

X-1 CITY OF SAN DIEGO

X-1-1 The comment states that the City of San Diego (City) has reviewed the Draft EIR for the Proposed Project. The comment states the City is a Responsible Agency and appreciated the opportunity to comment on the Draft EIR, but that the 45-day public review period did not provide enough time for thorough analysis to determine if the City's concerns had been adequately addressed to determine if the City may rely on the County's Final EIR for issuance of subsequent discretionary permits pursuant to CEQA Section 15162. The comment states the City appreciates the additional time to complete its review of the Draft EIR.

The County acknowledges the comment as an introduction to comments that follow. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

X-1-2 The comment states that the City will utilize the Final EIR to support subsequent discretionary actions for the issuance of permits in accordance with the City's Municipal Code and Land Development Code for impacts to resources on City-owned land/open space and applicable public rights-of-way associated with Proctor Valley Road as part of the Site Development Permit process.

The County notes that the Proposed Project applicant has been coordinating the design and alignment of Proctor Valley Road through the City of San Diego Cornerstone Lands with the City of San Diego for the past three years. A Site Development Permit (SDP) application for Proctor Valley Road was officially submitted to the City in December, 2017. The Proposed Project applicant has met with City SDSP staff and provided documents and analyses requested by City SDP staff in two separate submittals dated 12/06/2017 and 04/14/2018. The City provided assessment letters in response to the submittals dated 02/07/2018 and 05/15/2018. The County further notes that the comment provides background information and does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

X-1-3 The comment states that the environmental analysis must take into consideration comments provided to meet City standards, including comments related to an MHPA Boundary Line Adjustment and City MSCP Consistency Analysis, possible easements for expanded road rights-of-way, required brush management and analysis, and compliance with the City's Stormwater Standards for work on City-owned land. The comment states that these items and others may require further analysis by the City prior to any future actions on the Proposed Project within the City's jurisdiction.

- The County notes that the comment is an introduction to comments to follow. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.
- X-1-4** The comment states that the City has identified potential issues that may result in significant impacts to the environment for which the City as a Responsible Agency will have a permit and land use authority and states that continued coordination will be essential as the Proposed Project moves forward. The County acknowledges the comment as an introduction to comments that follow. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.
- X-1-5** The comments states that the Proposed Project would require improvements that would affect City-owned and managed open space. The comment states that it appears these roadway improvements would impact recorded archaeological sites and tribal cultural resources within Cornerstone Lands. The comment states that if these sites were determined significant under CEQA by the County they are automatically eligible for local designation by the City's Historical Resources Road requiring a Site Development Permit for direct impacts if mitigation cannot be accomplished. The comment states that qualified City staff recommend revisions to the Cultural Resources Technical Report to include a discussion of the resources under the City's jurisdiction and demonstrate how they would be mitigated to meet City standards, including the provision for a Native American monitor during all phases of the archeological program.
- The County notes that only one site, P-37-01834, was identified in the City-owned lands. This site is an isolate identified within the ADI which was evaluated and did not meet the County of San Diego guidelines for significance (County of San Diego 2007a), nor is it eligible for listing in the CRHR or the local register. This site is not significant under CEQA or the Otay Ranch RMP.
- With respect to tribal cultural resources, Appendix 2.5-1, Cultural Resources Technical Report, states that "To date, no issues have been raised and no information has been provided regarding tribal cultural resources." Thus, the County does not agree with the comment that the Proposed Project roadway improvements could impact tribal cultural resources.
- With respect to the request for a Native American monitor, please refer to Mitigation Measure M-CR-2 (see Draft EIR Section 2.5.5 Mitigation). M-CR-2 would require

Archaeological Monitoring. To mitigate for potential impacts to undiscovered, buried archaeological resources in the Project Area, an archaeological monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego's (County's) Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources and the California Environmental Quality Act (CEQA)...

b. Construction

- *Monitoring. Both the project archaeologist and Kumeyaay Native American monitor are to be on site during all earth-disturbing activities.* The frequency and location of monitoring of native soils shall be determined by the project archaeologist and the Kumeyaay Native American monitor.

X-1-6 The comment states that in their 2017 NOP comments, the City specifically requested coordination with the County early in the CEQA process to address treatment of any sites that are within the City's owned/managed open space that will require review for permitting in accordance with the City's Historical Resources Regulations. The City also requested a copy of the draft cultural resources report and confidential maps to determine which sites were within the City's jurisdiction and permitting authority. The comment states that City staff has reviewed the analysis and generally concurs with the proposed mitigation but is unclear which resources under the City's jurisdiction would be impacted. The City is requesting a confidential figure showing ownership along the Proctor Valley Road alignment where it interfaces with City owned and managed open space.

The County notes that, per the surveys conducted for the Draft EIR, the Proposed Project would affect only one isolate (P-37-014834) located within the City's jurisdiction. This would not result in a significant impact as analyzed in the Draft EIR, Section 2.5, Cultural Resources. In addition, please see **Response to Comment X-1-5**.

X-1-7 The comment requests that the mitigation program be revised to require coordination with City of San Diego staff prior to any testing, data recovery or monitoring, including notification of pre-construction meetings and any field changes that could affect resources within City-owned/managed open space or public right-of-way.

The County acknowledges the request and notes the County would include a Condition of Approval that the Project Applicant or its designee, include the City of

San Diego in any monitoring required on City-owned lands. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

- X-1-8** The comment recommends coordination with qualified City staff to address the above issues/concerns, and for guidance on required edits to the technical report and Draft EIR.

