

**Hingtgen, Robert J**

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**From:** Herrmann, Myra [<mailto:MHerrmann@sandiego.gov>]  
**Sent:** Tuesday, May 26, 2015 1:24 PM  
**To:** Campbell, Dennis  
**Cc:** Fogg, Mindy; Herrmann, Myra  
**Subject:** City of San Diego Comments\_Village 13 DEIR  
**Importance:** High

Dennis -

Attached please find a copy of the City's comment letter on the Otay Ranch Village 13 project DEIR along with two attachments. Please let me know if there are any questions. I'm thinking that there might be a need to meet with City staff on some of the items outlined in the comment letter. Let me know if that's the case and I will work with each reviewer to coordinate a time for such a meeting.

A-3-1

Thanks for the extra few days. I really appreciated the extra time since I had so many letters to coordinate.

Myra

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## THE CITY OF SAN DIEGO

May 26, 2015

County of San Diego  
Planning & Development Services  
Attn: Dennis Campbell  
5510 Overland Avenue, Suite 310  
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LATE

Submitted via email to: [Dennis.Campbell@sdcounty.ca.gov](mailto:Dennis.Campbell@sdcounty.ca.gov)

Subject: **CITY OF SAN DIEGO COMMENTS ON THE DEIR FOR THE OTAY RANCH VILLAGE 13 PROJECT (SCH# 2004101058)**

The City of San Diego ("City") has received the Draft Environmental Impact Report (DEIR) for the Otay Ranch Village 13 Master Planned Community, SCH No. 2004101058, GPA 04-003, SP 04-002, TM5361A and TM5361B, REZ 04-009, Environmental Log Number ER 04-19-00 which was distributed to multiple City departments for review. It should be emphasized, that one of the major components of CEQA is the public review process. This is a major regional project which will affect many issues of concern to the City of San Diego, a Responsible Agency under CEQA; adequate time was not provided to assure a thorough analysis of this and related documents incorporated by reference. And while it is disappointing that the City's reasonable request to the County of San Diego for a 15-day time extension was denied (City Letter - May 7, 2015, attached), we appreciate the opportunity to provide comments to the County of San Diego on the adequacy of the DEIR despite having to submit them several days after the May 22, 2015 due date.

### **Draft Environmental Impact Report Review**

The environmental document for the above project will be utilized by the project proponent ("Developer") to support discretionary actions which will need to be taken by the City of San Diego in their role as a Responsible Agency under CEQA for issuance of permits and approval in accordance with the City's Municipal Code and Land Development Code. As such, the City will rely on this EIR for review of the project components under our permitting authority, specifically as they relate to project impacts to City-owned land, public rights-of-way, and open space described below and if adequately covered, will adopt any applicable mitigation measures for any project-related resource impacts. Please note that as part of the City's permitting authority, if the DEIR does not provide adequately mitigation for a particular resource under our jurisdiction, we can condition the project permit or adopt addition mitigation measures which would be implemented as part of any ministerial construction permit issued to the Project proponent.

A-3-1  
Cont.

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### General Comments

A-3-2

Based on comments provided below by staff from several City departments, comments from the Preliminary Review in 2013 and information included in Table 1.0-5 in the DEIR, the Project will require approval to locate Otay Lakes Road improvements and/or other infrastructure (e.g., -detention basins) on property currently owned by the City of San Diego. These actions may involve public right-of-way easements, licenses, land sales or exchanges, a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment and a Site Development Permit in accordance with the City's Land Development Code Environmentally Sensitive Lands Regulations and Historical Resources Regulations. These actions will require approval by the San Diego City Council (Process 5) and will be processed by the City of San Diego's Development Project Manager in the Development Services Department once the project has been submitted for discretionary permit review. Ministerial right-of-way permits will also be required for review by the City and will require City participation in a preconstruction meeting before any work can be conducted in the City's public right-of-way.

The following City Departments have provided comments to the County on the DEIR for this project: Public Utilities, Park and Recreation, Transportation & Storm Water, Development Services, and Planning Department, as further detailed below.

**Myra Herrmann - Senior Planner/Archaeology/Tribal Liaison**  
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### Cultural Resources Analysis

A-3-3

The City of San Diego concurs in general with the analysis provided for cultural resources associated with the proposed project; however, we have two main concerns as further described. Because the locations of cultural resources are protected by State law and therefore confidential maps of each location are not included in the report as part of public review, qualified City staff is uncertain which of the sites subject to data recovery and monitoring fall within the City's jurisdictional boundaries, including those within City-owned/managed open space. Please also note that within the City of San Diego, archaeological sites that have been determined to be significant under CEQA are automatically eligible for local designation by the City's Historical Resources Board and could require a Site Development Permit if mitigation cannot be accomplished in accordance with the Historical Resources Regulations, Historical Resources Guidelines or the Secretary of the Interior Standards for Archaeological Resources. As such, qualified archaeological staff respectfully requests a copy of the confidential map so we can determine which sites within our jurisdiction and permitting authority will require further oversight as noted below. Of specific concern is the City's ability to coordinate with the County for the treatment of any sites that are within our jurisdiction that will require review for permitting in accordance with the City's Historical Resources Regulations.

