commenter to **Responses to Comments O-6-21, and O-6-59 through O-6-73** regarding the application of the BMO to the Proposed Project for PV1, PV2 and PV3. As explained above and in **Responses to Comments O-6.1-10 through O-6.1-23** (Hamilton Report), the BMO does apply to the South County Segment of the MSCP County Subarea Plan, and therefore, the Draft EIR adequately analyzes the potential impacts of the Proposed Project. In addition, take authorization is beyond the scope of CEQA. The issue of "take" falls under the federal ESA and CESA and is governed by rules and standards different from those in CEQA.

O-6-75 The comment asserts any County approval of development in PV1, PV2, and PV3 absent a major amendment to the Subarea Plan would violate the Subarea Plan and its Implementing Agreement, and would expose the County to negative legal consequences. Please refer to **Response to Comment O-6-74 and Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

- O-6-76** The comment states that federal and state law create a mandatory legal duty for the County to abide by the terms of the Plan, including the habitat preservation obligations of the Baldwin Letter proposal. The County acknowledges its duty to abide by the terms of the MSCP Plan and County Subarea Plan; however, the County disagrees that the Baldwin Letter is an agreement. The County also disagrees that any terms of the MSCP Plan require that PV1, PV2, and/or PV3 be designated as MSCP Preserve unless the Wildlife Agencies and the property owner had entered into a specific agreement to place the properties into Preserve, which has not occurred. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-77** The comment states the County’s ability to approve projects under the Subarea Plan’s take permit and Implementing Agreement is predicated on compliance with those documents. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-78** The comment states that violating the terms of the Subarea Plan would result in revocation of the County’s take permit and halt approval of any developments identified in the Plan. The comment then refers to the California Fish and Game Code and 50 Code of Federal Regulations. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-79** The comment asserts that approving development in preservation areas PV1, PV2, and PV3 would result in CEQA violations. The County disagrees with the comment because the Proposed Project is consistent with the MSCP County Subarea Plan as explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, and the Draft EIR appropriately analyzed the impacts of the Proposed Project.
- O-6-80** The comment provides information regarding the CEQA process and refers to CEQA court cases. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-81** The comment states that the Proposed Project would develop nearly 200 acres of open space that has been set aside as preserved lands for over two decades. The County further states the Draft EIR does not acknowledge this or analyze the impact of such a substantial loss of preserved habitat. As explained in the responses above and in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, the Baldwin Letter was never implemented; PV1, PV2, and PV3 were never designated as MSCP Preserve; and no action has subsequently placed these properties into Preserve. Therefore, the premise of the comment and its statements regarding the adequacy of the Draft EIR’s impact analysis are incorrect. The Proposed Project is consistent with

- the MSCP County Subarea Plan. **Responses to Comments O-6-82 through O-6-113** are all based on the commenter's incorrect assumptions regarding the status of PV1, PV2, and PV3.
- O-6-82** The comment restates prior comments that, absent a major amendment to the Subarea Plan, the Proposed Project cannot legally develop in PV1, PV2, and PV3. Preliminarily, PV1, PV2, and PV3 are *not* included in a designated major or minor amendment area in the County Subarea Plan (see MSCP County Subarea Plan, Figure 1-2). In addition, take authorization is beyond the scope of CEQA. The issue of "take" falls under the federal ESA and CESA and is governed by rules and standards different from those in CEQA. Therefore, the County does not agree that a major amendment is required to legally develop PV1, PV2, and PV3. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-83** The comment asserts that at least 340 of the applicant's proposed units cannot be built. The County does not agree that the proposed unit count cannot be built because, as explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, these areas are developable under the Otay Ranch GDP/SRP and County General Plan; thus, the Proposed Project is appropriately described in Chapter 1, Project Description, of the Draft EIR.
- O-6-84** The comment asserts that the County must revise the Draft EIR to remove the 340 units and revise every part of the Draft EIR that assumed development in those areas. The County does not agree that the Draft EIR must be revised because, as explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, these areas are developable under the GDP/SRP and the General Plan, and development is consistent with the MSCP County Subarea Plan and Implementing Agreement. Thus, the Proposed Project is appropriately described in Chapter 1, Project Description, of the Draft EIR, and other chapters of the Draft EIR appropriately analyze the Proposed Project.
- O-6-85** The comment asserts that to the extent the Draft EIR assumed those areas would support Project-related infrastructure or mitigation requiring improvements or ground disturbance, the analysis must be revised. The County does not agree that the Draft EIR assumptions regarding the extension of Project-related infrastructure need to be revised because, as explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, these areas are developable under the Otay Ranch GDP/SRP and the General Plan.

- O-6-86** The comment asserts that the alternatives analysis must also be revised because the applicant cannot actually build 1,119 homes like the Draft EIR claims. The comment further asserts the Draft EIR must state what amount of development is legally permissible and use that smaller development for the purposes of analyzing a reasonable range of alternatives and the feasibility of those alternatives. The County does not agree that the alternatives analysis presented in Chapter 4 must be revised because, as explained in **Thematic Response – Baldwin Letter and PV1, PV2 and PV3**, these areas are developable under the Otay Ranch GDP/SRP and the General Plan. Therefore, the Proposed Project is appropriately described in Chapter 1, Project Description, of the Draft EIR and appropriately compared to alternatives in Chapter 4.
- O-6-87** The comment provides information regarding the CEQA process and refers to court cases. The comment does not raise an issue regarding the analysis in the Draft EIR, therefore, no further response is required or provided.
- O-6-88** The comment asserts that the Project is irreconcilable with the Subarea Plan because the Project would develop three areas that the Subarea Plan clearly designates as preserved land. The County does not agree that the Proposed Project is “irreconcilable” with the MSCP County Subarea Plan. As explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, these areas have not been designated as Preserve and the Proposed Project is consistent with the MSCP County Subarea Plan.
- O-6-89** The comment states that Draft EIR does not acknowledge this designation and the resulting irreconcilable conflict between the Proposed Project and the Subarea Plan. The County does not agree that the Proposed Project is “irreconcilable” with the MSCP County Subarea Plan. As explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, the areas in question are not Preserve as the comment suggests; rather, these areas are developable under the Otay Ranch GDP/SRP and the General Plan.
- O-6-90** The comment asserts that the Draft EIR fails to consider the environmental impacts that would follow the habitat fragmentation and loss of mitigation from developing PV1, PV2, and PV3 contrary to the Subarea Plan. The comment also includes a footnote asserting that the Subarea Plan and related documents obligate the County to amend its General Plan to recognize the land use exchange set forth in the “Baldwin Agreement.” The County does not agree that the Draft EIR fails to consider the environmental effects of habitat fragmentation and loss of Preserve land from developing PV1, PV2, and PV3. In addition, the MSCP County Subarea Plan and related documents do not obligate the County to amend the General Plan because

- there was no “land use exchange” and there was no “Baldwin Agreement.” A General Plan Amendment would only be required if an agreement was reached. Please refer to **Responses to Comments O-6-88 and O-6-89, and Thematic Response – Baldwin Letter and PV1, PV2, and PV3.**
- O-6-91** The comment asserts that the Draft EIR misleadingly claims that the Proposed Project is in conformance with regional and subregional planning documents, including the MSCP Subarea Plan. The County does not agree that the Draft EIR misleadingly discusses PV1, PV2, and PV3. Please refer to **Responses to Comments O-6-88 and O-6-89, and Thematic Response – Baldwin Letter and PV1, PV2, and PV3.**
- O-6-92** The comment asserts that the demonstrably false statement (see **Response to Comment O-6-91**) undermines the Draft EIR as an informational document and violates CEQA. The County does not agree that the Draft EIR fails as an information document and violates CEQA as stated in the comment. Please refer to **Responses to Comments O-6-88 and O-6-89, and Thematic Response – Baldwin Letter and PV1, PV2, and PV3.**
- O-6-93** The comment asserts that the Draft EIR fails to account for impacts related to developing PV1, PV2, and PV3, which are “mitigation lands.” As an initial matter, the County notes that the Draft EIR’s analyzes the impacts of developing Village 14, which includes PV1, PV2, and PV3. Thus, the comment is incorrect in stating that impacts to these three areas were not addressed. The Draft EIR also attaches a BMO consistency analysis, which further evaluates project-related impacts to PV1, PV2, and PV3. The comment is also incorrect in stating that these three areas are “mitigation lands.” They are not mitigation lands, as explained in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3.** See also **Responses to Comments A-3-5 through A-3-12.**
- O-6-94** The comment asserts that by prohibiting take authorization and adopting the Baldwin Letter proposed exchange, the MSCP County Subarea Plan incorporated PV1, PV2 and PV3 into the MSCP Preserve. The comment then states that the entire MSCP Preserve designated in the Subarea Plan and the MSCP Plan, including PV1, PV2, and PV 3, is mitigation for permitted development under the MSCP. The comment also refers to exhibits in the MSCP Draft EIR. The County disagrees that PV1, PV2, and PV3 have been incorporated in the MSCP Preserve, as explained in the **Thematic Response – Baldwin Letter and PV1, PV2, and PV3, as well as Responses to Comments A-3-5 through A-3-12.**

- O-6-95** The comment states that the Draft EIR proposes to mitigate impacts to PV1, PV2, and PV3 “in the same manner as it mitigates unpreserved areas of Village 14, creating ‘mitigation’ that is illusory.” The mitigation recommended for impacts to PV1, PV2, and PV3 is consistent with CEQA and the County Guidelines. It is not illusory, as alleged in the comment. See also **Thematic Response – Baldwin Letter and PV1, PV2, and PV3** for information explaining why PV1, PV2, and PV3 are not “Preserve.”
- O-6-96** The comment states that land that is already preserved cannot be mitigated by merely replacing the same acreage elsewhere. Please refer to **Response to Comment O-6-95**. See also **Thematic Response– Baldwin Letter and PV1, PV2, and PV3** as well as **Responses to Comments A-3-5 through A-3-19**.
- O-6-97** The comment criticizes the mitigation through preservation approach adopted by the Draft EIR, asserting that it results in the same net loss of habitat that would occur without any mitigation at all. The comment proceeds from the assumption that PV1, PV2, and PV3 are designated as MSCP Preserve. As explained previously, PV1, PV2 and PV3 are not designated as MSCP Preserve and retain their respective development rights. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-98** The comment states that where already-preserved land will be lost, replacing it with equivalent habitat quantity and biological functions and values is only the first step. The comment further states that additional habitat must then be preserved to attain the net gain in preserved lands needed to claim mitigation. The County disagrees that PV1, PV2, and PV3 are “already-preserved land.” Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-99** The comment asserts that PV1, PV2, and PV3 were set aside for conservation for the purpose of allowing development in other open space originally slated for preservation and has since been approved for development. The County disagrees. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-100** The comment asserts that allowing development of PV1, PV2 and PV3 in addition to development of these former preservation areas would create a net loss of preserved land from what was originally conceived in the Otay Ranch GDP/SRP, as well as what was later required in the MSCP County Subarea Plan. The County does not agree with the comment and notes that placing PV1, PV2, and PV3 into Preserve as the comment suggests would have created additional Preserve (beyond the 11,375-acre Otay Ranch RMP as identified in the Section 10.5.A.2 of the Implementing

Agreement), if an agreement on the Baldwin Letter proposal had been reached. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

- O-6-101** The comment states that “CEQA forbids deleting or modifying previously-adopted mitigation measures like the MSCP Preserve ‘without a showing that it is infeasible.’” The comment, however, proceeds from an incorrect premise—namely, that the Proposed Project modifies or deletes any previously-adopted mitigation measures. As stated in response to other comments in this comment letter, the MSCP Plan did not at the time of its adoption—and does not now—include PV1, PV2, and PV3 as Preserve. Refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-102** The comment provides information regarding the legal requirements for modifying mitigation measures under CEQA and refers to court cases. The comment does not raise a specific issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-103** The comment cites provisions from the California Fish and Game Code. The comment does not raise a specific issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-104** The comment reiterates the commenter’s position that the Draft EIR violates state law by never mentioning that PV1, PV2, and PV3 “are part of a previously adopted mitigation program, and by not analyzing “the environmental impacts of losing those mitigation areas.” Please refer to **Response to Comment O-6-101**. See also **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-105** The comment is a header and states that “The Draft EIR cannot rely on the MSCP or other land conservation to mitigate impacts to biological resources.” The comment serves as an introductory statement for comments that follow. Please refer to **Responses to Comments O-6-106 through O-6-113**.
- O-6-106** The comment states that the Draft EIR relies on purported consistency with the MSCP to mitigate impacts to numerous special-status species. The comment then asserts the development of PV1, PV2, and PV3 is inconsistent with the MSCP. The County notes that the commenter believes that the Proposed Project is inconsistent with the MSCP. This is based on the commenter’s incorrect assumption that PV1, PV2, and PV3 were designated as Preserve and therefore undevelopable. The County disagrees that these three areas are Preserve for the reasons set forth in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

- O-6-107** The comment claims that because the Proposed Project is inconsistent with the MSCP, the Draft EIR cannot rely that plan and its environmental analysis and mitigation to disregard impacts to special-status species that the Project would impact. The County disagrees for the reasons set forth in **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-108** The comment states that even if the Proposed Project were consistent with the MSCP, “it would still be inappropriate to rely on a 21-year-old environmental analysis to conclude that the Project would not significantly impact species and habitat covered under the plan.” The comment then states that “[s]ince adoption of the MSCP EIR in 1997, substantial changes have occurred in the MSCP Preserve surrounding the Project site.” The comment seems to suggest that regardless of the language of the MSCP Plan, the County Subarea Plan and Implementing Agreement, the County must now review each hardline project anew for impacts on the MSCP Preserve, despite Section 21.1 of the Implement Agreement, which states: “*This Agreement ...shall remain in full force and effect for a period of 50 years.*” This is in direct conflict with numerous provisions of the Implementing Agreement, and would defeat two key objectives of the MSCP process: (1) streamlining review of projects, including and especially hardline projects such as the one currently under review, that demonstrate compliance with the MSCP plan; and (2) assuring participating landowners that, by engaging in the process and agreeing to convey land to the Preserve, their mitigation obligations will not change over time. (See Implementing Agreement, Sections 9.1, 9.3, 9.4, and 9.5.)
- O-6-109** The comment provides background information regarding a 2007 fire that burned areas within the MSCP Preserve (among other places) and destroyed habitat for various special-status species. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-110** The comment states that the Draft EIR must account for the loss of Preserve habitat due to the 2007 fire and “evaluate whether the Preserve remains adequate to mitigate the Project’s impacts to special status species.” As an initial matter, there is no evidence that the 2007 fire irrevocably and permanently destroyed the Preserve habitat mentioned in the comment. The MSCP Plan contemplated that, during the 50-year life of the plan, fires and other events and disturbances would occur and alter, at least temporarily, certain resources within the Preserve. The size of the Preserve allows it to absorb such changes without losing its ability to provide habitat for Covered Species. Thus, there is no evidence that the Preserve, in its current condition, is inadequate to mitigate the anticipated impacts of the Proposed Project, which was one of the original hardline developments contemplated by the MSCP Plan

when it was adopted in 1997. (See Implementing Agreement, Sections 9.1, 9.3, 9.4, and 9.5.)

- O-6-111** The comment states that the Draft EIR's biological resources analysis relies on land conservation to mitigate biological impacts. This comment reiterates the commenter's position that because the Proposed Project would develop previously established mitigation land, there is no basis for assuming land within the Preserve is actually adequate mitigation. Please refer to **Response to Comment O-6-101** and **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-112** The comment asserts that if the County allows this Project to develop mitigation land, it is unclear what will prevent the next project from developing mitigation proposed as part of this Project. The County assumes that "mitigation land" refers to PV1, PV2, and PV3. The County disagrees that these three areas are "previously established mitigation land." Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-113** The comment provides a concluding remark that the Draft EIR lacks the evidentiary support to show that habitat conservation can mitigate biological impacts to less-than-significant levels. The County disagrees with this comment. This comment is based on the incorrect assumption that PV1, PV2, and PV3 are designated as MSCP Preserve. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.
- O-6-114** The comment asserts that the Draft EIR fails to adequately analyze and mitigate impacts to western spadefoot toad. The comment provides an introduction to **Comments O-6-115 through O-6-122**. The County notes that many of the following comments restate comments made in **Comment Letter O-6.1** (Hamilton Biological); therefore, where applicable, the following responses refer back to applicable responses to **Comment Letter O-6.1**. No further response is required.
- O-6-115** The comment restates information contained in the Draft EIR that western spadefoot toad was located in 16 separate breeding pools, and the Project purports to preserve eight of these pools. The comment also notes that spadefoot toad is not an MSCP Covered Species. The comment does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR. However, the County refers the commenter to **Response to Comment O-6.1-45**, which clarifies that there will be direct impacts to 12 features occupied by western spadefoot, and 4 occupied features will be preserved.

- O-6-116** The comment asserts that the mitigation for spadefoot toad is inadequate. The comment states the Draft EIR proposes to preserve only known breeding pools and ignores the entire habitat area necessary for spadefoot toad to survey. The County does not agree with the commenter that the mitigation is “wholly inadequate.” Please refer **Responses to Comments O-6.1-42 and O-6-115**.
- O-6-117** The comment states this species requires habitat to travel between breeding pools and upland aestivation habitat. The comment also states that the U.S. Geological Survey (USGS) has recommended 300- to 400-meter buffers between developments and breeding pools. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is provided or required.
- O-6-118** The comment states that the Draft EIR proposes no buffer to preserve aestivation areas and other habitat. The comment further asserts that the Draft EIR incorrectly assumes that preserving breeding pools alone would adequately mitigate the Project’s impacts to spadefoot toad. Please refer to **Response to Comment O-6.1-42**.
- O-6-119** The comment states that the Draft EIR’s mapping of these breeding pools shows that five of the eight pools proposed for mitigation actually are within the Development Footprint. However, the County refers the commenter to **Response to Comment O-6.1-45**, which clarifies that there will be direct impacts to 12 features occupied by western spadefoot, and 4 occupied features will be preserved.
- O-6-120** The comment states that these proposed mitigation pools would be destroyed by the Project. Please refer to **Response to Comment O-6.1-45**.
- O-6-121** The comment states that the three remaining pools are only 10 to 20 meters from the development and would be impacted by numerous edge effects. The County refers the commenter to **Responses to Comments O-6.1-41 and O-6.1-42**.
- O-6-122** The comment asserts even using the Draft EIR’s ill-conceived mitigation proposal, the Draft EIR fails to mitigate significant impacts to western spadefoot toad. This comment provides a summary statement regarding **Comments O-6-115 through O-6-121**. Please refer to **Responses to Comments O-6-115 through O-6-121**.
- O-6-123** The comment asserts that the Draft EIR fails to adequately analyze and mitigate impacts to Quino checkerspot butterfly (QCB). The comment introduces comments to follow regarding QCB. The County notes that many of the comments restate comments made in **Comment Letter O-6.2** (Osborne and Ballmer); therefore, the following responses where applicable refer back to responses to the applicable responses to **Comment Letter O-6.2**.

- O-6-124** The comment states QCB is a federally endangered species that is not covered in the MSCP. The comment asserts that the Draft EIR downplays the severity of the impact to QCB stating that the majority of the Project Area provides only “low density” habitat for the species. Please refer to **Response to Comment A-3-132** and see **Thematic Response – Quino Checkerspot Butterfly**.
- O-6-125** The comment states that two leading experts on QCB found the Project Area contains core habitat for this species, which has historically been occupied by this species. Please refer to **Response to Comment A-3-127** and **Thematic Response – Quino Checkerspot Butterfly**, both of which explain why the Project Area does not support “Core” habitat for QCB.
- O-6-126** The comment asserts that the Draft EIR fails to fully account for the butterfly’s use of the area because its analysis is based on surveys with methodological problems. The comment states the surveys were conducted during periods of extreme and extended drought, which is known to reduce QCB reproduction and its presence in the area. Please refer to **Responses to Comments A-3-125 and A-3-128**. See also **Thematic Response – Quino Checkerspot Butterfly**.
- O-6-127** The comment states that a few hours of observation in 2017 (following a wet winter) yield multiple sightings of QCB in the Project Area. The comment also asserts that the validity of the survey results was also impaired because the surveying improperly excluded areas that represent potential QCB habitat. Please refer to **Responses to Comments A-3-125, A-3-128, and O-6.2-16**. See also **Thematic Response – Quino Checkerspot Butterfly**.
- O-6-128** The comment asserts that the Draft EIR also overlooks foreseeable significant impacts to QCB. The comment specifically asserts the Project’s location between two core habitat areas (San Miguel Mountain and Otay Mountain) would sever the linkage between these areas, effectively isolating core habitats and diminishing the viability of these important parts of the metapopulation. Please refer to **Response to Comment A-3-127**. See also **Thematic Response – Quino Checkerspot Butterfly**.
- O-6-129** The comment asserts that the Draft EIR understates the Project’s impacts because it assumes that only critical habitat within the Development Footprint could be impacted. The comment further asserts the Project’s edge effects would impact the species thousands of feet away from the development sites. The County disagrees. The Draft EIR assesses indirect QCB impacts in relation to Guideline 4.1.A in Section 2.4.3.1 at page 2.4-78-79 and does not include only critical habitat within the Development Footprint, but all suitable habitat within the Development Footprint.

Moreover, the issue of adverse impacts to or modification of “critical habitat” is one covered under the federal ESA, not CEQA, and is beyond the scope of this EIR. When and if required, the applicant will consult with the USFWS on the issue of impacts to QCB critical habitat. For purposes of CEQA, the Draft EIR is adequate so long as it evaluates Project impacts on habitat suitable for QCB, which it does. Refer to **Response to Comment O-6.2-11** and **Thematic Response – Quino Checkerspot Butterfly** for a discussion of edge effects on QCB. Please refer to **Responses to Comments O-6.1-24 and O-6.1-28** regarding overall habitat fragmentation and edge effects.

- O-6-130** The comment states the mitigation areas for QCB include open space within the development and areas immediately adjacent to the development. The comment further asserts the Project would impact these areas, consequently they cannot be relied on for mitigation but must be viewed as impacted habitat. The Otay Ranch RMP Preserve and Conserved Open Space proposed to mitigate for QCB habitat are not within impact areas, as the comment suggests. In addition, as a condition of the Otay Ranch RMP, an open space easement will be placed over 83.7 acres of potential habitat within non-graded Limited Development Areas. Neither the Conserved Open Space nor the non-graded Limited Development Areas will be impacted by the Proposed Project. Refer to mitigation measures M-BI-4 and M-BI-5 in Section 2.4.6 of the Draft EIR.
- O-6-131** The comment asserts the Draft EIR fails to adequately analyze and mitigate the impacts to golden eagle. The comment introduces comments to follow regarding golden eagle. The County notes that many of the comments restate comments made in **Comment Letter O-6.1** (Hamilton Biological), and refers the commenter to **Responses to Comment Letter O-6.1** and the **Thematic Response – Golden Eagle**.
- O-6-132** The comment states that observation and USGS tracking data show that the federally listed golden eagle frequently travels through Proctor Valley and forages in the Project Area. The County notes that the golden eagle is not listed under the federal ESA (16 USC 1531, et seq.). It is afforded special protection under the Bald and Golden Eagle Protection Act. The County further notes the golden eagle is not listed under CESA (California Fish and Game Code, Section 2050, et seq.); however, it is a California “fully protected” species under Fish and Game Code Section 3511. None of these laws prevent the development of areas used as foraging habitat. Moreover, the MSCP anticipated development in the Project Area and concluded that impacts to the eagles’ foraging habitat “will not adversely affect, the species’ long-term survival” in the region (MSCP page. 3-76). As described in the H.T. Harvey reports, focused nest surveys, a habitat assessment, and available recent data were used to

determine the status of golden eagles within the Project Area and the vicinity (Draft EIR pages 2.4-8, 2.4-39, and 2.4-40), and the Draft EIR acknowledges that golden eagle was observed within the Project Area (page 2.4-23). Please also refer to **Thematic Response – Golden Eagle**.

- O-6-133** The comment asserts that the Draft EIR downplays the Project Area's importance for golden eagle by stating that the Draft EIR consultant did not locate any active golden eagle nests or observe any golden eagle courtship or nesting behavior in the Project Area. The comment also states that the Draft EIR improperly discounts the value of on-site chaparral as foraging habitat for the golden eagle. Finally, the comment contends the Draft EIR fails to consider "the full range of eagle uses for the site, including foraging and as a habitat corridor between San Miguel Mountain and Otay Mountain." The County disagrees with the comment. The Draft EIR did not downplay or underreport the Project Area's importance to golden eagles or golden eagle foraging habitat. H.T. Harvey conducted Project-specific studies to determine the status of golden eagles on site, including the potential for eagles to nest on site. The text quoted in the comment relates only to H.T. Harvey's observations regarding eagle nesting behavior at and near the Project Area. As for foraging habitat, it is not clear whether any individual eagles currently rely on the Project Area as foraging habitat consistently or perennially, but the Draft EIR nevertheless analyzed impacts to golden eagle foraging habitat. The majority of the chaparral within the Project Area, as well as other vegetation communities, was determined to be suitable foraging habitat (see Draft EIR pages 2.4-38 and 2.4-39). As stated on page 2.4-38 of the Draft EIR, only 89 acres of the Village 14 Development Footprint was determined not to be suitable because the chaparral in that area was determined by the raptor experts H.T. Harvey & Associates to be too dense for eagles to maneuver within and capture prey (Kochert et al. 2002; Marzluff et al. 1997; Weins et al. 2015). The Proposed Project would convey 390.7 acres of on-site golden eagle foraging habitat within the Project Area and 350.1 acres of potential off-site golden eagle habitat to the Otay Ranch RMP Preserve, which is consistent with the Otay Ranch RMP Preserve Conveyance Obligation and MSCP Plan assumptions (Draft EIR Section 2.4.3.1, page 2.4-87).

Further, the MSCP Plan and Draft EIR explicitly recognize that golden eagles historically and currently forage in Proctor Valley, including the Project Area, and for this reason incorporate mitigation in the form of the extensive MSCP/Otay Ranch Preserve set aside to offset the expected loss of foraging habitat caused by the proposed development. With respect to habitat connectivity, it is important to remember that the golden eagle is a Covered Species under the MSCP Plan, which took into account the needs of species, including golden eagle, to travel between

habitat areas. Thus, this issue was already addressed in the MSCP Plan, with which the Proposed Project is consistent. The County also refers the commenter to **Responses to Comments O-6.1-52, O-6.1-53, and O-6.1-54** (Hamilton Biological) regarding additional discussion of Proposed Project impacts to golden eagle.

Finally, the Draft EIR considers impacts to golden eagle habitat under County Guideline 1E, pages 2.4-87 through 2.4-89. Specifically, impacts to golden eagle foraging habitat are analyzed as Impact BI-6. As further described on Draft EIR page 2.4-88, the impacts to golden eagle habitat are less than assumed in the MSCP Plan:

Golden eagle is a Covered Species under the MSCP Plan and MSCP County Subarea Plan. Table 3-5 of the MSCP Plan (MSCP 1998) shows anticipated impacts of the entire MSCP Plan, including impacts associated with development of Village 14 and Planning Areas 16/19. For golden eagle, the Project Area is located in what Table 3-5 refers to as the “Rancho San Diego” nesting territory (which biologists now refer to as the “San Miguel Mountain” nesting territory). Table 3-5 makes the following statement regarding the MSCP Plan’s impacts to the Rancho San Diego nesting territory: “Development under the plan will result in <10% loss of habitat in the nesting habitat; nesting territory should remain viable” (MSCP 1998). Because the Proposed Project is consistent with the approved hardline Preserve in the MSCP County Subarea Plan Implementing Agreement, and would have no impacts to foraging beyond those assumed in Table 3-5, it is consistent with Table 3-5. In addition, a number of projects that the MSCP Plan anticipated would be constructed in the Rancho San Diego/San Miguel Mountain golden eagle nesting territory have not been built and instead have been placed into the Preserve (e.g., Hidden Valley Estates). Consequently, the *actual amount of habitat loss is less than what Table 3-5 assumed* [emphasis added].

Please also refer to **Thematic Response – Golden Eagle**.

- O-6-134** The comment states that the Draft EIR bases its impact analysis for golden eagle entirely upon metrics in the MSCP Plan. The comment asserts the Draft EIR neglects available information on the aversion of eagles to developed areas, and that the development within Village 14 would result in the loss of the San Miguel Mountain/Rancho San Diego eagle territory. The comment also refers to Exhibits 1 (Hamilton Report) and 11 (Bloom Report) to the comment letter. The comment concludes that because the Draft EIR fails to consider foreseeable significant impacts to golden

eagle, it likewise fails to consider what measures would be necessary to mitigate those impacts.

The County notes that the Draft EIR analysis on golden eagles demonstrates the Project's consistency with the MSCP Plan and County Subarea Plan; however, it also includes more recent available information on golden eagle status in the region. The comment refers to the "Biotelemetry Data for Golden Eagles (*Aquila chrysaetos*) Captured in Coastal Southern California, February 2016–February 2017" (Tracey et al. 2017) to infer there are impacts to golden eagle not addressed in the Draft EIR. However, the Draft EIR preparers reviewed and included data in the Draft EIR from both the "Biotelemetry Data for Golden Eagles (*Aquila chrysaetos*) Captured in Coastal Southern California, November 2014–February 2016" (Tracey et al. 2016) and "Biotelemetry Data for Golden Eagles (*Aquila chrysaetos*) Captured in Coastal Southern California, February 2016–February 2017" (Tracey et al. 2017), which is referenced on Draft EIR page 2.4-40 and described in detail in Appendix C to the Biological Resources Technical Report (Appendix 2.4-1 to the Draft EIR). In addition, page 2.4-88 of the Draft EIR states "surveys and analyses conducted by H.T. Harvey & Associates in 2016 and 2017 (Appendix C of the BTR [Biological Resources Technical Report]) indicate that the Proposed Project would not cause any lethal take of individual golden eagles or nests, would not disturb any active or occupied golden eagle nest, and would not place human disturbances within 4,000 feet of any active or occupied golden eagle nest." Please also refer to **Thematic Response – Golden Eagle** and **Responses to Comments A-3-100 through A-3-102**.

O-6-135 The comment asserts the Draft EIR fails to adequately mitigate the development's indirect impacts to biological resources. The comment introduces **Comments O-6-136 through O-6-150**. The County notes that many of the comments restate comments made in **Comment Letter O-6.1** (Hamilton Biological); therefore, the following responses where applicable refer back to responses to the applicable responses to **Comment Letter O-6.1**.

O-6-136 The comment states that the Draft EIR acknowledges the Project could have temporary and permanent indirect impacts to biological resources. The comment then asserts that the Draft EIR fails to fully describe the biological impacts that can occur from placing new development in the middle of important conservation habitat. The County notes that the comment introduces comments to follow. Please refer to **Responses to Comments O-6-138 through O-6-150**. No further response is required.

- O-6-137** The comment states that edge effects that would result from a development like the Proposed Project are multi-faceted and can cause significant habitat disturbance outside of the development. The County notes the comment provides an introduction to **Comments O-6-138 through O-6-143**. The comment restates comments raised in **Comment Letter O-6.1** and refers the commenter to **Response to Comment O-6.1-24**.
- O-6-138** The comment identifies introduction/expansion of invasive exotic vegetation as a potential indirect impact. The comment restates comments raised in **Comment Letter O-6.1** and refers the commenter to **Response to Comment O-6.1-24** and **Responses to Comments A-3-80 and O-5-53**.
- O-6-139** The comments identifies higher frequency and/or severity of fire as a potential indirect impact. The comment restates comments raised in **Comment Letter O-6.1** and refers the commenter to **Responses to Comments O-6.1-24 and O-5-53**.
- O-6-140** The comment identifies companion animals (pets) that act as predators of, and/or competitors with, native wildlife as a potential indirect impact. The comment restates comments raised in **Comment Letter O-6.1** and refers the commenter to **Responses to Comments A-3-197 and O-6.1-24**.
- O-6-141** The comment identifies creation and use of undesignated trails as a potential indirect impact. The comment restates comments raised in **Comment Letter O-6.1** and refers the commenter to **Responses to Comments A-3-111 and O-6.1-24**.
- O-6-142** The comment identifies introduction of or increased use by exotic animals which compete with or prey on native animals as a potential indirect impact. The comment restates comments raised in **Comment Letter O-6.1** and refers the commenter to **Responses to Comments O-6-147 and O-6.1-24**.
- O-6-143** The comment identifies solar radiation, soil richness and erosion, wind damage, hydrologic cycle, and water pollution as influences that can affect the natural environment. The comment restates comments raised in **Comment Letter O-6.1** and refers the commenter to **Response to Comment O-6.1-24**.
- O-6-144** The comment asserts that the Draft EIR's mitigation for indirect impacts is wholly inadequate. The comment asserts that there is no proposed mitigation to prevent stormwater and related pollution from impacting surrounding habitat. The County does not agree that the Draft EIR inadequately mitigates indirect impacts, specifically for stormwater. Mitigation measure M-BI-14 requires a stormwater pollution prevention plan (SWPPP; Draft EIR page 2.4-145), which specifically requires

- performance measures be included in the Proctor Valley Preserve Edge Plan to prevent water quality issues, erosion, and pollution from affecting surrounding Preserve habitat. In addition, where feasible and/or appropriate, dry areas such as parking lots and roadways will be built next to the Preserve edge, and will be designed to slope away from the Preserve to prevent runoff from entering the Preserve. Further, as discussed in Section 3.1.2, Hydrology and Water Quality, the Draft EIR determined that the Proposed Project would have a less-than-significant impact on hydrology and water quality through compliance with applicable permit requirements and the incorporation of BMPs through construction and operation of the Proposed Project.
- O-6-145** The comment asserts that mitigation measure M-BI-15 (Erosion and Runoff Control) improperly defers developing drainage facilities without listing any performance standards. Refer to **Response to Comment O-6.3-8**.
- O-6-146** The comment states that information provided by the County regarding proposed stormwater infrastructure reveals a large proportion of the Project's runoff would be uncaptured and untreated (Exhibit 3, Horner Report). The comment restates comments raised in **Comment Letter O-6.3** (Horner Report). Please refer to **Responses to Comment Letter O-6.3**.
- O-6-147** The comment asserts that the Preserve Edge Plan has numerous deficiencies that would not prevent, and in some cases would exacerbate, potentially significant impacts. The comment further asserts the irrigation would provide within the entire 100-foot-wide edge zone, and that irrigation is known to facilitate the spread of Argentine ants into nearby natural areas. The County acknowledges the comment restates comments raised in **Comment Letter O-6.1**. The County notes that the irrigation is not proposed within the entire 100-foot-wide edge zone; please refer to **Response to Comment O-6.1-29**.
- O-6-148** The comment asserts that the Preserve Edge Plan states that landscaping along edges would be "preferably native," but does not guarantee that it will be native. The County acknowledges the comment restates comments raised in **Comment Letter O-6.1**. Please refer to **Response to Comment O-6.1-30**.
- O-6-149** The comment states that the Preserve Edge Plan's Plant List includes *Rhus lentii*, which is known to hybridize freely resulting in potential adverse effects to natural resources. The County acknowledges the comment restates comments raised in **Comment Letter O-6.1**. Please refer to **Response to Comment O-6.1-32**.

O-6-150 This comment summarizes the commenter's conclusion that the Draft EIR does not provide adequate mitigation for the Project's indirect impacts. The County does not agree with the comment. Please to **Responses to Comments O-6-136 through O-6-149**.

O-6-151 The comment is a heading which asserts that the Draft EIR lacks adequate analysis of, and mitigation for, the Proposed Project's climate change impacts. The County disagrees with this comment. The County notes the comment is as an introduction to comments O-6-152 through O-6-192 that follow. Please refer to **Responses to Comments O-6-152 through O-6-192**.

O-6-152 The comment provides a discussion of cumulative greenhouse gas (GHG) emissions. The comment serves as an introduction to comments that follow.

The County agrees that the significance of GHG emissions should be measured in a cumulative context (see, e.g., Draft EIR Section 2.7.4, Cumulative Impact Analysis). Per Draft EIR Section 2.7.5, Significance of Impacts Prior to Mitigation, the Proposed Project would result in a potentially significant, cumulatively considerable contribution of GHG emissions prior to mitigation. The Draft EIR recommended multiple mitigation measures to reduce the Proposed Project's GHG emissions to net zero, thereby reducing the Proposed Project's incremental contribution of GHG emissions to a level that is less than significant.

O-6-153 The comment states that the Draft EIR concludes the Proposed Project would result in potentially significant impacts related to climate change, but those impacts would be reduced to less than significant with proposed mitigation measures. The comment asserts the impact analysis is fundamentally flawed, because it underestimates the Proposed Project's GHG emissions. The comment serves as introduction to comments that follow. Please refer to **Responses to Comments O-6-156 through O-6-169**.

O-6-154 The comment asserts that the Draft EIR fails to sufficiently mitigate for the Proposed Project's climate change impacts by permitting sprawl development while relying on an undefined off-site and out-of-County offsets program.