Please refer to **Response to Comment X-1-5** through **X-1-7**. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

- X-1-9** The comment states that if human remains are encountered on City-owned public right-of-way or open space, consultation in accordance with the California Health and Safety Code and the Public Resources Code must include qualified archaeological staff from the City of San Diego to assure that resources under the City's jurisdiction are being treated in accordance with the City's requirements. The comment continues that the treatment of any archaeological resource on projects in the City's jurisdiction may result in a different recovery, repatriation or curation process than under the County's permitting authority. The comment concludes that this may require modification to the County's archaeological mitigation measures or acknowledgement that new measures may be adopted by the City.

The County acknowledges the comment and that the City may require additional conditions of approval, including City-monitoring on City-owned land, as part of the Site Development Permit for Proctor Valley Road.

- X-1-10** The comment states that during the City's discretionary permit review process, it is intended that the City decision-maker would likely adopt the County's MMRP for Archeology, Tribal Cultural Resources, and Paleontology, with the additional City requirements incorporated into the Final EIR and addressed as part of the mitigation program. The comment states that if not, the City may require further analysis and mitigation measures for the Site Development Permit.

The County acknowledges the comment and refers to **Response to Comments X-1-5** through **X-1-9**. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

- X-1-11** The comment states that City of San Diego staff was unable to determine how impacts to Cornerstone Lands were quantified and where the impacts occur. The

commenter requests that the Draft EIR include a figure clearly indicating the land use authority.

Significant Environmental Effects of the Proposed Project, Figure 2.4-1 of the Draft EIR provides the various ownership boundaries within the Project Area, specifically City of San Diego owned lands. The inset for Figure 2.4-1 provides details for the boundary between the City of Chula Vista owned lands, Cornerstone Lands and the portions of Proctor Valley Road which are excluded from Cornerstone Lands. However, to facilitate the City of San Diego’s review of the Proposed Project, an additional figure has been provided to the City by the Project Applicant as part of the Site Development Permit process.

X-1-12 The comment states that the Biological Resources Section does not clearly state what mitigation ratios were used to calculate the mitigation requirements for impacts to City of San Diego-owned lands.

Mitigation requirements for permanent impacts to City-owned lands are presented in Table 2.4-14, Mitigation Requirements for Permanent Impacts to City of San Diego Cornerstone Lands. The footnote for Table 2.4-14 states: “The mitigation ratio and required mitigation is based on the assumption that the mitigation lands would be located inside the MHPA. Mitigation occurring outside the MHPA would be required at a higher ratio”. Table 2.4-14 is recreated below:

**Table 2.4-14
Mitigation Requirements for Permanent Impacts to City of San Diego (Cornerstone Lands)**

Mitigation Criteria	Vegetation Community	Impacts (Acres)	Mitigation Ratio	Required Mitigation (Acres) ^a
Upland	Diegan coastal sage scrub (including disturbed)	6.6	1:1 (preservation inside MHPA)	6.6
	Diegan coastal sage scrub – <i>Baccharis</i> -dominated (including disturbed)	0.4	1:1 (preservation inside MHPA)	0.4
	Non-native grassland	2.6	1:1 (preservation inside MHPA)	2.6
	Southern mixed chaparral	1.4	1:1 (preservation inside MHPA)	1.4
Wetlands	Mulefat scrub	0.1	2:1	0.2
	Unvegetated channel	<0.1	2:1	0.1

**Table 2.4-14
Mitigation Requirements for Permanent Impacts to City of San Diego (Cornerstone Lands)**

Mitigation Criteria	Vegetation Community	Impacts (Acres)	Mitigation Ratio	Required Mitigation (Acres) ^a
No mitigation required	Urban/developed	0.3	None	0
	Disturbed habitat	0.6	None	0
Total impacts requiring mitigation				11.1
Total required mitigation				11.3

MHPA = Multiple Habitat Planning Area.

^a The mitigation ratio and required mitigation is based on the assumption that the mitigation lands would be located inside the MHPA. Mitigation occurring outside the MHPA would be required at a higher ratio.

X-1-13 The comment states that the Draft EIR should include a discussion of how the Proposed Project complies with the City’s Environmentally Sensitive Lands Regulation, the Vernal Pool Habitat Conservation Plan (VPHCP) and the Biological Resources Guidelines, including applicable mitigation ratios and mitigation requirements.

The mitigation ratios provided in Table 2.4-14 of the Draft EIR were derived from Table 2A and Table 3 of the San Diego Municipal Code, Land Development Code—Biology Guidelines (City of San Diego 2012). As discussed in Section 2.4.3.5 of the Draft EIR, based on the Proposed Project design and associated mitigation, the Proposed Project is consistent with the requirements of the MSCP City of San Diego Subarea Plan and Land Development Code Biology Guidelines (City of San Diego 2012). Placement of roads within the City of San Diego’s MHPA must be in compliance with the policies identified in Section 1.4.2 of the City of San Diego’s Subarea Plan. Table 2.4-18 of the Draft EIR provides a summary of the siting criteria outlined in Section 1.4.2 of the City’s Subarea Plan and how the Proposed Project is in conformance with those criteria.

The Proposed Project will not impact any vernal pools within the City of San Diego-owned lands. As stated in Section 2.4.2.3 of the Draft EIR (page 2.4-68), Proctor Valley Road is proposed to be realigned to the east to provide a 100-foot buffer from the watershed for vernal pools that are located in the Cornerstone Land properties. As stated in the VPHCP, project-level surveys will be required as part of the development entitlement process discussed in Section 8.1 of the VPHCP. Any additional vernal pools, species information, and other relevant data will need to be included in the development entitlement process. Impact analysis and mitigation for individual projects will be evaluated based on the project-level surveys. Since the Proposed Project will not impact any vernal pools, as defined in the VPHCP, the

Draft EIR does not need to include a discussion on how the Proposed Project complies with the VPHCP.

- X-1-14** The comment states that the Draft EIR defers the analysis of take authority for impacts to fairy shrimp within Cornerstone Lands.