A-3-4

Although the County of San Diego is Lead Agency under for CEQA for this project, if human remains are encountered within City-owned public right-of-way or open space during any phase of the archaeological mitigation program (data recovery or monitoring), consultation in accordance with the California Health and Safety Code and the Public Resources Code must include qualified

A-3-4  
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archaeological staff from the City of San Diego in order to assure that resources under our jurisdiction are being treated in accordance with City requirements. The treatment of human remains, associated artifacts and soils discovered on projects within the City's jurisdiction may result in a different recovery, repatriation or curation process than that described for other areas of the project under the County's permitting authority. This is true not only for Native American human remains, but any archaeological site within the City of San Diego jurisdiction. For this reason, it should be noted that the two agencies will need to coordinate on any archaeological issues when the project is within our public right-of-way and open space. This may require modification to the County's archaeological mitigation program or acknowledgment that additional measures may be adopted by the City for resources within our permitting authority.

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

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**Approvals required for the City of San Diego MSCP and Land Development Code**

A-3-6

1. The City of San Diego is the land use authority for the City-owned land along the western and southern boundary of the proposed project and is a "responsible" agency under CEQA for any permits or approvals for projects that may extend into its jurisdiction. These permits and approvals would include a Site Development Permit, a MHPA Boundary Line Adjustment, and easements for expanded road rights-of-way. The County's Draft EIR does not analyze these City issues and therefore, is currently inadequate for the City to rely upon for the issuance of the City permits and approvals. These issues are considered significant and unmitigated.

A-3-7

2. Section 2.3.1.5, page 2.3-9 states: "Coordination is ongoing with the City of San Diego on the permits and approvals that are required for the proposed widening of Otay Lake Road." The City would require further environmental review in order to issue necessary permits and approvals for the widening of Otay Lakes Road.

A-3-8

3. The project site lies partially within the Multi-Habitat Planning Area (MHPA)/ Corner Lands of the City's MSCP. Please provide a map of the MHPA / Cornerstone Lands boundary on the project plans at the same scale as the project or a maximum scale of 1":200'. The following applies to project site and/or project features that would impact the City's MHPA/Cornerstone Lands:

**MHPA Boundary Line Adjustment Required**

A-3-9 1. The project would encroach into the MHPA/Cornerstone Lands beyond the allowable development area [See Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 5 and 6 of the City's Biology Guidelines], requiring a MHPA boundary line adjustment for the replacement of the City's Cornerstone Lands. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.

2. A determination of functionally equivalent or higher biological value will be based on site-specific information (both quantitative and qualitative) that addresses the six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan (August 1998), which are as follows:

- A-3-10
- *Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats, as defined in Section 3.4.2 [of the MSCP Plan]).*
  - *Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species).*
  - *Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors);*
  - *Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection of biological resources);*
  - *Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve); and*
  - *Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state ESAs).*

3. The project biology report must include all the following elements:

- A-3-11
- A map showing the existing MHPA boundary, as approved in the MSCP, the proposed encroachment (in red) and proposed addition (in green).
  - An MHPA exchange table showing (by habitat tier) what is proposed to be removed and what is proposed to be added to the MHPA as well as the net change in acreage. The table should include the following columns/rows or equivalent: a) Tier; b) Habitat; c) Existing MHPA/Cornerstone Lands; d) Proposed Encroachment; e) Proposed Addition; and f) Net Change.
  - A written analysis of the adjustment's consistency with the six boundary adjustment criteria.

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Cont.

4. All proposed MHPA boundary adjustments require approval from the U.S. Fish and Wildlife Service (FWS) and California Department of Fish and Game (CDFG), collectively the “wildlife agencies.” As part of the City’s BLA requirements, the BLA approved by the Wildlife Agencies is required to be included in the project’s draft environmental document and sent out for public review.
5. The Draft EIR references a MHPA BLA in mitigation measure M-BI-2. The proposed MHPA land to be replaced must be located within the City of San Diego’s jurisdiction and contiguous to existing MHPA and/or planned Open Space in order to consider the MHPA “whole.” Cornerstone Lands is 100 percent conserved baseline City MHPA land. Therefore, any exchange shall be determined through the Boundary Line Adjustment process. Revise M-BI-2 to state the Adjustment shall be made to the satisfaction of the City of San Diego (omit Development Services Director), USFW, and CDFW.
6. Mitigation Measure M-BI-2 shall be further revised. It states replacement of MHPA lands within the MHPA would be at a 1:1 ratio and outside would be at a 4:1 ratio. This approach is incorrect. MHPA land to be replaced with land inside the MHPA shall be at a 4:1 ratio while MHPA land to be replaced outside the MHPA shall be at a 1:1 ratio both require concurrence with the Wildlife Agencies. Please revise accordingly.
7. The City’s MSCP Subarea Plan states: “Any adjustment to the MHPA boundary will be disclosed in the environmental document (project description) prepared for the specific project. An evaluation of the proposed boundary adjustment will be provided in the biological technical report and summarized in the land use section of the environmental document. An adjustment that does not meet the equivalency test shall require an amendment to this Subarea Plan.” As proposed, the County Draft EIR does not meet the equivalency test for a MHPA Boundary Line Adjustment; therefore, an amendment to the City’s MSCP Subarea Plan may be necessary.

#### **Consistency with the City of San Diego MSCP**

A-3-12

1. The Land Use Section of the Draft EIR should include an Consistency Analysis with the City of San Diego MSCP Subarea Plan. The Analysis should be in tabular form and demonstrate how the project complies with Section 1.4.2 General Planning Policies and Design Guidelines: Roads and Utilities; Material Storage; Fencing, Lighting, and Signage. In addition if restoration is proposed in the MHPA; please demonstrate within the BRS compliance with Section 1.5.2 General Management Directives: Restoration.