The County disagrees with this comment. First, the Proposed Project includes multiple project design features (PDFs) that will reduce GHG emissions through implementation of on-site strategies. Table 2.7-5 (Project Design Features that Reduce Greenhouse Gas Emissions), as revised in the Final EIR, identifies the pertinent on-site strategies, which include PDF-AQ/GHG-1 through PDF-AQ/GHG-

10, PDF-TR-1, and PDF-UT-1 through PDF-UT-5. Implementation of the enumerated PDFs is required by mitigation measure M-GHG-4 and serves to address the primary elements of the Proposed Project's GHG emissions source profile, including emissions attributable to building energy consumption, transportation patterns/vehicle use, and water consumption. As detailed in Attachment 1 to **Thematic Response – Carbon Offsets**, the Proposed Project's on-site strategies would result in an approximately 27% reduction in the Proposed Project's GHG emissions.⁸

Second, as discussed in Draft EIR Section 2.7, Greenhouse Gas Emissions, the use of carbon offsets to mitigate GHG emissions is expressly authorized by the CEQA Guidelines, and recognized by the California Air Resources Board (CARB) and others. Please refer to **Responses to Comments O-6-163 through O-6-182**, as well as **Thematic Response – Carbon Offsets**.

Third, the Proposed Project neither requires a change in land use designation, nor does it permit development not included in the County General Plan Update (because the Proposed Project furthers implementation of the Otay Ranch GDP/SRP). Therefore, the Proposed Project is not considered a sprawl development. Please see Draft EIR Section 3.1.3, Land Use and Planning, for additional information regarding the Proposed Project's relationship to the Otay Ranch GDP/SRP.

O-6-155 The comment asserts that the Draft EIR fails to properly analyze the Proposed Project's consistency with plans, policies, and regulations adopted for the purpose of reducing GHG emissions and erroneously concludes that the Proposed Project would be consistent with these plans. The County disagrees with this comment. Please refer to **Responses to Comments O-6-183 through O-6-192**.

O-6-156 The comment asserts that the Draft EIR fails to accurately account for all Proposed Project-related GHG emissions and, therefore, underestimates the Proposed Project's impact on climate change. Specifically, the comment asserts the Draft EIR fails to include GHG emissions from explosive detonation. The County acknowledges the comment and refers the commenter to **Thematic Response – Blasting (GHG)**. As provided therein, the combustion of fuel oil contained in ANFO conservatively is estimated to generate approximately 1.38 metric tons of carbon dioxide (MT CO₂) per blast, resulting in a total of approximately 288.84 MT CO₂ over the Proposed Project's entire construction period.

⁸ Note that this quantitative characterization of the Proposed Project's on-site reductions is conservative as it does not include the quantification of PDF-AQ/GHG-6 through PDF-AQ/GHG-10.

Section 2.7 has been revised in the Final EIR to incorporate additional quantitative detail regarding the Proposed Project's blasting emissions; Appendix 2.7-1, Greenhouse Gas Emissions Technical Report, also has been revised. However, the subject revisions do not constitute "significant new information" triggering recirculation under CEQA Guidelines Section 15088.5, as the quantity of blasting-related GHG emissions does not result in a new or greater significant impact. Instead, the estimated amount of blasting-related GHG emissions (288.84 MT CO₂) is equal to less than 3% of the Proposed Project's total construction-related GHG emissions. Additionally, the Proposed Project's construction-related GHG emissions (including those attributable to blasting) will continue to be reduced to net zero through implementation of mitigation measure M-GHG-1.

- O-6-157** The comment expresses an opinion that the Draft EIR further underestimates the Proposed Project's operational emissions because it relies on inaccurate modeling assumptions. The comment states the modeling assumes the Proposed Project is located in an "urban" environment; however, the comment asserts that the Project Area should be considered a "rural" location, which would result in higher emissions from vehicle combustion exhaust due to longer trips to work, shopping, and schools.

The County notes the selection of the urban or rural input in the California Emissions Estimator Model (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, and the default effectiveness of mobile mitigation options available in CalEEMod selected in the absence of project-specific inputs. 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 (VMT) 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 VMT was based on Project-specific VMT data prepared by Chen Ryan as part of the preparation of Appendix 2.9-1, Transportation Impact Study. The VMT information is from the SANDAG Series 13 traffic model, and was derived using a select zone analysis for the Project Area. The select zone analysis modeled Village 14 as suburban and Planning Areas 16/19 as rural. 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 within CalEEMod.

The VMT for the Proposed Project was calculated using the select zone analysis results from the SANDAG Series 13 regional model. The SANDAG model takes into account the Proposed Project's location in relation to the regional land use and transportation network, as well as transportation demand management (TDM) and transit investment by the region.

- O-6-158** The comment asserts that the Draft EIR underestimates the Proposed Project's operational GHG emissions because it assumes a 4.3% reduction in VMT due to the Proposed Project's TDM. The comment then asserts that the Draft EIR fails to provide any evidentiary support that the measures included in the TDM Program would achieve any meaningful reduction in vehicular trips.

The County notes the TDM Program measures were evaluated using methodologies contained in the California Air Pollution Control Officers Association's (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (2010). (See Appendix P of Appendix 2.9-1, TDM Plan Evaluation – Otay Ranch Village 14 and Planning Areas 16 & 19 (Chen Ryan 2017), pages 8, 9, and 12.) CAPCOA's cited report includes worksheets for each measure studied therein, and those worksheets contain formulas/equations and supporting evidence that substantiate the calculation parameters recommended by CAPCOA. The comment sets forth no substantiated argument or evidence as to why the analysis completed by Chen Ryan does not accord to the cited CAPCOA report.

- O-6-159** The comment asserts the Draft EIR must include substantial evidence demonstrating the effectiveness of the TDM Program. The comment further asserts the measures in the TDM Program are vague, voluntary, and unenforceable.

The County notes that the comment does not provide any specific examples of how the TDM Program measures are vague, voluntary, and unenforceable. The commenter is referred to the Draft EIR, PDF-TR-1 in Table 2.7-5, which describes each of the TDM Program measures that will be overseen by the County via implementation of the Mitigation Monitoring and Reporting Program (MMRP).

- O-6-160** The comment asserts because the TDM measures are so undefined, it is impossible to evaluate their effectiveness, and the Draft EIR cannot rely on the TDM to assume VMT and GHG emissions will be reduced.

The County notes that the comment does not provide any specific examples of how the TDM Program measures are "so undefined as to make it impossible to evaluate their effectiveness." The commenter is referred to the Draft EIR, PDF-TR-1 in Table

2.7-5, which describes each of the TDM Program measures that will be overseen by the County via implementation of the MMRP. In addition, the following edits have been made to PDF-TR-1 and are reflected in the Final EIR in ~~strikeout~~/underline to facilitate implementation and monitoring of the TDM Program:

To ensure that the TDM Program strategies are implemented and effective, a transportation coordinator (likely as part of a homeowner's association (HOA)) would be designated to monitor the TDM Program, and would be responsible for developing, marketing, implementing, and evaluating the TDM Program.

- O-6-161** The comment notes that the TDM program calls for coordination with SANDAG for ridesharing programs and future siting of transit stops. The comment asserts a measure calling for coordination with an agency is vague and non-binding and offers no assurance that such an effort would cause a measure's increase in ridesharing or a measureable reduction in vehicle trips. The comment states that a mitigation measure that simply calls for coordination between two agencies about transit stops is excessively vague and offers no assurance the transit would be implemented.

TDM Measure 6, which includes "Coordination with the Metropolitan Transit System (MTS) and SANDAG regarding future siting of transit stops/stations within the Proposed Project site," does not have a standalone, separate quantitative reduction in VMT associated with its implementation. Rather, it is the combined implementation of TDM Measures 4, 5, and 6 that is considered to be the equivalent of CAPCOA measure TRT-7 "Implement Commute Trip Reduction Marketing." Accordingly, as per Section 3.4.7 of Quantifying Greenhouse Gas Mitigation Measures (CAPCOA 2010), a 0.4% reduction in VMT was calculated.

- O-6-162** The comment asserts the Proposed Project's GHG emissions are underestimated and must be corrected. The comment further asserts the GHG analysis must then be recirculated. The County acknowledges that this marks the conclusion of the commenter's critique of the GHG emissions inventory prepared for the Proposed Project. Refer to **Responses to Comments O-6-156 through O-6-161**. For the reasons provided previously, the significance of the Proposed Project's GHG emissions has not been underestimated and, therefore, recirculation of the Draft EIR's GHG emissions analysis is not required.
- O-6-163** The County acknowledges the comment as an introduction to comments that follow. Please refer to **Thematic Response – Carbon Offsets**, which discusses how the

Proposed Project's mitigation framework is authorized by CEQA and meets CEQA requirements for mitigation measures.

- O-6-164** The comment provides background information regarding mitigation fees and CEQA, and argues that carbon offsets are a type of mitigation fee that is not permissible. The utilization of carbon offset credits to mitigate GHG emissions is expressly authorized by CEQA Guidelines Section 15126.4(c)(3). Specifically, the CEQA Guidelines recognize that off-site mitigation, which may include purchase of offsets, may be used as mitigation for GHG emissions.

Additionally, contrary to the commenter's suggestion, carbon offsets are not analogous to mitigation fees in the traffic context that have been found to be deficient by courts because the Proposed Project's mitigation framework requires the use of an offset that "represents the *past* reduction or sequestration" of GHG emissions. This ensures that the reduction has been achieved and realized, unlike the situation that arises in the traffic setting where a mitigation fee is paid and the necessary improvement is never implemented due to the lack of an approved plan or program.

It also is noted that all offset purchases must meet the following standard set forth in mitigation measures M-GHG-1 and M-GHG-2: "the purchased carbon offsets used to reduce ... GHG emissions shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions (California Health & Safety Code Section 38562(d)(1))." The mitigation measures also require that the offsets be secured from specified carbon registries.

As required by these mitigation measures, the County will verify these offsets prior to the impact being realized because the issuance of grading permits and site plan permits would not be issued without such evidence. In other words, the ability to release GHG emissions will be contingent upon a showing that a sufficient number of carbon offsets have been secured to reduce the corresponding Proposed Project-related emissions. The County will enforce this standard as it monitors the purchase of offsets via the MMRP. Please refer to **Thematic Response – Carbon Offsets**.

- O-6-165** The comment restates portions of mitigation measures M-GHG-1 and M-GHG-2, as presented in the Proposed Project's Draft EIR. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-166** The comment restates portions of mitigation measures M-GHG-1 and M-GHG-2 that relate to the geographic prioritization of GHG emission reductions, as presented in

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

- O-6-167** The comment notes that, other than PDFs that are already part of the Proposed Project and included in GHG emissions inventory, the Draft EIR does not identify any other PDFs that would be implemented to reduce GHG emissions.

The Draft EIR, Appendix 2.7-1, Table 2.7-5, Project Design Features that Reduce Greenhouse Gas Emissions, identifies the PDFs considered in the Proposed Project analysis; some PDFs are considered quantitatively, and some PDFs are considered qualitatively. The Proposed Project incorporated all PDFs that were identified to be feasible during the Draft EIR process. In addition, the Proposed Project has incorporated additional PDFs as recommended during the Draft EIR public comment period, when such PDFs were determined to be feasible. These additional PDFs are presented in **Responses to Comments O-6-192** and **O-7-70**. While the Proposed Project would result in a potentially significant impact under unmitigated conditions, Proposed Project-generated GHG emissions will be reduced to net zero under mitigated conditions. Therefore, there is no requirement under CEQA to incorporate additional mitigation measures or PDFs.

- O-6-168** The commenter states that “the Draft EIR omits any criteria for determining whether a local PDF project would be financially competitive.” To clarify, PDFs are on-site reduction measures (geographic priority 1 for mitigation measures M-GHG-1 and M-GHG-2), while local projects are not PDFs, but rather off-site GHG reduction projects from which the Proposed Project could purchase carbon offsets (geographic priorities 2 and 3 for mitigation measures M-GHG-1 and M-GHG-2). Additionally, the geographic prioritization would be overseen by the County via implementation of the MMRP, and all feasibility determinations would accord to the criteria set forth in CEQA Guidelines Section 15364. Please also see **Thematic Response – Carbon Offsets**, which contains revisions made to mitigation measures M-GHG-1 and M-GHG-2 in response to public comments.

- O-6-169** The County acknowledges the comment regarding the “additionality” of GHG offsets. As discussed in the **Thematic Response – Carbon Offsets**, the subject mitigation measures expressly state that the carbon offsets shall comply with the requirement of CEQA Guidelines Section 15126.4(c)(3) that the offsets “not [be] otherwise required.” As also discussed, the registries recognized by the Proposed Project's mitigation framework implement protocols and accounting principles to

ensure that carbon offsets generated are not otherwise required, thus achieving the additionality concept referenced by the commenter.⁹

- O-6-170** The comment asserts that the Draft EIR provides no indication whether there are a sufficient amount of GHG offset credits available from existing, functioning programs to mitigate the Proposed Project's emissions.

As discussed in the **Thematic Response – Carbon Offsets**, based on available and substantial evidence, the County has determined that utilization of carbon offsets is a reliable mitigation strategy for the Proposed Project. By way of example, as of November 2017, the Climate Action Reserve has issued more than 100 million carbon offsets (Climate Action Reserve 2017a, 2017b). The Climate Action Reserve found that California leads the nation in the number of offset projects registered (52) and the number of credits issued (22.5 million) (Climate Action Reserve 2017a). The American Carbon Registry reached the same milestone in August 2017 (American Carbon Registry 2017), and the Verified Carbon Standard (now referred to as Verra) has certified more than 1,300 projects that have removed or reduced more than 200 million tonnes of GHGs (Verra 2018).

- O-6-171** The comment provides background information regarding offset programs. 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. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-172** The comment notes that the three registries identified in the Draft EIR allow the developer to purchase offsets from several different categories of offset programs. The comment asserts that only some of these offset programs meet the minimum standards that CARB sets for “compliance offsets,” but other products, such as voluntary offsets, are unregulated and provide no evidence of their effectiveness or additionality.

⁹ See, e.g., <http://www.climateactionreserve.org/how/projects/>: As described by the Climate Action Reserve (one of the registries recognized by the Proposed Project's mitigation framework), “Greenhouse gas (GHG) reduction projects must reduce emissions or increase sequestration of GHGs in a manner that is real, permanent, verifiable and additional. Additionality is a concept from international GHG project accounting principles that requires a project activity is additional to ‘business as usual’ and would not have occurred in the absence of an incentive provided by a GHG offsets market. GHG reduction projects registered on the Reserve must be verified by an independent third party as adhering to criteria established in the Reserve project protocols.”

The County notes, as stated in both mitigation measures M-GHG-1 and M-GHG-2 in the Draft EIR, all offsets purchased by the County will meet the standards set forth in Assembly Bill 32 (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.”

It is not accurate to say that carbon offsets purchased from the voluntary marketplace are “unregulated and provide no evidence of their effectiveness or additionality.” The Climate Action Reserve, for example, has adopted protocols for various types of GHG-reducing projects intended to generate carbon offsets for purchase.¹⁰ The Climate Action Reserve also has a comprehensive verification process in place, which it describes as playing “a vital role in upholding the integrity and quality of the data reported to both mandatory and voluntary [GHG] programs across the world.”¹¹ As part of its verification process, the Climate Action Reserve ensures that the projects developed to generate carbon offsets are “real, additional, permanent, verifiable and enforceable.”¹²

Also, 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, as described above and in **Thematic Response – Carbon Offsets**.

O-6-173 The commenter offers an observation on Cap-and-Trade Program and emission reductions. As discussed in **Thematic Response – Carbon Offsets**, CEQA does not impose a hierarchy on the mitigation options identified in CEQA Guidelines Section 15126.4(c). Indeed, during the Senate Bill 97 rulemaking, the California Natural Resources Agency expressly declined an invitation from some commenters to impose such a hierarchy. Further, the County notes that 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

¹⁰ See <http://www.climateactionreserve.org/how/protocols/> [identifying 18 protocols for different project types that must be complied with, as verified by an independent third party, prior to being registered and issued offset credits].

¹¹ See <http://www.climateactionreserve.org/how/verification/>.

¹² See <http://www.climateactionreserve.org/how/verification/>.

appliances on and off; businessowners decide their hours of operation). As such, there is a reasoned basis to distinguish the application of emission reduction opportunities within the land use development and industrial sectors.

- O-6-174** The comment offers an observation on the CARB’s 2017 Scoping Plan that prioritizes on-site measures. The Proposed Project implements all feasible on-site mitigation measures, as outlined in Table 2.7-5, Project Design Features that Reduce Greenhouse Gas Emissions, and mitigation measure M-GHG-3. The emissions reduction strategies address the primary facets of the Proposed Project’s emissions profile, including emissions attributable to the built environment and vehicles.

Also, contrary to the commenter’s interpretation, the County’s General Plan does not impose a mandate that all GHG emission reductions be realized locally. It is well accepted by the scientific community that the effects of GHG emissions are not experienced locally, but rather contribute on a cumulative basis to the global issue of climate change. As such, the County recognizes that there is no scientific basis to demand local reductions when the environmental consequences are not linked to the place that the GHG was emitted.

- O-6-175** The comment states that the Proposed Project relies on carbon offsets to mitigate all VMT-related emissions, but does not provide evidence that the offsets proposed by the Draft EIR will cause any meaningful reduction to mitigate the permanent increase in GHG resulting from the Proposed Project.

The County notes the Proposed Project includes implementation of a TDM Program (PDF-TR-1), as well as the installation of electric vehicle charging equipment/stations (PDF-AQ/GHG-10). While no GHG emissions reduction was quantified for the electric vehicle charging infrastructure (a conservative methodological approach), an estimated 4.3% reduction in total VMT would result from implementation of the TDM Program.

- O-6-176** The comment notes that the Draft EIR fails to ensure that offsets will mitigate GHG emissions because mitigation measures M-GHG-1 and M-GHG-2 do not require the purchase of offsets until issuance of a building permit.

The mitigation framework requires the Proposed Project to mitigate—via offsets—the incremental quantity of GHG emissions at issue *before* it can proceed with development (i.e., “prior to” issuance of grading and building permits). As such, any GHG emissions resulting from Proposed Project construction and operation would be offset before such emissions occur.

The County believes such an approach is appropriate because the Proposed Project's development would be phased, over time, in response to market demands and other factors. From an environmental perspective, the mitigation framework would be sufficiently protective because the emissions associated with the increment of phased development being permitted at the time would need to be offset prior to their release. Nothing in CEQA precludes this approach; rather, it is consistent with CEQA's recognition that mitigation must be in proportion to the resulting impact.

- O-6-177** The comment objects to the “true up” procedure set forth in mitigation measures M-GHG-1 and M-GHG-2. The comment asserts that these mitigation measures allow County staff to decrease the amount of carbon offsets required if the Proposed Project's assumed carbon emissions are reduced by future measures or regulatory charges, without any corresponding requirement to increase offsets if future events prove that the Draft EIR's emissions assumptions are too low.

In response to this comment, the pertinent component of mitigation measure M-GHG-2 has been revised as is reflected in ~~strikeout~~underline in the Final EIR as shown below. (Please note that mitigation measure M-GHG-2, which addresses construction-related emissions, does not include the “true up” procedure.) These revisions serve to improve the transparency of the “true up” process and ensure that – if processed – the “true up” consider potential increases and decreases in the emissions inventory, as requested by the comment.

Eighth, this EIR acknowledges that the Proposed Project's GHG emissions estimates are conservative because the Proposed Project's GHG emissions are expected to decrease beyond the estimates presented in the EIR's analysis, in part, due to reasonably foreseeable improvements in fuel efficiency, vehicle fleet turnover, technological improvements related to transportation and energy, and updates to emissions models and methodologies. Thus, subject to County oversight, and the processes described below, the operational emission estimates that govern implementation of this Proposed Project are subject to a “true up” at the election of the Proposed Project applicant (as defined above) or its designee and subject to the satisfaction of the ~~Director of PDS.~~ County's Board of Supervisors, as considered pursuant to a noticed public hearing process that accords with applicable legal requirements, including those set forth in CEQA for the post-approval modification of mitigation implementation parameters.

Specifically, if the Project applicant elects to process and a “true-up” exercise subsequent to the County's certification of the Final EIR and approval of the

Proposed Project, the Proposed Project applicant shall provide an operational GHG emissions inventory of the Proposed Project's operational emissions for the "true up" operational conditions, including emissions from mobile sources, energy, area sources, water consumption, and solid waste. Subject to the satisfaction of the ~~Director of PDS~~Board of Supervisors, these calculations shall be conducted using a County-approved model and/or methodology and must validate the continuing adequacy of modeling inputs used in the EIR that are not proposed to be altered as part of the "true-up" exercise. The inclusion of the validation requirement ensures that any updated operational GHG emissions inventories for the Project fully account for then-existing information that is relevant to the emissions modeling. Alternatively, the Proposed Project applicant may purchase all carbon offset credits to reduce operational GHG emissions at issuance of the first building permit.

The "true up" operational GHG emissions inventory, if conducted, will be provided in the form of a project-specific Updated Emissions Inventory and Offset Report to the County's ~~Director of PDS~~Board of Supervisors (or its designee) prior to the issuance of building permits for the next build-out phase. The subject technical documentation shall be prepared by a County-approved, qualified air quality and greenhouse gas technical specialist. ~~If the Director of PDS (or its designee) determines that the technical documentation demonstrates that the quantity of project-related GHG emissions would be lower than the quantity identified in the certified Final EIR for the Proposed Project, and finds that the technical documentation is supported by substantial evidence, such Planning Director may authorize a reduction in the total carbon offsets value required for the Proposed Project.~~

In all instances, substantial evidence must confirm that any reduction to the total carbon offsets value as identified in the certified Final EIR for the Proposed Project is consistent with the Proposed Project commitment to achieve and maintain carbon neutrality (i.e., net zero emissions) for the 30-year life of the Proposed Project.

- O-6-178** The comment continues in regards to the "true up" provision that the mitigation measures should be broadened to require offsetting increases in future operational GHG emissions beyond those estimated in the Draft EIR. The comment opines that the "one-way provision that allows the County to ratchet mitigation down moves the County in the wrong direction." Please refer to **Response to Comment O-6-177**.

- O-6-179** The comment asserts that the Draft EIR approach allows for “out of the County” offsets simply perpetuates sprawling land use developments patterns. The comment notes that the Draft EIR approach allows for multiple out-sourcing reductions to unreliable internal offsets, violates both the letter and the spirit of CEQA and the County’s General Plan.

As discussed in previous responses and the **Thematic Response – Carbon Offsets**, the Proposed Project’s mitigation framework is in accordance with the letter and spirit of CEQA, as well as the scientific understanding of global climate change. The Proposed Project, with implementation of the recommended mitigation measures, would result in net zero GHG emissions, thereby reducing global climate change impacts to a less-than-significant level. The Proposed Project does not require a General Plan Amendment that increases density or intensity on the Project Area; rather, the development proposed is consistent with the Otay Ranch GDP/SRP.

- O-6-180** The comment asserts that the Draft EIR fails to acknowledge or evaluate the precedent setting nature of this offset program and the environmental effects of such actions.

The Proposed Project does not represent a precedent setting case. The use of offsets is explicitly recognized in CEQA Guidelines Section 15126.4(c) as an option for mitigating GHG emissions, consistent with CARB’s California’s 2017 Climate Change Scoping Plan, and consistent with the approach used by CARB and the Governor when reviewing Assembly Bill 900 projects for CEQA streamlining.

- O-6-181** The comment expresses a concern that if the County adopts these mitigation measures, it will encourage other land use development projects in remote areas within the County, thereby undermining the viability of SANDAG’s Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) to achieve GHG reduction goals.

As discussed in Section 2.7, Greenhouse Gas Emissions, of the Draft EIR, the Proposed Project is consistent with SANDAG’s RTP/SCS and the associated growth projections assumed in SANDAG’s regional planning. In addition, a goal of SANDAG’s RTP/SCS is to encourage strategies that would reduce GHG emissions. Under mitigated conditions, the Proposed Project would not generate a net increase in GHG emissions. Therefore, the Proposed Project would not conflict with SANDAG’s GHG emissions reduction goals.

Furthermore, the Proposed Project is consistent with the General Plan and anticipated development within the County because it is part of the Otay Ranch GDP/SRP. There is no evidence that adoption of the Proposed Project's mitigation measures would "encourage other land use development projects in remote areas within the County, thereby undermining the viability of the RTP/SCS to achieve its GHG reduction goals" as the commenter asserts.

O-6-182 The County acknowledges the comment as concluding remarks. Please refer to **Responses to Comments O-6-163 through O-6-181**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-183 The County acknowledges the comment as an introduction to comments that follow. Please refer to **Responses to Comments O-6-184 through O-6-202** for detailed analysis in response to individual comments.

O-6-184 The comment states that the Draft EIR lacks the evidentiary basis to conclude that the Proposed Project is consistent with SANDAG's RTP/SCS. The comment further notes that the Proposed Project's remote location will ensure that the majority of residents will be forced to rely on automobiles for virtually all of their transportation needs.

The County acknowledges the comment's restatement of information and data from the Draft EIR regarding the Proposed Project's trip counts and VMT. The comment does not identify any errors in that information, but rather opines that the data evidences the Proposed Project is inconsistent with SANDAG's RTP/SCS.

The County notes that development of the Project Area has been part of the regional planning framework since adoption of the Otay Ranch GDP/SRP in 1993; the Proposed Project's development is consistent with the GDP/SRP and, therefore, consistent with the regional planning framework. Indeed, as provided in SANDAG's comment letter (**Comment Letter A-6**) on the Draft EIR (*emphasis added*):

Implementing the project will not conflict with the implementation of San Diego Forward: The Regional Plan (Regional Plan) or attainment of its greenhouse gas reduction targets.

O-6-185 The comment states the Draft EIR determined the Proposed Project is consistent with the RTP/SCS because it would be located near major employment and urban centers in Chula Vista. The comment further states that Chula Vista cannot be considered a major employment center because, according to the Chula Vista General Plan, the

City's residents commute out of the City for employment. The County does not agree with this comment for the following reasons:

First, SANDAG issued a Comment Letter (see **Comment Letter A-6-4**, SANDAG) on the Draft EIR that concluded that "Implementation of the project will not conflict with the implementation of San Diego Forward: The Regional Plan (Regional Plan) or attainment of its greenhouse gas reduction targets." In other words, because the Proposed Project is consistent with underlying land uses for the Project Area, based on the County of San Diego General Plan, Otay Ranch GDP/SRP, and SANDAG's Regional Plan, Project-generated VMT and associated mobile-source emissions have been accounted for in underlying GHG-emissions inventories and reduction strategies region-wide. The Proposed Project would further reduce Proposed Project-related GHG-emissions compared to the strategies in the Regional Plan and RTP/SCS through implementation of mitigation measures M-GHG-1 through M-GHG-4 because the Proposed Project would reduce GHG emissions to net zero.

Second, the City of Chula Vista's General Plan was approved in 2005, prior to, and specifically excluding major development proposals, approved since 2011, including Otay Ranch Village 8 West, Village 9, and the University and Innovation District. Accordingly, a major urban and employment center is planned in eastern Otay Ranch as anticipated by the Otay Ranch GDP/SRP. This major urban and employment center contemplated as part of the Otay Ranch GDP/SRP, and approved by the City of Chula Vista through General Plan Amendments since the latest Comprehensive General Plan Update, includes the following:

- Chula Vista University and Innovation District – 383 acres (include 85-acre RTP); approximately 10 million square feet; 20,000 full-time equivalent (FTE) student university; 8,000 jobs (Chula Vista University and Innovation District SPA EIR, SCH No. 72013071077, page 1-3)
 - Otay Ranch Regional Technology Park (SCH No. 2004081066) – 85-acre Regional Technology Park; 2,200,000-square-foot industrial/office
- Otay Ranch Eastern Urban Center – 3,487,000 square feet non-residential floor area (ES-3), including 2,000,000 square feet of Office in a Business District (Eastern Urban Center SPA EIR, SCH No. 2007041074, page 3-14)
- Otay Ranch Village 9 – 1,500,000 Sq. Ft. Office/Commercial (Final Supplemental EIR for Amendments to the City of Chula Vista General Plan

(GPA-09-01) Otay Ranch General Development Plan (PCM-09-11), SEIR 09-01, SCH No. 2004081066, page 29)

- Otay Ranch Village 8 West – 300,000 Sq. Ft. Office/Commercial (Village 8 West EIR, CV ER-10-03; SCH No. 20010062093, Table 3-1, page 3-6)

Importantly, as noted above, the University and Innovation District is projected to provide 8,000 new jobs in eastern Chula Vista.

Third, as described in **Response to Comment O-6-157**, the Proposed Project's VMT is based on the SANDAG Series 13 Regional Model, which includes existing and projected future land uses. These include land uses throughout the San Diego region, including current employment centers in the City of San Diego (as the commenter suggests), as well as future employment centers in the City of Chula Vista described above.

These components of the Otay Ranch GDP/SRP total approximately 15 million square feet of office/commercial/institutional/industrial uses, and are within approximately 5 miles of the Project Area. Accordingly, the planned uses in the eastern portions of Otay Ranch, within the City of Chula Vista, would provide for a major urban and employment center within approximately 5 miles of the Proposed Project.

In addition, the City of Chula Vista and the south bay region is home to other job centers and employers including the Sweetwater Union High School District, which includes 13 high schools; Chula Vista Elementary School District; Southwestern College; Sharp Chula Vista Medical Center; Scripps Mercy Hospital; the City of Chula Vista; and a number of retail centers including the Otay Ranch Town Center.

O-6-186 The comment restates SANDAG's objectives related to transportation options.

As provided in Chen Ryan's evaluation of the Proposed Project's TDM Program (Appendix P to Appendix 2.9-1), GHG emissions-reducing strategies for mobile sources are not limited to transit options (e.g., bus, rail, trolley). Instead, measurable reductions can be achieved by converting single-occupancy vehicle trips to pedestrian or bicycle modes, and through increasing the number of occupants in a vehicle (e.g., carpool; school pool). Here, the Proposed Project would develop and implement strategies for a multi-faceted transportation network that reflects the attributes (land uses, setting, etc.) of the Proposed Project. SANDAG recognizes that not all growth will occur within an infill setting (e.g., SANDAG has planned for 20% of regional growth to occur outside of the Urban Area Transit Strategy Boundary, as delineated

in Figure 2.6 of SANDAG's RTP/SCS), and development of the Project Area accords to the long-term vision established via the adopted Otay Ranch GDP/SRP. Please refer to **Response to Comment O-6-184**.

O-6-187 The comment asserts that the Draft EIR's failure to accurately and objectively analyze the Proposed Project's inconsistency with the RTP/SCS is a fatal flaw and constitutes a significant impact warranting recirculation of the Draft EIR. For the reasons discussed in **Responses to Comments O-6-181** and **O-6-184** through **O-6-186**, the Proposed Project would not conflict with SANDAG's RTP/SCS; therefore, recirculation of the Draft EIR is not required.

O-6-188 The comment expresses the concern that the Draft EIR asserts that it evaluates whether the GHG emissions trajectory after the Proposed Project's completion would impede attainment of the 2030 and 2050 GHG reduction goals in Senate Bill 32 and Executive Order S-3-05, when it does no such thing. The comment further asserts the GHG approach is contrary to CEQA's fundamental purpose of clear and meaningful analysis to inform the public and responsible officials of environmental impacts.

Appendix 2.7-1, Greenhouse Gas Technical Report, Section 4.1 (page 58) states:

The CEQA Guidelines do not prescribe specific methodologies for performing an assessment, do not establish specific quantitative thresholds of significance, and do not mandate specific mitigation measures. Rather, the CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate methodologies and thresholds of significance consistent with the manner in which other impact areas are handled in CEQA.

Here, the Draft EIR discloses the Proposed Project's GHG emissions from construction and operation. The mass emission quantities are then used to evaluate the significance of the GHG emissions in relation to the existing GHG emissions level on the Project Area. The GHG emissions analysis also considers regional and local plans for the reduction of GHG emissions, as well as the state's long-term reduction targets for 2030 and 2050.

Because there are no scientifically established methods for determining the significance of an individual project's GHG emissions either in the context of global emission levels or the state's trajectories for achieving its desired reductions, the Draft EIR concludes that the Proposed Project's unmitigated GHG emissions are potentially significant because they would result in an incremental increase above the existing emissions level. This approach does not constitute a failure to inform the

public and decision makers of the Proposed Project's potential impacts, but rather provides a disclosure that accords to existing scientific limits and industry standards for CEQA analysis.

- O-6-189** The comment states that CARB projects that average annual GHG emissions must decline by 5.2% each year to achieve target reductions for year 2050, and includes a figure. The comment asserts the Proposed Project still would need to secure an additional 5.2% offset each year to keep up with these reduction targets.

For purposes of CEQA, CARB has recognized in its 2017 Scoping Plan (CARB 2017, pages 101 – 102) that:

[a]chieving no net additional increase in GHG emissions ... is an appropriate overall objective for new development ... [however] the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.

The sufficiency of this objective (i.e., no net additional GHG emissions) also is recognized by the CEQA streamlining criteria set forth in Public Resources Code Section 21183 for AB 900 projects. Therefore, to the extent that the comment is suggesting that the Proposed Project need to reduce its GHG emissions *below* net zero in order to demonstrate that there is no significant impact to the environment, the County disagrees with the commenter.

- O-6-190** The comment notes that the Draft EIR does not evaluate the Proposed Project's potential to interfere with GHG reduction goals set forth in the Executive Orders.

The County disagrees with the comment's characterization of the Draft EIR's analysis because Section 2.7 considered the Proposed Project's potential to conflict with the 2030 and 2050 statewide reduction goals identified in the Executive Orders of Governor Schwarzenegger and Governor Brown. Please see Section 2.7.3.2 of the Draft EIR for the subject analysis.

- O-6-191** The comment suggests that the County should conduct its CEQA analysis for land use development projects in the same fashion that SANDAG conducts its CEQA analysis for regional transportation plans.

CEQA Guidelines Section 15064.4(a) recognizes that each lead agency has the "discretion to determine, in the context of a particular project, whether to" utilize a quantitative model/methodology or qualitative analysis. As such methodological

determinations are left to lead agency discretion, it is underscored that the County has the ability to choose its own framework. In this instance, the County has found that use of CalEEMod is supported by substantial evidence. The County also notes that GHG emissions analysis for land use development projects, in the CEQA process, is appropriately focused on the environmental impacts of a project in its build-out year, whereas regional transportation plans are designed to establish a long-term framework for the region's transportation needs and, by necessity, prepare GHG emissions inventory data for horizon years of that planning framework.

- O-6-192** The comment notes that the Draft EIR's failure to compare the Proposed Project's operational emissions, "which would continue for decades if not in perpetuity" against long-term GHG emission reduction policies such as those in Executive Orders S-3-05 and B-30-15 is unlawful.

As discussed in previous responses, the Draft EIR discloses the Proposed Project's GHG emissions from both construction and operation. After implementation of mitigation measures M-GHG-1 and M-GHG-2, the Proposed Project would not conflict with any applicable plans to reduce GHG emissions, as the Proposed Project would completely offset all Project-related emissions. The severity of the Proposed Project's GHG emissions have been disclosed and mitigated.

- O-6-193** The comment states that the Draft EIR fails to incorporate feasible mitigation measures to lessen the Proposed Project's climate impacts.

The County acknowledges the potential measures to reduce GHG emissions recommended by the commenter. The County notes that the Draft EIR identified mitigation measures M-GHG-1 through M-GHG-4, which would reduce the Proposed Project's GHG emissions to net zero. Draft EIR Table 2.7-5, Project Design Features that Reduce Greenhouse Gas Emissions, identifies the on-site energy efficiency, transportation, and water strategies that the Proposed Project would implement to reduce GHG emissions. CEQA does not require the consideration of additional mitigation measures for project impacts that have been mitigated to less-than-significant levels (CEQA Guidelines Section 15126.4(a)(3)). Nonetheless, the County has considered the additional recommended measures and they are evaluated below.