The County disagrees with this comment. As stated in the Draft EIR Section 2.4.3.1 Biological Resources (Guideline 1A), the Proposed Project avoids all vernal pools/features that are known to be occupied by San Diego fairy shrimp. Consequently no significant impacts to San Diego fairy shrimp are expected and, therefore, “take” authorization is not required for the species, specifically under the VPHCP.

Nevertheless, the Draft EIR provides a preventative mitigation measure for this species which requires the Project Applicant to consult with USFWS to determine if a take permit is required, and includes compliance with any permit conditions required by the USFWS for take of San Diego fairy shrimp (**M-BI-7**).

- X-1-15** The comment states that the Draft EIR should clearly demonstrate how proposed mitigation for impacts to the City’s Cornerstone Lands meet the conservation goals of the MSCP Subarea Plan.

The Draft EIR Section 2.4.3.5 analyzed the Proposed Project’s compliance with the MSCP City of San Diego Subarea Plan – Cornerstone Lands on pages 2.4-115 and 116. Table 2.4-18 - Summary of Siting Criteria for City of San Diego Off-Site Portion of Proctor Valley Road and Associated Utilities, provides a consistency analysis demonstrating how the Proposed Project would comply with the City of San Diego’s Siting Criteria for Proctor Valley Road. Please also refer to **Response to Comment X-1 12 and X-1 13**.

- X-1-16** The comment states that the Public Utilities Department owns and manages Upper and Lower Otay Reservoirs and nearly 1,300 acres surrounding the reservoirs for source water protection and other ecosystem services. The comment states that the lands are designated Cornerstone Lanes under the City’s MSCP, and are considered “critical habitat.” The comment states the reservoirs are located adjacent to and downstream of the Proposed Project. The comment states that “Proctor Creek” is the main conveyance of local water to Upper Otay Reservoir and that development of the natural landscape, including altering the localized hydrology in Proctor Valley and north along Jamul Creek, is likely to lead to significant cumulative impacts to Cornerstone Lands over time.

The County acknowledges the City's ownership of the reservoirs and lands around the reservoirs, as well as the Proposed Project's location upstream of the reservoirs. The Draft EIR analyzed the potential impacts of the Proposed Project and cumulative projects to the Cornerstone Lands and the reservoirs in Draft EIR, Sections 2.4.4 (pp 2.4-128) and 3.1.2.3 (pp 3.1.2-27 and 3.1.2-28). The comment does not provide any specific issue or inadequacy with the analysis in the Draft EIR; therefore, no further response is required or can be provided.

X-1-17 The comment states that the Draft EIR does not address many of the externalities and unintended consequences that are likely to occur because of the Proposed Project. However, the comment does not identify or explain what types of "externalities and unintended consequences" to which it refers; therefore, the County cannot provide any more detailed response. However, to the extent that the City's reference to externalities and unintended consequences is related to indirect impacts, the Draft EIR analyzed indirect impacts. Summaries of potential indirect impacts to various biological resources are provided in the Draft EIR in Section 2.4.3, Analysis of Project Effects and Determination as to Significance, including special-status plant species, special-status wildlife species, jurisdictional aquatic resources, sensitive habitats, and habitat connectivity and wildlife corridors. All of these indirect impacts were analyzed per the County's Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources (County of San Diego 2010). County Guideline 1H is very specific as to the potential indirect effects that must be analyzed in the Draft EIR (pages 2.4-88 and 2.4-89 of the Draft EIR):

Would the project cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive species over the long term? The following issues should be addressed in determining the significance of indirect impacts: increasing human access; increasing predation or competition from domestic animals, pests, or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species.

Indirect impacts to biological resources were determined to be less than significant with implementation of the following mitigation measures: M-BI-1 (biological monitoring), M-BI-2 (temporary construction fencing), M-BI-5 (permanent fencing and signage), M-BI-14 (SWPPP), M-BI-15 (erosion and runoff control), M-BI-16 (prevention of invasive plant species), M-BI-17 (prevention of chemical pollutants), M-BI-18 (noise), M-BI-19 (fire protection), and M-BI-20 (lighting).

X-1-18 The comment states that the Proposed Project will push the regional wildland-urban interface further east creating an urban island (Village 14) surrounded by preserved lands. The County disagrees that the Proposed Project will push the regional wildland-urban interface further east creating an urban island. Development has already occurred immediately to the west of the Proposed Project in eastern Chula Vista (the communities of Eastlake, Bella Lago) and to the north in the community of Jamul. The Proposed Project is consistent with, and has been included in, the County's General Plan since 1993 and was anticipated in the MSCP County Subarea Plan. It is an anticipated project consistent with existing land use plans in those documents, as well as the Otay Ranch GDP/SRP and Otay Ranch RMP.

X-1-19 The comment states that the biotic and abiotic effects of the anthropogenic impacts over time are inevitable and should be analyzed in the EIR.

The County acknowledges the comment comes under the heading of "Overview" and therefore, serves as an introduction to comments which follow. The Draft EIR has been prepared in accordance with the County's *Environmental Impact Report Format and General Content Requirements*, and consistent with CEQA requirements to analyze potential impacts of the Proposed Project. The County notes the comment does not specify which "biotic and abiotic effects of the anthropogenic impacts" it is referring to; therefore, no further response can be provided.

X-1-20 The comment states that the City's comments are broad in scope and include five general topics of concern, hydrology and water quality, stormwater, anthropogenic impacts, invasive species and mapping. The County acknowledges the comment as an introduction to comments that follow. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

X-1-21 The comment states that the City of San Diego's Cornerstone Lands must be made whole through the acquisition of property and a Multi-Habitat Preserve Area Boundary Line Adjustment. The County acknowledges the City's request for a boundary adjustment and conveyance of land to the City of San Diego for impacts to Cornerstone Lands. The Draft EIR and Biological Resources Technical Report have been revised to acknowledge that a Multi-Habitat Preserve Area Boundary Line Adjustment may be required as a part of the site development permit process. See Final EIR, Table 1-6 – Future Discretionary Approvals and Permits that May be Required from Other Agencies, which has been revised to include a Boundary Line Adjustment.