#### **MHPA Land Use Adjacency Guidelines**

A-3-13

1. Due to the adjacency to the MHPA and Cornerstone Lands, the development will need to conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the City’s MSCP Subarea Plan. In particular, lighting, drainage, landscaping, grading, access, and noise must not adversely affect the MHPA. Please demonstrate in the project biology report and draft environmental document how these issues are being addressed. Provide mitigation

measures and/or project conditions as well as notes/conditions on the construction plans, as appropriate.

- **Lighting**  
Lighting should be directed away from the MHPA, and shielded if necessary. Please see Municipal Code §142.0740 for further information if needed.
- **Drainage**  
Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA. Instead, runoff should flow into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA.
- **Toxics**  
Land uses, such as recreation and agriculture that use chemicals or generate by-products such as manure that are potentially toxic or that may impact wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts. Additionally, please see comments provided by the Public Utilities Department.
- **Landscaping**  
No invasive plant species shall be planted in or adjacent to the MHPA/Cornerstone Lands. Please provide the landscape plan for review.
- **Grading**  
All manufactured slopes must be included within the development footprint and outside the MHPA/Cornerstone Lands.
- **Brush Management**  
All Zone 1 brush management areas must be included within the development footprint and outside the MHPA/Cornerstone Lands. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation.
- **Access**  
Access to the MHPA/Cornerstone Lands, should be directed to minimize impacts and to reduce impacts associated with domestic pet predation. Additionally, please see comments provided by the Public Utilities Department.
- **Noise**  
Due to the site's location adjacent/within the MHPA, construction noise will need to be avoided, if possible, during the breeding season of the *California gnatcatcher* (3/1-8/15), *least Bell's vireo* (3/15-9/15), *southwestern willow flycatcher* (5/1-8/30). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys will be required in order to determine species presence/absence. If the species *is/are* not identified within the MHPA, no additional measures will be required. If

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present, measures to minimize noise impacts will be required and should include temporary noise walls/berms.

If a survey is not conducted and construction is proposed during the species' breeding season, presence would be assumed and a temporary wall/berm would be required. Noise levels from construction activities during the bird breeding season should not exceed 60 dBA hourly LEQ at the edge of the occupied MHPA, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ.

**Deviations to the City of San Diego Land Development Code; Environmentally Sensitive Lands Regulation**

A-3-14

1. The project would impact wetlands within the City's jurisdiction; therefore, the City's Biology Guidelines and MSCP Subarea Plan require that impacts to wetlands, including vernal pools, shall be avoided, and that a sufficient wetland buffer shall be maintained, as appropriate, to protect resource functions/values. Where wetland impacts are unavoidable (determined case-by-case), they shall be minimized to the maximum extent practicable and fully mitigated per the Biology Guidelines.

A-3-15

2. Detailed evidence supporting why there is no feasible, less environmentally damaging location or alternative to avoid any impacts must be provided for City staff review, as well as a mitigation plan that specifically identifies how the project is to compensate for any unavoidable impacts. Avoidance is the first requirement; mitigation can only be used for impacts clearly demonstrated to be unavoidable. Unavoidable impacts will require deviation from the City's Environmentally Sensitive Lands Ordinance (ESL).

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3. The Draft EIR and Biological Technical Report would be required to include an analysis relative to the City's Environmentally Sensitive Lands (ESL) Regulations. Please include a section to reflect the Biology Guidelines 2012 requirements of ESL Wetland Deviations. The City recently amended (5/7/12) ESL regulations to further clarify the wetland deviation process. This project would be considered under Biologic Superior Option for private development pursuant Land Development Code Section 143.0150 (d)(1A)(ii).

**Mehdi Rastakhiz – Associate Engineer -Civil**  
**Development Services Department – Water and Sewer Development Review Section**  
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Due to close proximity of the proposed sewer pump station to the Otay Lakes the following concerns must be addressed during the design of the facility:

A-3-17

- 1) Pump station, forcemain(s) and gravity main(s) shall be privately owned and maintained.
- 2) A dual private forcemain for private sewer is required. Dual forcemains shall be placed a minimum of 5' apart (from outside edge to outside edge of pipe). However, if the space is



- limited they can be installed in a common trench providing that they have staggered pipe joints and they are placed a minimum of 2' apart (from outside edge to outside edge of pipe).
- 3) A six-hour emergency storage structure or a separate tank will be required in case of pump station failure.
  - 4) A spare pump will be required in case of the main pump failure.
  - 5) A secondary independent power source will be required in case of a power failure.
  - 6) All on-site sewer facilities will be private.
  - 7) The applicant will be required to provide a sewer study indicating that the pump station, gravity main(s) and forcemains are adequately sized to accommodate the entire upstream sewer basin not just your development?
  - 8) The applicant shall process and record a NOTICE & AGREEMENT for each ownership being served by a private sewer pump station and facilities which serves more than one ownership, which indemnifies the City and contains an agreement that the applicant, and successors in interest, will be responsible for the operation and maintenance of the private sewer systems.
  - 9) The project site is located within the Otay Water District (OWD) service area. It is the sole responsibility of the applicant to apply for water service with OWD and meet OWD's standards for service installations.
  - 10) The applicant shall provide evidence to the Development Project Manager indicating that approval has been obtained from the Otay Water District for water service to the site.

A-3-17  
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**Keli Balo – Project Officer 1**  
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A-3-18

Page 3.7-9: There is no longer a Metropolitan Wastewater Department. Please use the Department's current name of "Public Utilities Department". The Public Utilities Department manages the Metro System.