Table O-6-1
Suggested Additional CO₂e Reduction Measures

Suggested Mitigation Measure	Evaluation
Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.	<p>PDF-TR-1 includes the following:</p> <ul style="list-style-type: none"> • Coordinate with San Diego Association of Governments' (SANDAG's) iCommute program for carpool, vanpool, and rideshare programs that are specific to the Proposed Project. <p>Accordingly, a PDF that is equivalent to the suggested mitigation measure is already considered in PDF-TR-1. (The PDF is equivalent to the measure because it identifies means to facilitate the reduction of single-occupancy vehicle trips.)</p> <p>The Proposed Project, on its own, does not have sufficient scale to establish an independent car sharing program. However, to the extent that the County or the City of Chula Vista establish one in the future, the Proposed Project would not preclude the installation of on-site implementing amenities.</p>
Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.	<p>The Proposed Project includes a Community Pathway along Proctor Valley Road, which allows for neighborhood electric vehicles. In addition, neighborhood electric vehicles are permitted wherever permitted by law (within certain speed limits). Accordingly, the suggested mitigation measure already is incorporated in the Project design.</p>
Build or fund a transportation center where various public transportation modes intersect.	<p>PDF-TR-1 includes the following related to transportation stops/stations:</p> <ul style="list-style-type: none"> • Coordinate with San Diego Metropolitan Transit System and SANDAG about the future siting of transit stops/stations within the Project Area. <p>Accordingly, the suggested mitigation measure is already considered in PDF-TR-1.</p> <p>Further, the Proposed Project is part of the Otay Ranch community, which has been identified by SANDAG for no less than five transit stops as part of the South Bay Bus Rapid Transit (BRT). Those stations include the Heritage, Lomas Verdes, Santa Venitia, Otay Ranch, and Millenia Stations. Further, SANDAG has conceptual plans for a "Mobility Hub" at the Otay Ranch Station, which could include an enhanced transit waiting area, passenger loading zones, walkways, crossings, bikeways, bike parking, dedicated transit land, NEV, EV charging, and smart parking. (http://www.sdforward.com/fwddoc/mobipdfs/OtayRanch-Profile-SketchUp.pdf) The South Bay BRT Map is appended to this response for the commenter's reference.</p>
Provide public transit incentives such as free or low-cost monthly transit passes.	<p>The Proposed Project does not include enough on-site commercial/retail land uses for public transit incentives to be feasible.</p>

Table O-6-1
Suggested Additional CO₂e Reduction Measures

Suggested Mitigation Measure	Evaluation
Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.	<p>The Specific Plan for Otay Ranch Village 14 and Planning Areas 16 & 19, Section II.A.1 states the following:</p> <p>“Promote balanced, contoured grading to soften the visual aesthetic within the Project Area and foster passive solar heating and cooling opportunities.”</p> <p>Accordingly, this measure is already included as a Proposed Project strategy.</p>
Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.	<p>The following PDF, PDF-AQ/GHG-7, was added:</p> <p><u>Prior to the issuance of Certificate of Occupancy for new residences, the Project applicant or its designee shall submit certification that it has provided information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to new homebuyers.</u></p> <p>Additionally, the 2019 California Building Standards, which will become effective on January 1, 2020, and will be applied to each building permit in the Proposed Project issued after that date, will maximize the use of LEDs for both indoor and outdoor use (CEC 2018).¹³ It is anticipated under these new standards, non-residential buildings would use approximately 30% less energy due mainly to lighting upgrades.¹⁴</p>
Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.	<p>The following PDF-AQ/GHG-8 was added to address cool roofs:</p> <p><u>Prior to the issuance of residential building permits, the Proposed Project applicant or its designee shall submit building plans illustrating that residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a three-year solar reflectance index (SRI) of 64 for a low-sloped roof and an SRI of 32 for a high- sloped roof.</u></p> <p><u>Prior to the issuance of non-residential building permits, the Proposed Project applicant or its designee shall submit building plans illustrating non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a three-year SRI of 64 for a low-sloped roof and 32 for a high- sloped roof.</u></p> <p>The following PDF-AQ/GHG-9 also was added to address cool pavements:</p>

¹³ http://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf.

¹⁴ http://www.energy.ca.gov/releases/2018_releases/2018-05-09_building_standards_adopted_nr.html?

Table O-6-1
Suggested Additional CO₂e Reduction Measures

Suggested Mitigation Measure	Evaluation
	<p><u>Prior to the issuance of building permits, the Proposed Project applicant or its designee shall submit building plans illustrating that outdoor pavement, such as walkways and patios shall use paving materials with three-year SRI of 0.28 or initial SRI of 0.33.</u></p>
<p>Provide information on energy management services for large energy users.</p>	<p>While the Proposed Project does not anticipate individual large energy users, the Proposed Project will provide information on energy management in a new home packet. The following PDF, PDF-AQ/GHG-7, has been added:</p> <p><u>Prior to the issuance of Certificate of Occupancy for new residences, the Project applicant or its designee shall submit certification that it has provided information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to new homebuyers.</u></p>
<p>Install energy efficient heating and cooling systems, appliances and equipment, and control systems.</p>	<p>This measure is already included in the EIR through implementation of PDF-AQ/GHG-4, which states:</p> <p>“All appliances (washer/dryers, refrigerators, and dishwashers) that will be installed by builders in residences and commercial businesses shall be Energy Star rated or equivalent.”</p>
<p>Install light emitting diodes ("LEDs") for traffic, street and other outdoor lighting.</p>	<p>Traffic lights and street lights in the Project Area will be required by the City of Chula Vista and County of San Diego¹⁵. Both jurisdictions use LEDs.</p> <p>Additionally the following PDF, PDF-AQ/GHG-6, was added:</p> <p><u>Prior to the issuance of permits, the Proposed Project applicant or its designee shall submit building plans that demonstrate that all outdoor lighting shall be (light emitting diodes) LED or other high efficiency lightbulbs.</u></p>
<p>Limit the hours of operation of outdoor lighting.</p>	<p>This measure is infeasible from an administration perspective because it would require monitoring of every residence. It also would undesirably limit the ability of residences to operate lighting for any unique safety purposes, such as residents with off-peak work schedules who leave for or arrive from work during the nighttime hours.</p>

¹⁵ City of Chula Vista Standard Drawing CVCS-6; City of Chula Vista Standard Drawing CVCS-8; County of San Diego (https://www.sandiegocounty.gov/content/dam/sdc/dpw/LAND_DEVELOPMENT_DIVISION/landpdf/outside15.pdf)

Table O-6-1
Suggested Additional CO₂e Reduction Measures

Suggested Mitigation Measure	Evaluation
Provide education on energy efficiency.	<p>The following PDF, PDF-AQ/GHG-7, has been added:</p> <p><u>Prior to the issuance of Certificate of Occupancy for new residences, the Project applicant or its designee shall submit certification that it has provided information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to new homebuyers.</u></p>
<p>Install energy-efficient heating ventilation and air conditioning.</p> <p>Educate consumers about existing incentives.</p>	<p>The Proposed Project residential uses will meet Zero Net Energy (ZNE) requirements, which includes energy-efficient heating ventilation and air conditioning. The Proposed Project non-residential uses shall achieve a 10% greater building energy efficiency than required by the 2016 State energy efficiency standards in Title 24, Part 6 of the California Code of Regulations. Compliance with 2016 Title 24 requirements, at a minimum, includes installation of energy-efficient heating ventilation and air conditioning.</p> <p>The following PDF, PDF-AQ/GHG-7, has been added:</p> <p><u>Prior to the issuance of Certificate of Occupancy for new residences, the Project applicant or its designee shall submit certification that it has provided information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to new homebuyers.</u></p>
Use combined heat and power in appropriate applications.	<p>The use of combined heat and power is currently not typically used in residential land uses and is more suitable for larger industrial and commercial developments. However, the use of combined heat and power will not be restricted by the Proposed Project.</p>
Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.	<p>This measure is already included in the Draft EIR through implementation of PDF-UT-4, which states:</p> <p><u>“All Proposed Project landscaping shall comply with the Model Water Efficient Landscape Ordinance, California Code of Regulations Title 23, Division 2, Chapter 2.7 (Section 490 et seq.) By complying with this ordinance, it is estimated that outdoor water use at single family residences will be reduced by approximately 10 percent. With an estimated total water use of 500 gpd per home and approximately 50 percent of this water used outdoors, the estimated annual water savings is 9,125 gallons per home. Residential water use can vary widely based on the size of lots; however, based on OWD factors for the Proposed Project, estimated water sue for a typical single family home is 435 gpd for densities of 3.0 to 10 units per acre, 700 gpd for densities of 1.0 to 3.0 units per acre, and 1,000 gpd for densities of less than 1.0 units per acre. With an estimated 50% of this water used outdoors, the estimated annual water savings is 7,940 gallons per single-family residence where densities are from 3.0 to 10 units per acre, 12,775 gallons per single family residence where</u></p>

Table O-6-1
Suggested Additional CO₂e Reduction Measures

Suggested Mitigation Measure	Evaluation
	<u>densities are from 1.0 to 3.0 units per acre, and 18,250 gallons per single family residence where densities are less than 1.0 units per acre based on these assumptions."</u>
Design buildings to be water-efficient. Install water-efficient fixtures and appliances.	<p>This measure is already included in the Draft EIR through implementation of PDF-AQ/GHG-4, which states:</p> <p>"All appliances (washer/dryers, refrigerators, and dishwashers) that will be installed by builders in residences and commercial businesses shall be Energy Star rated or equivalent."</p> <p>Additionally, PDF-UT-3 states:</p> <p>"Water efficient dishwashers that carry the Energy Star label shall be installed in all residential units and commercial uses where appropriate."</p>
Restrict the use of water for cleaning outdoor surfaces and vehicles.	<p>The following PDF, PDF-UT-5, has been added:</p> <p><u>The Homeowner's Associations shall appropriately regulate the use of water for cleaning outdoor surfaces and vehicles through the Covenants, Conditions, and Restrictions.</u></p>
Implement low-impact development practices that maintain the existing hydro logic character of the site to manage storm water and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.)	<p>The Proposed Project would minimize impervious surfaces through a clustered lot design, curb-cuts to landscaping, rural swales, and direction of street runoff to the biofiltration basins located throughout the Development Footprint and along Proctor Valley Road. Pervious surfaces would be incorporated within the developed Project Area. Other low-impact design measures would include the reuse of native soils and the use of smart irrigation systems.</p> <p>The Proposed Project would minimize erosion from slopes by only disturbing slopes when necessary, minimizing cut-and-fill areas to reduce slope lengths, rounding or shaping slopes to reduce concentrated flow, and collecting concentrated flows in stabilized drains and channels.</p>

O-6-194 The County acknowledges the comment as an introduction to comments that follow relating to wildfire hazards and emergency evacuation. Please refer to **Responses to Comments O-6-257** through **O-6-325**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-195 The comment introduces two additional reviewers for Appendix 3.1.1-2, Fire Protection Plan, and Appendix 3.1.1-3, Wildland Fire Evacuation Plan, of the Draft

EIR. Please refer to the responses to **Comment Letters O-6.4** (REAX Engineering) and **O-6.5** (Griffin Cove Transportation).

The comment also includes a footnote incorporating a separate letter prepared by Dr. Zicherman, Berkeley Engineering and Research Inc., prepared for the Safari Highlands Ranch Project in north San Diego County. The letter from Dr. Zicherman has been reviewed. The letter provided comments on a separate project and preceded the Draft EIR by 6 months. The comments do not raise issues regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-196 The comment restates information from the Draft EIR regarding fire hazards and provides background information about recent wildfires in Southern and Northern California. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-197 The comment summarizes information provided on the California Department of Forestry and Fire Protection's (CAL FIRE's) Fire and Resource Assessment Program (FRAP) Fire Threat Map and California Public Utilities Commission's (CPUC) fire threat mapping. The CAL FIRE FRAP Fire Threat Map was produced to inform the National Fire Plan, and 2010 is the last published version. The comment also states that in coming decades, climate change will alter temperatures, winds, precipitation, and species, with potentially substantial fire hazard impacts.

The Fire Threat Map includes coarse fire environment data and is not relied upon for determining whether a project is required to include ignition-resistant building materials and methods. The Draft EIR, Appendix 3.1.1-2 – Otay Ranch Village 14 and Planning Areas 16/19 Fire Protection Plan (FPP) (page 2) refers to the CAL FIRE FRAP Fire Hazard Severity Zone Maps, which are more detailed maps that include a finer level of evaluation. The FPP identifies the Project Area as within a Very High Fire Hazard Severity Zone (VHFHSZ; Appendix 3.1.1-2, page 2). This designation indicates that the area has a fire environment that is conducive to periodic wildfires, but does not consider fire reduction activities like conversion of fuels with development or fuel modification zones. Based on its location in a VHFHSZ, the Proposed Project is required by the San Diego County Consolidated Fire Code and the County Building Code to provide for a level of planning, ignition-resistant construction, access, water availability, fuel modification, and construction materials and methods designed specifically to allow for safe development within these areas. The Proposed Project meets and exceeds these requirements, and, therefore, is consistent with County General Plan Policy S-3.6, Fire Protection Measures. The Fire

Threat Map is not a reliable source for indicating whether a project will be subject to these measures; therefore, it is not referenced in the FPP.

The CPUC fire threat mapping is focused on identifying areas where the wildfire threat warrants additional electrical transmission line and related facility fire safety regulations. The CPUC mapped the fire threat throughout California to determine where it was most appropriate to require more restrictive fire safety measures be applied to energy projects, with a goal of reducing the potential for fire starts. There are no additional applications of this fire threat mapping to residential development projects. Further, the results of the CPUC fire threat mapping project are consistent with the FRAP Fire Hazard Severity Zone Map, which is referred to in the FPP, for the Project Area.

There is no certainty about how California precipitation patterns might change in the future. Further, climate change may, over time, include both vegetation and disturbance-based changes. Vegetation changes could include phenological shifts, altered productivity, shifts in species distributions and composition, stress-induced mortality, extirpations and extinctions, and increased plant susceptibility to pests and pathogens. This, in a scenario with hotter and drier weather, could convert higher fire hazard severity fuels to lower hazard severity fuels, resulting in a reduction in the area's fire hazard.

O-6-198 The comment states that the Proposed Project would add thousands of new residents to the wildland-urban interface (WUI). The comment also asserts that environmental destruction from wildfires is exacerbated by development in the WUI, which increases ignition risk and unwisely places people and structures directly in the line of fire. Refer to **Response to Comment O-6-199**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-199 The comment restates from the REAX report (**Comment Letter O-6.4**) that most wildland fires are caused by humans as opposed to natural causes, and lists common anthropogenic causes of fire. The comment also notes that structure fires sometimes spread and initiate wildland fires. The comment concludes that the presence of development in the WUI results in increased probability of fire starts.

The County agrees that humans are the primary cause of wildfires in California. Appendix 3.1.1-3, Wildland Fire Evacuation Plan, states that, "The Proposed Project would introduce potential ignition sources, particularly more people in the area." However, studies indicate that even with older developments that lacked the fire

protections provided with the Proposed Project, wildfires declined steadily over time (Syphard et al. 2007; Syphard and Keeley 2015), and, further, the acreage burned remained relatively constant, even though the number of ignitions temporarily increased. This is due to the conversion of landscapes to ignition-resistant, maintained areas, more humans monitoring areas resulting in early fire detection and discouragement of arson, and fast response from the fire suppression resources that are located within these developing areas.

The Proposed Project would include a robust fire protection system, as detailed in Appendix 3.1.1-2. In addition, as discussed in Draft EIR Section 3.1.1.2.4, Wildfire Hazards, a fire station within the Proposed Project would reduce the response time to wildfire ignitions and increase the likelihood of successful initial attacks to limit the spread of wildfires. This same fire protection system would provide protection from on-site fires spreading to off-site vegetation through the establishment of a 100-foot fuel modification zone. Accidental fires within the landscape or structures in the Project Area would have limited ability to spread. Landscaping throughout the Proposed Project and on its perimeter would be highly maintained, and much of it irrigated, which would further reduce its ignition potential. Structures would be ignition resistant on the exterior, and the interiors would be protected with automatic sprinkler systems, which have a very high success rate for confining fires or extinguishing them.

- O-6-200** The comment asserts that studies indicate that developing housing in locations in California that currently have low or no density dramatically increases the fire frequency and amount of area burned. The comment then cites various references. The Draft EIR preparers have reviewed the cited references in the comment and note they appear to conflict with this statement. Implementation of fire protection strategies proposed in the FPP would reduce the potential vegetation fire threat and would assist the responding fire authorities in controlling and/or extinguishing vegetation fires within the Project Area.

Please refer to **Responses to Comments O-6.22, O-6.23, and O-6.24**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-201** The comment opines that one would expect the Draft EIR to have objectively evaluated whether the Proposed Project would expose people and structures to a significant risk of loss, injury, or death involving wildland fires. Draft EIR Section 3.1.6, Public Services, Appendix 3.1.1-2, and Appendix 3.1.1-3 objectively and adequately analyze the Proposed Project. The Draft EIR determined that the Proposed

Project complies with the strict requirements for building in fire hazard severity areas and WUI areas. The FPP (Draft EIR, Appendix 3.1.1-2, Section 3, pages 31–33) addresses the following question:

Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildland are adjacent to urbanized areas or where residences are intermixed with wildland?

The Draft EIR and FPP analysis determined that, with the fire protection features provided, there would not be a significant risk of loss, injury, or death, even though the Proposed Project would be built in an area where wildfires have historically occurred. Specifically, page 31 of Appendix 3.1.1-2 states:

The wildland fire risk in the vicinity of the Project Area has been analyzed according to San Diego County Guidelines for Determining Significance – Wildland Fire and Fire Protection (County of San Diego 2010). It has been determined that wildfires may occur in wildland areas that surround the Project Area but would not be significantly increased in frequency, duration, or size with the construction of the Proposed Project. The Proposed Project would include conversion of fuels to maintained development with designated SDCFA [San Diego County Fire Authority] review of landscaping, FMZ, and highly ignition-resistant structures; a funded entity to manage and maintain the FMZ; and third-party annual FMZ inspections to confirm the FMZ areas are maintained as designed and, therefore, would function as intended. As such, the Development Footprint would be largely converted from readily ignited fuels to ignition-resistant landscape and structures that are provided defensible space consistent with State of California and County standards, access for firefighters and early evacuations, water and fire flow to code, and other fire protection features, as described throughout this FPP.

For clarification, the FPP also addresses the following questions from the CEQA Appendix G Significance Thresholds:

Would the project result in inadequate emergency access?

The Draft EIR, Appendix 3.1.1-2, FPP analysis determined that all access roads meet the County's road requirements and fire codes for providing fire apparatus access and resident ingress/egress (See Appendix 3.1.1-2, page 34).

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need

for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for fire protection?

The Draft EIR, Appendix 3.1.1-2, FPP analysis determined that a new fire station would be necessary to meet San Diego General Plan Safety Element travel time standards. With the provision of the fire station within the Proposed Project Development Footprint and the existing SDCFA Station No. 36, the potential impact related to this significance criteria would be mitigated to below significant (see pages 34–35).

Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The Draft EIR, Section 3.1.8.1, Utilities and Utility Systems, and Appendix 3.1.1-2, FPP, determined that there would be sufficient water to serve the Proposed Project from existing entitlements and that no impact would be associated with water availability.

Because the analysis did not indicate a significant impact associated with any of these criteria questions, the result is that the conclusions are justified to the CEQA threshold level. The Final EIR has been revised in ~~strikeout~~/underline to clarify that Appendix 3.1.1-2 FPP considers these thresholds. This revision restates information contained elsewhere in the Draft EIR and does not identify a new or significantly greater impact or mitigation measure and does not constitute substantial new information under CEQA.

O-6-202 The comment expresses an opinion that, rather than provide an objective analysis, the Draft EIR appears to have been set up to arrive at a preordained result that the Proposed Project would improve fire safety in the Project Area and for adjacent downwind communities. The County disagrees that the analysis in the Draft EIR was not objective. Please refer to **Response to Comment O-6-201**. No further response is required or provided.

O-6-203 The comment expresses the commenter's opinion that the bold claim that a project developed in a location known to have highest wildland fire risk would improve fire safety is belied by common sense and scientific studies. The comment also expresses an opinion that it is fatuous to suggest that disturbing a sizable open space parcel and

- adding homes and a range of non-native vegetation will, in some way, be more safe than an area left undisturbed. Please refer to **Responses to Comments O-6-200 and O-6-201**. Additionally, conversion of large swaths of unmaintained native fuels would have a direct effect on fire behavior in this area because fires would no longer have fuel continuity throughout the entire Proctor Valley. Fire behavior and spread would be impacted because the Proposed Project is required to be built to the strictest ignition-resistant standards in California and to include a layered system of protections for the structures, landscape, and buffers separating the Proposed Project from wildland fuels. The studies referenced do not consider these features when making comparisons.
- O-6-204** The comment presents the opinion of the commenter that the Draft EIR's analysis of the Proposed Project's potential to result in increased wildland fire events and its associated impacts to emergency evacuation is riddled with flaws. The comment serves as an introduction to following comments. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-205** The comment states that the Draft EIR relies on inappropriate thresholds of significance and erroneously concludes the Proposed Project would not have significant impacts relating to wildfire hazards. The County disagrees with the comment. The Draft EIR, and Appendices 3.1.1-2 and 3.1.1-3, use standards which are part of the County's Guidelines for Determining Significance (County of San Diego 2010). These standard guidelines require an evaluation of four key components, as discussed in **Response to Comment O-6-201**. Based on this analysis, Draft EIR Section 3.1.1.2.4, Wildfire Hazards, determined that impacts would be less than significant.
- O-6-206** The County restates the CEQA guidelines and case law. The comment provides an introduction to comments that follow. Please refer to **Responses to Comments O-6-208 through O-6-215**. No further response is required or provided.
- O-6-207** The comment discusses case law pertaining to CEQA thresholds of significance. The comment provides an introduction to comments that follow. Please refer to **Responses to Comments O-6-208 through O-6-215**. No further response is required or provided.
- O-6-208** The comment restates that the Proposed Project would bring thousands of new residents to a location known to have a high fire risk and would dramatically increase the risk of wildfire ignitions and expose people and structures to significant risk of

- loss, injury or death involving wildland fires. Please refer to **Responses to Comments O-6-200 and O-6-201**. Please also refer to the Proposed Project's Draft EIR Section 3.1.1.2.4, Wildfire Hazards, and FPP (Appendix 3.1.1-2, Sections 2 and 3), which provide a thorough evaluation of the fire environment, confirm that the Proposed Project will meet the highly restrictive fire and building codes for high fire hazard areas, and conclude that there would be no significant wildland fire impact.
- O-6-209** The comment notes that because the selected thresholds do not take into account the dangerous location where the Proposed Project would be built, the Draft EIR incorrectly concludes that the impacts relating to fire hazards would be less than significant. The Draft EIR Section 3.1.1.1, and Section 2 of Appendix 3.1.1-2 (FPP) provide a thorough analysis of the fire environment of the Project Area. The analysis evaluated fuel, terrain, wind, climate, fire history, and fire behavior modeling. This information was used to inform the types of fire protection features that would be needed to effectively address the resulting fire threat. The analysis found that, with the provided features, the Proposed Project would not result in significant wildland fire hazard impacts (see Draft EIR page 3.1.1-29). Please refer to **Response to Comment O-6-201**. Please also refer to **Thematic Response – Wildfire Protection and Evacuation**.
- O-6-210** The comment provides background information regarding the Banning Ranch court case. The comment continues that, based on the ruling in the Banning Ranch case, the Draft EIR for the Proposed Project includes significance thresholds that are inappropriate based on the location of the Proposed Project. The Draft EIR and the FPP's study of the environmental setting for the Proposed Project is discussed in **Response to Comment O-6-209**. The comment provides an introduction to comments that follow. Please refer to **Responses to Comments O-6-212 through O-6-215**. No further response is required or provided.
- O-6-211** The comment states the Draft EIR includes the following threshold of significance: "A comprehensive FPP has been accepted, and the project is consistent with its recommendations." The comment provides an introduction to comments that follow. Please refer to **Responses to Comments O-6-212 through O-6-215**, below. No further response is required or provided.
- O-6-212** The comment states there are two fundamental problems with the threshold of significance (see **Comment O-6-211**): the threshold fails to account for the Proposed Project's geographic location; and because it relies on Project's consistency with the FPP prepared for the Proposed Project, it focuses almost exclusively on protecting the structures in the Proposed Project itself. Please refer to **Response to Comment O-6-**

- 209 for a discussion regarding the Proposed Project's location. The FPP has a variety of purposes, one of which is to protect people and property within the Proposed Project from wildland fire. The Proposed Project, subject to the restrictive and effective measures for development in high fire hazard areas, has a secondary benefit for communities downwind. There are currently populated areas (Jamul, Spring Valley, Rancho San Diego, and Campo Road (SR-94) north/northwest of the portion of Chula Vista to which the comment refers. These areas present human-related ignition sources with a continuous fuel bed between them and Chula Vista, and, during wind-driven wildfires, fire spread toward these areas would be aggressive. With the Proposed Project, the fuel bed would be interrupted by a large areas of ignition-resistant structures and landscape that essentially break up fuel continuity; provide operational advantages, including anchor points; and offer temporary refuge for firefighters and citizens. The communities at the Chula Vista interface have also been designed and constructed to withstand wildfires with managed and maintained fuel modification and ignition-resistant construction. Further, as discussed in Draft EIR Section 3.1.1.2.4, Wildfire Hazards, in addition to existing fire protection services for the area, the proposed fire station within the Proposed Project would reduce the response time to wildfire ignitions and increase the likelihood of successful initial attacks that would limit the spread of wildfires.
- O-6-213** The comment expresses an opinion that the Draft EIR provides a meaningless impacts analysis. Please refer to **Response to Comment O-6-201** for a discussion of the Draft EIR's impact analysis.
- O-6-214** The comment states that the threat the Proposed Project poses is not to the new structures themselves, but the increase in ignitions that will accompany this Project. Please refer to **Responses to Comments O-6-199, O-6-200, and O-6-201**.
- O-6-215** The comment restates an opinion it is the increase in ignitions in a location known to have extreme wildfire risk that will pose a severe threat to surrounding residential communities and to those trying to evacuate from a wildfire. Please refer to **Responses to Comments O-6-199 and O-6-200** regarding fire hazards associated with the Proposed Project. In addition, see **Responses to Comments O-6-237, O-6-239, O-6-240, O-6-248, O-6-250, and O-6-251** regarding evacuation, as well as **Thematic Response – Wildfire Protection and Evacuation**.
- O-6-216** The comment asserts that the Draft EIR's conclusion that the Proposed Project will not increase fire hazards is unsupported. The comment is a heading that serves as an introduction to comments which follow. Refer to **Responses to Comments O-6-217 through O-6-262** for specific responses to comments raised under this heading.

- The County also notes that Draft EIR Section 3.1.1.2.4, Wildfire Hazards, concluded that wildland fire impacts would be less than significant. Please refer to **Responses to Comments O-6-199, O-6-200, and O-6-212** for details regarding the Proposed Project's fire safety features and how they not only protect site structures, but provide benefits for downwind communities. Please also refer to **Thematic Response – Wildfire Protection and Evacuation**.
- O-6-217** The comment provides an opinion that the Draft EIR underestimates the risk of wildfire because it relies on faulty modeling assumptions and methodology. The comment is a heading which serves as an introduction to comments which follow. Draft EIR, Section 3.1.1.2.4, Wildfire Hazards, and Appendix 3.1.1-2, FPP, analyzed the Proposed Project's wildfire risk based on standard modeling assumptions and methods commonly used in San Diego County and throughout California. Refer to **Responses to Comments O-6-218 through O-6-233** for specific responses to comments raised under this heading, as well as **Thematic Response – Wildfire Protection and Evacuation**
- O-6-218** The comment expresses an opinion that the FPP underestimates the potential intensity of wildland fires in the Project Area because it relies on unrealistic assumptions. As noted in Draft EIR Appendix 3.1.1-2 and Appendix 3.1.1-3, fire behavior modeling is one aspect of the fire behavior analysis, and was augmented by evaluation of previous fires occurring during typical and extreme weather, interviews with local fire fighters, and experience of the fire protection planners preparing the plan. Further, the assumptions used in the FPP (Appendix 3.1.1-2) in Sections 2 and 3 are consistent with those presented in the analysis provided by REAX Engineering (a San Francisco Bay area firm) in **Comment Letter O-6.4**.
- O-6-219** The comment notes that the Draft EIR fails to take into account appropriate fuel conditions. The County disagrees with the comment. The FPP (Appendix 3.1.1-2 to the Draft EIR), specifically Section 2.2.3 through 2.2.5, adequately analyzed fuel conditions. Please refer to **Responses to Comments O-6-221 through O-6-224, and O-6.4-13 through O-6.4-17**.
- O-6-220** The comment restates information provided in the Draft EIR and FPP that two major wildfires have burned the Project Area and surrounding area in the past 15 years. The comment also states that vegetation in the Project Area has not yet reached climax fuel condition. Refer to **Responses to Comments O-6-221 and O-6.4-13**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-221** The comment states assuming no other fires or disturbance in the area, regrowth of fuels would be expected to reach their climax condition in about 30 years. The comment then asserts that the Draft EIR errs because its fuel assumptions are not representative of climax conditions. The County agrees that the fuels have not reached climax condition following relatively recent burns; however, the County disagrees that the fuel assumptions do not include climax conditions. The FPP considered that although vegetation in the Project Area is not currently in its climax state, the FPP modeling of fire behavior used the same climax fuel model assignments as the REAX Engineering analysis for grass, sage scrub, and chaparral vegetation communities. Refer to **Responses to Comments O-6.4-13 and O-6.4-14**.
- O-6-222** The comment asserts that it is critical to assess fuels adjacent to the Proposed Project. Please refer to FPP Sections 2.2.1, 2.2.3, and 2.2.4, and Figure 5, which state/illustrate that fuels, fuel loads, and terrain within 300 feet of the Development Footprint were evaluated as part of the fire environment assessment and fire behavior modeling. Refer to **Response to Comment O-6.4-14**.
- O-6-223** The comment states that while the on-site fire station might be adequate to address individual structure fires and non-fire emergency response, it will be essentially irrelevant in suppressing wildfires entering the Project Area from neighboring properties driven by downhill Santa Ana winds.

The Draft EIR does not state or imply that the on-site fire station would be provided to protect the entire area during a wildfire. The fire station would be provided within 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 the system of fire protection features that are redundant and layered, and have been shown to result in highly defensible structures. The system of fire protection measures would result in a community that does not require heavy response resource allocations as compared to older communities. Rather, it is possible that limited resources can protect Proposed Project structures because they are designed and would be constructed to minimize vulnerabilities to fire and embers. As stated in Draft EIR Section 3.1.1.2.4, Wildfire Hazards, the presence of the Proposed Project's fire station, and the nearby SDCFA Fire Station No. 36, would result in fast response to wildfire ignitions in the area and a high 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 would be provided from a variety of fire agencies, including CAL FIRE, which would provide its full weight of fire-fighting

resources, including strike teams, ground crews, and aircraft. These resources would be used to fight wildfires and protect assets.

O-6-224 The comment quotes from the Zicherman Report on the Safari Highlands project regarding fire risk. The County agrees that there is a high likelihood that wildfire may occur near the Project Area at some point. The FPP uses the term “may occur” simply because it is not possible to predict whether wildfire will occur with 100% certainty. The FPP does not attempt to circumvent code requirements based on the term “may occur,” and a full analysis was conducted to develop required fire safety features, including meeting or exceeding code requirements specifically developed for safe building in fire hazard severity zones based on the fact that the site has burned before, is in a VHFHSZ, and is likely to be encroached upon by wildfire again. There is no need to modify fuels more than 300 feet from the Proposed Project’s perimeter. Basic fire protection understanding focuses on point-protection; that is, placing protective features (fuel modification, structure setbacks) at the structures out to approximately 100 feet (although this distance can be extended or reduced based on terrain, fuels, and fire behavior of a given area). Numerous studies, including Cohen’s Structure Ignitability Assessment Modeling (Cohen 1995), provide substantial evidence that extended fuel modification is not necessary to prevent structures from igniting. Further, in addition to fuel modification practices, the existing fire protection services for the area and the proposed fire station within the Proposed Project would reduce the response time to wildfire ignitions and increase the likelihood of successful initial attacks that would limit the spread of wildfires.

O-6-225 The comment asserts that the FPP modeled wind speeds are not consistent with winds in the Project Area because it relied on data from a weather station that does not share the same topography of the Project Area. The comment then states in the Project Area, the primary driver of risk from a fire weather perspective is Santa Ana wind events. The County acknowledges Santa Ana events may generate wind speeds of 50 miles per hour (mph) or greater.

The FPP (Appendix 3.1.1-2) anticipated two fire events, including a wind-driven Santa Ana fire (i.e., 50 mph) which exceed those established by the County of San Diego. The County developed guidelines and standards for weather inputs to be used in fire behavior modeling for development projects proposed in the County (County of San Diego 2010). Given the Proposed Project’s location, County standards require a peak-condition wind input speed of 41 mph for fire behavior modeling. The use of 50 mph for fire behavior modeling is, therefore, considered more conservative than other regionally accepted standards.

- The comment incorrectly states, by reference to the REAX Engineering analysis (**Comment Letter O-6.4**), that the San Miguel remote automated weather station (RAWS) does not share the same topography as the Project Area. The San Miguel RAWS was selected given its proximity to and mid-slope location along the northwest side of Mother Miguel Mountain, a similar geographic setting to the Project Area, which is primarily situated mid-slope along the northwest side of the Jamul Mountains. The elevation of the San Miguel RAWS (425 feet) is also more closely aligned with the Project Area (600 to 1,300 feet) than the station suggested in the REAX Engineering analysis, the Otay Mountain RAWS (3,283 feet). Additionally, ridgetops typically exhibit higher wind speeds than mid-slope or valley bottom locations, so wind speeds recorded at the Otay Mountain RAWS are likely higher than would be experienced in the Project Area. In addition, wind speed values used in the FPP's (Appendix 3.1.1-2) fire behavior modeling efforts (50 mph) are considered conservative since they exceed the 97th percentile values calculated from the San Miguel RAWS (40 mph).
- O-6-226** The comment correctly states that wind is a critical factor for fire behavior. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-227** The comment states that the FPP modeling relied on wind data from the San Miguel RAWS. The comment notes the station is in a relatively flat area where wind speeds are likely considerably lower than ridge-top speeds near the Project Area. Please refer to **Response to Comment O-6-225** for details on why the San Miguel RAWS is appropriate for the Proposed Project's weather inputs. In addition, wind speed values used in the FPP's fire behavior modeling (50 mph) are considered conservative since they exceed the 97th percentile values calculated from the San Miguel RAWS (40 mph).
- O-6-228** The comment notes a 2014 Santa Ana event where peak wind gusts at the Otay Mountain weather states were almost double the speed of gusts at the San Miguel station. Please refer to **Responses to Comments O-6-225** and **O-6-227**, which address the appropriateness of using the San Miguel RAWS as more indicative of wind speeds for the Project Area, and why the RAWS recommended by the commenter is not an appropriate choice for the Proposed Project's fire behavior modeling.
- O-6-229** The comment states that historically documented fires near the Project Area illustrate the importance of accurately considering higher wind speeds, especially because high winds are becoming more common. The FPP's fire behavior modeling was accurate

and conservative, and followed County guidelines. Please refer to **Responses to Comments O-6-225** and **O-6-227**.

The commenter relies on REAX Engineering's analysis of fire behavior to conclude that the FPP underestimated potential fire behavior. It also references a report prepared by BEAR Engineering, also a Bay Area firm, to indicate that the FPP did not consider the effects of climate change. In response, the REAX Engineering fire behavior analysis relies on generalized slope values (flat, 20 degrees, 40 degrees) and coarse-scale vegetation mapping to reach its conclusions. The generalized fire behavior calculations generated by the REAX Engineering analysis were then compared in the comment to the FPP, which used more accurate, site-specific data. For example, the California Wildlife Habitat Relationships grid-based vegetation mapping data used by the commenter's hired firm for fuel model assignments is based on remote-image processing techniques and has a ground resolution of a coarse 30 meters (98.4 feet). Additionally, no data source is provided for the commenter's slope analysis, so its accuracy cannot be verified. Conversely, the fire behavior analysis presented in the FPP relies on more precise slope and vegetation mapping data. Slope values in the FPP's fire behavior modeling were derived from direct measurements of site-specific topographic base maps prepared for the Project Area. Fuel model assignments used in the FPP are based on site-specific vegetation mapping data coupled with field-based observations. Compared to the analysis conducted in support of the FPP, the generalized fire behavior calculations presented by the commenter do not justify the assertion that the FPP underestimated potential fire behavior for the Project Area.

The commenter also presented maximum flame length values (49 feet) calculated in sage scrub vegetation (fuel model SCAL 18) and compared them with those generated in the FPP. Even with the increased flame lengths provided by the commenter (49 feet), the Proposed Project would provide fuel modification zones that are twice as wide as the modeled flame lengths. Providing fuel modification zones twice the width of modeled flame lengths is a standard benchmark in Southern California fire protection planning, and provides a baseline from which expansion and contraction can be analyzed. Even with the commenter's generalized fire behavior model inputs and resulting outputs, the Proposed Project's fuel modification zones would have been designed as they are currently presented in the FPP. Please refer to **Response to Comment O-6-197** for the County's response to determining what climate change impacts will have on wind speed.

With respect to the reference to the Zicherman (BEAR Engineering) report and climate change, it is speculative to assume that future wildfire conditions in the

Project Area will include substantial fire hazard impacts. There is no certainty about how California precipitation patterns might change in the future. Further, climate change may, over time, include both vegetation- and disturbance-based changes. Vegetation changes could include phenological shifts, altered productivity, shifts in species distributions and composition, stress-induced mortality, extirpations and extinctions, and increased plant susceptibility to pests and pathogens. This, in a scenario with hotter and drier weather, could convert higher fire-hazard-severity fuels to lower-hazard-severity fuels, resulting in a reduction in the area's fire hazard.

O-6-230 The comment states the FPP's modeling fails to take into account the increased ignitions that would accompany the Proposed Project. The County seeks to clarify that fire behavior modeling is conducted to ascertain the predicted fire behavior for a given set of inputs; it is not intended to predict ignition frequency or changes to frequency. The Proposed Project's FPP presents a standard fire behavior modeling effort that resulted in accurate and useable information. No additional modeling is necessary.