X-1-22 The comment expressed a concern about “[a]ltered hydrology and habitat degradation resulting in source water degradation.” Refer to **Response to Comments X-1-23** through **X-1-31**. The County acknowledges the comment as an introduction to comments that follow and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. No further response is required or provided.

X-1-23 The comment states that over 3 miles of streams and drainages flow over and under the City’s Cornerstone Lands in Proctor Valley and that this system is the local source water that feeds Upper Otay Reservoir. The comment states the distribution and density of the Proposed Project may directly affect water quality and stream hydrology as water drains off the developed landscape.

The Draft EIR Section 3.2, Hydrology and Water Quality analyzes impacts as a result of the Proposed Project and determined that such impacts would be less than significant. The comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.

X-1-24 The comment summarizes background information about the Proposed Project and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.

X-1-25 The comment states that the realignment of Proctor Valley Road could alter the existing stream and that any bridge construction on Cornerstone Lands should span the floodplain to assure the hydrological function remains as it now exists. In addition, all bridges on tributaries should also span the floodplain.

The County refers the commenter to **Response to Comment O-8-26 and O-8-27**.

X-1-26 The comment states that the Draft EIR should address how drainage from the Proposed Project will be managed to protect storm water from entering the vernal pool watersheds on Cornerstone Lands.

The County refers the commenter to **Response to Comment O-8-29**.

X-1-27 The comment states a key concern is the funding and oversight to maintain the stormwater facilities’ designed function in perpetuity. The County acknowledges the comment as an introduction to comments that follow. Please refer to **Response to Comments X-1-28 through X-1-31**. The comment does not raise an issue with the

adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

- X-1-28** The comment states that in December 2017, the City Department of Public Utilities emailed comments on the stormwater technical reports for the Proposed Project. The comment states that the response did not answer the question. The comment asks what the remedy is if the bio-filtration system is not able to bio-remediate runoff. The comment asserts that the failure of a biofiltration system is a worst-case scenario, and that the EIR should identify how the Proposed Project would manage a bio-system failure upstream of a regional drinking water reservoir. The comment concludes that deferring this remedy is not appropriate.

Appendix 3.1.2-2, Storm Water Quality Management Plan for Otay Ranch Village 14 and Planning Areas 16/19 includes Attachment 3, which contains the Structural BMP Maintenance Information. Table 7-3, Maintenance Indicators and Actions for Vegetated BMPs lists in detail the Maintenance Actions necessary to rectify any deterioration of the vegetated BMPs. Maintenance of the BMPs will be the responsibility of the project applicant/developer during construction, and would be transferred to the Homeowners Association as governed by the Department of Real Estate Maintenance Budget and CC&Rs.

Further, the California Regional Water Quality Control Board Order R9-2013-0001 Section II.F details the monitoring and reporting requirements of the County of San Diego as Co-Permittee just as the City of San Diego is responsible for projects within its jurisdiction.

- X-1-29** The comment states that the Proposed Project would use engineered solutions including biofiltration basins, proprietary basins, and flow through pre-treatment units to handle stormwater loads running through or off the Project Area. The comment states that maintenance of these systems and other stormwater management features will require funding in perpetuity. The comment concludes by stating that these systems will not perform as designed and may fail if not properly maintained.

The County acknowledges the comment. The County refers the commenter to the Draft EIR, Appendix 3.1.6-1, Public Facilities Financing Plan, Table 2 – Construction and Responsibilities for Facilities and Infrastructure, which states that Drainage Basins would be maintained by an HOA or the County through an assessment mechanism. Accordingly, the Proposed Project has identified a funding source to ensure the permanent maintenance of the stormwater management systems and features.

X-1-30 The comment states that other potential pollutants include pesticides and fertilizer run-off. The comment states that use of residential pesticides (including herbicides, rodenticides, insecticides or fungicides) is a concern for water quality and habitat function because it is rarely monitored and generally unrestricted. The comment concludes that use of synthetic fertilizer is “quite common” and can lead to eutrophication and habitat conversion.

Potential impacts to habitat are analyzed in Section 2.4, Biological Resources of the Draft EIR. Mitigation measure M-BI-17 would prevent the use of chemical pollutants, as described on pages 2.4-145 and 2.4-146 in Section 2.4.6, Mitigation of the Draft EIR. This mitigation measure has been supplemented to include language prohibiting rodenticides and other pesticides within the 100-foot buffer. This revision is reflected in the Final EIR in ~~strikeout~~/underline.

Regarding the potential for impacts to water quality, please refer to **Response to Comments O-6.3-12 and O-6-325 and 326** regarding the use of fertilizers, as well as **Responses to Comments O-6.3-21, 22 and Response to Comment O-6-336 and O-6-338**.

X-1-31 The comment states that Public Utilities and water rate payers need assurance that funding for the proposed stormwater facilities is sufficient and will be available over time. The comment asserts that the Draft EIR should reveal how the biomass and contaminated soils from maintenance will be disposed of. The comment further states the Draft EIR should reveal how monitoring will occur to document water quality and assure system functionality.

Please refer to **Response to Comment X-1-28**, above, regarding maintenance of the proposed stormwater treatment facilities. As described in the Major Stormwater Management Plan (Appendix 3.1.2-2 to the Draft EIR), with respect to Waste Disposal, the BMP Maintenance Program anticipates, “Sediment, other pollutants, and all other waste shall be properly disposed of in a licensed landfill or by another appropriate disposal method in accordance with local, state, and federal regulations.”