A-3-19

Within "Regional Sewer Facilities" there should be a discussion about the City of SD's South Bay Treatment Plant and associated outfall.

A-3-20

Page 3.7-15: Update the reference and content referring to the City's Sewer Design Guidelines. The Guidelines were updated in 2013 and are available online.

**Jeff Pasek – Watershed Manager**  
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A-3-21 | Please see letter dated March 16, 2012 (attached), which summarizes the issues of concern related to discretionary permits required by the City of San Diego, and potential impacts to water quality (salt and nutrient loading in Otay Reservoir), land use adjacency, and City MSCP and Cornerstone Land. Many of the issues noted in this letter were not adequately addressed and are expanded upon below.

Overall, there are three significant unmitigated impacts to be addressed:

- A-3-22 | 1. Water quality at Wueste Road and Otay Lakes Road,
- A-3-23 | 2. Impacts to 11.09 acres of Cornerstone Land, including wetlands, and
- A-3-24 | 3. Increased unauthorized access (human spillover) onto City-owned land as a result of adjacent residential development.

#### **General**

- A-3-25 | 1. Add a figure that clearly delineates the property boundaries of the City of San Diego as well as surrounding jurisdictions such as the City of Chula Vista and the County of San Diego.
- A-3-26 | 2. Otay Lakes should be changed to Otay Reservoir throughout the document.
- A-3-27 | 3. It would be helpful if Figure 1-1 indicated the street names of the three project access intersections at Otay Lakes Road: Strada Sicilia, Strada Piazza and Strada Ravenna.

#### **City of San Diego Discretionary Permits**

A-3-28 | Section 1.0: Project Description, Location and Environmental Setting, Table 1.0-2, page 1.0-38, should be revised to include required City of San Diego permits such as a Site Development Permit, a Boundary Line Adjustment (BLA), and easements for the expansion of Otay Lakes Road. The Site Development Permit is the “instrument” to grant a BLA as well as to address wetland impacts on city-owned land. Until the analysis associated with these discretionary actions is complete and demonstrates otherwise, the City of San Diego considers these wetland impacts significant and unmitigated.

#### **Hydrology and Water Quality**

A-3-29 | Section 3.2, Hydrology and Water Quality, Section 3.2.1.1, second paragraph, page 3.2-2: Change the name of the “San Diego Water Department” to “San Diego Public Utilities Department” here and throughout the document.

The following should be added to this paragraph: *The land around Otay Reservoir has been owned and controlled by the City of San Diego as part of its water system for over one hundred years. The City’s Public Utilities Department manages these lands for the overarching purpose of protecting water quality in the City’s source waters. All other management goals are subordinate to ensuring the*

A-3-29 | *health and safety of the public's water supply. Other beneficial uses of this land, such as the MSCP*  
Cont. | *Cornerstone Lands, are overlays to this fundamental purpose and use.*

A-3-30 | Figure 3.2-6, Treatment Control BMPs identifies the general location of bioretention structures at the intersection of Otay Lakes Road and Wueste Road, yet only storm drain culverts are shown on Sheet 6 of the Tentative Map. Without a robust bioretention system at this location, water quality to Otay Reservoir will be significantly impacted. Please include a water quality analysis at this location along with detailed drawings of all bioretention systems proposed for storm water and water quality management. Until this analysis is complete and demonstrates otherwise, impacts are considered significant and unmitigated.

A-3-31 | The description of how the City of San Diego operates the dam on pages 3.2-16 and 17 is inaccurate. The City does not intentionally spill water to "fluctuate water levels through the use of spillways." As a rule, water is drafted into the water treatment plant to prevent spill. The dam has spilled only seven times since 1980 due to heavy precipitation for a total of about 76,000 acre feet.

Water is not drafted to the treatment plant every October. Drafting occurs to lower the reservoir water level following heavy rain events if additional heavy rainfall is predicted. This drafting allows the dam to impound local source water. Depending on the seasonal precipitation pattern, it may not be possible to prevent spills, as mentioned above.

A-3-32 | Maximum water elevation during a high rainfall year has exceeded 490.7 feet (page 3.2-17). The current elevation at Lower Otay Reservoir is 474 feet. The current storage is the volume necessary to meet emergency storage requirements for the City of San Diego.

A-3-33 | Page 3.2-27, 4<sup>th</sup> paragraph: "Attachment I" should be corrected to Attachment K.

Salt and Nutrient Loading to Otay Reservoir

A-3-34 | Salt and nutrient loading has been adequately addressed and analyzed in this document and supporting appendices, except for the area at the intersection of Otay Lakes Road and Wueste Road. See comments above. The extensive use of biofiltration basins and storm drain treatments is welcomed.

The document lacks discussion, however, regarding how City regulations will be incorporated into permit conditions. Please incorporate and identify where City permitting is necessary on the Tentative Map.

Recycled Water

A-3-35 | The City of San Diego has voiced opposition to the use of recycled water on-site. The "Overview of Water Service for the Otay Ranch Resort Village" report, page 2-2, dated September, 2014; Appendix C17 clearly states that no recycled water will be used. However, there are inconsistencies on Table 3.3-1, page 3.38 (Sewerage Facilities) and page 3.3-39 (Water Reclamation Facilities) in Section 3.3 Land Use and Planning. These should be revised since there is an opportunity outside the Lower Otay

A-3-35 | Reservoir catchment for the use of approximately 0.37 mgd. This action is highly desired and  
Cont. | encouraged by the City of San Diego.