O-6-231 The comment asserts that developing housing in the WUI will greatly increase the probability of ignition within the Proposed Project's Development Footprint. Unlike the Draft EIR, which asserts the ignitions would not increase with the Proposed Project, the County notes the FPP acknowledges the Proposed Project would increase ignition sources. Specifically, the FPP acknowledges the Proposed Project would introduce potential ignition sources, but recognizes that the other types of ignition sources may be reduced. The FPP states the following on page 33:

The types of potential ignition sources that currently exist in the area include overhead powerlines, vehicles, roadways, and neighboring residential neighborhoods. The Proposed Project would introduce potential ignition sources, particularly more people in the area. However, mitigating this increase in potential ignition sources, the Proposed Project would convert more than 750 acres of ignitable fuels to lower flammability landscape and include better access throughout the Development Footprint, managed and maintained landscapes, and consistent human presence in the area, which would reduce the likelihood of arson, off-road vehicles, or shooting-related fires. In addition, the Proposed Project would include a fire station, apparatus, and staffing that would be able to respond quickly to reported fires.

For clarification, the Draft EIR text on page 3.1.1-25 has been revised as follows and is reflected in ~~strikeout~~/underline in the Final EIR:

~~Even with the introduction of up to 1,119 new homes, it is anticipated that wildfire ignitions would not increase from current levels in the Project Area.~~

Also, as detailed in the FPP (Appendix 3.1.1-2 to the Draft EIR), the Proposed Project would include a robust fire protection system that employs land use planning, site design, and ignition-resistant material and methods to minimize fire risk and result in a “fire-hardened” project. This same robust fire protection system that would protect the Proposed Project’s structures, residents, and property would also provide protection from an on-site fire spreading to off-site vegetation. Accidental fires within the landscape or structures in the Project Area would have limited ability to spread. 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 exteriors, and interiors would be protected with automatic sprinkler systems, which have a high success rate for confining fires or extinguishing them.

- O-6-232** The comment states the FPP errs when it asserts that any increases in ignition sources would be mitigated with irrigated areas and fuel modification zones. The comment then states any ignition caused by the Proposed Project would certainly harm adjacent communities. The comment refers to the REAX report and states that a fire ignited in Planning Areas 16/19 would spread southwest towards population centers at rates of several miles per hour and would be largely unimpeded by fuel modification zones, or irrigated areas. Refer to **Responses to Comments O-6.4-32 and O-6.4-33**.

The FPP indicates that the Development Footprint would create a large fuel break in an otherwise unbroken fuel bed. The effects of the Proposed Project’s presence would be beneficial in that wildfires would not have a continuous fuel bed to burn through toward existing development in Chula Vista. Additionally, the Proposed Development Footprint would offer operational benefits such as providing fire suppression crews with anchor points and refuge sites. Further, as discussed in Draft EIR Section 3.1.1.2.4, Wildfire Hazards, 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. Section 3 of the FPP (Appendix 3.1.1-2) provides numerous benefits the Proposed Project’s presence would provide to neighboring urban areas, but does not state what the comment purports.

The comment refers to a hypothetical fire igniting in Planning Areas 16/19 and its potential to spread southwest into population centers. In response, that possibility exists today, since developments on the same alignment in Jamul that are the direct neighbors to the north of Planning Areas 16/19 and others within approximately 1,000 feet, present existing ignition threats. Further, the existing road network, including Proctor Valley Road, presents ignition sources that exist today and could result in the scenario provided in the comment. Additionally, a fire ignited in Planning Areas 16/19 with winds blowing to the southwest would direct such a fire into the Proposed Project (Village 14) with its ignition-resistant structures, structures with interior sprinkler systems, ignition-resistant landscaping, and fuel modification zones. These factors would decrease the risk of such a fire spreading. The Proposed Project's development of Planning Areas 16/19 would not be expected to increase the risk of ignition significantly beyond existing conditions, but would offer some buffer and fuel break from fires igniting farther north in Jamul.

- O-6-233** The comment expresses an opinion that a project built in a location known to have extreme wildfire risk cannot compensate for this hazard through fire-resistant design. The comment also expresses an opinion regarding not building in these locations. The comment provides concluding remarks regarding the fire protection planning of the Proposed Project. Please refer to **Response to Comments O-6-217** through **O-6-232**. This comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-234** The comment expresses an opinion that the Draft EIR fails to provide assurances that the Proposed Project's Evacuation Plan would protect people from significant risk of injury or death involving wildfires. CEQA does not require that an evacuation plan be prepared, only that projects do not interfere with existing plans. The Proposed Project's Wildland Fire Evacuation Plan (WFEP) (Appendix 3.1.1-3) was prepared to be consistent with existing evacuation plans and, therefore, is considered adequate.
- O-6-235** The comment states that the Draft EIR provides no analysis of the Proposed Project's impact on evacuation in the event of a wildfire; rather, it refers to the WFEP. Section 3.1.1.2.5, Emergency Response Plans, of the Draft EIR discusses that the WFEP was prepared based on Annex Q, Evacuation, of the Unified San Diego County Emergency Services Organization and County of San Diego Operational Area Emergency Operations Plan. It also incorporates key information from Appendix L, Evacuation Plan, of the Jamul Community Protection Plan. This section of the Draft EIR further explains that the Proposed Project would not interfere with the Emergency Operations Plan. Additionally, the Draft EIR appropriately referred to the WFEP and its analysis.

- O-6-236** The comment asserts that whatever is required to be in the text of the EIR must be in the EIR itself, not buried in an appendix. The comment also refers to a court case.

The County does not agree that the Draft EIR did not provide the relevant information. CEQA recognizes that many of the scientific studies required for an adequate impact analysis are too complex and/or too lengthy to include in full in the body of the Draft EIR (CEQA Guidelines Section 15147). For this reason, CEQA recommends that EIRs summarize the conclusions drawn in the technical studies but place the technical studies themselves in appendices (CEQA Guidelines Section 15147). Like most lead agencies, the County has followed this recommendation. Appendices 3.1.1-2, FPP, and 3.1.1-3, Wildland Fire Evacuation Plan, are part of the Draft EIR as technical analyses upon which the Draft EIR relied in analyzing the Proposed Project's impacts in Section 3.1.1, Hazards and Hazardous Material, and Section 3.1.6, Public Services. These appendices were included as part of the public review materials made available with the Draft EIR. The Draft EIR included relevant information in Section 3.1.1, Hazards and Hazards Materials, and Section 3.1.6, Public Services; however, the entirety of the analysis in technical appendices are not required to be restated in the body of the Draft EIR.

- O-6-237** The comment expresses an opinion that misguided assumptions and flawed methodology used to prepare the FPP cascade into the WFEP evacuation findings. The comment further refers to the 2017 California wildfires and their evacuations for comparison.

The Draft EIR, WFEP (Appendix 3.1.1-3, page 2), recognized that wildfires and other emergencies are fluid events, and that the need for evacuations are typically determined by on-scene first responders or by a collaboration between first responders and designated emergency response teams, including the Office of Emergency Services and the Incident Command team established for larger emergency events. As such, and consistent with all emergency evacuation plans, the Proposed Project's WFEP is to be considered a tool that supports existing plans and provides for citizens who are familiar with the evacuation protocol, but is subservient to emergency-event-specific directives provided by agencies managing the event.

- O-6-238** The comment accurately restates information provided in the WFEP regarding evacuation scenarios. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-239** The comment states the WFEP provides no evidentiary basis for the assumption that a 3-hour evacuation would not expose people to a significant risk of injury or death

during a wildfire event. The comment also states the 3-hour period is highly optimistic as it assumes an orderly pre-planned evacuation process. The County notes that the WFEP provides an estimated time requirement for moving all residents off site. The calculation is based on the site's projected population, the number of people per car evacuating, and the capacity of the evacuation routes. This calculation also includes a time buffer intended to account for unanticipated delays. The evacuation plan stresses early evacuation following the "Ready, Set, Go!" model. In this early evacuation scenario, there would be adequate time to move everyone off site and into neighboring urban areas.

However, during a short-notice event, where fire ignites closer to the Proposed Project, the evacuation timeframe may not be feasible. In contrast to the comment's assertion that the WFEP does not consider the potential for significant risk to evacuees, the WFEP states on pages 11, 18, 25, and 30–32 that there are scenarios where there may not be enough time to evacuate everyone from the site. These scenarios were the nexus for many of the fire protection features required by the County's restrictive fire hazard severity zone building codes, which require ignition-resistant structures, fuel modification zones as buffers for structures, and lower flammability landscaping that provide another level of safety to enable emergency management personnel the ability to temporarily shelter residents on site in their homes, at a school, or in other designated areas, depending on the type and location of the fire.

Regarding the ability to use the Project Area for sheltering during a wildfire, the WFEP discusses on page 34 that the Proposed Project is capable of being used as a temporary shelter site during wildfires when it is considered safer to remain in protected structures—like the residences, the school, or other locations on site, including some open air locations—than to leave the area during a late-notice evacuation. The Proposed Project's homes would include the same features as officially designated "shelter-in-place" communities 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 the FPP (Appendix 3.1.1-2) and Section 5 of the WFEP (Appendix 3.1.1-3), resident education is mandated to occur at least annually. The Proposed Project's homeowners' association would provide ongoing education and outreach regarding the fire threat, evacuations, and the contingency option of sheltering in place if evacuation is not considered safe. Please refer to the **Thematic Response – Wildfire Protection and Evacuation**.

- O-6-240** The comment states that the WFEP acknowledges that this 3-hour period does not include the necessary allowances for the time needed to detect and report a fire; for fire response and on-site intelligence; for phone, patrols, and aerial based notifications; and for notifying special-needs citizens.

The County notes that the comment inaccurately states that the WFEP's calculated evacuation timeframe does not include allowances for various pre-evacuation procedures. In fact, the WFEP provides an evacuation component timeframe estimate (Appendix 3.1.1-3, Figure 2) that explains the average timeframes for the various procedures. Note that the timeframes may vary by project. Further, the WFEP notes on pages 17 and 18 that the calculated timeframes may be double or more if unanticipated impedances occur. However, in those cases, if fire were in the area and potentially threatening the site or the evacuation routes, the contingency option of on-site sheltering would be the preferred approach.

- O-6-241** The comment states evacuation is more challenging than presented in the WFEP's idealized scenarios, beginning with lack of warning. The comment also restates information from the WFEP.

The County agrees that the WFEP acknowledges that evacuations are challenging and fluid events (Draft EIR, Appendix 3.1.1-3 pages 2, 5, and 26), and short-notice events may require an alternative approach. Evacuation plans are primarily provided to educate residents about their options during an emergency and to prepare them so that they remain aware and ready to evacuate when directed to do so or when they feel uncomfortable staying. For the Proposed Project, the WFEP is also intended to introduce residents to the concept of sheltering on site, which is an option within the Proposed Project's developed areas, as discussed in the WFEP (Draft EIR, Appendix 3.1.1-3, Section 6.3).

- O-6-242** The comment refers to the October 2017 Tubbs fire in Santa Rosa and expresses an opinion that the entire warning system was fraught with malfunction and incompleteness. The comment also refers to a Los Angeles Times article, included as an exhibit to the comment letter.

The County notes there are many facets of the Santa Rosa area's preparedness, the capabilities of the Reverse 911 system, the fuels and fire behavior, structure ages and ignition resistance levels, and fuel modification provisions that are different within the Tubbs Fire burn area compared to the Project Area. The comparison is not valid based on these differences. For example, had the contingency option to a late-notice evacuation been available to Tubbs Fire residents, their exposure to wildfire could

have been managed and the late-notice evacuations could have been avoided. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-243** The comment states that the WFEP assumes a fully functioning warning and evacuation system, based on activation of an Emergency Operations Center and a “Ready, Set, Go” evacuation plan.

The County disagrees with the comment that WFEP relies on a fully functioning warning and evacuation system. The Draft EIR, Appendix 3.1.1-3, describes the numerous ways that evacuation notifications would be provided, including Alert San Diego, radio, television, social media/internet, neighborhood patrol car, aerial support to regional enforcement agencies helicopter (as available) public address notifications, and Reverse 911. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-244** The comment expresses an opinion the WFEP assumes unrealistic idealized scenarios and thus underestimates the true risks created by the Proposed Project.

The County notes that the WFEP did not underestimate the risks created or faced by the Proposed Project or its residents. The Proposed Project’s FPP and WFEP were developed based on realistic fire evaluations, evacuation events, and potential for contingency sheltering on site when considered safer than a late-notice evacuation. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-245** The comment states Mr. Liddicoat, a traffic engineer, was retained to review the scenarios’ traffic operations assumptions and methodology and refers to his report, included as an exhibit to the comment letter. The comment further states his report identified a number of problems in the evacuation analysis.

The comment is introductory to Comments O-6-246 through O-6-249. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided. For responses to comment raised by Mr. Liddicoat, please refer to responses to **Comment Letter O-6.5**.

- O-6-246** The comment states the evacuation time estimates presented in the analysis assumed that a fire will initially be located some distance from the Project Area. The WFEP (on pages 11, 18, 25, and 30–32) discusses wildfire scenarios that are short-notice events that may not enable enough time to evacuate the Proposed Project’s entire population. Please refer to **Response to Comment O-6-239** for discussion of the

ability to temporarily shelter residents on site in their homes, at the school, or in other designated areas, depending on whether evacuation for the Project Area is available.

O-6-247 The comment restates information in the WFEP regarding a short notice fire event. The County notes that the quoted text from the WFEP introduces the concept of an alternative approach to a short-notice evacuation, which is then expanded upon in various sections of the WFEP. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-248 The comment notes that there is no indication that the WFEP ever conducted a different evacuation approach. The comment further states a failure to evaluate any evacuation scenario where a fire ignites on or near the Project Area is a fatal flaw.

The WFEP modeled two potential evacuation scenarios based on the location of the Proposed Project and potential ignition locations. The County notes that the WFEP mentions several times (pages 11, 18, 24, and 30–32) that short-notice events that wouldn't allow enough time for all residents to evacuate could include a contingency plan of sheltering on site. Modeling this scenario would provide no useable information other than to show that, in the selected ignition locations, there would be less time available than the calculated time needed. Therefore, evacuation and/or on-site sheltering would be directed by responding emergency personnel either from the on-site fire station or law enforcement personnel. This is an acceptable approach for the WFEP, since every evacuation is fluid, and there is not a one-size-fits-all approach. The WFEP provides estimated timelines and would be used to inform residents of their options and what they may be directed to do during different types of wildfire emergencies.

O-6-249 The comment asserts that the WFEP overestimates the capacity of Proctor Valley Road and therefore underestimates the Project's evacuation times. This comment does not provide any evidence to substantiate this claim. Please refer to **Responses to Comments O-6-250** and **O-6-251**. No further response is required or provided.

O-6-250 The comment restates information in the WFEP that, even with roadways designed to code requirements, it may not be possible or necessary to move large numbers of persons at the same time. The quote further notes that road infrastructure is not designed to accommodate a short-term notice, mass evacuation.

The County notes that Draft EIR Appendix 3.1.1-3 describes the capacity of Proctor Valley Road and provides a reasonable estimate of the amount of time that may be necessary to move all residents off site. However, as explained in the WFEP,

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 can be ceased and residents 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 County further notes the quote from page 13 of the WFEP is accurate and is applicable to the Project Area and any other urbanized area where road infrastructure cannot handle mass evacuations. This includes virtually every urbanized area of San Diego County.

- O-6-251** The comment states that the WFEP assumes that the directional capacity of Proctor Valley Road will be either 1,800 or 1,900 vehicles per hour after project improvements are made. The comment then asserts according to the Liddicoat Report, an exhibit to the comment letter, the capacity of Proctor Valley Road is only 1,700 vehicles per hour.

The County acknowledges the comment and notes that it quotes the Highway Capacity Manual's (HCM) two-lane highway capacity of 1,700 passenger cars per hour per lane (pc/h/l). The County acknowledge the commenter's opinion that Proctor Valley Road should be evaluated using the two-lane-highway capacity instead of those provided in the Draft EIR (1,900 pc/h/l). As defined in Chapter 15 of the HCM (TRB 2010), a two-lane highway is defined as follows (page 15-1):

Two-lane highways have one lane for the use of traffic in each direction. The principal characteristic that distinguishes two-lane highway operation from that of other uninterrupted-flow facilities is that passing maneuvers take place in the opposing lane of traffic. Passing maneuvers are limited by the availability of gaps in the opposing traffic stream and by the availability of sufficient sight distance for a driver to discern the approach of an opposing vehicle safely.

As correctly stated by the commenter in Comment O-6.5-7, Proctor Valley Road would be improved to a two-lane roadway with a 14-foot-wide raised median and an 8-foot-wide shoulder on each side, which is consistent with a two-lane Light Collector (2.2A) road classification in the County of San Diego General Plan Mobility Element. Turn pockets and intersection control in the form of a traffic signal or roundabout are also proposed along the Proposed Project's frontage. Proctor Valley Road is also classified in the County of San Diego General Plan Mobility Element as a two-lane Light Collector (2.2E). As such, it can be concluded that Proctor Valley Road is an urban street facility, and the urban street capacity in Chapter 16 of the HCM should apply to Proctor Valley Road. Per Chapter 16 of the HCM (page 16-29), the urban street facility capacity is 1,900 pc/h/l. As such, the two-

lane highway capacity of 1,700 pc/h/l is not appropriate for Proctor Valley Road. Refer to **Response to Comment O-6.5-8**.

- O-6-252** The comment asserts that the Draft EIR ignores several additional factors that directly affect roadway capacity. The comment then states the possibility the road will be obscured by smoke or other fire-related factors (visible flames) will reduce roadway capacity.

The County agrees that during a large wildfire, smoke and other fire-related factors may affect evacuations and roadway capacity. However, the WFEP (Appendix 3.1.1-3) anticipated these potential impacts, and stressed the importance of early evacuations and use of the contingency option of temporarily sheltering in well-protected homes instead of a late evacuation when roadways may be considered unsafe. The Proposed Project was designed to include this contingency option when it is considered safer than evacuating residents.

- O-6-253** The comment states the effects of trucks or recreational vehicles in the evacuating traffic stream could reduce the effective capacity of the road.

The WFEP (Appendix 3.1.1-3, Section 4.2) includes a buffer of 45 minutes to the calculated evacuation times, which is intended to account for delays and impedances, including slow-moving vehicles. As detailed in the WFEP (Sections 6.2 and 6.3), a contingency to unsafe evacuations, which includes slow-moving traffic, congested roads, and accidents causing impedances, among others, is available to emergency management personnel when considered safer than a late evacuation. The County also notes that Proctor Valley Road would be improved with a series of roundabouts designed to accommodate larger vehicles, such as trucks, RVs, and equestrian trailers, rather than stop-controlled intersections, which would facilitate the flow of traffic in an emergency evacuation scenario.

- O-6-254** The comment states that the WFEP did not consider the potential effects of drivers and their varying emotional states on evacuations. Please refer to **Responses to Comments O-6-252** and **O-6-253** for discussion of how the WFEP addresses these potential evacuation impedances. Further, the WFEP indicates in Section 6.4 that multiple research articles (see Section 8.0, References, of the WFEP) supports the notion that movement of people during an emergency situation is typically manageable, particularly when directions are provided by persons of authority.

- O-6-255** The comment states that the WFEP fails to take into account that traffic not generated by the Proposed Project would also be using Proctor Valley Road during an evacuation.

The WFEP anticipated this potential by incorporating time buffers and noting on pages 17 and 18 that evacuation times may be double or more than the calculated times, depending on traffic impedances. Under some wildfire scenarios where a fire is burning northeast of the Project Area, some Jamul residents may use Proctor Valley Road, unless it is compromised. However, it is suspected that SR-94 west would be the preferred route for most Jamul residents, unless it is compromised. In addition, the Jamul community could use SR-94 south to Otay Lakes Road west into the City of Chula Vista for evacuation from a fire from the north or northeast. Both SR-94 and Otay Lakes Road in the area near the Proposed Project are fully improved two-lane roads with paved shoulders, and Otay Lakes Road connects to the City of Chula Vista.

- O-6-256** The comment states if a fire starts from the north, northeast, or east, residents in Jamul would also likely use Proctor Valley to evacuate. The comment also accurately restates information provided in the Proposed Project's FPP regarding the most common type of fire anticipated in the Project Area. The County acknowledges some Jamul residents may use Proctor Valley Road. Please also refer to **Response to Comments O-6.4-14 and O-6-239**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-257** The comment states that the evacuation scenario is problematic since the traffic on Proctor Valley Road is already degraded even on a typical day, when no emergency is occurring.

The County notes that in a short-notice event, it would be preferable to shelter on site at the Proposed Project as anticipated in Section 6.3 of Appendix 3.1.1-3. In a longer-notice event, there would be time to continue directing traffic out of the area, including that from Jamul. Although everyday traffic flow is subject to programmed flow controls at intersections and follows pre-determined signalized patterns, 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 downstream intersections. Further, if a wildfire occurred during a peak hour period, law enforcement could 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. Lastly, if the roads are considered impeded and potentially unsafe, law enforcement and fire personnel may direct residents of the Proposed Project to remain in their homes, shelter at the school, or shelter in another designated area on site and remain alert until it is safe to evacuate.

- O-6-258** The comment states that the WFEP implicitly assumes traffic evacuating the Proposed Project would be evenly distributed over the course of an hour.

The County notes that the calculations in the WFEP are appropriate for their intended purpose. Traffic flow, surges, competing traffic, and other traffic variables are not easily modeled. It is not possible to predict with certainty how long residents will take to gather their belongings and leave the area once notified to evacuate. Estimates are provided based on research that indicates that evacuation times will vary, including for residents who are already off site at work or school, those who are ready to go at a moment's notice, and those who will require more than 45 minutes to begin driving. For the purposes of the WFEP, an estimate of the metered flow is considered sufficient. In most cases, there will be law enforcement and/or fire personnel directing traffic out of the area and providing the metering that is the basis for the WFEP's estimates. The metering by traffic controllers will negate the "pulse" described in the comment.

- O-6-259** The comment states that Mr. Liddicoat recalculated the evacuation time estimates relying on guidance from the HCM and determined that the evacuation times would be substantially higher than assumed in the WFEP.

The County acknowledges the comment's provision of an alternate two-lane highway vehicle capacity of 1,700 vehicles per hour. This is 200 vehicles per hour (approximately 10.5%) less capacity than was estimated in the WFEP (Appendix 3.1.1-3). The comment relies on the HCM, which provides a coarse level, broadly applicable reference point. However, compared to Proposed-Project-specific data provided by a transportation engineer (see Section 2.9, Transportation and Traffic, and Appendix 2.9-1, Transportation Impact Analysis, of the Draft EIR), it is more reliable to use the Proposed-Project-specific information than a one-size-fits-all approach. The data used for the Draft EIR is specific to the Project Area and surrounding roads, and generated by professional traffic engineers. The WFEP states that evacuation times are estimates, and they could be as much as double or more if road impedances occur during an evacuation event (Appendix 3.1.1-3, pages 17 and 18). Please refer to **Response to Comment O-6.5-21**. Please refer also to **Response**

to **Comment O-6-239** for details on the contingency option if evacuation is considered unsafe.

O-6-260 The comment correctly states that Proctor Valley Road is generally aligned with the Santa Ana winds. The County notes that evacuations would not be declared when short-notice conditions would put evacuees in harm's way. The Proposed Project offers a safer approach with shelter on site in homes, the school, or other designated areas, as discussed in **Response to Comment O-6-239**.

O-6-261 The comment states that a fire traveling toward the Project Area from the northeast, or starting in the north part of the Project Area, may block stretches of Proctor Valley Road, trapping motorists. The comment further states the WFEP does not disclose this possibility or evaluate the implications.

Proctor Valley Road provides two separated access points into the Project Area: one from the north and one from the south. Proctor Valley Road would be improved with the Proposed Project to meet the applicable codes for width. There are no intersections with Proctor Valley Road from the Proposed Project south until it reaches Chula Vista developed areas, and there are a limited number of intersections to SR-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. During a mass evacuation, congestion can occur, and delays are likely. During a Santa Ana wind-driven wildfire that ignites near the Project Area, it is unlikely that a mass evacuation of the Proposed Project would be enacted. This would result in vehicles on roadways that would be less safe than residents remaining on site in protected homes, the school, or other designated areas. The Draft EIR, Appendix 3.1.1-3, Wildland Fire Evacuation Plan, Section 6.3, discusses the contingency plan to temporarily shelter on site, which alleviates the reliance on Proctor Valley Road to evacuate all residents when there may not be enough time to do so. Therefore, the Draft EIR evaluates the potential that Proctor Valley Road would be unavailable, and offers the on-site contingency option.

O-6-262 The comment provides a summary of the key points from the previous comments. Please refer to **Responses to Comments O-6-235** through **O-6-261** for detailed responses.

O-6-263 The comment is an introduction to the comments that follow. The comment states that the Draft EIR does not adequately analyze the Proposed Project's impacts on water supplies. The County does not agree with the comment. The comment does not raise

any issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-264** The comment references Section 3.1.8 page 3.1.8-33 of the Draft EIR, and restates that the Proposed Project requires “significant amounts of water,” and the Draft EIR estimates that the Proposed Project average water consumption would be at least 753,357 gallons/day. The comment further notes that the Draft EIR fails to properly account for the impacts associated with providing water for the Proposed Project.

Draft EIR Section 3.1.8.2.1, Analysis of Project Effects and Determination as to Significance, pages 3.1.8-32 through 3.1.8-33, identifies the Proposed Project’s total estimated potable (e.g., drinking water) demand is approximately 797,970 gallons per day or 893.9 acre-feet per year, without water conservation measures implemented; and the Proposed Project’s estimated water demand, with conservation, is approximately 753,357 or 843.9 acre-feet per year. With water conservation, this water savings represents approximately 5.6% of the total estimated Proposed Project water usage, and it would contribute to lowering the per-capita water use within the Otay Water District (OWD).

The OWD is the retail water district that would serve the Proposed Project because the Project Area is located within the jurisdictions of OWD; the San Diego County Water Authority (SDCWA), the wholesale water agency for the San Diego region, and the Metropolitan Water District of Southern California (Metropolitan). The Metropolitan is the wholesale water district that supplies water to its member agencies (including the SDCWA) and obtains its supplies from two primary sources: the Colorado River through the Colorado River Aqueduct, which it owns and operates; and Northern California through the State Water Project, a water facilities/delivery system owned and operated by the State Department of Water Resources.

- O-6-265** The comment refers to the California Supreme Court *Vineyard Area Citizens for Responsible Growth* decision, but it does not question the adequacy of the water supply analysis in the Draft EIR. The comment does not raise any issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-266** The comment expresses an opinion about the *Vineyard Area Citizens* decision, but it does not question the adequacy of the water supply analysis in the Draft EIR. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-267 through O-6-271

The comment expresses an opinion that the Draft EIR's water supply analysis does not comply with the mandate in the *Vineyard Area Citizens* decision and the Draft EIR fails to consider the potential impacts of securing a long-term water supply for the Proposed Project. The comment further states that the Proposed Project would develop large-scale residential and commercial uses that would require water "indefinitely," and the Draft EIR did not consider the Proposed Project's long-term water supply need. According to the comment, the Draft EIR instead ended its water supply analysis at 2040 – consistent with the methodology used in the 2015 Urban Water Management Plan (UWMP) updates prepared and adopted by Metropolitan, SDCWA, and OWD. (The adopted 2015 UWMP updates currently forecasted water demand and supplies through calendar year 2040.) The comment concludes that the Draft EIR "may not rely on [the 2015 UWMP updates] to artificially truncate its analysis of water supply impacts," and that the Draft EIR's "review window" (through 2040) is "inconsistent with CEQA's requirement to consider long term water supply impacts," citing with approval the Draft EIR's use of a 30-year review "window" for analyzing the Proposed Project's GHG emissions impacts. The County does not agree with the comments.

First, Draft EIR Section 3.1.8, Utilities and Service Systems, analyzed the Proposed Project's long-term water supply and provided an assessment of Proposed Project and cumulative impacts on water supply. The overall analysis is summarized in the Draft EIR on pages 3.1.8-32 through 3.1.8-35. Both near-term and long-term water service capabilities have been assessed. This assessment was based in part on the urban water management planning documents adopted by Metropolitan, SDCWA, and OWD, along with the Proposed Project's Water Supply Assessment, a report required by the California Water Code.

Specifically, consistent with California Water Code Section 10635, which contains UWMP requirements, every urban water supplier in California must assess the reliability of its water service during normal, single-dry, and multiple-dry water years by comparing the total projected water use or demand with forecasted water supplies over a 20-year period, in 5-year increments (Draft EIR, Section 3.1.8, Utilities and Service Systems, page 3.1.8-34). The assessment contained in the SDCWA's and OWD's 2015 UWMPs (SDCWA 2016; OWD 2016) forecast water supply reliability through the next 25 years (2015–2040), and that analysis corresponds to the population growth forecasts conducted by the San Diego Association of Governments (SANDAG), which includes the population growth anticipated by the Proposed Project. In addition, this 25-year assessment is based on the best available data from

the two 2015 adopted UWMPs, and the law requires that the water agencies update their UWMPs at least once every 5 years on or before December 31, in years ending in five or zero. (See Water Code section 10621.) The California Legislature also has acknowledged that UWMPs are expressly intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water. (Water Code Section 10610.2(b).) Thus, the Draft EIR's water supply analysis through the year 2040 is reasonable, supported by law, and is the best available data at this time.

Second, the Draft EIR tiers from the County's certified 1993 Otay Ranch Final Program EIR (which includes the Proposed Project), and that certified Final PEIR determined that such impacts were less than significant with mitigation measures, including submittal of a water master plan (the Proposed Project is included in the Otay Water District 2015 UWMP), securing commitments from the local water agency (see Appendix 3.1.8-4, Water Supply Assessment & Verification Report), and implementation of water conservation plans (see Appendix 3.1.2-3, Water Conservation Plan). The comment does not identify any new or substantially more severe impacts beyond those addressed in the previously certified Final PEIR, nor does the comment identify any new substantially important information, which was not and could not have been raised in the prior Otay Ranch PEIR.

Third, the Draft EIR analysis did not "artificially truncate" the water supply/demand analysis of the Proposed Project. Instead, it analyzed the *entire* Proposed Project's water demand and the supplies necessary to meet that demand, in addition to other cumulative development in the OWD service area. The Draft EIR does not attempt to assess only the Proposed Project and cumulative water demand for a part of the Proposed Project or for its "initial" phase, while deferring the water needs of the "balance" of the Proposed Project. In short, there was no attempt to "artificially truncate" the Proposed Project water supply impacts by curtailing the Proposed Project to a phase or a part of the Proposed Project, as that term is used in CEQA case law addressing an EIR's assessment of a project's water supply impacts.

Fourth, the County has determined that the Draft EIR's water supply/demand analysis took a long-term approach by forecasting water usage and supplies through calendar year 2040, particularly where, as here, the regional and local public water agencies must update their UWMPs every 5 years. This updating requirement ensures that water agencies regularly monitor water supplies to ensure the availability and reliability of such supplies to serve existing and projected demand over both the short- and long-term.

O-6-272 through O-6-277

The comment expresses an opinion that there is “growing evidence” that climate change will cause severe droughts, citing articles and studies found in Exhibits 27 through 31. The comment states that the Draft EIR ignoring these drought predictions violates CEQA because it denies decision makers and the public the information needed to evaluate the pros/cons of supplying the amount of water the Proposed Project will need. The comment further notes that the Draft EIR must acknowledge these projections for long-term drought-induced deficits in water supply, identify measures to supplement the water supply deficits, and evaluate the impacts of obtaining “new” water supplies. The County does not agree with the comments.

First, the County has considered the articles and studies cited. One of the studies is also relied on by OWD in its 2015 UWMP, page 8-1 (referencing the article titled, “California’s Most Significant Droughts: Comparing Historical and Recent Conditions,” DWR 2015).

Second, the State of California, the State Water Board, Metropolitan, SDCWA, and its member agencies (including OWD) account for and conduct ongoing drought planning in response to climate change and other uncertainties affecting the state’s water supply resources. Nonetheless, Metropolitan, SDCWA, and OWD state that despite such uncertainties, which are regularly addressed and monitored, there are sufficient water supplies to meet demand for the short- and long-term. Please refer to **Thematic Response – Water Shortage**

Further, the Proposed Project’s Water Supply Assessment (Appendix 3.1.8-4 to the Draft EIR) concludes, based on substantial evidence, that sufficient water supplies are planned for and are intended to be acquired to meet projected water demands of the Proposed Project as well as existing and other reasonably foreseeable planned development projects within the OWD service area for a 20-year planning horizon, in normal and in single-dry and multiple-dry years. (See Appendix 3.1.8-4, pages 52–57.) Therefore, climate change effects do not require this Project to acquire supplemental new water supplies or assess the impacts of acquiring such water supplies.

O-6-278 The comment states the Draft EIR short-term water supply assessment is inadequate. The County does not agree. Please refer to **Response to Comment O-6-272** and **Thematic Response – Water Shortage**.

O-6-279 through O-6-282

The comment states that the Draft EIR reveals that projections from Metropolitan, SDCWA, and OWD anticipate water supply deficits in future years. The comment further notes the SDCWA deficit in single-dry years in 2025 and 2040. The comment then states the Draft EIR does not account for these projected deficits and the need for additional water supplies, and instead the Draft EIR misleadingly claims that SDCWA has available water to meet all of the region's anticipated demand, including the Proposed Project in normal and dry year conditions. The County does not agree with these comments.

First, Draft EIR Section 3.1.8, page 3.1.8-34, accurately reports SDCWA's water supply status and provides Tables 3.1.8-3, 3.1.8-4, and 3.1.8-5 to further illustrate the water supply. Table 3.1.8-3 lists the supply and demand assessment for average/normal water years from SDCWA's 2015 UWMP. This table shows, accurately, no water shortages or deficits because the SDCWA only imports the amount of water necessary to meet projected demand, as reported in the Draft EIR on page 3.1.8-34. Table 3.1.8-4 lists the supply and demand assessment for single-dry years from SDCWA's 2015 UWMP. This table, provided in the Draft EIR on page 3.1.8-50, reflects supply deficits from 2025 through 2040. Table 3.1.8-5, provided in the Draft EIR on page 3.1.8-51, lists the supply and demand assessment for multiple-dry years from SDCWA's 2015 UWMP, and this table also shows deficits long-term (2036–2038). However, for these multiple-dry year scenarios, the Draft EIR also reports that the potential deficits would be minimal and offset through SDCWA's carryover water storage programs and management actions. (See Draft EIR, page 3.1.8-34.)

Further, results from the SDCWA's 2015 UWMP reliability assessment demonstrate that the region's existing and projected water resource mix is drought-resilient, with only minor shortages occurring 15–20 years in the future during multiple-dry year periods and that such shortages can be addressed through management actions, such as extraordinary water conservation actions and if necessary, dry-year water transfers (SDCWA 2015 UWMP, pages 7-1 through 7-2). Section 9.5 of SDCWA's 2015 UWMP also describes the additional planned supply projects that the SDCWA could utilize in the future to meet potential water shortages during dry-year periods.¹⁶ Moreover, during prior drought conditions, SDCWA and OWD initiated actions that

¹⁶ OWD's 2015 UWMP is incorporated by reference and available for public review upon request to the County. In addition, SDCWA's 2015 UWMP is likewise incorporated by reference and available for public review upon request to the County, and in particular, Section 9.5 of that report.

were very effective in reducing demands. (See, e.g., 2015 SDCWA UWMP and 2015 OWD UWMP.)

In addition, for long-term planning purposes, water supply and associated facilities are added on an incremental basis and ahead of need. It would be unsound to immediately, or in the short-term, acquire all of the facilities and water supplies needed for the next 20, 30, or 40 years. This would unfairly burden existing customers (rate payers) with costs that should be borne by future ratepayers. There are numerous ongoing efforts by Metropolitan, SDCWA, and OWD to produce an adequate and reliable supply of good quality water for the San Diego region, including the Project Area. (See, e.g., 2015 SDCWA UWMP and 2015 OWD UWMP.) To that end, SDCWA's and OWD's overall reliability goal is to deliver a reliable and high quality water supply, even during dry years. Based on conservative water supply and demand projections, and best available data from updated UWMPs, in combination with water conservation and the diversification of supplies and other management actions, SDCWA and OWD have confirmed that sufficient water supplies are in existence, planned for, and intended to be available over a prescribed 20-year planning horizon, under normal, single-dry, and multiple-dry year conditions to meet existing and projected demand of the Proposed Project and existing and other planned development to be served by SDCWA and OWD within their respective service areas.

O-6-283 through O-6-286

The comment expresses an opinion that SDCWA's water supply projections likely overstate the amount of water supply the agency will have in future years. The comment further asserts that, due to multiple operational difficulties, the Carlsbad Desalination Plant does not operate near its maximum output. The County does not agree with these comments.

First, there is no evidence that SDCWA "likely" overstates its water supply projections. The SDCWA is a regional public water agency, and it is appropriate to rely on the fact that it regularly performs its official duties, including the provision of accurate water supply projections.