X-1-32 The comment states that the Draft EIR does not provide an analysis of cumulative effects from anthropogenic impacts. The County acknowledges the comment as an introduction to comments that follow and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. Please refer to **Responses to Comments X-1-33 through X-1-40**. No further response is required or provided.

- X-1-33** The comment states that anthropogenic impacts from unauthorized access are unavoidable and restates information contained in the Draft EIR regarding the Proposed Project's use of fencing and signage to address unauthorized access. The comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. No further response is required or necessary.
- X-1-34** The comment states that managing unauthorized access into preserve areas is difficult to achieve with fencing alone and is a regional financial and staffing challenge. The County acknowledges the comment and notes that it expresses the opinions of the commenter and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County notes that the Proposed Project would convey on-site Otay Ranch RMP/MSCP Preserve land to the Otay Ranch Preserve Owner/Manager (POM) for long-term management, and would also participate in a community facilities district (CFD) to fund the ongoing management activities of the POM, which includes security. Further, the Proposed Project Fence and Wall Plan (see Preserve Edge Plan, exhibit 16) shows extensive fencing surrounding the Proposed Project, including post and rail fencing along Proctor Valley Road, Community Walls and View Walls. No further response is required or necessary.
- X-1-35** The comment states that the Draft EIR should reveal how unauthorized access to Cornerstone Lands will be monitored and eliminated to ensure that no trespass occurs over time and how the Proposed Project will mitigate potential impacts should the monitoring and control/deterrent measures fail. Please refer to **Response to Comment X-1-34**, above, and **Response to Comment A-3-78** which explain that, under the proposed realignment, the roadbed and curb would be at an elevation substantially above that of the surrounding Preserve land. This elevation differential will make it nearly impossible for any vehicle – even an OHV – to gain access to the Preserve from Proctor Valley Road. Further, the Specific Plan (Section C, III – Circulation Plan) and Tentative Map (Sheet 3) depict street sections on Proctor Valley Road which include landscape parkways on either side of the street, landscape medians, No Parking, and a split rail fence (along the community pathway) to restrict access to the Preserve land..
- X-1-36** The comment states that anthropogenic impacts to air quality will result in increased nitrogen and VOC deposition, as well as increased particular matter on the reservoir and native landscape.

The comment restates information contained in the Draft EIR Section 2.3 Air Quality, regarding the increase in emissions of nitrogen, VOCs and PM_{2.5} and PM₁₀.

The Draft EIR states that “Long-term indirect impacts to adjacent open space may include generation of fugitive dust... effects of toxic chemicals (fertilizers, pesticides, herbicides, and other hazardous materials), urban runoff from developed areas, ... and hydrologic changes.” Indirect impacts resulting from adverse “edge effects,” including indirect impacts associated with the location of urban development in proximity to biological resources within natural open space, were analyzed in the Draft EIR, Section 2.4.3. The following temporary and permanent indirect impacts were identified which include potentially significant impacts “related to or resulting from the generation of fugitive dust”: Impacts BI-9, BI-10, BI-12, BI-22, BI-23, BI-24, and BI-25.

These potentially significant impacts would be reduced to less than significant through implementation of a combination of mitigation measures including M-BI-1(g) (“Periodically monitor the construction site in accordance with the Proposed Project’s fugitive dust control plan. Periodically monitor the construction site to see that dust is minimized according to the fugitive dust control plan and that manufactured slopes are revegetated as soon as possible”), as well as “M-BI-14 (implementation of a SWPPP), M-BI-15 (erosion and runoff control), and M-BI-17 (prevention of chemical pollutants).”

With respect to water quality, the Draft EIR, Section 3.1.2, Hydrology and Water Quality analyzed the Proposed Project’s impacts and determined such impacts would be less than significant. Section 3.1.2.2.2 Water Quality analyzes such operational impacts on pages 3.1.2-20 through 24. Specifically, as analyzed on pages 3.1.2-23 and 24, the Draft EIR states the following:

The Lower Otay Reservoir is listed as an impaired water body listed on the CWA, 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 City, which owns the Upper and Lower Otay Reservoir, considers the Otay Reservoir System a drinking water supply; therefore, development projects upstream of the reservoir have to protect against stormwater

pollution. Thus, the proposed treatment approach for the Proposed Project must comply with the City's Source Water Protection Guidelines. According to the Source Water Protection Guidelines, the Proposed Project is a Tier 3 development that warrants the highest consideration for source-water quality protection (City of San Diego 2004)....

Overall, runoff from the Proposed Project would contribute a small portion of the total Lower Otay Reservoir volume. It is expected that some additional TDS contribution would occur through human activity in the Project Area. In response to this, proposed swales, roadside biofiltration areas, biofiltration water quality basins, and source-control BMPs would be used. In addition, hydromodification control measures would minimize the erosion of soils.... Furthermore, the Proposed Project would reduce the amount of natural open space, which would decrease the TDS that occur through natural erosion processes in the existing condition.

Accordingly, the Draft EIR concludes:

In summary, the Proposed Project is not expected to cause adverse effects to the Upper Otay Reservoir and Lower Otay Reservoir due to the anticipated lower TDS concentration in the Proposed Project's irrigation water compared with the TDS at the reservoirs outfall, the use of source-control BMPs, and the decrease in overall erosion potential due to reduced natural areas. The Proposed Project would not contribute pollution in excess of that allowed by applicable state or local water quality objectives, or cause or contribute to the degradation of beneficial uses. Overall, water quality impacts from the Proposed Project would be **less than significant**.

X-1-37 The comment states that vehicle traffic in Proctor Valley would increase as a result of the Proposed Project and the community of Jamul.