A-3-36 | Section 3.7 Utilities and Service Systems, pages 3.7-13 and 20 refers to an “offset” program (alternate water supply such as recycled water) that “has been established that would likely be required as part of the Annexation process to ensure that no new or expanded entitlements from SDCWA or MWD are needed to supply water to meet the demands of the water district. Thus, impacts are considered to be less than significant. Since the annexation process has not been completed and is discretionary, and the State of California is in an exceptional drought, how can impacts be considered less than significant?

Best Management Practices

A-3-37 | Please discuss how maintenance of the storm water systems (storm drains, bioretention basins, and vegetated swales) will be accomplished and how funding in perpetuity is assured.

A-3-38 | Filterra units are proposed for managing storm water along Otay Lakes Road. Please discuss the maintenance, irrigation needs, and plant and medium replacement requirements over time and who will be responsible.

Potential Sewer Spills

A-3-39 | Please explain what precautionary measures will be incorporated to protect water quality in Otay Reservoir should the sewer pipelines break or the pumps malfunction (electricity service is interrupted). These precautionary measures should be included on the Tentative Map and in the permit conditions. Without an analysis, this issue is considered to be significant and unmitigated.

Land Use Adjacency

A-3-40 | The potential detrimental effects to water quality and to MSCP Cornerstone Lands from the significant intensification of residential land uses adjacent to Otay Reservoir cannot be overstated. The DEIR should evaluate these potential effects in greater detail in associated sections such as Land Use and Planning, Public Services, Biological Resources, and Growth Inducing Impacts.

A-3-41 | An expanded discussion about the Joint Exercise of Powers Agreement between the County of San Diego and the cities of Chula Vista and San Diego for the Otay Regional Park (ORVP), and potential impacts to the City of San Diego’s MSCP land because of increased recreational uses should be disclosed. Trails from the project area do not link with existing trails around Otay Reservoir since they do not currently exist. The addition of people and their pets will lead to greater pressure for recreation on and around Upper and Lower Otay Reservoirs. This will also lead, inexorably, to more unauthorized access and vandalism. Our experience shows that development close to undeveloped rural reservoir properties greatly increases the scope and severity of problems such as trespassing, off road vehicle use, degradation of vegetation and soil, trash and hazardous material dumping, cultural resource looting, and a general increase in pollutants. At other city-owned reservoirs with adjacent development, there are dozens of unauthorized access points, miles of unauthorized trails, and continuing problems with vandalism, poaching, homeless encampments, and serious crime.

A-3-42 The DEIR should explain how impacts from the network of proposed trails will be mitigated by this project to reduce impacts on city-owned land and reservoir (major public water supply) to less-than-significant. Land use adjacency analysis should also include potential impact to the Tactical Air Operations lease located on city-owned land at the eastern arm of Lower Otay Reservoir, including air craft safety, potential trespassers onto the airfield, and how the proposed wildlife crossing might affect the airfield.

A-3-43 In Section 1.2.2.1, Specific Plan, Parks, Recreation, Open Space, Preserve, and Trails, last paragraph, page 1.0-9, please provide a figure clearly depicting where the connections to the ORVP trail would connect to the project boundaries.

A-3-44 In Section 3.6.14, Parks, provide a complete assessment of the impacts by users of these trails to adjacent land owners. Section 3.6.14 refers to impacts and mitigation measures identified in the Otay Ranch PEIR (adopted in 1993), which reduced impacts to less-than-significant and are incorporated by reference. Please provide the analysis and include possible mitigation measures. All mitigation measures must be incorporated into permit conditions.

A-3-45 Table 1.1-1 of the Otay Ranch PEIR states there will be an impact to parks but would be mitigated by a Master Plan that would be prepared and approved prior to the first SPA. Was this done?

A-3-46 It is unclear how these conditions and the cumulative impacts (page 3.6-16) are determined when there appears to be no analysis.

### **Land Use and Planning**

A-3-47 The Land Use and Planning Section, Section 3.3.2.2, page 3.3-21 and 22, concludes that the project trail features are consistent with the Village Design Plan and the OVRP Concept Plan, and therefore impacts are less-than-significant. Consistency does not inherently correlate to less-than-significant impacts, particularly when the correlation is to a concept. Please provide project specific analysis to support this less-than-significant determination.

Similarly, Section 3.6 Public Services, Section 3.

A-3-48 Village character and Policies are described in the SRP and the SP relating to public access to the "lake [sic]." Yet how and where these connections and associated impacts are evaluated in the DEIR is unclear. Therefore, until a thorough analysis is done, these impacts cannot be considered less-than-significant or assumed to be even if they are consistent with the ORVP Concept Plan (page 3.3-22 of the DEIR).