Second, the comment offers statements about the Carlsbad Desalination Plant, which became operational in December 2015. The comment states the plant produced approximately 72% of its anticipated water supply in contract year 2016/2017. For clarification, in 2016, Poseidon, the plant operator, was able to meet 95% of SDCWA's orders for water; and in 2017, Poseidon filled about 70% of such orders

due to plant operational difficulties, regulatory issues, and algal bloom. Those issues have been rectified, and SDCWA considers them part of start-up operational issues that such a plant would customarily encounter in the first 5 years of its operation. Further, the County defers to SDCWA's statements that the plant is projected to provide 50 million gallons per day of drought-proof water for regional distribution. Others advocate replicating the success of the Carlsbad plant through the state's second largest-scale plant planned in Orange County (Huntington Beach). The County does not require a discrete, privately initiated development project to plan for the acquisition of supplemental supplies when the governing agencies' (SDCWA and OWD) adopted water planning documents confirm adequate and reliable water supplies to meet project demand in addition to existing and other planned development within the agencies' service areas. (See, e.g., 2015 SDCWA UWMP, the 2015 OWD UWMP, and the Proposed Project's Water Supply Assessment [Appendix 3.1.8-4 to the Draft EIR].)

O-6-287 through O-6-289

The comment refers to the Draft EIR Section 3.1.8, page 3.1.8-37, which states that if drought conditions became so severe that the OWD declares a Drought Level 3 emergency, the Proposed Project would contribute to the cost of or actually construct off-site improvements. The comment further states that the Draft EIR does not identify any particular off-site improvement or when such improvements could be done, or whether such improvements would provide sufficient [supply] to meet the Proposed Project's water needs during drought years. In addition, the comment notes that the Draft EIR does not require funding or construction of off-site improvements as an enforceable mitigation measure as CEQA requires.

The Water Conservation Plan recommends that the Proposed Project offset its projected water use by contributing to the cost of or actually constructing off-site improvements, such as retrofitting older buildings with newer fixtures that are more water efficient. This statement is a recommendation in the Proposed Project's Water Conservation Plan and is included in the Draft EIR (Section 3.1.8, page 3.1.8-37). The recommendation is not part of the Proposed Project; it is not a PDF or a mitigation measure. Instead, it is a plan recommendation. Further, the retrofitting of an older building with more water-efficient fixtures as a water savings tool is not considered a significant environmental effect on the physical environment requiring its own environmental review, particularly where, as here, it is simply a plan recommendation and because any such improvements would be to already improved existing conditions (i.e., to an existing building).

Also, the Draft EIR clarifies further, that both SDCWA and OWD have drought response levels to reduce water demands during extended drought conditions. During extreme drought conditions where conditions reach a Drought Level 3 or greater, all new development may be required to offset water demands. The Draft EIR is simply stating that the Proposed Project will comply with whatever water use restrictions are in effect at the time of development and that the Proposed Project's Water Conservation Plan has recommended retrofitting of older buildings with more water-efficient fixtures as a water savings tool.

O-6-290 The comment states that the Draft EIR fails to analyze the cumulative impacts associated with providing water to the Proposed Project and that the Draft EIR dismisses the potential for cumulative water supply impacts because cumulative projects would be required to contribute fees, as applicable, to reduce and minimize potential cumulative impacts on such services and facilities. The comment further states that the Draft EIR provides that each new facility would undergo separate environmental review and would comply with all applicable County ordinances. The County does not agree with the comment.

Draft EIR Section 3.1.8, page 3.1.8-45, provides a cumulative impact analysis with regard to water supply. The analysis refers to Draft EIR Table 1-7, which is the cumulative projects list of the past, present, and reasonably foreseeable future projects that were considered in conjunction with the growth anticipated from the Proposed Project. The Draft EIR discloses that such future growth, plus the Proposed Project, would generate additional demand on utilities and service systems, including an incremental increase in the long-term demand for water. The cumulative projects within the greater Otay Ranch area (where the Project Area is situated) also are identified.

With the cumulative impact disclosed, the Draft EIR then determined that the identified cumulative impacts are considered less than significant for the following reasons: (1) the cumulative development would also be required to pay fees required by the service providers to offset impacts to services and facilities; (2) any new or required water facilities needed to serve the cumulative development would undergo its own separate environmental review; (3) the identified cumulative development would be required to comply with all applicable laws and regulations with regard to water supply; and (4) the cumulative development, like the Proposed Project, would be required to provide a Water Supply Assessment demonstrating sufficient water supplies and access to available water facilities prior to building permit issuance. (See Draft EIR, page 3.1.8-45.)

Draft EIR Section 3.1.8, Regulatory Setting, clearly describes the appropriate laws and regulations (pages 3.1.8-12 through 3.1.8-19), and they include, among others, the UWMP requirements. The Regulatory Setting section also describes the laws implementing SB 610 and SB 221, which amend state law to improve the link between information on water supply availability and certain land use decisions made by cities and counties. Further, the Regulatory Setting section describes the improved Building Code provisions and General Plan policies governing water supplies.

Under provisions of SB 610, cities and counties are required to request that the appropriate urban water supplier prepare and adopt a Water Supply Assessment for specified projects. Pursuant to Water Code requirements, the Water Supply Assessment must be included in the project EIR. The Proposed Project's Water Supply Assessment is provided in Draft EIR Appendix 3.1.8-4.

Importantly, the Proposed Project's Water Supply Assessment conducts both a project *and* cumulative water supply analysis, and that assessment is approved by OWD—the retail water district for the Proposed Project—and the cumulative development anticipated within its service area over the term of that assessment. The Water Supply Assessment is both a Proposed Project and cumulative impact analysis because, if supportable, it must show and document that sufficient water supplies exist, or are planned or projected to be available, over a 20-year planning horizon, under normal, single-dry, and multiple-dry years, to meet the demand of the Proposed Project *and existing and other planned development to be served within OWD's service area*. In this case, the Draft EIR, relying on the Water Supply Assessment, made that precise finding. (See Draft EIR, pages 3.1.8-13 and 3.1.8-35; and see Draft EIR Appendix 3.1.8-4 [Water Supply Assessment].)

In addition, SDCWA's 2015 UWMP and OWD's 2015 UWMP are service area-wide assessments of the availability and reliability of the region's water supplies to meet existing and projected water demands from the 2015 through 2040 planning horizon. These adopted plans also constitute part of the Draft EIR's project and cumulative impacts analysis of water supplies and demands within both SDCWA's service area and OWD's service area. Based on the Draft EIR, the Water Supply Assessment, and the adopted water planning documents in the record, the County has determined that the Proposed Project's cumulative impacts analysis of water supplies is in compliance with CEQA and the CEQA Guidelines.

O-6-291 through O-6-293 The comment states the Draft EIR failed to analyze the cumulative impacts associated with providing water to the Proposed Project. The comment furthers explains that the Draft EIR must disclose what effect the development of

cumulative projects would have on the water entitlements and other facilities that would serve the Proposed Project. The Draft EIR cannot simply assume that applying laws and regulations to future projects obviates the potential for cumulative projects. The Draft EIR provides no basis for assuming that unspecified fee payments, regulatory compliance or future environmental review would ameliorate any potential cumulative impacts. The County does not agree with the comment. Please see **Responses to Comments O-6-287 and O-6-290.**

O-6-294 through O-6-298

The comment states that Draft EIR cumulative impacts will be much greater than assumed in the analysis. SDCWA's water demand projections are tied to development assumed in general plans, as they existed when the 2015 UWMP was adopted; and since then, the County has either adopted, or is considering adopting, numerous general plan amendments that would add growth in the SDCWA service area, but such projects were not considered in the 2015 UWMP. According to the comment, these general plan amendment projects will require expansion of existing water supplies beyond the SDCWA 2015 water demand projections. The comment calls for a revised EIR to address these cumulative impacts of the Proposed Project and other developments that would rely on the same water sources. The County does not agree with the comment.

First, for information responsive to this request, please see **Responses to Comments O-6-287 and O-6-290.**

Second, in accordance with the Urban Water Management Planning Act (Water Code Section 10621), SDCWA and OWD must update their UWMPs at least once every 5 years to allow land use projections to be updated regulatory based on the latest SANDAG growth forecasts.¹⁷ The Draft EIR summarized this ongoing updating and monitoring process, as follows:

The UWMP process ensures that water supplies are being planned to meet future growth. UWMPs are developed to manage the uncertainties and

¹⁷ Both the SDCWA 2015 UWMP and the OWD 2015 UWMP relied on SANDAG forecasts from the SANDAG Series 13: 2050 Regional Growth Forecast, adopted by SANDAG's Board of Directors in October 2013. The Series 13 forecast integrates 2010 census counts and economic data on regional growth, along with lower water demands over the long-term planning horizon. (See e.g., OWD 2015 UWMP, page 3-3.) SANDAG serves as the regional, intergovernmental planning agency and provides estimates in population and housing up to the year 2050. SANDAG has prepared forecasts of population, housing, and employment in each census tract in 5-year increments between 2010 and 2040.

variability of multiple supply sources and demands over the long term. Water agencies and districts update their demand and supply estimates based on the most recent San Diego Association of Governments forecast approximately every 5 years to coincide with preparation of their UWMPs. The most current supply and demand projections are contained in the 2015 UWMPs of Metropolitan, SDCWA, and OWD (Metropolitan 2016a; OWD 2016; SDCWA 2016). SDCWA member districts rely on the UWMPs and Integrated Resources Plans of Metropolitan (Metropolitan 2016b) and the Regional Water Facilities Master Plan of SDCWA to document supplies available to meet projected demands. (Draft EIR, page 3.1.8-12.)

The Draft EIR uses the best available data to assess cumulative water supply impacts. The UWMP assessment contemplates projected growth in the SDCWA service area through 2040, with updates at least once every 5 years. In this way, the law governing UWMPs ensures that the link between land use decisions and water planning is in place, and will account for projected growth, including growth from general plan amendments that are a regular part of the land use and environmental planning process.

Based on the regulatory process in place, it also would be speculative for a development project to “repeat” the UWMP process at the regional and local level, particularly when that role has been assigned by law to the wholesale and retail urban water suppliers throughout the state and the San Diego region.

Third, the comment references excerpts from the Newland Sierra Draft EIR (Exhibit 34). That EIR, however, addresses a different project located in North San Diego County. Thus, the cited excerpts are not germane to the Proposed Project or the subject Draft EIR.

O-6-299 The County acknowledges the comment, which introduces comments to follow regarding the Draft EIR’s analysis and mitigation for hydrological and water quality impacts. Please refer to the following responses, specifically **Responses to Comments O-6-300 through O-6-346**. No further response is required or provided.

O-6-300 The comment states that the Draft EIR’s evaluation of the Proposed Project’s hydrology and water quality impacts is flawed because it lacks necessary facts and analysis to support its conclusion that the Proposed Project would not create significant impacts. The comment restates background information contained in the Draft EIR about the setting of the Project Area and serves an introduction to comments that follow. The County does not agree with the comment and notes that

the comment does not identify any specific deficiency in the Draft EIR's analysis of these impact areas. No further response is required or provided.

- O-6-301** The comment restates information contained in the Draft EIR regarding the thresholds of significance in the Draft EIR. The comment further restates that CEQA Guidelines Appendix G requires the analysis of direct impact and cumulative impacts be addressed in the Draft EIR. The comment expresses an opinion that these thresholds would not be met, and the Draft EIR lacks the data and analysis necessary to determine whether the Proposed Project would exceed either of the two significance thresholds.

The County does not agree with the comment. Section 3.1.2, Hydrology and Water Quality, of the Draft EIR, provides analysis and describes the implementation of design features, basins, treatment control BMPs, and water quality and HMP treatment facilities to reduce operational impacts to less than significant. Appendices 3.1.2-1, CEQA Drainage Study, and 3.1.2-2, Major Stormwater Management Plan, have been prepared in accordance with the County's Report and Content Requirements. Impacts have been analyzed according to the County's adopted Thresholds for Determining Significance in Section 3.1.2, Hydrology and Water Quality, of the Draft EIR. As determined therein, these documents detail how hydrologic and water quality impacts are addressed through compliance with regulatory requirements, including both construction phase and post-construction/operational BMPs. This assessment includes analysis of the Proposed Project's storm drain conveyance system. Accordingly, the Draft EIR uses the appropriate CEQA thresholds as determined and applied by the County. The Draft EIR then concluded impacts would be less than significant.

- O-6-302** The comment states that Dr. Richard Horner, a consultant on stormwater, has produced a report that identifies "serious deficiencies in the Draft EIR's stormwater analysis." The County acknowledges the comment as an introduction to comments that follow and included in the Horner Report, Exhibit 3 (**Comment letter O-6.3**). Please refer to **Responses to Comments O-6-303 through O-6-308** and **Responses to Comment Letter O-6.3**, Horner Report. No further response is required or provided.

- O-6-303** The comment states the Draft EIR lacks data regarding the steepness of slopes and permeability of soils on the portions of the Project site that would be developed. The County does not agree with this comment. Refer to **Responses to Comments O-6.3-4 and O-6.3-6**. The Draft EIR, Appendix 2.6-1, Geotechnical Review of Preliminary Tentative Map and Grading Plan, analyzes both slope steepness and permeability.

The results of this analysis were included in the Draft EIR, Section 2.6, Geology and Soils; Section 3.1.2, Hydrology and Water Quality; Appendix 3.1.2-1, CEQA Drainage Study, and Appendix 3.1.2-2, Major Stormwater Management Plan. For example, the Draft EIR's Hydrology and Water Quality Section 3.1.2 states that "[d]ue to the low natural infiltration rates of the Project Area's type D soils, infiltration is not recommended for some of the proposed [biofiltration] basins." (Draft EIR, Section 3.1.2, Hydrology and Water Quality, page 3.1.2-22.)

Appendix 3.1.2-1 (CEQA Drainage Study) discusses the methods used to calculate stormwater flows and infiltration rates. As explained in that appendix, the consulting engineer for the Proposed Project (Hunsaker) followed the San Diego County Hydrology Manual (SDCHM) when conducting the hydrology analysis for the Draft EIR (see Appendix 3.1.2-1, pages 17 and 18). The SDCHM requires methodological inputs for both soil type and topography, including slope steepness. The CEQA Drainage Study, and by extension, the Draft EIR, assumed all soils within the Project Area were type D soils, which is the most impermeable soil type recognized by the U.S. Department of Agriculture. In this sense, the analysis assumed worst-case conditions for purposes of establishing the runoff coefficient for the Project Area. Please refer to Appendix 2.6-1, Geotechnical Review of Preliminary Tentative Map and Grading Plan. Accordingly, the Draft EIR did include data regarding the steepness of slopes and permeability of soils.

- O-6-304** The comment expresses an opinion that the Draft EIR does not describe the actual steepness of any slope over 25%. The comment further refers to the Draft EIR, Section 1, Project Description, Figures 1-14a and 1-14b, only depict slopes greater than 25% and fail to describe the actual steepness of any slopes over 25%.

The County does not agree with the comment. Figures 1-14a and 1-14b are not related to the analysis performed in Section 3.1.2, Hydrology and Water Quality; rather, these figures relate to steep slope impacts for purposes of demonstrating compliance with allowances in the Otay Ranch Phase 2 RMP. There is no correlation between these figures and any hydrological analysis. Rather, the modeling in Appendix 3.1.2-1, Drainage Study, and Appendix 3.1.2-2, Major Stormwater Management Plan, of the Draft EIR is based on aerial topography flown for the Project Area in 2014 covering all slopes in the Tentative Map. The analysis was based on the Tentative Map and flown topography. This information was used in the technical analysis through the input of specific elevations into the modeling software. Therefore, the results presented in the appendices and the Draft EIR are based on and accurately reflect the existing and future slope conditions of the Project Area.

Hydrologic modeling is based on Time of Concentration, which is modeled on the type of terrain or storm facility and the steepness of the terrain. Actual slopes and elevations are determined, based on the *actual* topography and design grades. All slopes, whether greater or less than 25%, are taken into consideration and modeled in the calculations. These calculations are detailed in Appendix 3.1.2-1, Drainage Study, of the Draft EIR.

As to the concern regarding erosion potential, Appendix 3.1.2-4, Hydromodification Management Plan, details that all flows are being mitigated to pre-development levels at each and every outlet to natural ground for storms up to and including the 10-year frequency storms. Flows for the 100-year frequency storms are increased by less than 6%. Any erosive pipe velocities at the natural outfalls for the 100-year frequency storms are mitigated with D-41 Energy Dissipater structures and the hydromodification basins upstream per County of San Diego Standards and criteria.

The results are based on these factors, and were determined to be less than significant as concluded in Section 3.1.2.4, Conclusions, of the Draft EIR.

O-6-305 The comment states that without this critical and accurate slope data, it is impossible to evaluate the Proposed Project's potential erosion, flooding, and siltation impacts. While the County agrees that accurate slope data is important to any assessment of Project-related impacts on hydrology, including erosion, flooding, and siltation, the County refers to Section 3.1.2, Hydrology and Water Quality, and Appendices 3.1.2-1, 3.1.2-2, and 3.1.2-4 of the Draft EIR for technical studies on the hydrological analysis. See **Response to Comment O-6-304**.

O-6-306 The comment expresses an opinion that the Draft EIR relies solely on the soil survey from the U.S. Department of Agriculture's National Resources Conservation Service to define soil types on site. The comment further states that this soil data is typically gathered through remote sensing rather than on-site testing and therefore can be incorrect or misleading. The County disagrees with the comment.

First, most cities and counties rely on these soil surveys prepared by the Natural Resources Conservation Service for initial project review, and they are commonly used as a reference for environmental assessments.

Second, as explained in **Response to Comment O-6-303**, the CEQA Drainage Study and, by extension, the Draft EIR, assumed all soil on the Project Area was soil type D, which is considered highly impermeable. Therefore, the hydrology and stormwater analysis assumed worst-case conditions with regard to soil type and permeability.

- Further, Appendix 2.6-1, Geotechnical Review of Preliminary Tentative Map and Grading Plan, provides a detailed analysis of soil type and shows the soils to be consistent with the methodology used in the County of San Diego Hydrology Manual. This analysis has been incorporated into the Hydrology and Water Quality Methodology and Analysis. Please refer to response to **Comment Letter O-6.3**.
- O-6-307** The comment expresses an opinion that soils can vary extensively in short distances and not knowing local conditions impairs the ability to prepare a proper construction phase stormwater control assessment. Please refer to **Responses to Comments O-6-303** and **O-6-306**, the stormwater assessments for the Proposed Project and Draft EIR assumed type D soils throughout, the least permeable soils recognized by the U.S. Department Agriculture (i.e., the soils with the greatest runoff potential).
- O-6-308** The comment expresses an opinion that without incorporating slope and soil data into its hydrologic model, the Draft EIR cannot support its conclusion that the Project's potential hydrological impacts would not be significant. Please refer to **Responses to Comments O-6-303** through **O-6-306**, the hydrologic model used for the Draft EIR's technical analysis of Proposed Project-related hydrologic impacts incorporated both slope data and soil type. In addition, Draft EIR, Appendix 2.6-1, Geotechnical Review of Preliminary Tentative Map and Grading Plan provides a detailed analysis of soil type and shows the soils to be consistent with the methodology used in the County of San Diego Hydrology Manual. Please refer to Attachment A to response to **Comment Letter O-6.3**. This analysis has subsequently been incorporated into the Hydrology and Water Quality Methodology and Analysis contained in Appendices 3.1.2-1 and 3.1.2-2, as well as the analysis contained in Section 3.1.2, Hydrology and Water Quality, of the Draft EIR. The analysis therefore accurately reflects the soils conditions of the Project Area, and the impacts were determined to be less than significant.
- O-6-309** The comment expresses an opinion that the Draft EIR compounds these omissions by failing to perform any analysis of potential hydrological impacts during the Project's construction phase. The County disagrees with this comment. Construction-related impacts are discussed on pages 3.1.2-14 and 3.1.2-15 of Draft EIR Section 3.1.2.2.2.1, Hydrology. Impacts were determined to be less than significant, "[w]ith the implementation of site design features, low-impact design features, BMPs, and compliance with the Construction General Permit and the General Order for Dewatering." Further, per the State Water Resources Control Board Construction General Permit Order 2009-0009-DWQ, a Storm Water Pollution Prevention Plan, which would include site monitoring program that identifies monitoring and sampling requirements during construction, would be required prior to any clearing, grading, or

disturbances to the natural ground. Appendix 3.1.2-2, Major Stormwater Management Plan, of the Draft EIR indicates that Proposed Project construction will involve soil-disturbing activities in exposed soil areas; there will be asphalt paving and use of slurries from mortar mixing; and there will be stockpiling of solid and other material for more than 24 hours (Appendix 3.1.2-2, page 4). Note also that the same slope and soil data that informs the Draft EIR's assessment of *operational* hydrology impacts also informs the Draft EIR's assessment of *construction-related* hydrology impacts.

- O-6-310** The comment states that the Draft EIR assumes that implementation of unspecified BMPs from the Construction General Permit and required SWPPP would prevent any potential significant impacts during the Project's construction. The comment further states in the footnote that the Draft EIR further violates CEQA because it does not set forth sufficient specific, measurable performance standards for the SWPPP that could justify later formulation of mitigation methods targeted to meet water quality and hydrological standards.

The County disagrees with the comment. Please refer to **Response to Comment O-6-309**, and note the Draft EIR did analyze construction-related impacts on hydrology.

- O-6-311** The comment expresses an opinion that it is entirely inappropriate to defer analysis of the Proposed Project's construction-related impacts on hydrology until after Project approval. The comment states an EIR's explicit purpose is to inform the public and responsible officials of the environmental consequences of their decisions before they are made. The County does not agree that any improper deferral of the analysis has been made; rather, the Draft EIR and appendices have adequately analyzed the potential impacts of the Proposed Project based on the County CEQA thresholds and requirements for determining significance. Based on the analysis performed in the technical appendices using Proposed-Project-specific information, including modeling, Section 3.1.2, Hydrology and Water Quality, of the Draft EIR determined impacts to hydrology and water quality would be less than significant. Please refer to **Responses to Comments O-6-309** and **O-6-312**.

- O-6-312** The comment expresses an opinion that an EIR must contain facts *and* analysis, not just an agency's bare conclusions some later activities will prevent significant environmental impacts. The County does not agree with the comment. The Draft EIR Appendices 2.6-1, 3.1.2-1, and 3.1.2-2 (as well as Appendix 3.1.2-4, Hydromodification Management Plan) describe the environmental setting and assessment from which the Draft EIR determined the Proposed Project's impacts.

- O-6-313** The comment expresses an opinion that the public and decision makers deserve to understand the risk of downstream hydrological risks impacts that would occur during Project construction and the specific measures proposed to mitigate those potential impacts. The Draft EIR discloses the technical methodology and assessment through the preparation of detailed technical appendices, analysis, and mitigation measures that is required under CEQA and appropriately discloses to the public and decision makers on all impact categories including hydrology and water quality. Please refer to **Responses to Comments O-6-309 and O-6-312**.
- O-6-314** The comment provides information from Exhibit 3, Horner Report, regarding soil loss from construction activities. Please refer to **Response to Comments O-6-309 and O-6-312**. No further response is required or provided.
- O-6-315** The comment expresses an opinion that the Draft EIR fails to adequately disclose what measures are necessary to prevent significant construction-related impacts. The County disagrees with the comment. Please refer to **Responses to Comments O-6-309 and O-6-312**. The Draft EIR adequately analyzed the Proposed Project's potential construction-related impacts and determined such impacts would be less than significant.
- O-6-316** The comment restates information from the Draft EIR regarding increased in impervious surfaces and runoff, and the Draft EIR's determination that the Proposed Project drainage system has been analyzed to contain peak storm drain flows from the site. No further response is required or provided.
- O-6-317** The comment states that the Draft EIR fails to consider whether peak discharges from the Project site would cause downstream erosion in either Jamul or Proctor Valley Creeks. The County does not agree with the comment. The Draft EIR incorporates the analyses set forth in two technical appendices that address downstream erosion: Appendix 3.1.2-2, Major Stormwater Management Plan, and Appendix 3.1.2-4, Hydromodification Management Plan. Both documents show how post-development flows are mitigated to pre-development conditions per the requirements of the County of San Diego Hydromodification Management Plan. Since the flows at each storm drain outfall are mitigated to pre-development levels, impacts downstream would be less than significant.
- O-6-318** The comment expresses an opinion that, according to Dr. Horner, even though the environmental document lacks complete topographic maps and site plan elevations, it reveals "that some quite steep slopes will remain within the finished development." The County does not agree that the Draft EIR lacks topographic maps. Topography

was flown for the entire property and is used in the Drainage Study and Storm Water Management Plans and is the basis for the Preliminary Grading Plans and Tentative Map. In addition, Draft EIR Appendices 2.6-1, 3.1.2-1, and 3.1.2-2 describe the environmental setting and analysis for the Project. Furthermore, CEQA does not require detailed site plans with elevations at this stage in the entitlement processing; however, site and utility design for Project elements does require elevations. Please refer to **Responses to Comments O-6-304, O-6.3-4, and O-6.3-5**.

- O-6-319** The comment states that during peak rain events, water conveyed from these steep, newly impermeable surfaces could cause significant erosion in the natural channels downslope. The County does not agree with the comment. The Draft EIR hydrology analysis (Appendices 3.1.2-1, 3.1.2-2, and 3.1.2-4) took into account both topography (i.e., slope) and soil type, among other factors, to establish a runoff coefficient and determine the overall hydrological impacts of the Proposed Project.

Appendix 3.1.2-4, Hydromodification Management Plan, documents how post-development flows are mitigated to pre-development conditions per the requirements of the County of San Diego Hydromodification Management Plan. In the event any of the mitigated discharges from the basins exceed erosive velocities, energy dissipation devices will be added to the storm drain outlets. Please refer to **Responses to Comments O--6-303 through O-3-306**.

- O-6-320** The comment restates that Draft EIR's technical appendix asserts that impacts from changes [to drainage patterns] will be mitigated by the proposed storm drain system consistent of inlets, pipes, cleanouts, energy dissipation, and basins. The comment does not raise an issue as to the adequacy the Draft EIR; therefore, no further response is required or provided.

- O-6-321** The comment states that placing such information (drainage) in the Draft EIR's technical appendix is a wholly unacceptable way of presenting decision makers and the public with essential information regarding [sic], and it renders the Draft EIR legally inadequate. The County does not agree. The technical appendix cited in the comment was prepared specifically for the Proposed Project and is incorporated into the Draft EIR. Furthermore, the Draft EIR expressly cites the technical appendix and restates conclusions regarding the proposed storm drain system and its ability to mitigate the Proposed Project's stormwater effects. (See Section 3.1.2, Hydrology and Water Quality, pages 3.1.2-1, 3.1.2-15 through 3.1.2-17, and 3.1.2-19 through 3.1.2-24; and Section 3.1.8, Utilities and Service Systems, pages 3.1.8-42 through 43, of the Draft EIR.)

- O-6-322** The comment states that, under CEQA, whatever is required to be in the EIR must be in the Draft EIR and not buried in an appendix. Please refer to **Response to Comment O-6-321**.
- O-6-323** The comment expresses an opinion that the technical appendix lacks description of the proposed drainage system that would be needed to conclude that the Proposed Project would be properly designed to prevent downstream erosion. The County disagrees with the comment. Appendix 3.1.2-1, CEQA Drainage Study; Appendix 3.1.2-4, Hydromodification Flow Control Study; and Appendix 3.1.2-2, Major Stormwater Management Plan, of the Draft EIR describe the existing conditions, environmental assessment, and design features, including exhibits to illustrate the detailed drainage/basin systems that were developed for the proposed Tentative Map.
- O-6-324** The comment expresses an opinion that the Draft EIR provides insufficient information for the public and decision makers to determine whether discharges from the Project will avoid erosion into Jamul or Proctor Valley Creek. The County disagrees with the comment and refers the commenter to **Response to Comments O-6-304 through O-6-323**.
- O-6-325** The comment states that the Draft EIR fails to ensure that the Proposed Project will not cause significant water quality impacts at Upper Otay and Lower Otay Reservoirs, which provide drinking water to the City of San Diego. The comment further states that Jamul Creek and Lower Otay Reservoir, are listed as “impaired” under the Clean Water Act. The County does not agree with the comment “fails to ensure that the Project will not cause significant water quality impacts.” Section 3.1.2, Hydrology and Water Quality, includes a specific analysis of the Proposed Project’s potential to affect water quality for the two “drinking water reservoirs” (i.e., Upper and Lower Otay Reservoirs) (see Draft EIR, Section 3.1.2, pages 3.1.2-23 and 3.1.2-24). The Draft EIR includes a specific analysis of Proposed Project-related water quality impacts to “impaired” water bodies, such as Jamul Creek and Lower Otay Reservoir (Draft EIR, Section 3.1.2, pages 3.1.2-22 and 3.1.2-23). Jamul Creek discharges into Dulzura Creek after traveling some 6.6 miles into Lower Otay Reservoir (Draft EIR, Section 3.1.2, pages 3.1.2-22 and 3.1.2-23). The Draft EIR states:

The Lower Otay Reservoir is listed as an impaired water body listed on the CWA [Clean Water Act], Section 303(d), List, primarily impacted by nitrogen, which is typically due to fertilizers. As previously described, the Proposed Project includes several low-impact design features and BMPs, such as biofiltration areas that would reduce dissolved nutrients in the form of

fertilizers from entering the Lower Otay Reservoir with maximum removal efficiency. As discussed previously, 14 biofiltration areas would be incorporated into the Proposed Project (Appendix 3.1.2-2). Therefore, the Proposed Project would not contribute substantial additional pollutants for which the receiving water body is already impaired, and impacts would be less than significant.

The Draft EIR also notes that the watershed tributary to Otay Reservoir is under the jurisdiction and in compliance with the City of San Diego Source Water Protection Guidelines.

O-6-326 The comment expresses an opinion that the Draft EIR does little to control pollution sources associated with residential and commercial development. The comment further quotes the following statement from Dr. Horner: “fertilizers, lawn and garden pesticides, pet wastes, and washing vehicles at home are all common and significant sources of pollutants in stormwater flowing from urban communities.” The County does not agree with the comment. Section 3.1.2, Hydrology and Water Quality, of the Draft EIR, analyzes urban pollution and recommends mitigation measures to control pollution sources within the Proposed Project. The Draft EIR not only identifies such pollution sources (and the list is similar to the one provided by Dr. Horner), it identifies mitigation measures, which if implemented, would reduce the effects of such pollution to less-than-significant levels (Section 3.1.2, pages 3.1.2-3, 3.1.2-4, and 3.1.2-20 through 3.1.2-22.); see also Appendix 3.1.2-2, Major Stormwater Management Plan. Pollutants of concern for the watershed, including nutrients have been listed, analyzed, and mitigated through a combination of bioretention and site design BMPs.

O-6-327 The comment expresses an opinion that the Draft EIR, while accounting for some sources of urban pollution, ignores others, such as pet waste. The County does not agree that pollutants of concern are not analyzed. See Appendix 3.1.2-2, Major Stormwater Management Plan, of the Draft EIR. Pet waste in particular is covered under nutrients and is mitigated primarily by site design BMPs and biofiltration basins. Section 3.1.2, Hydrology and Water Quality, of the Draft EIR, pages 3.1.2-21 and 3.1.2-22, states:

The biofiltration design and BMPs were selected based on their effectiveness for pollutant removal and ability to also be used for flow control. The biofiltration basins proposed for water quality treatment have been sized to treat the water quality flows based on RWQCB [Regional Water Quality Control Board] Order R9-2013-0001. As a pretreatment measure, proprietary

flow-through treatment control BMPs are proposed immediately upstream of the two larger biofiltration facilities. The vegetated biofiltration areas used for treatment control would include an engineered fill layer for maximum pollutant removal. This biofiltration subbase would provide a “high pollutant” removal efficiency for pollutants such as coarse sediment, trash, and fine particles. The biofiltration subbase would provide “medium pollutant” efficiency for dissolved particles. This means that the proposed water quality basins would have high pollutant removal efficiency for the primary pollutants of concern typically associated with this type of development (e.g., sediments, heavy metals, bacteria, and viruses) (see Appendix 3.1.2-2 for more details). Biofiltration facilities would provide a medium pollutant efficiency for pollutants that tend to be dissolved, such as nutrients.

- O-6-328** The comment states that the Draft EIR relies on vaguely stated and unenforceable measures to control urban pollution at these sources. The County does not agree with the comment. Appendix 3.1.2-2, Major Stormwater Management Plan, and Appendix 3.1.2-4, Hydromodification Plan, of the Draft EIR describe in detail the existing conditions and environmental assessments, and provide implementation measures that will control stormwater impacts. The Project incorporates low impact development and site design BMPs, which are an important part of the water quality treatment program. These treatment methods are enforceable through a combination of state law, city and county Ordinances, the County’s Mitigation Monitoring and Reporting Program, County conditions of approval, and CC&R restrictions.
- O-6-329** The comment restates the Draft EIR’s proposed measures for reducing pesticide-related impacts to water quality. No further response is required or provided.
- O-6-330** The comment states that the Draft EIR fails to explain how it would implement and enforce measures designed to prevent accumulation of litter and debris, as well as how wash water would be collected before it can be discharged. The County does not agree with this comment. Section 3.1.2, Hydrology and Water Quality, and Appendix 3.1.2-2, Major Stormwater Management Plan, of the Draft EIR state: “The Proposed Project would include commercial and residential development featuring both pervious and impervious surfaces. Impervious surfaces include structures, concrete, and asphalt surfaces. The Project Area would include pervious surfaces such as landscaped areas, unpaved pervious surfacing, vegetated swales, biofiltration areas, and areas that would remain in their natural condition (Appendix 3.1.2-2). Potential pollutant sources include on-site storm drain inlets; interior floor drains and elevator shaft sump pumps; indoor and structural pest control; landscaping; pools, spas, ponds, and other water features; food service areas; fuel dispensing areas; loading docks; fire

sprinkler test water; rooftops; parking/driveways; roads; sidewalks; general use areas; and trash storage areas.” The Specific Plan states the requirement for ongoing operations.... “Maintenance of on-site BMPs will be the responsibility of a CFD [Community Facilities District] or other assessment mechanism, the Homeowner’s Association (HOA) or a similar approved maintenance entity.” Please refer to **Responses to Comments O-6-328 and O-6-329.**

- O-6-331** The comment states that the Draft EIR, without evidence that these strategies are enforceable and feasibly implemented to reduce pollution from the Proposed Project, the Draft EIR cannot rely on them to determine Project’s impacts would be less than significant. Please refer to **Responses to Comments O-6-326 through O-6-330.**
- O-6-332** The comment states that, in Dr. Horner’s opinion, the Proposed Project’s stormwater treatment system reveals that the stormwater system is inadequate to effectively remove pollutants contained in the runoff. The County does not agree with the comment. The commenter’s analysis (**Comment Letter O-6.3**) is not consistent with the analysis requirements of the State Water Resources Control Board, San Diego Water Quality Control Board (RWQCB), or the County of San Diego BMP Design Manual. Refer to **Response to Comment O-6.3-4**; Appendix 3.1.2-2, Major Stormwater Management Plan; and **Response to Comment O-6.3-15.**
- O-6-333** The comment states that the Proposed Project’s proposed stormwater system design would only capture 62% of the runoff from the Project site, leaving the other 38% to bypass the system without any treatment. The comment cites Exhibit 3, page 9 of the Horner Report. The County does not agree with the comment. Please refer to **Response to Comment O-6.3-15.**
- O-6-334** The comment expresses an opinion that, even with water that is captured in the proposed stormwater system, only a fraction of the pollutants of concern would be removed from the stormwater, leaving the residual pollutants to discharge into the downstream water bodies. The County does not agree. Please refer to **Responses to Comments O-6.3-15 and O-6.3-16.**
- O-6-335** The comment states that the Proposed Project’s biofiltration basins would only be expected to remove roughly 50% of discharged e-coli, and only 25% of discharged nitrogen. The comment sites Horner Exhibit 3, page 11. The County does not agree. Please refer to **Response to Comment O-6.3-16.**
- O-6-336** The comment expresses an opinion that, according to Dr. Horner, the Proposed Project’s phosphorus discharges would actually increase after treatment in the

Proposed Project's stormwater system. The County does not agree. Nutrients and phosphorous are considered (see Appendix 3.1.2-2, Step 3.6) and mitigated by a combination of site design BMPs and bioretention basins in accordance with the County of San Diego BMP Manual.

Dr. Horner's hypothetical discussion on phosphorous and eutrophication are based on the assumption of "storm water runoff from poorly controlled construction at the project site and the subsequent development." The Proposed Project as proposed will control construction sites per the State Water Resources Control Board Construction General Permit Order 2009-0009-DWQ and SWPPP, which would include a site-monitoring program that identifies monitoring and sampling requirements during construction prior to any clearing, grading, or disturbances to the natural ground.

Appendix 3.1.3-2, Major Stormwater Management Plan for Otay Ranch Village 14 and Planning Areas 16/19, lists the same pollutant stressors listed by Dr. Horner and prescribes treatment methods through low impact development and biofiltration for those pollutant stressors in compliance with the San Diego Regional Water Quality Control Board and County of San Diego BMP Manual requirements.