The comment expresses an opinion that is consistent with the analysis presented in the Draft EIR, Section 2.9, Transportation and Traffic. As analyzed therein, specifically Figure 2.9-6, Daily Roadway Segment Traffic Volumes – Year 2030 Cumulative Conditions Plus Hypothetic Development of State Preserve Property, traffic on Proctor Valley Road would increase as a result of the Proposed Project. The comment does not raise an issue as to the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

X-1-38 The comment states that outdoor/exterior electric outlets will facilitate the use of electric landscape maintenance equipment, and that the Draft EIR should show how compliance with the use of electrical tools would be assured. The County refers the commenter to mitigation measures M-AQ-9 (Draft EIR, Section 2.3.6, 2.3-39) and M-GHG-3 (Draft EIR, Section 2.7.6, pages 2.7-35). The County notes that implementation of M-AQ-9 and M-GHG-3 does not include a mechanism to assure the actual usage as it is infeasible to ensure that all applicable tools and equipment would utilize the outlets. The purpose of these mitigation measures is to encourage construction workers and project residents by making the use of electric tools and equipment feasible. No credit is taken for the use of electrical tools and equipment; and therefore the air pollutant and greenhouse gas emissions presented in the Draft EIR are conservative. Additionally, the County will enforce the installation of the outlets through the Conditions of Approval and the MMRP. Residential building permits would not be issued without evidence that the design plans for residential structures include outlets in the front and rear of the structure.

X-1-39 The comment states the EIR should analyze cumulative impacts of deposition from the increase in vehicle use and maintenance equipment use on the native landscape and water quality. The County refers the commenter to **Response to Comments X-1-36 and X-1-38**. In addition, Table 2.3-8 of Section 2.3.7 of the Draft EIR includes several project design features which are included within the Proposed Project to reduce project related emissions. PDF-TR-1 includes project design features that would provide improved design elements to enhance walkability and connectivity, include a ride-sharing program and a permanent transportation management association membership and funding requirement, marketing strategies to reduce commute trips, create a ridesharing program for school children, and contribution to traffic-flow improvements or other multi-modal infrastructure projects that reduce emissions. All of the design features listed in Table 2.3-8 are included within the Proposed Project to reduce overall emissions generated from vehicle use.

Further, the Proposed Project is consistent with the MSCP County Subarea Plan and City of San Diego MHPA in regards to improvements to Proctor Valley Road, a permitted/future facility within the MSCP. Due to the acquisition of other portions of Village 14 and Planning Area 16 by CDFW for conservation purposes, less development and therefore less traffic and fewer emissions, are anticipated than approved in the Otay Ranch GDP/SRP, County General Plan and County MSCP Subarea Plan. In addition, water quality standards have increased beyond those anticipated during the adoption of the MSCP Plan.

- X-1-40** The comment states carbon offsets for greenhouse gas emissions should include the loss of sequestration and storage from soils and soil biomass.

The comment's suggested approach differs from that used in CalEEMod. CalEEMod estimates the loss of sequestered carbon (e.g., CO₂) in removed vegetation rather than the loss of the future potential carbon sequestration from the vegetation. For a land use change (e.g., from natural vegetation to development), "Overall change in sequestered CO₂ is the summation of sequestered CO₂ from initial land use type multiplied by area of land for initial land use type subtracted by the summation of sequestered CO₂ from final land use type multiplied by area of land for final land use type." Note that the calculation focuses on the amount of sequestered CO₂ that is lost due to removal of vegetation. The alternative approach suggested by the comment is inconsistent with the method used in CalEEMod.

Carbon sequestration in soil depends on the carbon content, minerals, and composition of the soil. The majority of published data on the subject is focused on agricultural soils, and there remains very little data specific to the County or sites similar to the Project Area. Without published data and reliable information for the Project Area, it is speculative to calculate the carbon sequestration in soil for the Project Area. Accordingly, the County is satisfied that the method used in Appendix 2.7 provides an adequate representation of the loss of sequestered carbon resulting from the Proposed Project based on substantial evidence, and the County follows the CalEEMod methodology.

- X-1-41** The comment states that the Draft EIR does not provide an analysis of the cumulative effects to biotic systems. The County acknowledges the comment as an introduction to comments that follow and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. No further response is required or provided.

- X-1-42** The comment states that the Draft EIR should analyze the potential impacts from the introduction and spread of non-native flora species. The County refers the commenter to **Responses to Comments O-5-53 and O-5-54**.

- X-1-43** The comment states that because the Proposed Project is surrounded by conserved lands, the Draft EIR should analyze the potential effects from the introduction of feral cats and the release of aquarium and/or terrarium pets. Section 2.4.3.1 of the Draft EIR and Section 5.3.2.2 of the Biological Resources Technical Report (Appendix 2.4-1 to the DEIR) describe the permanent indirect impacts the Proposed Project may have on special-status wildlife species. One of those indirect impacts is increased

human activity. As described in Section 5.3.2.2: “Increasing the human presence adjacent to development could also increase the amount of domestic pets within the Otay Ranch RMP Preserve. All dogs within the open space would be required to be on leash, and the HOA would be responsible for informing all homeowners of the impacts that domestic pets can have on native habitat and wildlife” (page 459 of Appendix 2.4-1). Mitigation measure M-BI-5 requires permanent fencing and signage along all open space edges where adjacent to residential uses.

X-1-44 The comment expresses concerns regarding mapping including inconsistent legends and lack of hydrology. The County acknowledges the comment as an introduction to comments that follow. Please refer to **Response to Comment X-1-45**.

X-1-45 The comment states that most maps do not contain “spatial representation of the local hydrology.” The comment states that without geospatial information, it is difficult to evaluate and comment on some of the analysis. The comment specifically mentions Figure 1C – Drainage Management Area from Appendix 3.1.2-2, and Draft EIR Figure 3.1.2-1, Proctor Valley Drainages. The comment states Figure 1C does not include a legend identifying land uses and Figure 3.1.2-1 does not show any streams or drainages in Proctor Valley.