A-3-49 Fencing, signage, and barrier plantings along Otay Lakes Road, to prevent trespassing onto City of San Diego property, should be incorporated into the project and identified on Tentative Maps. Section 3.3.1.1 Regional Setting, page 3.3-1, last paragraph: Revise this sentence: "Lower Otay Lake Reservoir, a recreational reservoir is a major water supply reservoir owned and controlled by the City of San Diego as part of its water system for over one hundred years, is located to the south. The City's Public Utilities Department manages these lands for the primary and overarching purpose of protecting

- A-3-49  
Cont. | water quality in the City’s source waters. All other management goals are subordinate to ensuring the health and safety of the public’s water supply. Other beneficial uses of this land, such as the MSCP Cornerstone Lands, are overlays on this fundamental purpose and use. ~~Upper Otay Lake is located to the northwest.~~ Tactical Air Operations, a lessee of the City of San Diego, who conducts parachute training operations here, has an aircraft landing field. This lease is located at the eastern arm of Otay Reservoir. The lease is expected to terminate in 2020. ~~A temporary ultra light gliding and parachuting airport is located at the eastern end of the Lower Otay Lake on City of San Diego property.~~ An inactive quarry is located north of the Project site and the City of San Diego’s MSCP Cornerstone Land “~~Cornerstone properties~~” is located around Otay Reservoir to the south and west. See Figure \_\_\_\_ (please provide a figure).
- A-3-50 | Page 3.3-7, last paragraph: Change Water Utilities to Public Utilities Department.
- A-3-51 | Page 3.3-8, first paragraph: Please revise “Cornerstone Lands ~~properties~~ are have been largely maintained by the City ~~Water~~ Public Utilities Department in an undisturbed natural condition and ~~include~~ serve as a source water protection buffer ~~servng as watershed~~ for, Hodges, San Vicente, and Otay reservoirs. Conservation of City of San Diego lands around ~~Upper and Lower~~ Otay Reservoir ~~Lakes will~~ forms a natural open space corridor. ~~in the South Bay area.~~ The ~~Upper and Lower Otay Lakes component of the~~ Cornerstone Land ~~properties~~ comprises 1,800 acres at Otay Reservoir. The proposed Project abuts Cornerstone Land ~~properties~~ on its western and southern edges along Otay Lakes Road.
- A-3-52 | The City of San Diego MSCP identifies compatible land uses within and adjacent to Cornerstone Land ~~properties~~, including passive recreation, utility lines and roads, limited water facilities and other essential public facilities, limited low-density residential uses, brush management, and limited agriculture.
- A-3-53 | Page 3.3-17 and 18, last sentence: Finally, the original Otay SRP Land Use Map “included a 500 foot buffer around Lower Otay Reservoir. It is unclear if this was eliminated through prior Plan amendments; therefore it is proposed to be deleted and replaced with a requirement to buffer the reservoir via BMPs which the project Water Quality Technical Reports have demonstrated are sufficient to protect the quality of the water within the reservoir.” What does “buffer the reservoir” mean? If this is a reference to the appropriate setback for source water protection, 500 feet is not sufficient. The City of San Diego’s *Guidelines for the Establishment, Use, and Management of Public Access Trails on Public Utilities Land* identifies source water protection setbacks for trails on rural sites. A 1,000 foot setback from a reservoir high water line is identified as a buffer zone around the reservoir from which potentially contaminating activities should be excluded or managed. Public Utilities intends to implement this source water protection zone setback as it has at other reservoirs.
- A-3-54 | Page 3.3-21: Clarify how the Village Design Plan which also calls for planning around Otay Reservoir be achieved.

Page 3.3-22: Conflicts with the Otay Valley Regional Park, first paragraph:

A-3-55 | It is true that the Concept Plan, a policy document written in 1997 identified a trail alignment around Otay Reservoir but this trail has never been developed and does not exist. How can the Project be determined to be consistent with the ORVCP if there is no existing trail? How can impacts be determined to be less-than-significant when there has been no analysis? It should be noted that the Program EIR for the Otay Ranch was adopted in 1993. In Section 1.1.7, Issues to be Resolved, states that the OVRP was proposed and in the planning process. Table 1.1-1, Summary of Impacts and Mitigation in the PEIR under "Parks, Recreation, and Open Space," further states that an Open Space Master Plan will be prepared. This has not been done to date.

Therefore, how can the statement on Page 3.6-4 in Section 3.6 (which is reference on page 3.3-22), Public Services, Parks in the current Village 13 DEIR, conclude that the Otay Ranch PEIR reduced impacts to less-than-significant?

Page 3.3-26: Effects on Habitat Linkages: How can "safe passage" be determined? This is speculative and should be deleted.

A-3-56 | Also note, the site is located within a regional wildlife corridor within the MHPA. The MSCP Subarea Plan anticipates that development would not preclude wildlife movement through this corridor. Therefore, barriers, such as fences, should not be permitted or at least minimized and designed to ensure continued wildlife movement. Provide an analysis on how the road widening and increased traffic would impact this corridor. The Project has incorporated two wildlife crossings located within Otay Lakes Road. Provide any additional mitigation, if required, consistent with the City's regulations.

A-3-57 | Page 3.3-27, third paragraph: Revise sentence: "Cumulative development with these areas...comply with all applicable County and cities of Chula Vista and San Diego polices and regulations.

A-3-58 | Table 3.3-1 Village 13 Policies, page 3.3-29; 4<sup>th</sup> row: There are no existing trails around Otay Reservoir. 6<sup>th</sup> Row: Public recreational uses: No coordination has been done with the City of San Diego regarding any "additional recreational amenities" on Otay Reservoir.

A-3-59 | Table 3.3-1, page 3.3-32: Project trails dead end and do not connect with any regional trails.

A-3-60 | Table 3.3-1, page 3.3-38: Sewerage facilities: Delete the last sentence in the first row, right side. This statement needs to be consistent with the "Water Conservation" row on page 3.3-48.

A-3-61 | Table 3.3, page 3.3-39, Water Reclamation Facilities, right side: There will be no recycled water used on Village 13. Recycled water will be used elsewhere outside the catchment of Otay Reservoir on Otay Ranch.