As to the effects of the proposed development to the City of San Diego water utility operations, the City of San Diego was included in the Draft EIR circulation and will be included in all design submittals. The City of San Diego submitted a comment letter (**Comment Letter X-1**) dated May 7, 2018. Some of the City's comments addressed water quality, but these were focused on maintenance guarantees and will be addressed in the responses to comments to that letter specifically. See **Responses to Comment Letter X-1**.

O-6-337 The comment expresses an opinion that project pollutants would result in significant impacts to the human health and environment downstream. The County does not agree. Section 3.1.2, Hydrology and Water Quality, pages 3.1.2-18 through 3.1.2-24 and 3.1.2-30; Appendix 3.1.2-1, Drainage Study; and Appendix 3.1.2-2, Major Stormwater Management Plan, of the Draft EIR provide discussions, analysis, and direct mitigation for the Project's impacts to water quality. Please refer to **Response to Comment O-6.3-25**.

O-6-338 The comment expresses an opinion that, according to Dr. Horner, the Proposed Project creates a significant risk of eutrophication from nutrients (nitrogen and phosphorus) being discharged into the watershed. The County does not agree. Nutrients and phosphorous are considered (see Appendix 3.1.2-2, Step 3.6) and mitigated by a combination of site-design BMPs and bioretention basins in

accordance with the County of San Diego BMP Manual. Appendix 3.1.2-2, Major Stormwater Management Plan for Otay Ranch Village 14 and Planning Areas 16/19, has been prepared in conjunction with the Draft EIR. This document analyzes and provides mitigation for the runoff from the proposed development. Otay Reservoir is under the jurisdiction of, and in compliance with, the City of San Diego Source Water Protection Guidelines. Please refer to **Response to Comment O-6-336**.

O-6-339 The comment states that nutrients spur algal growth in the water bodies like the Upper Otay and Lower Otay Reservoirs, which can impair their use for drinking water and negatively impact habitat for aquatic species. The comment provides information regarding nutrients and algal growth in drinking water reservoirs and does not raise any issue as to the adequacy of the Draft EIR. Please refer to **Response to Comment O-6.3-30**.

O-6-340 The comment states there is insufficient evidence to support the Draft EIR's conclusion that the Proposed Project would not further degrade water quality downstream from the Project Area. The County does not agree. See **Response to Comment O-6-337**. Appendix 3.1.2-2, Major Stormwater Management Plan, analyzes and provides mitigation for the runoff from the proposed development. Otay Reservoir is under the jurisdiction of, and in compliance with, the City of San Diego Source Water Protection Guidelines.

O-6-341 The comment expresses an opinion that the Draft EIR's analysis of cumulative impacts to hydrology and water quality is inadequate. The County does not agree. The Draft EIR provides a CEQA-compliant analysis of such cumulative impacts and concluded that the Proposed Project would not make a cumulatively considerable contribution to any significant cumulative effect on hydrology or water quality (Draft EIR, Section 3.1.2, Hydrology and Water Quality, pages 3.1.2-27 through 3.1.2-29).

O-6-342 The comment states that, although the Draft EIR acknowledges that other planned urban development would further increase impermeable surfaces in the Project Area and have the potential to discharge pollutants into the same water basin, the Draft EIR makes no attempt to determine which of these cumulative projects could create a cumulative impact when combined with the Project's potential discharges. The County does not agree. CEQA does not require that the Draft EIR measure the impervious surfaces of each existing and planned future project within the cumulative impact study area, as this would be an impossible task given that some of the projects have not yet been built or analyzed under CEQA. Furthermore, each of the cumulative projects is subject to its own site-specific hydrological conditions. Therefore, to accommodate the many variables that affect an analysis of cumulative

impacts to hydrology and water quality, the County and the applicable regulatory agencies have adopted a practice of requiring each project to control/mitigate their own respective stormwater runoff. This ensures there will be no cumulative effect.

Appendix 3.1.2-2 Major Stormwater Management Plan analyzes and provides mitigation for the runoff from the proposed development. The methodology for this analysis and all other projects under jurisdiction of the San Diego RWQCB is predicated on point discharge mitigation. This requires that each and every storm drain outlet for the entire project is mitigated for point source pollutants and hydromodification. Since every outlet of every project must be mitigated, cumulative impacts are also mitigated.

O-6-343 The comment states that the Draft EIR asserts that no cumulative impacts would occur because the other projects would be required to undergo CEQA review and would have to comply with County, state, and federal stormwater and water quality regulations. The comment summarizes the findings of the Draft EIR's cumulative impacts analysis. Refer to **Responses to Comments O-6-342** and **O-6-344** for responsive information regarding the Draft EIR's analysis of cumulative impacts. No further response is required or provided.

O-6-344 The comment states that the Draft EIR cannot simply assume that regulatory compliance would occur and be adequate to prevent hydrologic and water [quality] impacts. The County does not agree. The Proposed Project would control constructions sites per the State Water Resources Control Board Construction General Permit Order 2009-0009-DWQ, and the County notes that the SWPPP's whole purpose of the regulations that govern stormwater runoff is to ensure no significant cumulative effects on hydrology and water quality. Such regulations include both quantitative and qualitative standards, which, if complied with, should preclude significant impacts on hydrology and water quality. The County must comply with these regional standards and the conditions imposed by whatever permits such projects may require from regulatory agencies. Moreover, the Proposed Project has no legal means to impose additional mitigation measures on other developments. The Draft EIR recommends PDFs that ensure the Proposed Project does not contribute to any potentially significant cumulative impact.

In addition, Appendix 3.1.2-2, Major Stormwater Management Plan, analyzes and provides mitigation for the runoff from the proposed development. The methodology for this analysis and all other projects under jurisdiction of the San Diego RWQCB standard and is predicated on point discharge mitigation. This requires that each and every storm drain outlet for the entire project is mitigated for point source pollutants

- and hydromodification (Regional Water Quality Control Board Order R9-2013-0001 Section II.D and II.E). Since every outlet of every project must be mitigated, cumulative impacts are less than significant.
- O-6-345** The comment provides summarizing remarks regarding the analysis of cumulative projects. Please refer to **Responses to Comments O-6-342** and **O-6-344**.
- O-6-346** The comment provides summarizing remarks regarding the analysis of cumulative projects. Please refer to **Responses to Comments O-6-342** and **O-6-344**.
- O-6-347** The comment states that the Draft EIR's analysis of the Proposed Project's energy impacts is incomplete and inadequate. The County acknowledges the comment as an introduction to comments that follow and refers the commenter to **Responses to Comments O-6-348** through **O-6-363**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-348** The comment states that CEQA requires agencies to analyze whether a project will result in the wasteful or inefficient use of energy. The County acknowledges the comment and the provided background on information regarding Appendix F of the CEQA Guidelines and does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-349** The comment states the majority of fuel consumption resulting from the Proposed Project would be attributed to motor vehicles to and from the Proposed Project. The comment restates information contained in the Draft EIR and does not raise an issue related to the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-350** The comment states that the Proposed Project is expected to result in more than 50 million VMT each year. Based on this VMT assumption, the Proposed Project would consume about 1,718,084 gallons of gasoline and 123,215 gallons of diesel every year beginning in 2028. The comment restates information contained in the Draft EIR and does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

The comment also states the total VMT assumption is likely underestimated; however, the comment does not provide any evidentiary support for this assertion. Please refer to **Responses to Comments O-6-158** through **O-6-160** for information regarding the calculations for the TDM Program, which were performed using the CAPCOA Quantifying Greenhouse Gas Mitigation Measures (2010) using the suburban (not urban) area input. No further response is required or provided.

O-6-351 The comment states that, despite the fuel consumption, the Draft EIR concludes that any impacts would be less than significant, because the consumption would not be considered inefficient or wasteful. The comment further expresses the opinion that the Draft EIR lacks evidentiary basis to support the conclusion. Draft EIR, Section 3.1.9, describes two PDFs that would reduce petroleum consumption during operation. They are included for reference here (see Draft EIR page 3.1.9-19):

PDF-AQ/GHG-6 Electric Vehicle Charging Stations. Prior to the issuance of residential building permits, the applicant or its designee shall submit plans for the installation of one Level 2 electric vehicle 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 to San Diego County for review and approval for the installation of 10 Level 2 electric vehicle charging stations in parking spaces located in the Village Core's commercial Development Area and P1 through P4 park areas.

PDF-TR-1 Transportation Demand Management. The applicant proposes implementation of a Transportation Demand Management program to facilitate increased opportunities for transit, bicycling, and pedestrian travel, as well as provide the resources, means, and incentives for ridesharing and carpooling. The full description of this project design feature (PDF) can be found in Table 1-5, Project Design Features, in Chapter 1, Project Description, of this Environmental Impact Report.

As to the energy conservation attributes of PDF-AQ/GHG-6, provision of on-site electric vehicle charging stations will facilitate and enable the transition of the statewide vehicle fleet *from* internal combustion engine vehicles that consume gasoline and diesel *to* zero-emission vehicles (ZEVs) that are powered by more efficient sources (e.g., electricity provided by utilities with an ever-increasing portfolio of renewable energy resources).

As to the energy conservation attributes of PDF-TR-1, please refer to Appendix 2.9-1, Transportation Impact Study, and specifically Appendix P, Senate Bill (SB) 743 Compliance and TDM Plan Evaluation Memo therein, which analyzed the Proposed Project's TDM and calculated the corresponding VMT reduction based on CAPCOA

guidance. Based on the analysis contained in Appendix P to Appendix 2.9-1, the TDM Plan was determined to result in a reduction in VMT by approximately 4.3%.

Additionally, while conservatively not accounted for in Appendix P of Appendix 2.9-1, the Proposed Project's land use diversity allows for more efficient transportation patterns and choices within the Project Area. Specifically, the provision of resident-serving uses within the community allows for some resident needs to be met on site. It also should be remembered that the Proposed Project is part of a larger, master-planned community, as documented in the approved Otay Ranch GDP/SRP; therefore, the efficiencies of the Proposed Project's fuel consumption should be considered in light of the role that the Proposed Project serves within the overall community.

In light of the factors enumerated above, the Proposed Project's petroleum consumption would not be considered inefficient or wasteful, and the Draft EIR's conclusion is substantiated.

- O-6-352** The comment states the Draft EIR explains the Proposed Project would include electric-vehicle (EV) charging stations in one-half of the residential units and 10 EV charging stations in the Village Core parking areas. The comment restates information contained in the Draft EIR and does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-353** The comment acknowledges that the provision of on-site EV charging stations is a "step in the right direction" but opines that it is not sufficient to overcome the increase in VMT and fuel consumption of the Proposed Project. The County acknowledges the comment and notes that it expresses the opinions of the commenter. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-354** The comment restates information provided in the Draft EIR that, while up to 50% of houses might be equipped with EV charging stations, there is no guarantee that 50% of residents' vehicles will be electric. The comment further notes that, after years of being on the market, electric vehicle sales made up less than 3% of new auto registrations in California in the first half of 2017. Draft EIR Section 2.7, Greenhouse Gas Emissions, did not assume that 50% of residents' vehicles would be electric when calculating the gasoline and diesel consumption attributable to the Proposed Project's estimated total annual VMT; rather, as stated in Table 2.7-5, Project Design Features that Reduce Greenhouse Gas Emissions, no credit was taken for EV charging stations. The analysis determined that it is not reasonable to assume that the electric vehicle market will

remain stagnant in light of the multiple initiatives underway, at the state level, to facilitate penetration of such vehicles (see, e.g., Executive Order B-48-18, which expands and extends the goal of Executive Order B-16-12 (1.5 million ZEVs by 2025) by calling for at least 5 million (ZEVs) on California roads by 2030).

O-6-355 The comment states that the Draft EIR looks to the increased fuel efficiency of vehicles over the life time of the Proposed Project to support the conclusion that the Proposed Project's fuel consumption should not be considered wasteful or inefficient. The comment restates information contained in the Draft EIR and does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-356 The comment expresses an opinion that, while it is true that fuel efficiency is expected to improve over time, the Proposed Project is doing nothing to facilitate increased fuel efficiency. The County acknowledges the comment and notes that the Draft EIR, Section 3.1.9, analysis states:

[T]echnological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, reduce transportation-source air pollutants and greenhouse gas (GHG) emissions, and reduce vehicle miles traveled (VMT). Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible.

In addition, the proposed Specific Plan, Section D.3 states:

Opportunities for energy conservation in the Proposed Project include the arrangement and intensity of land uses, programs to reduce vehicular trips, building siting, design and construction requirements, solid waste management and water conservation measures incorporated into landscape and irrigation system design. These project design features also serve to reduce the emissions of greenhouse gases enabling the project to meet the goals of AB 32 [Assembly Bill 32]. (Specific Plan, Appendix 3.)

No further response is required or provided.

O-6-357 The comment states that the Draft EIR attempts to minimize the magnitude of the Proposed Project's fuel consumption by comparing it to California's annual fuel

consumption, which is approximately 19 billion gallons/year. The comment further states that a more applicable statistic would be to compare annual per-capita fuel consumption in Otay Valley to per-capita fuel consumption in a more urbanized location, such as the City of San Diego. It should be noted that on page 3.1.9-21 of the Draft EIR, the Proposed Project's fuel consumption is compared to that of the County of San Diego's, which is appropriate for the site. The Proposed Project is anticipated to have a per-capita fuel consumption of 457 gallons per person (1,841,299 gallons as noted on page 3.1.9-21 and 4,028 residents as noted on page 3.1.5-10 of the Draft EIR). In contrast, the County of San Diego is forecast to have a per-capita fuel consumption of 628 gallons per person (2,295,882,400 gallons and 3,658,638 people) by 2028 based on fuel consumption from Caltrans (Caltrans 2008) and the SANDAG Series 13 forecast (SANDAG 2013). Therefore, the Proposed Project would have a lower per-capita fuel consumption than the County. Further, it is not appropriate to determine the significance of the Proposed Project's energy consumption solely by comparison of the Proposed Project's fuel consumption per-capita to that of the City of San Diego's. Contrary to the comment's implied suggestion, the location of the Proposed Project is not the only factor that is relevant to the significance evaluation, particularly as growth in California will continue to occur in urban (e.g., City of San Diego), suburban (e.g., Project Area), and rural settings. Please see **Response to Comment O-6-157**. The Draft EIR considered multiple factors in evaluating the efficiency of the Proposed Project's energy consumption, an approach which accords to the discretion afforded to the County under CEQA to weigh and consider various forms of evidence.

- O-6-358** The comment expresses an opinion that, if the Draft EIR compared the Proposed Project's per-capita petroleum consumption against the City of San Diego's per-capita petroleum consumption, such analysis would indicate that the Proposed Project's location is causing the wasteful use of energy. The County does not agree with the comment. Draft EIR, Section 1, Project Description, and Section 3.1.3, Land Use and Planning, describe how the Proposed Project would implement development in furtherance of, and consistent with, the approved Otay Ranch GDP/SRP. As such, the location of the Proposed Project is established in accordance with the operative subregional planning documents. The region's primary planning documents—e.g., the County of San Diego's General Plan and SANDAG's RTP/SCS—are based on and recognize implementation of the Otay Ranch GDP/SRP. The Proposed Project's residences, by the very nature of being located within an unincorporated County area, often travel further distances than projects in more urbanized areas. However, this is not de facto evidence of the inefficient and wasteful consumption of fuels. In this instance, the Proposed Project is unique in that it is part of the Otay Ranch GDP/SRP, which

- created master-planned communities in eastern Chula Vista and the unincorporated County, and which would implement design features that would result in meaningful improvements in fuel consumption efficiency as noted in the Draft EIR.
- O-6-359** The comment, citing case law, states that courts have rejected the “drop in the bucket” approach to impact analysis. The County notes that the comment provides background information and serves as an introduction to the following comment. See **Response to Comment O-6-360**. No further response is required or provided.
- O-6-360** The comment restates the citing of case law that the Draft EIR may not minimize the Proposed Project’s fuel consumption by comparing it to California’s fuel consumption. The County does not agree with the suggestion that the Draft EIR undertook an impermissible “drop in the bucket” approach. Draft EIR Section 3.1.9, Energy, provides discussion on the State of California’s fuel consumption as a point of comparison for contextual understanding, but did not serve as the basis for the EIR’s significance determination. Rather, the relevant information that informed the significance determination included the ever-increasing efficiency of vehicles with respect to fuel consumption; the Proposed Project’s inclusion of multi-modal design features, traffic calming measures, and other TDM strategies to reduce fuel consumption; and, the provision of on-site EV charging stations to facilitate the use of vehicles that do not operate exclusively on gasoline or diesel.
- O-6-361** The comment states the third reason provided in the Draft EIR as to why the Proposed Project is energy efficient is the most illogical and references SANDAG’s RTP/SCS’s goal of reducing VMT through integrating land use and transportation planning. Please refer to **Response to Comment O-6-358** for information regarding SANDAG’s accounting of the Otay Ranch GDP/SRP development in its regional planning frameworks, including that prepared in furtherance of SB 375. The discussions on the SB 375 framework within Draft EIR Section 3.1.9 are relevant because the reductions in GHG emissions per capita called for by SB 375 likely result in co-benefits in the form of energy consumption reductions at the regional level. Further, some components of SANDAG’s SB 375 framework may benefit Project residents; e.g., as transit networks are extended and expanded, Project residents may have increased opportunities to effectively utilize that form of transportation. No further response is required or provided.
- O-6-362** The comment expresses an opinion that it is land use projects exactly like the Otay Ranch Village which SANDAG’s RTP/SCS is intended to discourage. As noted, the RTP/SCS calls for achieving GHG emissions reductions in a way that makes development more compact, conserving open space and reducing VMT through the

- region. The comment further states the Proposed Project's remote location will require residents to rely on automobiles. Please refer to **Responses to Comments O-6-358** and **O-6-361**. No further response is required or provided.
- O-6-363** The County acknowledges the comment and notes that it provides concluding remarks that do not raise new or additional environmental issues beyond those identified in **Responses to Comments O-6-347** through **O-6-362**. No further response is required or provided.
- O-6-364** The County acknowledges the comment as an introduction to comments that follow. No further response is required or necessary because the comment does not raise an issue regarding the adequacy of the Draft EIR.
- O-6-365** The County acknowledges the comment provides background information regarding CEQA pertaining to the evaluation of aesthetic impacts. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR. No further response is required or provided.
- O-6-366** The comment restates information contained in the Draft EIR concerning the existing environmental setting.
- The County notes the Draft EIR tiers from the Otay Ranch GDP/SRP Program EIR (PEIR) that was approved by the City of Chula Vista and County of San Diego in October 1993. The PEIR considered and evaluated the area, amount, type of development proposed, and cumulative development in the Otay Ranch area including the Proctor Valley parcel. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-367** The comment restates information contained in the Otay Ranch Village 14 and Planning Area 16/19 Specific Plan, Appendix 5, Village Design Plan (RH Consulting 2018). The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR. No further response is required or provided.
- O-6-368** The comment expresses the commenter's opinion that the visual simulations are flawed and that the Draft EIR incorrectly concludes the impacts to scenic vistas would be less than significant. The County acknowledges the comment as an introduction to comments that follow and refers the commenter to **Responses to Comments O-6-402** through **O-6-406**. No further response is required or provided.

- O-6-369** The comment expresses the commenter’s opinion that the Draft EIR fails to provide a proper evaluation of the stark visual changes and impacts to views of the mountains that would result from the Project development.

Draft EIR Section 2.1, Aesthetics (see Draft EIR page 2.1-7 and pages 2.1-21 through 2.1-25) provides an extensive analysis of the Proposed Project’s visual impacts, including impacts to scenic vistas. Specifically, and consistent with County of San Diego Guidelines for Determining Significance (Visual Resources) (County of San Diego 2007), the visual assessment evaluates impacts to scenic vistas associated with development of the Proposed Project from Proctor Valley Road and the Centennial Trail (see Draft EIR pages 2.1-21 through 2.1-25). Figures 2.1-3 through 2.1-6 also provide depictions of the visual changes from locations along Proctor Valley Road. As the comment does not raise any specific issue regarding the EIR’s analysis, no further response is required or provided.

- O-6-370** The comment restates information contained in the Draft EIR regarding the analysis on scenic views. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-371** The comment restates information contained in the Draft EIR regarding views. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-372** The comment restates information contained in the Draft EIR regarding slow travel speeds and increased viewer exposure to the landscape. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-373** The comment restates information contained in the Draft EIR regarding visual change associated with the Proposed Project. The comment also expresses the opinions of the commenter that the reasons provided in the Draft EIR for concluding that the Project would not impact scenic vistas are “unavailing.”

The County disagrees with this comment, and refers the commenter to **Responses to Comments O-6-374 through O-6-392**. No further response is required or provided.

- O-6-374** The comment restates information contained in the Draft EIR (specifically, that the Project would generally not be visible from Proctor Valley Road due to intervening terrain that would screen development) and expresses concern regarding the location and orientation of Key View 4. Please refer to **Response to Comment O-6-375**.

- O-6-375** The comment indirectly references the Key View 4 simulation (and comment O-6-437) and states that if a simulation were prepared using a photo near the Project site, the scenic views of Proctor Valley and the mountains would be obstructed.

As described in on page 2.1-22 of Section 2.1, Aesthetics, of the Draft EIR, the scenic vista analysis as it relates to Proctor Valley Road considers views along the southern segment of Proctor Valley Road (Northwoods Drive/Agua Vista Drive in Chula Vista), the central segment of Proctor Valley Road (from the pronounced northerly turn in the existing road located north of the Upper Otay Reservoir to Echo Valley Road in Jamul), and the northern segment of Proctor Valley Road (Echo Valley Road to SR-94 in Jamul). The Draft EIR references Key View 4 to demonstrate that the Proposed Project would generally not be visible from the southern segment of Proctor Valley Road (Northwoods Drive/Agua Vista Drive in Chula Vista) (see Draft EIR page 2.1-22). Effects to views from the central and northern segments of the Proctor Valley Road (i.e., segments located in closer proximity to the Proposed Project) are also evaluated in the Draft EIR (see pages 2.1-22 through 2.1-24), and the Draft EIR references Key Views 1, 2, 3, 7, 11, and 12 to demonstrate Project effects to existing views from locations on Proctor Valley Road close to the Project Area.

- O-6-376** The comment expresses an opinion that the Draft EIR implies that current “pristine” views would be maintained because of the proposed realignment of Proctor Valley Road. The County disagrees with this comment. The Draft EIR, Section 2.1, Aesthetics, generally describes the quality of existing views along the central segment of Proctor Valley Road, and then describes attributes of the Proposed Project that would result in changes to those existing views (see Draft EIR page 2.1-23). No further response is required or provided.

- O-6-377** The comment asserts that the photo simulations in the Draft EIR suggest that the Proposed Project would be “all but invisible.” The commenter references Key Views 1 and 2, and provides additional citations to Draft EIR Figures portraying photo simulations for Key Views 2 through 5, 8, 10, and 12.

The County disagrees with this comment. The key views are representative vantage points of the Proposed Project from Proctor Valley Road, the Bella Lago neighborhood, and SR-94. As shown in Figure 2.1-2, key view locations consider views from both within the Proposed Project boundary and outside of the Proposed Project boundary. Outside of the Proposed Project boundary, key views are located as close as 700 feet and as far as over 0.50-mile from Project components. The key views represent a range of distances and viewing angles to Project components and/or the mountainous terrain of the Proctor Valley area landscape. With the exception of Key View 5 (see Draft EIR

Figure 2.1-7), photo simulations prepared for the Proposed Project include Project components at varying levels of perceived bulk and scale.¹⁸ In addition, Key View 7 (see Draft EIR Figure 2.1-9), Key View 11 (see Draft EIR Figure 2.1-13), and Key View 12 (see Draft EIR Figure 2.1-14) are located within or near the border of the Proposed Project boundary and depict details of proposed residential development including landscaping, fencing and building materials, window treatments, and scale of select homes.

- O-6-378** The comment states that the simulations do not depict the interim visual effects associated with vegetation removal, grading, and other construction-related activities.

The County acknowledges the comment is correct. Although the simulations do not depict the graded site during construction, the Draft EIR does consider and evaluate the visual effects resulting from 8.9 million cubic yards of cut and fill that would be required to construct the Proposed Project. As addressed on page 2.1-26 in Section 2.1, Aesthetics, of the Draft EIR, “the visual effects of grading and site preparation would create a noticeable contrast when viewed alongside unaltered areas within the valley and on unaltered hillsides” that would be “experienced by viewers along Proctor Valley Road and in the surrounding area.” Further, in describing the severity of visual change resulting from construction activities, the Draft EIR states, “[the] change in the visual character during construction would signal a permanent alteration of the primarily natural and undeveloped Proctor Valley landscape to residential neighborhoods.”

Finally, the Draft EIR concludes that impacts to the existing character and quality of the Project Area and surroundings during construction would be potentially significant. Therefore, while none of the simulations prepared for the Draft EIR depict the visual effects of construction activities, the Draft EIR considers and evaluates the interim effects to the existing visual quality and character of the Proctor Valley landscape.

- O-6-379** The comment states the mass grading and rock removal will cause significant aesthetic degradation as the Proposed Project is developed. The comment also states the Draft EIR never discloses whether the entire site would be graded even if development lags behind and that the Draft EIR must evaluate this scenario.

The County acknowledges the comment and agrees with the commenter that mass grading and rock removal will result in substantial effects to the existing visual quality

¹⁸ Key View 5 demonstrates the maintenance of existing views to the Upper Otay Reservoir along the southern segment of Proctor Valley Road. (Draft EIR Figure 2.1-7.)

and character of the Proctor Valley landscape. The County disagrees that the Draft EIR never discloses whether the entire site would be graded at the same time. The Draft EIR, Section 3.2.1, Overall Schedule, and Appendix 2.3, Air Quality Technical Report, provides the construction phasing assumptions, including mass grading. As detailed in the schedule, a mass grading phase would follow a site preparation for each distinct subset area: South Village 14, Central Village 14, North Village 14, Planning Areas 16/19, and Off-site improvements (Draft EIR, Appendix 2.3, page 55). Therefore, it is anticipated that grading will be phased to occur consistent with development of each distinct subset area.

Potential effects resulting from construction activities are addressed in **Response to Comment O-6-378**. Please refer to **Response to Comment O-6-378**.

O-6-380 The comment states that the Project would “seek” or try to preserve significant landforms but that the Draft EIR does not discuss whether landforms will be preserved. The County notes the term “seeks” as used in Section 2.1 connotes that the purpose or goal of the realignment of Proctor Valley Road from its current alignment is to preserve significant rock outcroppings, landforms, and views to the Upper Otay Reservoir (see Draft EIR, Section 2.1 Aesthetics, pages 2.1-15, 2.1-23, 2.1-37, and 2.1-45). Realigned segments of Proctor Valley Road would be located off ridgelines and would not substantially encroach on area hillsides. As depicted in the simulations from Key Views 1, 2, 3, 7, 8, 11, and 12 (see Draft EIR Figures 2.1-3, 2.1-4, 2.1-5, 2.1-9, 2.1-10, 2.1-13, and 2.1-14), Proctor Valley Road would generally be aligned on lower-lying terrain within Proctor Valley, and segments of the road would follow the existing alignment. As such, the higher elevation hills and mountains of the Proctor Valley landscape would be preserved in the development of realigned Proctor Valley Road. In this manner, the realignment of Proctor Valley Road would preserve significant rock outcroppings, landforms, and views to the Upper Otay Reservoir, consistent with the Scenic Corridor policies in the Otay Ranch GDP/SRP.

As to concerns regarding preservation of significant landforms, views, etc. by the Project in general, Draft EIR Chapter 1, Project Description, Location, and Environmental Setting, on page 1-16 states,

[The] Proposed Project design calls for development on terraces integrated into the natural landform to minimize grading, optimize views, and promote passive solar heating and cooling opportunities. The goal of the proposed grading plan is to conform to the unique natural topographic features of the Project Area.

Moreover, page 1-31 of the Draft EIR states,

The Proposed Project's grading would generally conform to the existing topography and would maintain natural drainages as stormwater conveyances. The post-grade site relief would be consistent with current topography, and manufactured slopes would maintain the predominantly moderately sloping terrain ... In addition, the proposed streets would typically follow natural landforms, and the graded slopes would be organically shaped and blended into the existing topography at toe-of-slope and development boundaries.

The Proposed Project grading plan is illustrated on Figure 1-12 of the Draft EIR. Hence, the Draft EIR's discussion of the Project's design and grading further addresses preservation of significant landforms.

O-6-381 The comment continues to address the concern raised in **Comment O-6-380**, which states that the Project would “seek” or try to preserve significant landforms, rock outcroppings, and views to the Upper Otay Reservoir. The comment states that, “[g]iven the massive amount of rock blasting contemplated by the Project, it seems likely that the Project site's significant rock outcroppings would not be preserved.” The comment further states that the Draft EIR does not include photo simulations showing rock outcroppings or other significant landforms, or demonstrating what they would look like upon completion of the Proposed Project.

As to concerns regarding preservation of significant, visible rock outcroppings from the Proctor Valley Road realignment, as noted in **Response to Comment O-6-380**, the term “seeks” as used in Section 2.1 of the Draft EIR (and specifically on Draft EIR page 2.1-23, cited in Comment O-6-443), connotes that the purpose or goal of the realignment of Proctor Valley Road from its current alignment is to preserve significant rock outcroppings, landforms, and views to the Upper Otay Reservoir (see Draft EIR, Section 2.1 Aesthetics, on pages 2.1-15, 2.1-23, 2.1-37, and 2.1-45). The preservation of significant rock outcroppings is a priority of the Otay Ranch Village 14 and Planning Areas 16/19 Specific Plan, Appendix 5, Village Design Plan (pages 15 and 17; RH Consulting, 2018), which aims to preserve views and existing prominent landscape elements during development of realigned Proctor Valley Road. Proctor Valley Road would generally be aligned on lower-lying terrain within Proctor Valley, and segments of the road would follow the existing alignment. Rock outcroppings visible from Proctor Valley Road are limited as depicted in existing photos and simulations from Proctor Valley Road (Draft EIR Figures 2.1-3, 2.1-4, 2.1-5, 2.1-9, 2.1-10, 2.1-13, and 2.1-14). Thus, the Project would preserve rock

outcroppings as such outcroppings are minimal, and Proctor Valley Road would be realigned to avoid locations where rock outcroppings occur (Draft EIR page 2.1-23).

More generally, large rock outcroppings are relatively sparse throughout the Project Area, as demonstrated in existing photos and simulations in the Draft EIR (see Draft EIR Figures 2.1-3 through 2.1-14 [Project Area]). Section 2.6, Geology and Soils, of the Draft EIR, confirms there are limited rock outcroppings and subdued topography in the majority of the Project Area, stating that, “[t]he potential for rockfall is generally considered to be low given the *limited rock outcrops* and subdued topography in the majority of the Project Area” (emphasis added). Section 2.1 of the Final EIR has been revised in ~~strikeout~~/underline to clarify that such outcroppings are sparse in the Project Area.

Blasting is not anticipated to result in significant impacts to large rock outcroppings on site. Again, the Project Area supports limited occurrences of rock outcrops, and the majority of development areas would be sited where rock outcroppings are not generally present. Also, while construction of the Proposed Project would entail rock blasting in locations on the Project Area where rock outcroppings occur, blasting would predominately be used for excavation of rock materials *below ground surface*. As explained in Appendix 2.6-1, Geotechnical Review, pages 16 and 17:

Excavations within the Santiago Peak Volcanics below the upper weathered surface (approximately 5 feet) will require blasting for efficient excavation in order to achieve design grade as well as the undercuts to accommodate footings, utilities and other subsurface improvements. Recently, heavier equipment has become available including large Bull Dozers (Caterpillar D-10 and D-11) 190,000 to 230,000lb machines and Self Propelled Shovels (Caterpillar 5130) 400,000lb machines which have greater down forces resulting the ability to excavate in fractured rock with higher velocities. As a result, this may reduce the volume of hard rock requiring blasting.

Blasting also would not result in impacts to rock outcroppings beyond general construction impacts considered in the Draft EIR.

- O-6-382** The comment restates information contained in the Draft EIR regarding visibility of the Proposed Project from Proctor Valley Road. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-383** The commenter previously commented (see **Comment O-6-384**) that due to the locations of Key Views, the Draft EIR simulations are misleading and Project development is “all but invisible.” The County acknowledges the comments but disagrees with the commenter. Please refer to **Response to Comment O-6-384** regarding the location of key views and simulations.
- O-6-384** The comment expresses an opinion that the visual simulations are misleading. The comment further states most of the homes will be developed immediately adjacent to Proctor Valley Road. The comment then states if simulations were conducted from other locations, the Project would be in the foreground and appear substantially larger in scale, and the view of the valley and the mountains would be obstructed.

The County generally agrees with the commenter that on certain specific segments of Proctor Valley Road—such as where development would be in the immediate foreground of motorists—motorists views of the surrounding landscape could be more altered than depicted in certain visual simulations. However, as discussed in the Draft EIR, Section 2.1 on page 2.17-17, the Key Views are intended to provide representative vantage points from which views of the Proposed Project or important visual elements are visible, and consider a range of viewing distances and angles. They are not intended to address every location where the Proposed Project may be seen. As addressed on page 2.1-17 of Section 2.1, Aesthetics of the Draft EIR,

Key Views are locations within the Project Area where viewers would likely notice changes in the visual environment associated with the Proposed Project” and “although there are many locations where the Proposed Project may be seen, Key Views are those that represent the greatest number of viewers, the viewers who are most sensitive to change, [and] views from public viewing locations with important viewing scenes.

In addition, while development may be in the foreground in certain directions and along certain segments of Proctor Valley Road, the Draft EIR more broadly considers potential impacts to views from the entire County-designated scenic segment of the road. As depicted on Figure 2.1-2, Key View Locations, realigned segments of Proctor Valley Road would bisect the Proposed Project boundary. The County notes that development would generally be concentrated on either the east or west side of Proctor Valley Road; thus on the opposite side of the road, views of the area would include conserved open space. The Draft EIR correctly concluded the Project would have a less-than-significant impact on scenic vistas, including along Proctor Valley Road.

- O-6-385** The comment restates information contained in the Draft EIR regarding the analysis of motorists' views as they pass through the Project Area, including that newly planted street trees would interrupt views to the rugged ridgelines of mountainous terrain in the surrounding area. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-386** Continuing from **Comment O-6-385**, the comment restates that the Draft EIR concludes, "due to the relatively short duration of obstruction and interruption of views, and the prevalence of these views in the visual environment, impacts to existing views along the central segment of Proctor Valley Road associated with the planting of street trees would not be substantial." The comment restates information contained in the Draft EIR regarding impacts to scenic vistas along Proctor Valley Road. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-387** The comment expresses disagreement with the Draft EIR's conclusion that impacts to existing views along the central segment of Proctor Valley Road associated with the planting of street trees would not be substantial. (See **Comments O-6-385 and O-6-386**). The comment states that impacts to views of motorists would be permanent and experienced by thousands of motorists. The comment does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.

Nonetheless, the County provides the following response. Unlike stationary scenic vistas, such as a designated viewpoints or lookouts, the integrity of views from mobile scenic vistas such as scenic highways is constantly in flux as elements are introduced and then abruptly removed from view. In that way, the obstruction or interruption to views is only temporarily experienced by motorists. As such, the Draft EIR evaluates the effects to existing views from the entire segment of Proctor Valley Road, with consideration of multiple viewing locations and various proximities to the Proposed Project, and considering the duration of obstruction and interruption. Accordingly, while permanent, the Draft EIR concluded impacts would not be significant.

Concerning impacts to scenic vistas generally, please see Draft EIR Section 2.1.2.1.

- O-6-388** The comment expresses the opinion that the fact that views would ultimately be restored after the motorist drives through the Project site is irrelevant. The comment further asserts the change in visual integrity during a scenic drive affects the integrity

of the vista. The County acknowledges the comment but disagrees that duration of views is irrelevant to the evaluation of mobile views.

The Draft EIR considers the visual experience of Proctor Valley Road motorists as they approach and travel through the Proposed Project Area landscape. The Draft EIR acknowledges that the views of mountainous terrain would be obstructed by Project elements, but that, due to a variety of factors including the duration of obstructed views and visual prominence of mountain terrain as viewed from Proctor Valley Road, Project development would not substantially obstruct, interrupt, or detract from a valued focal or panoramic vista from Proctor Valley Road. Therefore, the Draft EIR concludes that the impact would be less than significant relative to the applicable significance threshold.

- O-6-389** The comment expresses the opinion that the Draft EIR on page 2.1-23 “downplays” obstructions of views of the valley’s grasslands and the Jamul Mountains, and that the Draft EIR states that the low-density development would not be visible due to the houses scattered appearance on the landscape.