Figure 1C is not intended to graphically show the varying Land Use categories, as that analysis is far too intricate to show graphically in conjunction with the DMA labeling. The Land Uses Categories are shown in the Figure 3 - Site Utilization Plan, and detailed in Table 1. The acreages of each land use as determined from the actual Tentative Map and Figure 3 is shown in detail in the DMA Tables on Figure 3.

Figure 3.1.2-1 has been revised and is reflected in the Final EIR to include drainages, not just creeks and reservoirs.

X-1-46 The County acknowledges the comment as an introduction to comments that follow and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. No further response is required or necessary.

X-1-47 The comment states that the City of San Diego is a “responsible” agency under CEQA for any permits that may extend into its jurisdiction. The comment further states that the permits and approvals required for the Proposed Project include a Site Development Permit, right-of-way easement and a MHPA Boundary Line Adjustment. The County acknowledges the comment and refers the commenter to the Draft EIR, Table 1-6. Please refer to **Response to Comment X-1-2**. The Project Applicant has initiated the Site Development Permit application process and will

work with the City to process that application and obtain a right-of-way easement and any other approvals required.

- X-1-48** The comment requests detailed maps of the MHPA/Cornerstone Lands boundary. Figure 2.4-1 of the Draft EIR provides the various ownership boundaries within the Project Area, specifically City of San Diego owned lands. The inset for Figure 2.4-1 provides details for the boundary between the City of Chula Vista owned lands, Cornerstone Lands and the portions of Proctor Valley Road which are excluded from Cornerstone Lands. However, to facilitate the City of San Diego's review of the Proposed Project, an additional figure has been provided to the City by the Project Applicant as part of the Site Development Permit process.
- X-1-49** The comment states the Proposed Project would encroach into the City's MHPA/Cornerstone Lands and that, although the MSCP County Subarea Plan anticipated improvements to Proctor Valley Road, the Draft EIR has not demonstrated that replacement Cornerstone Lands are provided pursuant to the City's Cornerstone Land Bank Agreement. The comment states that direct take of Cornerstone Lands would be addressed through the Site Development Permit process and an MHPA Boundary Line Adjustment may be necessary to make the Cornerstone MHPA lands "whole". The County refers the commenter to **Response to Comment X-1-21**.
- X-1-50** The comment states that under the City's MSCP Subarea Plan, an adjustment to the MHPA Boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value. The County acknowledges the comment provides background information regarding the City's MHPA boundary adjustment process and does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.
- X-1-51** The comment states that a determination of functional equivalent or higher biological value will be based on site-specific information that addresses the six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan. The comment then restates those six criteria. The County acknowledges the comment provides background information regarding the City's MHPA boundary adjustment process. Please refer to **Response to Comment X-1-21** regarding a potential MHPA Boundary Line Adjustment. The comment does not raise an issue with the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

X-1-52 The comment states the City's MSCP Subarea Plan notes over 80% of the Proctor Valley Area will be conserved with most development occurring in the upper portion of the valley, away from more likely nesting areas for raptors. The comment states the valley includes an historical nesting location for harriers and provides forage for golden eagle. The comment asserts that the Proposed Project does not cluster development adjacent to other development and will represent an urban island surrounded by conserved lands. The comment concludes by stating this type of planning represents challenges to wildlife.

The County refers the commenter to **Response to Comment A-3-196**. The Proposed Project clusters development in areas identified for development within the MSCP County Subarea Plan. Further, as a result of the state purchasing portions of Village 14 and Planning Areas 16, additional conservation will be achieved in Proctor Valley compared to what was anticipated in the MSCP County Subarea Plan. The comment does not raise a specific issue as the adequacy of the analysis contained in the Draft EIR; therefore, no further response can be provided.

X-1-53 The comment states that construction of the Proposed Project could result in significant direct and indirect impacts to vernal pools, listed vernal pool species, and other wetlands that should be addressed with project design and/or mitigation.

The County disagrees with the first portion of the comment. Vernal pool habitats do not occur within the Project Area. There is one vernal pool (B2) located within the defined study area for vernal pool branchiopods habitat assessment and surveys. The study area used for conducting vernal pool branchiopods habitat assessment and surveys included areas outside of the Project Area that could be impacted by the Proposed Project. The Proposed Project has been designed to avoid all features which contain San Diego fairy shrimp. In reference to indirect impacts to the one vernal pool identified within the study area (B2), the County refers the commenter to **Response to Comment O-7-15**. Therefore, the Proposed Project will not result in significant direct or indirect impacts to vernal pools or listed vernal pool species.

The comment is correct in stating that the Proposed Project will result in impacts to wetlands as discussed at length in Section 2.4.3.3 of the Draft EIR. As determined by the analysis in Section 2.4.3.3 of the Draft EIR, the Proposed Project will result in impacts to wetlands (BI-20 through BI-23. Impacts would be mitigated to less than significant through M-BI-1 (biological monitoring), M-BI-2 (temporary construction fencing), M-BI-5 (permanent fencing and signage), M-BI-12 (restoration of temporary impacts), M-BI-14 (stormwater pollution prevention plan), M-BI-15

(erosion and runoff control), M-BI-16 (prevention of invasive plant species), M-BI-17 (prevention of chemical pollutants), and M-BI-21 (federal and state agency permits).

X-1-54 The comment states that surveys of the pools identified at the R3+ site indicates these pools support San Diego fair shrimp, San Diego button-celery, and the same pool identified in the Draft EIR as supporting Western spadefoot toads. The comment states the pools could be subject to indirect edge effects from construction of the Proposed Project and realignment of Proctor Valley Road. The County disagrees with this comment and refers the commenter to **Response to Comment O-7-15**.