**Joel Hyatt – Senior Planner**  
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A-3-62

1. Background: The Otay Valley Regional Park (OVRP) is located directly adjacent / south of the Project. The OVRP Concept Plan (Concept Plan), adopted in 1997, provides a framework for management and development of the OVRP. The Concept Plan seeks to encourage appropriate trail connections to adjacent development, neighborhoods and other open space areas where feasible and provides for the protection of environmentally sensitive resources by identifying an open space core / preserve area. The Project is located within the Otay Lakes Vicinity Segment (pages 57-59) which is designated mostly as Open Space / Core Preserve Area including the lakes and surrounding slopes. In the vicinity of the Project is “Recreation Area #15: about 20 acres, a picnic area with parking and access to fishing around the Harvey Arm of Lower Otay Lake”: and Recreation Area #16: about 60 acres, owned by the City of San Diego and leased to the existing San Diego Air Sports Inc., used as a landing field and observation area for gliders, ultra light aircraft and parachutists.” “Trail Corridors loop around the upper and lower lakes and extend off-site to BLM lands to the east and southeast and other regional trails to Proctor Valley to the north and to Salt Creek Canyon to the northwest.”
2. If any trails are proposed by the Project that connect to OVRP, the DEIR should analyze the impact of these connections and their consistency with the Concept Plan including:

A-3-63

Policy: In the OVRP portion of Otay Ranch Preserve, site and develop Park features and facilities within the Open Space / Core Preserve Area are consistent with the requirements and guidelines of the MSCP and the RMP.

Policy: Encourage private development that occurs within or adjacent to the OVRP to provide linkages with OVRP trails and, as appropriate, to provide open space, recreational facilities, staging and viewing areas in conjunction with the Park.

Policy: Encourage recreational uses as buffers between the Open Space / Core Preserve Area and new private development. Trails within, and encouraged for trails outside of the OVRP, should be barrier free where possible and provide experiences and opportunities for persons with disabilities where feasible.

A-3-64

3. The Specific Plan refers to the OVRP in the Land Use Planning Context section (Page 12):  
“6. Otay Valley Regional Park Concept Plan. The City of Chula Vista, the County of San Diego and the City of San Diego are jointly planning the Otay Valley Regional Park (OVRP) through the OVRP Joint Executive Powers Agreement (JEPA). The OVRP park planning area includes the land around Lower Otay Lake immediately adjacent to the Project site. The Resort Village anticipates trails serving the project will be integrated into the OVRP trail system consistent with the OVRP.”



A-3-64  
Cont.

The DEIR should consistently identify and analyze where trails, if any, proposed by the Project connect to trails identified in the Concept Plan (Page 59) including biological, cultural resources, recreational / transportation impacts and any other impacts from the use of these trails and trail connections proposed as part of the Project. Mitigation measures should also be provided for all significant impacts of the trail connections as well as to existing trails within the OVRP. Also, include the location and connection, if any, to the California Riding and Hiking Trail.

A-3-65

Any analysis should include proposed trail connections from the Project and any increased use of trails within the Open Space / Core Preserve Area of the OVRP. Also, clarify when the design and construction of any proposed connecting trails will occur. Trails and their use are not mentioned in the Biological Resources section of the DEIR (Section 2.3) or the Biological Resources Report (Appendix C-3). If the trails will connect to future (not existing) OVRP trails, the document should address how and when the connections will be made and by whom. If not covered by the DEIR, clarify when trails will be planned, permitted, and built.

4. The (OVRP) management agreement is termed a Joint Exercise of Powers Agreement (JEPA) and not a Joint Executive Powers Agreement. (Specific Plan, Paragraph 6, Page 12). Please ensure Project Documents correctly refer to the agreement.

A-3-66

5. Currently, Specific Plan Figure 36 (Page 71) and DEIR Figure 1.0-9 show "Trails" and "Pathways" and Specific Plan Section 4 (Page 79) use the terms "Trails / Pathways":

The terms "Trails" and "Pathways" should be specifically defined and distinguished according to their physical nature and location. Is the "Pathway" along Otay Lakes Road intended to be the trail along the Otay Lakes Reservoir that is depicted in the OVRP Concept Plan?

A-3-67

6. The Project Objectives should include the goal of implementing the Concept Plan (DEIR Chapter 1.0, Section 1.1).

A-3-68

7. The Transportation and Traffic, Otay Ranch Preserve, and Resort DSEIR, Section 2.9 Page 38, Bicyclists and Pedestrians refers to Specific Plan Exhibit 20, Trails Plan. Should this instead be Figure 36 of the Specific Plan? Exhibit 20 of the on-line Specific Plan Document is instead "Exhibit 20 Street Section 6 – Resort Driveway."

A-3-69

8. The Project references a series of trails on existing and disturbed roads in the Preserve area that would connect to the residential neighborhoods. Any trails within the OVRP must be consistent with the OVRP Design Guidelines.

A-3-70

9. Are any of the Open Space dedications to Open Space referring the OVRP or only to the internal Open Space areas within the Project? (Beginning on Page 78 of the Specific Plan under Paragraph 2, Regional Open Space). Please clarify which land, if any, will be dedicated to the OVRP, and who will receive the dedication of land including ownership and

A-3-70  
Cont.

management (e.g. County of San Diego, City of Chula Vista, City of San Diego Public Utilities). Environmental impacts from any dedication should be analyzed in the DEIR.