The County does not agree with the comment that impacts to views are downplayed. As a point of clarification, the County notes that the Draft EIR does not state that ranchette style development would not be visible generally; rather, the Draft EIR states that the ranchettes of Planning Areas 16/19 would not be visible from Village 14. Concerning general views from the northern segment of Proctor Valley Road, single-family residential development within the northern portions of Planning Areas 16/19 would be visible and would tend to be situated atop the low rolling ridgelines of area hills (see Key Views 8 and 12 on Figures 2.1-10 and 2.1-14). However, views of the Valley’s grasslands and Jamul Mountains would not be substantially obstructed by low density development as, among other factors: (1) ranchette-style development would have a scattered appearance in the landscape; (2) the ranchette-style of development would be set back from Proctor Valley Road; and (3) proposed roadway improvements would not entail installation of structures or other features capable of obstructing or interrupting available views to the Jamul Mountains, San Miguel Mountain, or the rural Proctor Valley landscape (Draft EIR pages 2.1-23 and 2.1-24). Hence, while the low density development would be visible, it would not significantly obstruct views from the northern portions of Proctor Valley Road. The commenter is referred to Key Views 8 and 12, which are provided to demonstrate views to, and the visual prominence of, Project development from locations on the northern segment of Proctor Valley Road.

- O-6-390** The comment states that had photo simulations been done from other locations, the Project's mass and scale would be far more apparent. The County acknowledges the comment and notes that the commenter provided similar comments regarding the location of key views and simulations in **Comment O-6-384**. Please refer to **Response to Comment O-6-384** regarding the location of key views and simulations.
- O-6-391** The comment asserts that the simulation from Key View 8 does not afford a view of the Proposed Project. The County disagrees with this assertion.

Homes on the Project Area are visible on the saddle of the terrain to the south in Key View 8, in the center and far right of the depiction at Figure 2.1-10. Because of the distance from viewing locations, the seemingly low form and height of visible homes, and the incorporation of a natural color palette that helps these homes visually blend in with mountain terrain in the background, visual contrast would be weak, and these homes would minimally alter the visual character and views from this location (Draft EIR page 2.1-29). The Draft EIR thus noted that, as a result of weak visual contrast and the incorporation of a natural color palette, "the Proposed Project may be overlooked by the casual observer" from this location, and "the rugged and dark terrain of the Jamul Mountains would continue to dominate the view" (Draft EIR page 2.1-29).

In response to this comment, the discussion of Key View 8 on page 2.1-21 of Section 2.1, Aesthetics, has been revised the Final EIR, Section 2.1, Aesthetics, as follows:

The mountainous terrain and rugged ridgelines of the Jamul Mountains are visible and create a strong southern horizon line. Similar to other Key Views, existing residential development and alterations to the natural terrain are ~~not~~ barely visible from this Key View under Existing Conditions.

The commenter is referred to Draft EIR page 2.1-29 for additional discussion of Key View 8 under Proposed Conditions.

- O-6-392** The comment asserts that the Draft EIR preparer's selection of viewpoints appears to understate the Proposed Project's significant visual effects. The comment further asserts the approach undermines CEQA's purpose to disclose a project's adverse impacts. The County does not agree with the comment and notes that the commenter provided similar comment regarding the location of key views and simulations in **Comment O-6-384**. Please refer to **Response to Comment O-6-384**, regarding the location of key views and simulations. In addition, the Draft EIR concludes that even with implementation of mitigation measures, implementation of the Proposed Project

would result in significant and unmitigable impacts to existing visual character/quality impacts within the Project Area. Therefore, the County disagrees that the approach in the Draft EIR undermines CEQA's "core purpose" to disclose a project's adverse effects.

O-6-393 The comment restates information contained in the Draft EIR regarding visual impacts to Centennial Trail. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-394 The comment asserts the Draft EIR fails to provide any evidentiary support of the assertion that existing intervening terrain would screen the majority of proposed Village 14 from users of Centennial Trail because no simulation is provided. The Draft EIR, Section 2.1, Figure 2.1-15, Viewshed Analysis – Village 14, and Figure 2.1-16, Viewshed Analysis – Planning Areas 16 and 19, have been revised to identify the location of Centennial Trail. As revised, Figure 2.1-15 confirms that the majority of Centennial Trail would be located outside of the area with potential views of Village 14 project features. As the viewshed analysis is primarily based on topography, Figure 2.1-15 confirms that existing intervening terrain would screen the majority of proposed Village 14 from view of Centennial Trail users.

The discussion at pages 2.1-25 and 2.1-26 of Section 2.1, Aesthetics, has also been revised in the Final EIR Section 2.1, Aesthetics, as follows:

Page 2.1-24

Northerly views from the trail include the Lower and Upper Otay Reservoirs and extend to San Miguel Mountain and the Jamul Mountains. Due to the presence of ridges and hills located immediately north of Proctor Valley Road and rising mountainous terrain located east of the Upper Otay Reservoir, the majority of the Otay Ranch Village 14 proposed developed area is screened from the view of trail users. Figure 2.1-15, Viewshed Analysis – Village 14, identifies the location of the Centennial Trail and the approximate viewshed of the Village 14 area.

Page 2.1-25

Also, the rugged, rising terrain of the Jamul Mountains would entirely block development in Planning Areas 16/19 from the view of Centennial Trail. Figure 2.1-16, Viewshed Analysis – Planning Areas 16 and 19, identifies the location of the Centennial Trail and the approximate extent of available views to Planning Areas 16 and 19 from locations in the surrounding area.

The addition of this clarifying information does not change the determination in the Draft EIR that the majority of the Otay Ranch Village 14 proposed developed area is screened from the view of Centennial Trail users.

O-6-395 The comment states the closest photo simulation to Centennial Trail is from Proctor Valley Road (View Point 4). Please refer to **Responses to Comments O-6-384 and O-6-394**.

O-6-396 The County expresses an opinion that the Draft EIR downplays the Proposed Project's impacts on trail and recreational uses. The County does not agree with this comment. Please refer to **Response to Comment O-6-397**.

O-6-397 The comment states the Draft EIR does not provide any explanation as to how it determined the area lacks hiking opportunities. The comment further states there are numerous wilderness and recreational opportunities that would appear to afford views and lists various regional, state, and federal lands. The comment also states the Draft EIR indicates there are dirt trails in the Project Area that are used for hiking and mountain biking.

Regarding the informal trails traversing the Project Area and referenced by the commenter, the Draft EIR considers these unauthorized trails as indicated on page 2.1-6 of Section 2.1, Aesthetics. The Draft EIR acknowledges that while the unauthorized trails traversing the Project Area may be used by some members of the public, they are located on private property, and "No Trespassing" signage and fences/gate have been installed to deter illegal use. As such, these trails are not considered public trails under CEQA for purposes of evaluation in the Draft EIR.

Section 2.1, Aesthetics, of the Draft EIR, (pages 2.1-5 and 2.1-6) discusses lands preserved for the conservation of biological resources located in the Project Area. Figure 2.1-1, Resource Reserves, depicts the proximity of conserved lands to the Project Area. In addition to the San Diego National Wildlife Refuge, the Rancho Jamul Ecological Preserve, Hollenbeck Canyon Wildlife Area, City of San Diego MSCP Cornerstone Lands, BLM-managed lands, and Otay Mountains Ecological Reserve are identified on Figure 2.1-1.

In regards to the Rancho Jamul Ecological Reserve, the area is typically closed to the public and is only open for special events (see <https://www.wildlife.ca.gov/Lands/Places-to-Visit/Rancho-Jamul-ER#1011990-recreation>). Given the limited availability of the area for public use and recreation, hiking opportunities in the

Rancho Jamul Ecological Reserve (and views from the area) were not analyzed in Section 2.1, Aesthetics, of the Draft EIR.

San Diego National Wildlife Refuge lands are generally located to the north and west of the Project Area As illustrated in Figure 2.1-1, Resource Reserves, of the Draft EIR. The western and northern boundary of Village 19 borders San Diego National Wildlife Refuge lands. Managed by the USFWS for habitat and species preservation, formal trails to or parking/staging areas for public access are not generally available from Proctor Valley Road and Proctor Valley. Further, USFWS has not yet established a trail system plan for the wildlife refuge. According to USFWS, no trails are established in the wildlife refuge near the Project Area, and the nearest trailhead and parking area (i.e., McGinty Mountain trailhead) are located over 2 miles to north of Village 16 off Jamul Drive (https://www.fws.gov/refuge/San_Diego/visit/plan_your_visit.html). As viewed from higher elevation segments of the trails, Project development would be located over 2 miles away and would be relatively low in the valley landscape. Therefore, Project development would not substantially interrupt or detract from the available panoramic views from elevated vantage points in the wilderness area.

The Otay Lakes Vicinity segment of the Otay Valley Regional Park encompasses both Upper and Lower Otay Reservoirs, surrounding slopes and the area to the south of the reservoirs. A network of unauthorized trails exist along northern and western shore of Lower Otay Lake of the reservoirs. Along with these trails, an unauthorized path extending north from Otay Lakes Road (east of Wueste Road) and traversing the eastern shore of Upper Otay Lake comprises the proposed Otay Valley Regional Park Trail. Because the public cannot access the Upper Otay Lake trail, it is not considered a public trail. As such, trails located north of Otay Lakes Road and within the Otay Lakes Vicinity Segment of Otay Valley Regional Park are not considered public trails for purposes of evaluation in the Draft EIR.

The Hollenbeck Canyon Wildlife Area is located east of SR-94 and within 1 mile of Planning Area 16 (see Figure 2.1-1, Resource Reserves, on page 2.1-47 of Section 2.1, Aesthetics, of the Draft EIR). Public access to the wildlife area is provided off SR-94 at Honey Springs Road where a small CDFW parking area provides for day use. The parking area is located 3.3 miles to the southeast of Village 16. From the parking area, Project development depicted in the simulation for Key View 10 (see page 2.1-69, Figure 2.1-12, Key View 10 – Existing and Proposed Conditions) would be perceptible but distant and relatively small on the low ridgeline traversing the Village 16 site. Portions of the wildlife area located in closer proximity to Village 16 are surrounded by rural residential development to the north and east. Views from these portions of the

wildlife area would be similar to depicted in the simulation for Key View 10 (see page 2.1-69, Figure 2.1-12, Key View 10 – Existing and Proposed Conditions) because, as depicted on Figure 2.1-1, Resource Reserves, the northern portion of the Hollenbeck Canyon Wildlife Area is located immediately east of SR-94 and the Key View 10 location. Specifically, Key View 10 is located on SR-94 near a visible creek crossing (see page 2.1-49, Figure 2.1-2, Key View Locations), and the northern portion of the Hollenbeck Canyon Wildlife Area is located to the north and east of the creek crossing on SR-94 (see page 2.1-47, Figure 2.1-1, Resource Reserves).

The Otay Mountain Wilderness Area is located over 3 miles from the nearest component of the Proposed Project (i.e., Village 14), and development through the South Bay area is visible from higher elevation terrain in the area. From trails within the BLM-managed wilderness area (roads are excluded from the wilderness area), the Proposed Project would be relatively distant and would comprise a small portion of the visible landscape. Further, Project development located over 3 miles away would not substantially interrupt or detract from the available panoramic views from elevated vantage points in the wilderness area due to this distance.

BLM lands to the east of Village 14 are traversed by an unauthorized dirt trail along an east-west ridgeline. Access to the trail is provided from the west across private property (i.e., Village 14); therefore, this trail is not considered public for purposes of this analysis, and there are no official trails traversing the BLM lands to the east of Village 14.

Cornerstone Lands are primarily managed by the City of San Diego to retain their high biological value. Access roads to Cornerstone Lands in Proctor Valley from Proctor Valley Road are typically fenced, implying that public uses of the lands is restricted. As such, these trails are not considered public trails for purposes of evaluation in the Draft EIR.

- O-6-398** The comment states that the Draft EIR's visual impact analysis fails to acknowledge the proximity of wildlife and recreational areas to the Project Area, and how views from the natural areas would change once the Proposed Project is developed. Wildlife and recreational lands are depicted on Figure 2.1-1, Resource Reserves, of the Draft EIR and described on pages 2.1-4 and 2.1-5. Please see **Response to Comment O-6-397** regarding the availability of access to resource reserves in the surrounding area and the availability of views from several of these areas to the Proposed Project.
- O-6-399** The comment restates information contained in the Draft EIR. Specifically, the comment states that Draft EIR Figures 2.1-15 and 2.1-16 (Viewshed Analysis Maps)

(see pages 2.1-75 and 2.1-77 of Section 2.1, Aesthetics of the Draft EIR) depict the extent of available views to the Proposed Project from the surrounding area. Please see **Response to Comment O-6-397** regarding the availability of access to resource reserves in the surrounding area and the availability of views from several of these areas to the Proposed Project.

O-6-400 The comment states that the resource reserves in the area surrounding the Proposed Project must be overlaid on the Draft EIR Viewshed Analysis Maps. Proximity of resource reserves to the Proposed Project is depicted on Figure 2.1-1, Resource Reserves (see page 2.1-47 of Section 2.1, Aesthetics, of the Draft EIR). Please also refer to **Response to Comment O-6-397** which provides more details regarding access to and the availability of views from resource reserves in the surrounding area.

O-6-401 The comment asserts that the Draft EIR must provide visual simulations showing how views of the Proposed Project would change from appropriate trail and picnic locations in the areas described (see **Comment O-6-397**). The County acknowledges the comment but disagrees with the commenter's assertion that visual simulations of the Proposed Project must be prepared from each of the areas identified by the commenter in **Comment O-6-397**.

Twelve (12) key views were selected as representative locations for the evaluation of visual change from the Proposed Project. As discussed in the Draft EIR, Section 2.1, on page 2.17-17, the Key Views are intended to provide representative vantage points from which views of the Proposed Project or important visual elements are visible, and consider a range of viewing distances and angles. They are not intended to address every location where the Proposed Project may be seen. (See Section 5.2, Key Views, of the County of San Diego Report Format & Content Requirements for Visual

Resources:

https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/visual_report_formats.pdf)

As explained in **Response to Comment O-6-397**, the majority of open space areas described in the comment do not include public recreational areas and/or trails. For those few public areas, development from the Proposed Project would not substantially interrupt or detract from a valued focal point or available panoramic views due to, among other things, their distance from the developed portions of the Project Area and intervening topography. Views from the Hollenbeck Canyon Wildlife Area would be similar to those depicted in the simulation for Key View 10 (see Draft EIR page 2.1-69, Figure 2.1-12, Key View 10 – Existing and Proposed Conditions). Please refer to **Response to Comment O-6-397** for additional

discussion of access to open space areas and the availability of views from public trails in the surrounding area.

- O-6-402** The County acknowledges the comment and notes it provides background information concerning the CEQA Guidelines. The environmental setting in terms of visual impacts is provided in Section 2.1.1.1, Environmental Setting, of the Draft EIR. Please refer to **Response to Comment O-6-404** for revisions made in the Final EIR to Section 2.1, Aesthetics (see pages 2.1-40 and 2.1-41, Section 2.1.3, Cumulative Impact Analysis) concerning the environmental setting for the cumulative study area as it relates to aesthetics.
- O-6-403** The County notes that the comment provides background information regarding CEQA Guidelines. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-404** The comment expresses an opinion that the Draft EIR fails to describe the environmental setting from a regional perspective for the purposes of visual impacts. The County does not agree. On page 2.1-3, Section 2.1.1.1, Environmental Setting, of the Draft EIR (see paragraph under Regional Overview), the Draft EIR provides a description of the environmental setting from a regional perspective.

As concerns the evaluation of cumulative impacts on scenic vistas, the Draft EIR, Section 2.1.3, Cumulative Impacts Analysis, provides a description of the environmental setting for purposes of the visual cumulative impacts analysis. As stated in the Draft EIR Section 2.1.3, the geographic scope for analyzing cumulative impacts related to aesthetics focuses on lands within proximity to the Project Area and within the surrounding viewshed that would have views of the Project Area from public locations (Draft EIR page 2.1-40). This geographic scope is reasonable for analysis of cumulative impacts as projects further distant would not produce related impacts to scenic vistas, visual quality, or other aesthetic impacts together with the Project (CEQA Guidelines Section 15130(b)(2)). In general, only development within the same viewshed has the potential for cumulative effects. While projects located at a distance from one another may be visible, the overall effect that a particular development or structure(s) has on aesthetics and views generally decreases with distance. Therefore, only projects sufficiently close to the Project Area or within the surrounding viewshed could pose cumulative effects in conjunction with the Project. The following revision to the Draft EIR has been made and is reflected in ~~strikeout~~underline in the Final EIR to clarify the extent of the cumulative study area, and to include a description of existing visual character, which is reflected in Final EIR Section 2.1.3, Cumulative Impact Analysis, as follows:

Figure 1-16, Cumulative Projects, and Table 1-7, Cumulative Projects, in Chapter 1 identify the projects generally considered for the cumulative analysis. ~~More specifically, the~~ The geographic scope for analyzing cumulative impacts related to aesthetics focuses on lands within proximity to the Project Area, and within the surrounding viewshed that would have views of the Project Area from public locations (e.g., public roadways). The cumulative study area encompasses primarily undeveloped and hilly lands located to the north and south of Upper Otay Reservoir and undeveloped, grasslands and shrub covered valley and hill terrain to the west of SR-94 near Dulzura. In addition, isolated hilly and undeveloped to flat and previously disturbed properties in the Jamul area are also included in the cumulative study area. Cumulative projects considered in this analysis consist of development projects located in the Proposed Project viewshed, including the Otay Ranch Resort Village (1,881 single-family units, 57 multi-family units and a 200-room resort/hotel), Otay Ranch Village 15 (483 single-family units), Otay Ranch Village 17 (296 single-family units), Jamul Highlands Estates (25 residential lots), Lyons Valley 8 (lot split), Poplar Meadow Tentative Map (subdivision into five lots) and Simpson Farms (95 single-family lots) (see Table 1-7 in Chapter 1).

- O-6-405** The comment expresses an opinion that the Draft EIR mentions several land use development projects, but never describes the setting of the other projects. The comment also states there is no explanation of how these projects would impact scenic vistas (from Proctor Valley Road, trails, and other recreation areas).

Please refer to **Response to Comment O-6-404** for revisions to the Draft EIR that are reflected in Final EIR Section 2.1.3, Cumulative Impact Analysis and that concern the geographic scope for the cumulative study area as it relates to aesthetics.

In response to the comment, the following revision has been made and is reflected in ~~strikeout~~ underline in the Final EIR, Section 2.1, Aesthetics, to clarify the aesthetic impact of cumulative development together with the Project, as follows:

The scenic vistas analyzed in Section 2.1.2.1, Scenic Vistas, consist of views from Proctor Valley Road through the Project Area. Of the seven cumulative projects specifically considered in this analysis, one would be visible from Proctor Valley Road. Specifically, the northwestern portion of the Otay Ranch Resort Village development Project may be visible from the southern segment of Proctor Valley Road. According to Figure 1.0-1, Land Use Plan, of the Otay Ranch Resort Village DSEIR (County of San Diego 2015) the

northwestern portion of the Otay Ranch Resort Village project is proposed to be developed with single-family residential uses that would cascade down the west- and south-facing slopes of hilly terrain. The Otay Ranch Resort Village development would alter existing views of the primarily undeveloped mountainous terrain to the west and southwest of the southern segment of the road and approximately 2,000 feet away from Proctor Valley Road. Compared to prominent peaks in the Proctor Valley area, the mounded, hilly terrain on which the residences are proposed is relatively low and is not visually prominent. In addition, the proposed homes would not block views of prominent peaks in the Otay Mountains located over four miles away and would not shorten or narrow the available view from the central portion of the Proctor Valley Road and through the Proctor Valley landscape.

The Proposed Project and cumulative projects, visual effects would be noticeable from Hollenbeck Canyon Wildlife Area, Otay Mountains Wilderness and blocks of the San Diego National Wildlife Refuge. As stated in Section 2.1.1.1, public recreation opportunities in the Rancho Jamul Ecological Preserve are limited as the area is typically closed to the public and open only for special events. Further, the U.S. Fish and Wildlife Service has not yet established a trail system plan for the wildlife refuge and no trails have been established in the San Diego National Wildlife Refuge near the Project Area. While effects would be noticeable from individual locations with the Hollenbeck Canyon Wildlife Area and Otay Mountains Wilderness, these areas are not part of an adopted, formal trail system, or due to intervening topography and distances of views, implementation of the identified cumulative projects would not substantially interrupt, or detract from a scenic vista within these areas.

Please refer to **Response to Comment O-6-397** for a description regarding recreation areas and trails. As detailed in **Response to Comment O-6-397**, implementation of the Proposed Project would not substantially interrupt or detract from views available on publically accessible and designated trails within nearby recreational areas. The Proposed Project would be visible from the boundaries of several recreational areas; however, the areas identified by the commenter have varying levels of public accessibility and few contain designated trails. The Proposed Project and cumulative projects specifically identified in Section 2.1.3, Cumulative Impact Analysis, of the Draft EIR would be visible from Hollenbeck Canyon Wildlife Area, Otay Mountains Wilderness, and blocks of the San Diego National Wildlife Refuge. However, for similar reasons as described above in **Response to Comment O-6-397**,

implementation of the identified cumulative projects would not substantially interrupt, or detract from a scenic vista available in Hollenbeck Canyon Wildlife Area, Otay Mountains Wilderness, and nearby blocks of the San Diego National Wildlife Refuge.

- O-6-406** The comment asserts cumulative impacts on scenic vistas must be analyzed in reference to the greater region. The comment also expresses an opinion that the Draft EIR lacks substantial evidence to conclude the Proposed Project's cumulative impact on scenic vistas would be less than significant.

The County disagrees with the assertion that cumulative impacts on scenic vistas must be analyzed in reference to the greater region. To the contrary, aesthetic impacts are typically localized and, in general, only development within the same viewshed has the potential for cumulative effects. While projects located at a distance from one another may be visible, the overall effect that a particular development or structure(s) has on aesthetics and views generally decreases with distance. Therefore, only projects sufficiently close to the Project Area or within the surrounding viewshed could pose cumulative effects in conjunction with the Project. Please refer to **Response to Comment O-6-404** for revisions in the Final EIR, Section 2.1.3, Cumulative Impact Analysis) as concerns the geographic context for the cumulative study area for aesthetics. To the extent the comment addresses the impacts of growth, not aesthetics, the comment addresses general subject areas which received extensive analysis in the Draft EIR. Please refer to the Draft EIR Section 1.8, Growth Inducing Impacts, and Section 3.1.3, Land Use and Planning.

- O-6-407** The comment expresses an opinion that the Draft EIR's analysis of impacts nighttime views is legally deficient. The comment serves as an introduction to comments that follow. Please refer to **Response to Comments O-6-408 through O-6-428**.

- O-6-408** The comment discusses the importance of preserving dark skies.

The County agrees that the preservation of the dark skies is important, and has adopted the Light Pollution Code, also known as the Dark Sky Ordinance, to minimize light pollution on nighttime views in the County (Draft EIR Section 2.1, Aesthetics, page 2.1-16, Code of Regulatory Ordinances Sections 51.201–51.209). The County's General Plan also incorporates policies designed to limit light pollution and protect dark skies (Draft EIR page 2.1-11). The Proposed Project is required to comply with all applicable County ordinances, including the Light Pollution Code (Draft EIR pages 2.1-32 and 2.1-33). No further response is required or provided.

- O-6-409** The comment restates information contained in the Draft EIR regarding new light sources and conclusion in the Draft EIR that the Proposed Project would not be a significant source of light. The comment does not address the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-410** The comment expresses an opinion that the Proposed Project would not be a significant source of light defies common sense. The comment states the amount of lighting generated by the Project would add additional lighting to the dark sky and that the Draft EIR fails to undertake the comprehensive analysis CEQA requires.

The County disagrees the analysis in the Draft EIR is not adequate. Draft EIR Section 2.1 addresses the potential impacts from lighting are evaluated relative to the County of San Diego's Guidelines for Determining Significance: Dark Skies and Glare (Draft EIR pages 2.1-31 through 2.1-32), and relative to the CEQA Guidelines threshold for lighting impacts (Draft EIR page 2.1-32). The Draft EIR concludes that the installation of lighting sources associated with the Proposed Project would result in a less-than-significant impact measured against these County and CEQA Guidelines thresholds for lighting impacts. Specifically, the Draft EIR details that, through compliance with the County of San Diego Light Pollution Code lamp type and shielding requirements and implementation of lighting standards detailed in the Specific Plan – Appendix 5, Village Design Plan, and Appendix 1, Preserve Edge Plan, implementation of the Proposed Project would not create a new source of “substantial light that would adversely affect nighttime views in the area” (Draft EIR page 2.1-33). For example, the Village Design Plan requires all lighting be shielded downward such that no light is transmitted across the property line, and requires the use of low-wattage bulbs or LEDs (Draft EIR page 2.1-33). Hence, while the County acknowledges that the Proposed Project will install new sources of permanent lighting, the Project would conform to applicable local regulations related to dark skies, and would therefore, not introduce a substantial light that would significantly adversely affect nighttime views in the area.

- O-6-411** The comment asserts that the Draft EIR must take into account the amount of light, shielding of fixtures, and spectrum of light sources in evaluating light and glare impacts. The comment also refers to the Flagstaff Dark Skies and Pattern Outdoor Lighting Ordinance, attached as Exhibit 35 to the comment letter.

Please refer to **Responses to Comments O-6-408 and O-6-410** regarding the analysis of lighting sources presented in the Draft EIR and the County of San Diego's Guidelines for Determining Significance: Dark Skies and Glare. The County has adopted a Light Pollution Code, also known as the Dark Sky Ordinance, “to minimize

light pollution for the enjoyment and use of property and the night environment by the citizens of San Diego County and to protect the Palomar and Mount Laguna observatories from the effects of light pollution that have a detrimental effect on astronomical research by restricting the permitted use of outdoor light fixtures on private property” (Code of Regulatory Ordinances Sections 59.101). The Light Pollution Code was “developed by the County Planning and Development Services and Department of Public Works in cooperation with lighting engineers, astronomers, and land use planners from San Diego Gas & Electric (SDG&E), Palomar and Mount Laguna Observatories, and local community planning and sponsor groups to address and minimize the impact of new sources of light pollution on nighttime views” (Draft EIR page 2.1-16). The Light Pollution Code addresses new sources of lighting in the County in terms of lamp and shielding requirements, which have been determined to effectively reduce impacts on dark skies based on the County’s collaborative efforts. As detailed in the Draft EIR on pages 2.1-32 through 2.1-33, the Proposed Project is required to comply with all applicable County ordinances, including the Light Pollution Code.

- O-6-412** The comment expresses an opinion that the Draft EIR does not identify the amount of lighting that the Project would generate. The comment also states that the Draft EIR does not include photo-simulations that show the Project’s impacts on night skies, particularly night glow. The comment then asserts the revised Draft EIR must provide this analysis.

As discussed in **Response to Comment O-6-411**, the County has adopted the Light Pollution Code to minimize light pollution through lamp type limitations and shielding requirements. The County has determined that these restrictions effectively minimize light pollution. The County does not require nighttime visual simulations of project effects concerning night lighting in the County Guidelines for Determining Significance and Report Format and Content Requirements: Visual Resources. Specific Plan Appendix 1, Appendix 3, Appendix 5, and Appendix 7 describes design features to be implemented, including lighting fixtures, design concepts, locational aspects, lumens, and directional positions. The Draft EIR evaluates potential lighting impacts associated with development of the Proposed Project in accordance with the County of San Diego Guidelines for Determining Significant and Report Format and Content Requirements: Dark Skies and Glare (County of San Diego 2009) (see Draft EIR, pages 2.1-31 through 2.1-35, Section 2.1, Aesthetics).

- O-6-413** The comment states that, according to the Dark Sky Coalition, caps of 50,000 to 100,000 lumens per acre reduce average lighting amounts compared to average

uncapped commercial lighting practice. The comment then expresses an opinion the revised EIR should include a lighting cap as a mitigation measure.

The County has not adopted the lighting (lumen) caps on development developed by the Dark Sky Coalition, and has not independently verified the benefits of lighting caps as they would pertain to San Diego County. The Draft EIR evaluates potential lighting impacts associated with development of the Proposed Project in accordance with the County of San Diego Guidelines for Determining Significant and Report Format and Content Requirements: Dark Skies and Glare (County of San Diego 2009) (see Draft EIR, pages 2.1-31 through 2.1-35, Section 2.1, Aesthetics). In lieu of lumen caps, the County determined in its Light Pollution Code to minimize light pollution through lamp type restrictions and shielding requirements, which were determined to effectively reduce impacts on dark skies. Please refer to the San Diego County Code of Regulatory Ordinances Sections 51.201–51.209.

Further, the County disagrees with the comment that the proposed mitigation measure is needed for the lighting impacts. The Proposed Project's effect on lighting was determined to be less than significant in the Draft EIR. Mitigation measures are not required for impacts determined to be less than significant (CEQA Guidelines Section 15126.4 (a)(3)).

- O-6-414** The County notes that the comment provides background information regarding full shielding of lighting. Please refer to **Responses to Comments O-6-409 and O-6-411**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-415** The County notes that the comment provides background information regarding full shielding of lighting. Please refer to **Responses to Comments O-6-409 and O-6-411**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-416** The comment restates information contained in the Draft EIR (specifically, the Proposed Project's shielding of light sources) and asserts that the Draft EIR fails to provide any detail about the Proposed Project's shielding of light sources. The County disagrees with this comment.

The Draft EIR, page 2.1-33 in Section 2.1, Aesthetics, directly addresses lighting fixtures, placement and glare shielding requirements and louvers to minimize light spilling into the sky or light trespass onto adjacent properties. In addition, the Draft EIR further states that all applicable outdoor lighting fixtures installed within the

Project Area would conform to the Zone B lamp type and shielding requirements that requires full shielding for low pressure sodium and others 4050 lumens and below lamp types for Class II lighting. As described in Section 51.203 (c) of the County of San Diego Light Pollution Code, “Class II” lighting means outdoor lighting for commercial, industrial and residential walkways, roadways and parking lots, equipment yards, outdoor security and residential entrance lighting; Class II lighting would be the primary type of lighting in the Project Area.

O-6-417 The comment restates information contained in the Preserve Edge Plan that light spillage into the Preserve is to be avoided to the greatest extent possible. Please refer to **Responses to Comments O-6-409, O-6-411, and O-6-416** concerning lamp type and shielding requirements. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-418 The comment asserts the revised EIR must disclose the details about the Proposed Project’s light shielding and analyze the effect of partially shielded light would have on sky glow. The County does not agree with this comment.

Draft EIR Section 2.1 discloses details about the Proposed Project’s light shielding. In addition and in accordance with the County of San Diego Guidelines for Determining Significant and Report Format and Content Requirements: Dark Skies and Glare (County of San Diego 2009), the Draft EIR evaluates potential impacts associated with the introduction of new lighting sources in the Project Area (pages 2.1-31 through 2.1-35, Section 2.1, Aesthetics, of the Draft EIR). Please also refer to **Responses to Comments O-6-409, O-6-411, and O-6-416**.

O-6-419 The comment asserts that visual simulations showing existing and proposed sky glow are required. The comment states lights should be aimed straight down, but under no circumstances higher than 45 degrees. The comment further asserts if the Draft EIR rejects a mitigation measure for full shielding, it must support its findings with substantial evidence.

The County does not agree with the comment. Please refer to **Response to Comment O-6-4712** which responds to the commenter’s earlier comment that the Draft EIR must provide visual simulations of existing and proposed sky glow. Please also refer to **Response to Comment O-6-416**, which responds to commenter’s earlier comment regarding revisions to the Draft EIR to fully disclose Project details regarding shielding of light sources. Please refer to **Response to Comment O-6-413**, which discusses that mitigation measures are not required for the Proposed Project’s

less-than-significant impact related to lighting (CEQA Guidelines Section 15126.4 (a)(3)).

- O-6-420** The comment states the Draft EIR fails to address the type of light spectrum that would be implemented by the Project. The comment also provides background information regarding the type of light spectrum and references light spectrum data from the Dark Sky Coalition.

The County has not adopted standards regarding light spectrum; therefore, the Draft EIR does not specifically address the concept of light spectrum. The Draft EIR evaluates potential impacts associated with the introduction of new lighting sources in the Project Area in accordance with the County of San Diego Guidelines for Determining Significant and Report Format and Content Requirements: Dark Skies and Glare (County of San Diego 2009) (see pages 2.1-31 through 2.1-35, Section 2.1, Aesthetics of the Draft EIR). Please refer to **Responses to Comments O-6-409, O-6-411, and O-6-416** concerning applicable lamp type and shielding requirements including those that have been determined to effectively reduce impacts on dark skies based on the County's collaborative efforts.

- O-6-421** The comment states the Draft EIR never mentions the concept of spectrum in its analysis of dark skies. The County acknowledges that the Draft EIR does not specifically discuss light spectrum because the County has not adopted standards regarding light spectrum. Please refer to **Response to Comment O-6-420** regarding the evaluation of Project impacts to dark skies as presented in the Draft EIR. No further response is required.

- O-6-422** The comment states the Draft EIR does not disclose the amount of white light sources that would be used by the Proposed Project, and asserts that this information must be provided. The comment further asserts the revised EIR should include a measure requiring the type of lighting described in the comment.

Please refer to **Response to Comment O-6-420** regarding the evaluation of Proposed Project's impacts to dark skies as presented in the Draft EIR. Please also refer to **Response to Comment O-6-416** that describes the applicable regulations of the County Light Pollution Code. The County disagrees that the revised Draft EIR must include a measure that requires the use of high-pressure sodium and PC-amber LED, or low-pressure sodium and ALLInGap "narrow-band" amber LED to demonstrate less than significant impacts to dark skies. Mitigation is not required for the Project's less-than-significant impact related to lighting (CEQA Guidelines Section 15126.4 (a)(3)).

O-6-423 The comment asserts the Draft EIR fails to analyze cumulative light and glare impacts.

The County disagrees with the comment. Cumulative light and glare impacts are addressed in the Draft EIR Section 2.12, pages 2.1-41 through 2.1-42. The Draft EIR evaluates potential Project-specific and cumulative impacts associated with lighting and dark skies in accordance with the County of San Diego Guidelines for Determining Significance. The Project-specific analysis of potential lighting impacts is provided on pages 2.1-31 through 2.1-35, in Section 2.1, Aesthetics, of the Draft EIR.

As noted in the comment, similar to the Proposed Project, cumulative projects located within the County's land use jurisdiction would likewise be expected to implement design features or mitigation, such as the downward projection of illumination and the use of shielding, and adhere to adopted County regulations regarding lighting. In addition, as previously indicated, the Project's incremental contribution to cumulative impacts would be minimized through lamp type restriction, careful placement of lighting fixtures, limiting unnecessary lighting, and shielding, among other things. The Proposed Project would therefore result in a less than cumulatively considerable impact to lighting.

In response to the comment, the County has revised the Final EIR to clarify the light and glare impact of cumulative development as follows:

Current and foreseeable future development in the vicinity of the Project Area would include sources of nighttime lighting in the form of interior and exterior security lighting and parking, architectural highlighting, landscape lighting, and illuminated signage. Specifically, cumulative projects in the surrounding area development of the Proposed Project in combination with the cumulative projects in the surrounding area, including Otay Ranch Villages 13, 15, and 17; Jamul Highlands Estates; and Lyons Valley 8, Poplar Meadow Tentative Map; and Simpson Farms would result in alteration of the visual character and quality of the area. could contribute to increased nighttime light levels. However, each of the cumulative projects would be expected to minimize lighting impacts through appropriate design features or mitigation, including lamp type selection, use of shielding, the downward projection of illumination, etc. Cumulative projects would also be anticipated to comply with adopted plans, regulations, and guidelines regarding lighting, including the County's Light Pollution Code. ~~Although development of the~~ The Proposed Project would contribute new sources of light to the surrounding area, ~~as discussed previously, however,~~ lighting for the

Proposed Project would be designed to adhere to the regulations of the County Light Pollution Code (the Dark Sky Ordinance). Furthermore, the Proposed Project would be consistent with lighting standards prevalent in urbanized and rural areas of San Diego County, and lighting would adhere to all applicable City of Chula Vista and County ordinances and standards. In addition, Proposed Project lighting would comply with City of Chula Vista and state energy conservation measures currently in place, which would limit the amount of unnecessary illumination during evening and nighttime hours. Therefore, as the Proposed Project would minimize lighting impacts and light trespass, and cumulative projects would likewise be anticipated to incorporate similar measures, cumulative impacts relative to nighttime views would be **less than significant**.

~~Lastly, With regard to glare, as cumulative impacts would be separated from the Project Site, it is extremely unlikely that glare could have a combined effect at a particular vantage point. In addition, on- and off-site landscaping with the Proposed Project and cumulative projects would function as screening elements capable of partially intercepting glare at viewing locations. The installation of rooftop solar on all residential buildings in the Project Area is also not anticipated to create substantial glare that would be received by receptors at on- or off-site viewing locations. Solar PV panels are designed to be highly absorptive of incoming sunlight so it is similarly anticipated that significant glare would not result from the installation of solar PV related to cumulative projects. In addition, on- and off-site landscaping would function as screening elements capable of partially intercepting glare at viewing locations.~~ Further, the duration of received glare and exposure of receptors at specific on- or off-site locations to any glare generated by the Proposed Project, and similarly for cumulative projects would be temporary. Therefore, in combination with all other cumulative projects ~~that would entail the installation of new lighting sources, and, potentially, rooftop PV panels,~~ the Proposed Project would not considerably contribute to a glare impact, and the cumulative impact would be **less than significant**.

O-6-424 The comment asserts that the Draft EIR lacks facts and analysis to support the conclusion that that Project's light sources would not be cumulatively considerable. The County disagrees with this comment.