X-1-55 The County acknowledges the comment provides background information regarding implementation of restoration on the City of San Diego's Cornerstone Lands to the west of the Project Area. The comment summarizes the goals of the TLCL's restoration project, including restoration of vernal pools and uplands habitat along Proctor Valley Road. The comment concludes by stating that due to the geographic proximity to the Proposed Project and current restoration efforts, the City "would like to emphasize the importance of reducing the projects impacts on these resources."

As explained in the Draft EIR Section 2.4, Biological Resources, "[t]he only feature that would be considered a vernal pool is Feature B2, which is located outside of the Project Area to the north of the Village 14." All other features are categorized as road ruts or ephemeral basins. As stated on page 2.4- 68 of the Draft EIR,

Specifically, approximately 0.3 miles of the road between the South Village 14 and Central Village 14 would be realigned to the east to provide a 100-foot buffer from the watershed for vernal pools that are located in the Cornerstone Land properties...

Accordingly, the Proposed Project would not disturb or otherwise affect vernal pools.

X-1-56 The comment states that development of the central portion of Village 14 and resulting alteration of vernal pool watersheds within City Cornerstone Lands could result in significant indirect impacts to vernal pools listed and sensitive vernal pool species, critical habitat and restoration efforts. The County refers the commenter to **Response to Comment X-1-55**. Please also refer to responses to Comment Letter O-8, The Chaparral Lands Conservancy, specifically **Response to Comments O-8-7, 8, 16 and 22**.

X-1-57 The comment states that unauthorized off-road usages have been an issue within Proctor Valley and have been known to have a direct impact on the valley's significant natural resources. The County acknowledges the comment describes

existing conditions and does not raise an issue with adequacy of the analysis contained in the Draft EIR. Please refer to **Response to Comment A-3-78**.

X-1-58 The comment states that both unauthorized public access from the Proposed Project and authorized trails could result in significant impacts to Cornerstone Lands. The commenter requests public outreach, signage and other management or mitigation strategies be employed to deter unauthorized access to open space and Cornerstone Lands. The Draft EIR Section 2.4.6, Mitigation Measures, recommends M-BI-5:

M-BI-5 Permanent Fencing and Signage. To protect the Otay Ranch Resource Management Plan Preserve and areas of Conserved Open Space from entry upon occupancy of any housing units, an open space fence or wall shall be installed along all open space edges where open space is adjacent to residential uses, along internal streets, and as indicated in the Proctor Valley Village 14 and Preserve Edge Plan and Proposed Fencing, Preserve Signage, and Fuel Modification Zones. The barrier shall be a minimum construction of vertical metal fencing, but may be other suitable construction material, as approved by Department of Planning & Development Services and the Director of Parks and Recreation. To protect the Preserve from entry, informational signs shall be installed, where appropriate, along all open space edges where open space is adjacent to residential uses, along internal streets, and as indicated in the Proctor Valley Village 14 and Preserve Edge Plan. The signs must be corrosion resistant, a minimum of 6 inches by 9 inches, on posts not less than 3 feet in height from the ground surface, and state, "Sensitive Environmental Resources Protected by Easement. Entry without express written permission from the County of San Diego is prohibited."

The County further refers the commenter to **Response to Comment X-1-34 and 35**.

X-1-59 The comment suggests that plants identified on the California Invasive Plant Council Inventory should be prohibited from use anywhere in the Project Area. The County concurs with this comment. The Draft EIR includes a mitigation measure which specifically addresses the prevention of invasive plant species (M-BI-16). The mitigation measure includes the following language: "The Planning & Development Services Landscape Architect shall require that all final landscape plans comply with the following: no invasive plant species as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the

Proposed Project region shall be included, and the plant palette shall be composed of native species that do not require high irrigation rates. The Proposed Project biologist shall periodically check landscape products for compliance with these requirements” (page 2.4-146 of the Draft EIR).

X-1-60 The comment states that there must be an emphasis on adherence to any established mitigation measures, BMPs and monitoring to ensure that there isn’t any introduction of invasive species during all phases of the Proposed Project. The Draft EIR evaluated the Proposed Project’s potential to introduce or spread invasive plant species, including weeds, into the Preserve. The Draft EIR, Section 2.4.6 Mitigation Measures recommends M-BI-16 as follows:

M-BI-16 Prevention of Invasive Plant Species. A County of San Diego (County)–approved plant list, as described in the Preserve Edge Plan, shall be used for areas immediately adjacent to the Preserve. All slopes immediately adjacent to the Preserve shall be planted with native species that reflect the adjacent native habitat. A hydroseed mix that incorporates native species, is appropriate to the area, and is without invasive species shall be used for slope stabilization in transitional areas. Per the Preserve Edge Plan, only County-approved vegetation shall be planted in streetscapes or within the 100-foot “edge” between development and the Otay Ranch Resource Management Plan Preserve.

1. The Planning & Development Services Landscape Architect shall require that all final landscape plans comply with the following: no invasive plant species as included on the most recent version of the California Invasive Plant Council’s California Invasive Plant Inventory for the Proposed Project region shall be included, and the plant palette shall be composed of native species that do not require high irrigation rates. The Proposed Project biologist shall periodically check landscape products for compliance with these requirements.

Please see **Responses to Comment O-5-53** and **O-5-54**.

X-1-61 The County acknowledges that the City of San Diego’s comment letter on the NOP included within Appendix 1-3 of the Draft EIR only included odd numbered pages. The Final EIR has been revised to include the full City of San Diego comment letter on the NOP in Appendix 1-3.

X-1-62 The County acknowledges the comment and notes that it provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the Draft EIR. For that reason, the County provides no further response to this comment.