A-3-71

10. Specific Plan Modifications and Plan Inconsistencies, Section IV, Paragraph C, Section 1 beginning on Pages 85-86, states: "To the extent there are inconsistencies between the provisions in this Specific Plan and other rules, regulations, plans, policies, or ordinances of the County, the provisions of this Specific Plan shall be controlling and supersede such other inconsistent provisions. Is it the intent of this section to override the OVRP Concept Plan? The OVRP Concept Plan must not be superseded by the Specific Plan.

A-3-72

11. The following comments are on the Otay Ranch Phase 2 Resource Management Plan (RMP) Draft dated April 2, 2015. The Project Components (Section 1.2.2, Page 1.0-9) include: "The Otay Ranch RMP amendment / adoption." The DEIR does not appear to analyze the impacts resulting from the adoption of the RMP. When will this occur?

- a. Please show on the Otay Ranch Preserve Map, Figure 1, on Page 3, or another figure similar to Figure 6 any overlapping and / or adjacent boundaries of the OVRP.
- b. An Otay Valley Regional Park Active Use Plan (Page 6 – Phase 2 RMP Tasks) is referenced as a study to be conducted later. Ensure the study is consistent with the implementation of the OVRP Concept Plan adopted on February 21, 1997.
- c. Page 7, RMP Section B states that the document is organized into 5 chapters starting with the Introduction and then proceeds to list only 4 bullets stating that the "second Chapter is the Introduction. What is the 5<sup>th</sup>?
- d. Coordination of the POM's activities (Page 14, RMP Policy 5.2) needs to occur in conjunction with the management of the OVRP as well as with other appropriate jurisdictional departments.
- e. Stewardship tasks, policies, restrictions, and overall management of the Preserve by the POM (Page 16, Table 3) needs to take into account impacts and responsibilities to the OVRP (e.g. coordinating recreation and resource management).
- f. Page 26, section b. OVRP: Change "Joint Exercise of Power Authority" to "Joint Exercise of Power Agreement."
- g. Page 77, IV under Tasks Performed Later, Paragraph A, states, "The Otay Valley portion of this task will be pursued upon the completion of the OVRP JEPa park planning effort. The vernal pool portion of this task is addressed in the Vernal Pool Study (Appendix 2) and the Vernal Pool Management Plan (Appendix 6). Planning for the OVRP has been completed including the adoption of the JEPa and the OVRP Concept Plan. Should these studies be completed now? If not, when will the studies be completed?
- h. Page 30, Section f under Otay Ranch Properties, should this section, or another section in the document, address adjacency guidelines to the Preserve?

- i. Nature Interpretive Center. The OVRP Concept Plan addresses an Interpretive Center as follows: “An Interpretive Center is included in this Segment and is also proposed as part of the Otay Ranch RMP. The RMP does not specify the location of the Interpretive Center but identifies this potential area as a possible location. The Concept Plan envisions one Interpretive Center in the eastern portion of the Park. This Segment provides a possible location in the vicinity of Recreation Area #11; however, another location may be developed. The Concept Plan map shows a second possible location for an Interpretive Center in the eastern area of the Park in the Otay Lakes and Vicinity Segment.”

Page 75, Figure 19 of the RMP identifies three potential alternative sites for a “Nature Interpretive Center,” within the OVRP. These sites should be vetted and approved by the OVRP planning process prior to inclusion in the RMP. The RMP should also address how or when the planning, design, construction, and operations and maintenance of the center will occur. The footnote on the page states “8 *Cost estimates for a Nature Interpretive Center range from \$400,000 to \$6,000,000.*” How will the Interpretive Center be funded? The DEIR does not appear to address impacts from the Interpretive Center. When will this occur?

A-3-72  
Cont .

- j. The RMP, Page 78 includes the following: “RMP Policy 6.3: Provide a system of trails through the Preserve that is compatible with resource protection. This is considered to be a passive use and not a part of the 400-acre active recreational area.” The DEIR does not appear to address trails. When will this occur?
- k. The RMP has several references to allowable areas of active recreation:  
Page 22: “Active recreation (194 acres pursuant to the Chula Vista MSCP and General Plan);”

Page 26 “Within the Otay Ranch Preserve, 194 acres may be used for active recreation use within the OVRP.”

Pages 77 and 78 reference the RMP Policy 6.2 from the GDP/SRP and Phase 1 RMP: “Active recreational use acreage within the Preserve shall not be greater than 400 acres. Limited commercial uses / activities related to active recreation may be allowed within the 400 acres designated for active recreation.”

Page 79 contains the following provision from the Chula Vista MSCP: “Two hundred forty-six acres are identified by this Subarea Plan for active recreation uses in the OVRP, within the Chula Vista Subarea. The total usable area of active recreation will not be reduced below 24610 acres. It is understood that if designated active recreation area is eliminated in order to avoid Narrow Endemic Species, additional Preserve land may be designated for active use in order to retain equivalent functional recreational values. “

When will these differences in acreages be addressed? A plan must be prepared for active recreation, and take note that active recreation within the OVRP is limited to specific areas

according to the OVRP Concept Plan. The DEIR does not appear to address active recreation. When will this occur?

A-3-72  
Cont.

1. Page 26, paragraph b discusses active recreation within the Otay Ranch Preserve "...Thus, an issue to be addressed by the POM and the members of the OVRP JEPA at some future date is clarification of the relationship between the Otay Ranch Preserve and the regional park, and identification of funding sources for park construction, operation and maintenance." At what point will this be done? Should this document outline how/when the planning for the area will occur?

A-3-73

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

Sincerely,



Myra Herrmann, Senior Environmental Planner  
Planning Department

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