Please refer to **Response to Comment O-6-423** for a description of the cumulative light and glare impacts presented in the Draft EIR and revisions to the Final EIR. In addition, the Draft EIR evaluates potential Project-specific and cumulative impacts

associated with lighting and dark skies in accordance with the County of San Diego Guidelines for Determining Significance.

- O-6-425** The comment asserts in order to ensure lighting from cumulative development would not contribute to further light pollution, the County must require adoption of mitigation measures discussed previously.

The County disagrees that the mitigation measures referenced by the commenter for Project-related lighting are required. The Draft EIR evaluates the identified cumulative projects in accordance with the County of San Diego Guidelines for Determining Significance for Dark Skies and Glare, and specifically considers thresholds (a) through (e) of the guidelines in the evaluation of impacts. The Draft EIR concludes the cumulative light and glare impacts would be less than significant, as discussed on pages 2.1-41 through 2.1-42 of Section 2.12, Aesthetics. Accordingly, mitigation is not required for the less-than-significant cumulative light impact. Please also refer to Response to **Responses to Comments O-6-423 and O-6-424**.

- O-6-426** The comment expresses an opinion that the Draft EIR fails to properly assess impacts to visual resources, and that enforceable mitigation should be identified.

The County disagrees with the comment. The County also notes that it provides concluding remarks regarding prior comments. Please refer to **Responses to Comments O-6-364 through O-6-425**. No further response to this comment is required.

- O-6-427** The comment asserts the revised EIR must include a comprehensive evaluation of visual impacts supported by substantial evidence. The County notes the comment provides concluding remarks regarding prior comments. Please refer to **Responses to Comments O-6-364 through O-6-426**. No further response to this comment is required or provided.

- O-6-428** The comment asserts the revised EIR must include additional mitigation measures to ensure the scenic beauty and night skies are protected. The County disagrees with the comment. The County also notes the comment provides concluding remarks regarding prior comments. Please refer to **Responses to Comments O-6-364 through O-6-426**. No further response is required or provided.

- O-6-429** The comment is a header for comments to follow addressing the Draft EIR Alternatives and expresses the opinions of the commenter regarding the inadequacy of the Draft EIR alternatives analysis. No further response is required or provided.

- O-6-430** The comment cites case law related to CEQA's mandate that significant environmental damages be avoided and substantially lessened where feasible. The comment serves as background information for comments to follow.

The County notes that the Draft EIR, Chapter 4, Alternatives, specifically describes and adequately analyzes each of the six proposed alternatives (see Sections 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9 of the Draft EIR). The alternatives analysis focuses on alternatives to the Proposed Project or its location which avoid or substantially lessen any of the Proposed Project's significant effects, while feasibly attaining most of the Project Objectives. Alternatives that do not address the identified significant impact or do not meet most of the Project Objectives need not be considered (*Sierra Club v. Tahoe Regional Planning Agency*, 916 F. Supp.2d 1098, 1122 (E.D. Cal. 2013)). Nevertheless, the EIR must discuss a reasonable range of alternatives that at least have the potential of satisfying these two critical criteria (CEQA Guidelines Section 15126.6(a)). An agency's selection of alternatives need not be perfect; that selection must, however, encourage informed decision-making and public participation (*Cal.Oak Foundation v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276). Further, please refer to **Thematic Response – Alternatives**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-431** The comment expresses an opinion that the Draft EIR fails to consider a reasonable range of alternatives. The comment then refers to CEQA Guidelines and court cases addressing alternatives.

The Draft EIR, Chapter 4, examined a reasonable range of alternatives given the Proposed Project's objectives. In accordance with CEQA Guidelines, the alternatives analysis focuses on alternatives to the Proposed Project or its location that avoid or substantially lessen any of the Proposed Project's significant effects while feasibly attaining most of the Proposed Project's objectives. For further discussion of the Draft EIR Alternatives analysis, please see **Thematic Response – Alternatives**. No further response is required or provided.

- O-6-432** The comment expresses an opinion that the Draft EIR should evaluate more than one such alternative (potentially feasible alternative to try to avoid or substantially lessen significant environmental impacts) in order to help inform the decision makers of the impacts of a project itself so that decision makers and public are aware of the potential ways to avoid the short and long-term of consequences of this project.

As noted in **Responses to Comments O-6-430 and 431**, the Draft EIR provided a comparison of effects of each alternative, compared to the Proposed Project, in Sections 4.4.2, 4.5.2, 4.6.2, 4.7.2, and 4.8.2. As discussed in Section 4.8.2, the Land Exchange Alternative represents a more refined analysis than the other four alternatives due to the substantial previous work efforts in support of the Land Exchange proposal. Each alternative's predicted effects on biological resources were compared to the biological impacts from implementation of the Proposed Project. As discussed throughout Chapter 4, the No Project (No Build) Alternative and Land Exchange Alternative would result in reduced impacts to biological resources. The Draft EIR considered and rejected other alternatives that, upon closer review, either could not feasibly meet most of the Proposed Project objectives or had no real potential for reducing to insignificance one or more of the three Project impacts identified as significant and unmitigable. These alternatives included Village 15 Alternative Site, and four Otay Ranch Final PEIR Alternative Sites (Section 4.3). Furthermore, the Draft EIR tiers off the Otay Ranch PEIR, which previously analyzed seven land use alternatives (Section 4.9). Further, please refer to **Thematic Response – Alternatives**.

- O-6-433** The comment states that critical to an adequate analysis is an evaluation of the impacts of a Project itself so that decision makers can assess the relative costs and benefits of a project and its alternatives.

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

- O-6-434** The comment asserts that the Draft EIR fails to reveal numerous significant environmental impacts and, as a result, the alternatives are evaluated against an inaccurate representation of the Proposed Project's impacts.

The County disagrees with this comment. Each issue area received extensive analysis in the Draft EIR; please refer to Chapter 2, Significant Environmental Effects of the Proposed Project. An analysis of each environmental issue not found to be significant during the Draft EIR process is provided in Chapter 3, Effects Found Not to Be Significant. The County examined a wide range of potential impacts associated with the Proposed Project to determine whether they required a thorough analysis or whether they were so obviously "not significant" as to warrant no further review. Topics that were found "not significant," and a justification for each of these findings is provided throughout Chapter 3 of the Draft EIR. Further, as discussed in Draft EIR Chapter 3.2, the Initial Study determined that no issue areas were found to be not

significant or less than significant during the Initial Study process. All issue areas required further analysis and were properly analyzed in the Draft EIR.

- O-6-435** The comment asserts that the Draft EIR must be recirculated to analyze the entire Project's full environmental impacts of any alternatives that could be feasibly avoid or minimize those impacts.

The County does not agree with this comment. Please see **Response to Comment O-4-434** and **Thematic Response – Alternatives**. No further response is required or provided.

- O-6-436** The comment expresses the commenter's opinion that the Draft EIR alternatives analysis is deficient. The comment states that the Draft EIR identifies significant and unavoidable impacts to visual resources, agricultural resources, air quality, noise, and traffic. The comment then states that, except for the No Project Alternative, which would not meet any Proposed Project objectives, none of the alternatives would reduce any of these impacts to a less-than-significant level.

CEQA Guidelines Section 15126.6(a) provides criteria for selection of an alternative that avoids or substantially reduces one or more potentially significant project impacts while feasibly obtaining most of the project objectives. It is not required that the range of alternatives address all significant and unavoidable impacts. As noted by the commenter, the No Project Alternative would avoid all significant Proposed Project impacts. While the No Project Alternative does not meet the Project objectives, it fulfills an important role in the reasonable range of alternatives by allowing decision makers to compare the impacts of approving the Proposed Project with the impacts of not approving the Proposed Project (CEQA Guidelines Section 15126.6(e)(1)). Please see **Thematic Response – Alternatives**.

- O-6-437** The comment states the Draft EIR concedes that the GDP/SRP Proctor Valley Road Alternative would increase many environmental impacts compared to the Proposed Project.

The County notes that alternatives that do not address the identified significant impact or do not meet most of the Project objectives need not be considered (*Sierra Club v. Tahoe Regional Planning Agency*, 916 F. Supp.2d 1098, 1122 (E.D. Cal. 2013)). Nevertheless, the EIR must discuss a reasonable range of alternatives that at least have the potential of satisfying these two critical criteria (CEQA Guidelines Section 15126.6(a)). An agency's selection of alternatives need not be perfect; that selection must, however, encourage informed decision-making and public participation

(*Cal. Oak Foundation v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276). In addition, as discussed in Draft EIR Section 4.7.2 (page 4-56), the GDP/SRP Proctor Valley Road Alternative would avoid four significant impacts to road segments on Proctor Valley Road resulting from the Proposed Project. This is consistent with CEQA Guidelines Section 15126.6(b). Please refer to **Thematic Response – Alternatives** for a discussion of the adequacy of the Draft EIR alternatives analysis.

- O-6-438** The comment states that alternatives that would increase the Proposed Project’s environmental impacts do not contribute to the “reasonable range” of alternatives.

The County acknowledges and agrees with this comment. The County notes, however, that the GDP/SRP Proctor Valley Road Alternative would reduce, but not avoid, certain transportation impacts, and therefore contributes to the reasonable range of alternatives. Alternatives that would increase one or more impacts, as compared to the Proposed Project, may still be considered as long as these impacts are discussed (CEQA Guidelines Section 15126.6(d)). Furthermore, an agency’s selection of alternatives need not be perfect; that selection must, however, encourage informed decision-making and public participation (*Cal. Oak Foundation v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276). Please also refer to **Thematic Response – Alternatives**.

- O-6-439** The comment expresses an opinion that the Draft EIR’s flawed assumption that the Proposed Project can include development within Multiple Species Conservation Program (MSCP) Preserve infects the entire Draft EIR, including the alternative analysis.

Please refer to the Draft EIR, Section 2.4.3.5, Guideline 4.5, Local Policies, Ordinances, and Adopted Plans, and **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**. Further, given that the Proposed Project is consistent with the MSCP Plan, MSCP County Subarea Plan, and Otay Ranch RMP and their “hardline” preserve assumptions, it is reasonable to conclude that the Proposed Project can be implemented consistent with the habitat loss findings set forth in Table 3-5 of the MSCP Plan and incorporated by reference into the USFWS-issued Section 10 permit, since the MSCP Preserve was deemed to be satisfactory per the Biological Opinion (USFWS 1998) to mitigate for development impacts within the MSCP County Subarea Plan area.

- O-6-440** The comment states that development may not occur within the MSCP Preserve areas without major regulatory actions by USFWS and CDFW. The comment further

asserts that both the Subarea Plan and the Implementing Agreement prohibit the applicant's proposed development in the areas designated a PV1, PV2, and PV3.

The County does not agree that PV1, PV2 and PV3 are designated as MSCP Preserve. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3 and Responses to Comments O-6-18 through O-6-113**. In addition, as discussed in Section 2.4.3.5, Guideline 4.5, Local Policies, Ordinances, and Adopted Plans, of the Draft EIR, the County is seeking take authorization for PV1, PV2 and PV3 through the MSCP County Subarea Plan and the County's existing Section 10(a) permit. The County, as required by the BMO and Implementing Agreement, must make findings demonstrating that the proposed development within PV1, PV2, and PV3 conforms to the BMO criteria. In certain cases where it may be infeasible for a project to meet all the goals and criteria of the BMO, the County may grant an exception to the specific requirements of the BMO (BMO, Section 86.509(b); MSCP Implementing Agreement, Section 10.13). Such an exception requires concurrence of the USFWS and the CDFW (collectively, the Wildlife Agencies). However, if the County cannot make the necessary BMO findings and/or the Wildlife Agencies do not concur with the County, the applicant may seek take authorization directly from one or both of the Wildlife Agencies pursuant to the federal ESA and/or CESA. The MSCP, the County MSCP Subarea Plan, and the Implementing Agreement acknowledge this alternative process of securing take authorization.

- O-6-441** The comment expresses an opinion that if approved, the applicant's proposal to develop about 340 homes on nearly 200 acres of open space that have been set aside as preserved land would violate the Subarea Plan, the associated Implementing Agreement, and state and federal law.

Please refer to **Responses to Comments O-6-439 and O-6-440**, regarding the MSCP, Implementing Agreement, and concurrence with Wildlife Agencies. No further response is provided or required.

- O-6-442** The comment expresses an opinion that because the applicant cannot actually build 1,119 homes as the Draft EIR claims, it is improper to compare alternatives to this oversized version of the Proposed Project.

The County does not agree that applicant cannot build up to 1,119 homes as proposed. Please refer to **Responses to Comments O-6-18 through O-6-22**. Also, as described in Section 1.2.1, Project Component Parts, of the Draft EIR, the Proposed Project would include a maximum of 1,119 single-family residential units. Therefore,

the alternatives analysis is not based on an “oversized” project, but rather a project that accurately portrays the County’s proposed actions.

- O-6-443** The comment asserts that the Proposed Project includes only 779 homes within Proctor Valley on lands not already set aside for preservation. The comment further asserts that because MSCP restrictions substantially reduce the development footprint (and thus number of units), any Proposed Project alternative that exceeds 779 units would actually increase development compared to the Proposed Project.

The County does not agree that the 340 homes, referred to in **Comment O-6-441**, are within lands already set aside for preservation. Thus, it is appropriate to base the alternatives analysis on a Proposed Project of up to 1,119 units. Please refer to **Responses to Comments O-6-439, O-6-440, and O-6-442**.

- O-6-444** The comment expresses an opinion that the Draft EIR should consider only alternatives that have fewer than 779 units. The comment further asserts that reducing the scale of the Proposed Project and the alternatives also provides greater flexibility to design alternatives that minimize impacts.

CEQA does not require that an alternative have a particular level of density relative to the Proposed Project. Rather, the range of reasonable alternatives should be based on the potential to avoid or substantially reduce project-related impacts. Furthermore, CEQA (California Public Resources Code Section 21159.26) provides that “[w]ith respect to a project that includes a housing development, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation.” Please refer to **Thematic Response – Alternatives**. Four of the alternatives also reduce the number of dwelling units when compared to the Proposed Project (No Project, Low Density, Alternate Site Location, and Four-Lane Proctor Valley Road). By reducing the development footprint and/or the number of dwelling units, each of the alternatives has the potential to reduce the Proposed Project’s impacts on aesthetics and agricultural resources and/or air quality, noise, and traffic. The reduction in impacts are discussed Sections 4.4 through 4.8.

- O-6-445** The comment suggests that the Land Exchange Alternative, which would remove development from Planning Areas 16/19 and would add development to Preserve areas in the middle of Proctor Valley, relies on the false premise that development in the Preserve areas is currently permitted.

The Draft EIR, in Section 4.8.2, discusses that prior to the preparation of this Draft EIR, the applicant was coordinating with the CDFW and USFWS on a land exchange option, and received preliminary indications that this type of land exchange was possible. However, as of February 2018, the state has not agreed to the land exchange; therefore, implementation of the Land Exchange Alternative cannot occur unless and until such an exchange is executed. The Land Exchange Alternative is physically feasible and, as described above and summarized below, would reduce several impacts compared to the Proposed Project while simultaneously and comprehensively planning the entirety of Village 14 and Planning Areas 16/19 of the Otay Ranch Otay Ranch GDP/SRP. See also **Responses to Comments O-6-18** through **O-6-22**.

- O-6-446** The comment states a valid exchange alternative would need to start from the premise that those areas are off limits absent and exchange. The comment further states that exchange will need to replace any portion of the Preserve areas in kind and additionally be designed to reduce the impacts of the Proposed Project.

The Draft EIR, Project Alternatives, Section 4.8.1 includes a description of the history of the Land Exchange Alternative. This further describes the merits and site assessment for the land exchange that would have resulted in a consolidated development footprint within Village 14 and an expanded Otay Ranch RMP/MSCP Preserve. However, the Project applicant withdrew the application when the Wildlife Agencies reversed their support for the land exchange in 2016. As described in Section 4.8.1, the Land Exchange Alternative would reduce impacts to biological resources compared to the Proposed Project. Impacts to biological resources under the Land Exchange Alternative would be less than significant with implementation of mitigation measures. If this alternative is selected over the Proposed Project, the Project applicant would be required to gain all applicable approval from the Wildlife Agencies.

- O-6-447** The comment asserts that any alternative that relies on exchanging land to reduce the impacts must be reduced in scale to account for the existing Preserve designation of PV1, PV2, and PV3.

The County disagrees that PV1, PV2 and PV3 are designated as existing Preserve. Please refer to **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**.

- O-6-448** The comment expresses the opinions of the commenter that the Draft EIR's Land Exchange Alternative would worsen the Proposed Project's environmental impacts.

Section 4.8.2 and Table 4-1 of the Draft EIR provides a comparison of the effects of the Land Exchange Alternative to the Proposed Project. As discussed in this section, the Land Exchange Alternative would result in reduced Project-level and cumulative impacts to aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, noise, transportation and traffic, paleontological resources, and tribal cultural resources. This alternative would result in greater Proposed Project-level impacts to air quality and GHGs, but reduced cumulative impacts to air quality.

O-6-449 The comment expresses an opinion that the Land Exchange Alternative is far more environmentally damaging than the Proposed Project, which is exactly the opposite of what an alternative should accomplish. The comment notes that this alternative would cluster development in the center of Proctor Valley, which contains prime, undisturbed habitat for multiple special-status species. The Draft EIR, Section 4.8.2 describes the Land Exchange Alternative's impacts to special-status species. As discussed in that section, the Land Exchange Alternative would result in potentially significant direct and/or indirect effects to special-status plant species, special-status wildlife species, avian species protected under the Migratory Bird Treaty Act, special-status vegetation communities, and jurisdictional resources. These impacts would be less than significant with implementation of mitigation measures and conveyance of land to the Otay Ranch RMP Preserve, similar to the Proposed Project. Please refer to Appendix 4.1-4, Biological Resources Technical Report for the Otay Ranch Village 14 and Planning Areas 16/19 Land Exchange Alternative, for additional description and analysis of the Land Exchange Alternative's impacts on biological resources, including special-status species. Please also refer to **Response to Comment O-6-448**.

O-6-450 The comment expresses an opinion that the Land Exchange Alternative would destroy key habitat and would preserve land with far inferior habitat value.

The potential impacts associated with the Land Exchange Alternative are analyzed in Section 4.8.2 of the Draft EIR. As discussed in Section 4.8.2 of the Draft EIR, the Land Exchange Alternative would improve wildlife movement through the enhancement of the regional corridor linking the Jamul Mountains and San Miguel Mountain by eliminating development in Planning Areas 16/19, thus allowing species to travel throughout the Preserve without the potential for development obstructions or edge effects. Section 4.10, states "Moreover, by consolidating development into Village 14, the Land Exchange Alternative would significantly improve the overall Preserve design by eliminating approximately 13 linear miles of Preserve edge effects, and preserving large, interconnected blocks of habitat rather than the

archipelago, hop-scotch pattern of Preserve and development currently created by the state's interspersed ownership within Village 14 and Planning Areas 16/19. Further, existing wildlife corridors would and widened with the elimination of development in Planning Areas 16/19."

Further, see Appendix A to Appendix 4.1-4, Land Exchange Alternative Biological Resources Technical Report of the Draft EIR for a detailed Land Exchange Biological Equivalency Analysis which demonstrates that the Land Exchange habitats are of equal or greater value compared to the Proposed Project. Please also refer to **Response to Comment O-6-449**.

- O-6-451** The comment refers to a letter from the Conservation Biology Institute to CDFW (Ed Pert), which is included as Attachment 25 to this comment letter. Please refer to **Responses to Comment Letter O-6.25**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-452** The comment notes that CDFW invested in the land for the "permanent protection of important biological, scenic, cultural and historic resources to maintain wildlife movement corridors between Proctor Valley and nearby public lands." The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-453** The comment states that CDFW land, and other areas surrounding Village 14, are critical to east-west and north-south linkages across Proctor Valley. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-454** The comment states CDFW land and other areas surrounding Village 14 support a seasonal drainage within the watershed of downstream conserved vernal pools, riparian habitat, and Otay Lakes. The comment does not raise an issue regarding the adequacy of the Draft EIR, therefore, no further response is required or provided.
- O-6-455** The comment asserts, as documented in the Hamilton Report, Exhibit 1 to the comment letter, the Draft EIR mislabels much of the land in areas Planning Areas 16/19 as disturbed coastal sage scrub.

The County does not agree with this comment and refers the commenter to **Response to Comment O-6.1-38**.

O-6-456 The comment restates O-6-518 regarding vegetation. Please refer to **Response to Comment O-6.1-38** regarding the commenter's statement that vegetation in Planning Areas 16/19 are mapped incorrectly.

O-6-457 The comment asserts disturbed coastal sage scrub and non-native grasses comprise the mislabeled areas in Planning Areas 16/19. The comment further asserts that the Draft EIR fails to accurately portray the relative environmental impacts of the Land Exchange Alternative, which would develop prime habitat while preserving disturbed habitat.

Please refer to **Responses to Comments O-6-452 and O-6.1-38** regarding the commenter's statement that vegetation in Planning Areas 16/19 are mapped incorrectly and this effect on the Land Exchange Alternative analysis.

O-6-458 The comment asserts that the Land Exchange Alternative would have more severe environmental impacts in other key areas as well. The comment further asserts that this alternative would create severe habitat connectivity issues for species moving between San Miguel and Otay Mountains.

The County disagrees with this comment. As analyzed in the Draft EIR Appendix 4.1-4, Land Exchange Alternative Biological Resources Technical Report, Section 5.5, Habitat Connectivity and Wildlife Corridors, impacts to habitat connectivity and wildlife corridors were determined to be less than significant with mitigation measures M-BI-1, M-BI-2, M-BI-3, M-BI-4, M-BI-11, M-BI-18, and M-BI-20 incorporated. Further, as analyzed in Section 5.3, Sensitive Wildlife Species, of Appendix 4.1-4, impacts to special-status wildlife species would be less than significant with incorporation of mitigation measures M-BI-1, M-BI-2, M-BI-4, M-BI-14, M-BI-15, M-BI-16, M-BI-17, M-BI-18, M-BI-19, and M-BI-20. Therefore, impacts to special-status species and habitat connectivity would be less than significant under the Land Exchange Alternative, similar to the Proposed Project.

O-6-459 The comment asserts that it is likely that constructing the Land Exchange Alternative would lead to extirpation of the golden eagle from its habitat in San Miguel Mountain. The County disagrees with this comment.

As stated in Draft EIR Appendix 4.1-4, Land Exchange Alternative Biological Resources Technical Report, Section 5.3, Sensitive Wildlife Species, page 480:

H.T. Harvey & Associates confirmed that the nearest nesting location—Rancho San Diego/San Miguel Mountain—was destroyed by the Harris fire in 2007 and has not been reestablished. H.T. Harvey & Associates also

confirmed that the nesting platforms that the USFWS and BLM installed near Jamul as substitute nesting locations have not attracted an actual nesting pair of golden eagles (2015, 2017). In the absence of any active nesting activity at these two locations, the Land Exchange Alternative's "human disturbance" would be more than 5 miles from the next nearest active golden eagle nest, which is located well to the south of the Land Exchange Area (Appendix C).

In light of these findings, Dudek, in consultation with H.T. Harvey & Associates (Appendix C), determined that the Land Exchange Alternative (i) will not cause lethal take of golden eagles; (ii) will not result in the human disturbance of any active golden eagle nest; and (iii) will not place human disturbance within 4,000 feet of any active golden eagle nest. Based on these facts, the Land Exchange Alternative is consistent with all conditions of the Otay Ranch RMP, the County of San Diego Subarea Plan, and the Section 10 take permit.

Therefore, as analyzed in Appendix 4.1-4 of the Draft EIR, impacts to golden eagle under the Land Exchange Alternative would be less than significant with mitigation incorporated.

- O-6-460** The comment states that approximately 96% to 98% of the area in Village 14 provides valuable golden eagle foraging habitat and is highly suited for eagle use due to its isolation from development.

Please refer to **Responses to Comments O-6-133 and O-6-459**, and **Thematic Response – Golden Eagle**.

- O-6-461** The comment states that the Land Exchange Alternative would actually expand development into key foraging habitat area. The comment further asserts that any benefits from eliminating development from Planning Areas 16/19 would be offset by the expansion of urbanization into Proctor Valley's core foraging habitat.

Please refer to **Response to Comment O-6-459**.

- O-6-462** The comment restates information in the Draft EIR that the Land Exchange Alternative would create an overall increase in GHG emissions compared to 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-6-463** The comment expresses the opinions of the commenter that to avoid increasing impacts compared to the Proposed Project, the Land Exchange Alternative should be

revised to exchange units from the center of Proctor Valley to areas immediately adjacent to Chula Vista or Jamul.

Please refer to **Thematic Response – Alternatives**, regarding the rationale for how Proposed Project alternatives were chosen and analyzed.

- O-6-464** The comment expresses an opinion that the true “project” is the Land Exchange Alternative, not the Proposed Project. The comment also asserts that the Land Exchange Alternative appendices cannot satisfy CEQA’s requirement to prepare an EIR for an “environmentally devastating project” like the Land Exchange Alternative.

The County notes that the Proposed Project is the action under consideration by the County (the lead agency). Other proposals previously undertaken by the applicant are not relevant to what constitutes the Proposed Project. However, it may be appropriate to consider information that was produced in support of previous proposals to the extent that it may further the analysis of the Proposed Project, including Proposed Project alternatives.

- O-6-465** The comment expresses an opinion that CEQA requires that environmental analysis actually occur in an EIR, and not buried in an appendix. The County does not agree that the Draft EIR did not provide the relevant information. Appendices 4.1-1 through 4.1-15 are part of the Draft EIR as technical analyses upon which the Draft EIR relied in analyzing the Proposed Project’s impacts in Section 4.8, Land Exchange Alternative. These appendices were included as part of the public review materials made available with the Draft EIR as explicitly stated on page 4-9 “The Land Exchange Alternative, *along with accompanying draft entitlement documents and technical studies (see Appendices 4.1-1 through 4.1-16) are included in this EIR*” (emphasis added). The Draft EIR included relevant information in Sections 4.8.2; however, the entirety of the analyses in technical appendices are not required to be restated in the body of the Draft EIR.

- O-6-466** The comment expresses an opinion and statement that the public was not given the adequate notice of the applicant’s intention to pursue the Land Exchange Alternative as the Proposed Project. The comment further asserts that the Draft EIR was designed to deflect public scrutiny away from the Land Exchange Alternative and to prevent meaningful disclosure of the impact of that alternative.

The County disagrees and refers the commenter to **Response to Comment O-6-464**. The County acknowledges the comment and notes that it expresses the opinions of the commenter regarding the supposed reason for the Land Exchange Alternative

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

- O-6-467** The comment expresses an opinion that the Draft EIR must be revised and recirculated to provide a true Project-level analysis of the impacts of the Land Exchange Alternative, and to give the public a meaningful opportunity to comment on that analysis.

Please refer to **Response to Comment O-6-464**. The County does not agree with the commenter's statement that the Draft EIR must be recirculated due to impacts from the Land Exchange Alternative. Please see **Thematic Response – Alternatives** for a discussion of the adequacy of the Draft EIR alternatives analysis.

- O-6-468** The comment expresses the opinions of the commenter that the Low Density Alternative appears to be nothing more than a straw man intended to make the Proposed Project seem like the only possible choice.

The County disagrees. The Low Density Alternative was analyzed because reducing the number of dwelling units has the potential to reduce impacts compared to the Proposed Project as required by CEQA. The Low Density Alternative provides for approximately a 77% reduction in dwelling units compared to the Proposed Project and analyzes how this level of development would compare to that of the Proposed Project. The Low Density Alternative would avoid, reduce, or substantially lessen significant impacts as described in Section 4.5.3 of the Draft EIR. Please see **Thematic Response – Alternatives** for a discussion of the adequacy of the Draft EIR alternatives analysis.

- O-6-469** The comment restates information about the footprint of the Low Density Alternative that is contained in Section 4.5, Analysis of the Low Density Alternative, of the Draft EIR. The comment then asserts that rather than evaluate a low density alternative that substantially reduces the Proposed Project's development footprint, the Draft EIR includes an alternative with what would appear an identical footprint.

The County disagrees. The Low Density Alternative would avoid, reduce, or substantially lessen significant impacts as described in Section 4.5.3 of the Draft EIR. Please refer to **Responses to Comments O-6-468 and O-6-470** and **Thematic Response – Alternatives**.

The County also notes that the Low Density Alternative would reduce development by approximately 16.6 acres as shown in the table on page 4-4 of Section 4.1 due to the elimination of development in Planning Area 19 under this alternative.

- O-6-470** The comment asserts that the Low Density Alternative would result in “virtually identical” impacts as the Proposed Project due to the similar development footprint.

As discussed in Section 4.5.5, Evaluation of Significant Impacts, of the Draft EIR, the Low Density Alternative would avoid, reduce, or substantially lessen significant impacts to aesthetics, air quality, geology and soils, GHG emissions, transportation and traffic, and noise. Therefore, the Low Density Alternative would not result in identical impacts as the Proposed Project due to their similar footprints.

- O-6-471** The comment expresses an opinion that the Low Density Alternative appears to have been developed specifically to allow for a determination of infeasibility. The comment further asserts the commenter cannot find a logical explanation for why this Alternative did not include a greater number of units on a substantially reduced footprint.

As noted in **Thematic Response – Alternatives**, some impacts are a function of the footprint—the area being affected—such as aesthetics and farmland (and to an extent, biological resources), while others are a function of density and intensity (such as transportation, air quality, and GHG). The Low Density Alternative addresses the density/intensity driven impacts. Other alternatives, such as the Alternate Site Location, address the footprint-driven impacts. Combined, these alternatives provide a reasonable range of alternatives.

- O-6-472** The comment suggests that the Draft EIR must take a serious look at reduced footprint alternatives that can actually avoid or lessen the Proposed Project’s significant impacts.

Please refer to **Responses to Comments O-6-468 and O-6-471**, as well as **Thematic Response – Alternatives**, regarding the commenter’s concern with the design of the Low Density Alternative and the adequacy of the alternatives analysis contained in the Draft EIR.

- O-6-473** The comment expresses the opinions of the commenter regarding the failure of the Draft EIR to adequately evaluate off-site alternatives.

The County refers the commenter to **Thematic Response – Alternatives**.

- O-6-474** The comment restates information regarding the Alternative Site Location contained in Section 4.6, Analysis of the Alternate Site Location, of the Draft EIR. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-6-475** The comment restates information from Section 4.6, Analysis of the Alternate Site Location, of the Draft EIR. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-476** The comment expresses the opinions of the commenter regarding their support of evaluation of off-site alternatives. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-477** The comment expresses the opinions of the commenter that the Draft EIR erred in rejecting the Alternate Site Alternative as infeasible. Please refer to **Response to Comment O-6-479**.
- O-6-478** The comment restates information from the Draft EIR Section 4.6, Analysis of the Alternate Site Location, regarding why the Alternate Site Location Alternative is not feasible. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-479** The comment expresses the commenter's opinion that the Draft EIR is disingenuous for rejecting the Alternate Site Location because the applicant does not own or control the land involved, while the applicant is currently advocating for the Land Exchange Alternative which involves development on land the applicant does not own.

The County notes that the Land Exchange Alternative would only require approval from one party (i.e., CDFW), with consent provided by USFWS. No other parties, properties, or negotiations would be involved. Whereas the Alternate Site Location Alternative acquisition of the land would require successful negotiation with multiple parties having varying degrees of motivation or interest, much of which has already been conveyed to the Otay Ranch RMP Preserve. Also, because the Alternate Site Location Alternative proposes that development occur in areas not previously approved for development, the discretionary approvals would require a GPA 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. For these reasons and the others discussed in Section 4.10, the Alternate Site Location was rejected as infeasible.

- O-6-480** The comment asserts if the applicant is willing to acquire new land to pursue one alternative development configuration, it should similarly consider obtaining land for developing less impactful off-site alternatives like the Alternate Site Location Alternative. Please refer to **Response to Comment O-6-479**.

- O-6-481** The comment expresses an opinion that the Draft EIR relies on a flawed premise regarding the Alternate Site Location Alternative not satisfying one of the Proposed Project Objectives. Please refer to **Responses to Comments O-6-483 and O-6-484**.
- O-6-482** The comment restates information contained in Section 4.6.3 of the Draft EIR that the Alternate Site Location would not meet regional housing needs (Objective 1) to the same degrees as 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-6-483** The comment asserts that it is incorrect that the Alternate Site Location Alternative would provide 651 fewer dwelling units than the Proposed Project. The County disagrees with this comment. Please refer to **Response to Comment O-6-484**.
- O-6-484** The comment asserts that the Proposed Project should only have 779 units, not 1,119 units (based on commenter's previous claim that PV1, PV2, and PV3 are Preserve), reducing the difference between the Proposed Project and the Alternate Site Location to 128 units. The comment then asserts that there is no logical reason why the Draft EIR could not have increased the number of housing units for this Alternative to provide a comparable number of units as the Proposed Project.

The County disagrees that the Proposed Project should have only 779 units. As discussed in the **Thematic Response – Baldwin Letter and PV1, PV2, and PV3**, the County disagrees that PV1, PV2, and PV3 are Preserve; rather, these three areas are developable. Thus, 1,119 units is correct for the Proposed Project, and the difference between the Proposed Project and the Alternate Site Location Alternative is correctly stated as 651 units as stated in the Draft EIR. The County further notes that the Alternate Site Location includes a smaller number of units, a total of 468 homes, based on the potential land available. Also, it should be noted that the average residential density of the Alternate Site Location is actually higher than the Proposed Project (the average residential density of the Alternative Site Location is 3.2 units per acre compared to 1.6 units per acre under the Proposed Project).

- O-6-485** The comment restates information contained in Section 3.1.5.1, Existing Conditions, Population and Housing, of the Draft EIR, that “based on current growth trends, almost all of the population growth and resultant housing demand will occur in metropolitan areas.” The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-486 Based on the growth trends (see **Comment O-6-485**), the commenter asks why the Draft EIR did not include an off-site alternative in, or at least closer to, a metropolitan area. Please refer to **Thematic Response – Alternatives**.

O-6-487 The comment expresses an opinion that the Draft EIR should have evaluated locations adjacent to an already urbanized area such as Chula Vista or Jamul. The comment asserts the revised EIR should evaluate the feasibility of an “infill” alternative.

The County does not agree with the commenter’s statement that Jamul is an urbanized area. As shown on the County’s General Plan, Land Use Element, Regional Categories Map, Figure LU-1, the Jamul area has a mix of Rural and Semi-Rural land use designations. Also, the County does not have land use jurisdiction within the City of Chula Vista. Lastly, the Proposed Project is part of, and consistent with, the Otay Ranch GDP/SRP, a master-planned community that established a series of villages and planning areas in both the City of Chula Vista and County.

O-6-488 The comment asserts that a reasonable range of alternatives would include one or more feasible off-site alternatives that meet project goals and preserve the integrity of the prime, intact habitat in the center of Proctor Valley. Please refer to **Response to Comment O-6-487** and **Thematic Response – Alternatives**.

O-6-489 The comment describes a hypothetical alternative that was not included in the Draft EIR and notes that it expresses the opinions of the commenter. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-6-490 The comment asserts the Draft EIR must be recirculated. The comment also provides information regarding the CEQA Guidelines circumstances that require recirculation of a Draft EIR.

Please refer to **Response to Comment O-6-491**.

O-6-491 The comment asserts that decision makers and the public cannot assess the Proposed Project’s impacts, and the Draft EIR is “riddled with errors.” The comment further asserts the Draft EIR repeatedly understates the Proposed Project’s significant environmental impacts and assumes useless mitigation measures will reduce these impacts. The comment then asserts the City must prepare a revised EIR that would necessarily include substantial new information.

- The County assumes the commenter intended to state County, not City. The County does not agree with the commenter's statement that the analysis contained in the Draft EIR is deficient and incorrect and must be recirculated. Per **Responses to Comments O-6-3 through O-6-489**, there is no significant new information that would show a previously unidentified significant impact, show that an identified impact would be substantially greater than previously identified, or that previously unidentified feasible Project alternatives or mitigation measures would clearly avoid or substantially lessen one or more impacts.
- O-6-492** The comment provides concluding remarks and express the opinion of the commenter that the Draft EIR has numerous deficiencies and requires extensive revisions and recirculation. The County does not agree with the commenter's assertion that the Draft EIR is inadequate and must be recirculated. Please refer to **Responses to Comments O-6-3 through O-6-489**.
- O-6-493** The comment expresses the commenter's hope that the Proposed Project can be reconsidered and reconfigured. The comment provides concluding remarks. The comment does not raise any new issues regarding the adequacy of the Draft EIR that have not previously been raised and already addressed in **Response to Comments O-6-3 through O-6-492**. No further response is required or provided.
- O-6-494** The comment is the signature block for Shute, Mihaly & Weinberger LLP. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-6-495** The comment provides a list of exhibits and attachments. Please refer to **Responses to Comment Letters O-6.1, O-6.2, O-6.3, O-6.4, and O-6.5** for responses to these Proposed-Project-specific comments on the Draft EIR, and **Responses to Comment Letters O-6.6 through O-6.39**, for responses to these non-Proposed-Project-specific exhibits.