

**DECISION AND EXPLANATION REGARDING RECIRCULATION OF THE DRAFT
ENVIRONMENTAL IMPACT REPORT**

OTAY RANCH RESORT VILLAGE

SCH No. 2004101058

April 11, 2019

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15088.5(a), the County of San Diego (County) is required to recirculate a Draft Environmental Impact Report (EIR) when significant new information is added to the Draft EIR after public review of the Draft EIR, but before certification. Significant new information can include changes in the project or environmental setting, as well as additional data or other information. New information added to a Draft EIR is not significant unless the Draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including feasible alternatives) that the project's proponents have declined to implement.

BACKGROUND: The County prepared a Draft EIR for the Otay Ranch Resort Village and circulated the Draft EIR for public review from April 3, 2015, to May 22, 2015. All comments received were reviewed and considered, responses will be drafted, and necessary revisions will be made to the Draft EIR. These revisions were evaluated to determine whether new or more severe impacts were identified, or whether feasible mitigation or avoidance measures were identified.

DECISION: "Significant new information" has been added and revisions made to the Draft EIR since the original public review period (April 3, 2015 to May 22, 2015), and therefore, the lead agency has determined to recirculate focused elements of the Draft EIR is required. The following provides an explanation of the added sections and revisions made to the Draft EIR that led to this decision.

EXPLANATION: CEQA Guidelines Section 15088.5 states that new information added to a Draft EIR is not significant unless the Draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

"Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The Revised Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Under CEQA Guideline Section 15088.5(c), if a revision to an EIR is limited to a few chapters or portions of the EIR, only chapters or portions that have been modified need to be recirculated. Consistent with this guidance, this Draft Revised EIR contains only the portions of the Draft EIR that have been revised with significant new information. The County will limit the public reviewer's comments to the revised and/or added portions of the recirculated Draft EIR. The County will prepare written responses to both the comments received during the public review period (April 3, 2015 to May 22, 2015) on the Draft EIR, as well as the additional comments received on the recirculated sections from the current public comment period will be included in the Final EIR.

CHANGES TO THE DRAFT EIR: Changes made to the Draft EIR subsequent to the public review period will be included in the Final EIR. The changes will be marked in underline for new text and strikeout for deleted text. The changes identified are clarifications and do not create a need for recirculation (such as typographical errors, revised exhibits to support EIR text changes, and correction of names and facts). The following summary provides relevant revisions and additions that triggered a focused recirculation of the Global Climate Change Section 2.10 and Alternatives Chapter 4.0, including supporting appendices.

Changes to Global Climate Change

The Global Climate Change Section 2.10 included in the Draft EIR (2015) was replaced in its entirety as a result of subsequent Supreme Court decisions for the November 2015 California Supreme Court ruling in the Center for Biological Diversity vs. California Department of Fish and Wildlife case (commonly referred to as the Newhall Ranch case). Changes to the text are not marked in underline or strikeout as the entire section has been replaced. As a result of the updated analysis, impacts were changed from the determination of *less than significant* in the Draft EIR (2015) to *less than significant after mitigation* in the recirculated section. In the Draft EIR the Global Climate Change Section was listed as Section 3.8, but in order to remain consistent with County formatting it was changed to Section 2.10 for recirculation.

Changes to Project Alternatives

In response to comments and a letter received by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (letter to the County dated March 30, 2017) a new project alternative, Alternative H, was created. Alternative H is consistent with the South County MSCP hardline and represents new project footprint which consolidates development lower on the hillside in a contiguous pattern towards the middle of the project boundary along Otay Lakes Road. The main changes to Chapter 4, Project Alternatives, pertain to Alternative H and include the insertion of a project description, analysis of potential impacts, specific mitigation measures, and a comparison to the proposed Project and other alternatives. Technical studies for Alternative H were prepared and are included with the recirculation package as Appendices D-1 through D-24. Additionally, updates to the Global Climate Change analysis for each alternative were made based on the revised Draft EIR section, Section 2.10. Changes to this chapter are not marked in underline or strikeout as the entire chapter is being recirculated.

CONCLUSION: Modifications to the Draft EIR (2015) for inclusion in the Final EIR described above constitute "significant new information" as defined in Section 15088.5 of the State CEQA Guidelines. The revisions and additions as discussed above show feasible project alternatives and mitigation measures considerably different from others previously analyzed that would lessen the significant environmental impacts of the proposed project. Further, the analysis of the Global Climate Change Section was revised which resulted in a different significance conclusion. As such, the County's decision to recirculate Section 2.10, Chapter 4 and supporting technical studies and appendices of the Draft EIR will allow the public of a meaningful opportunity to comment on potential adverse effects, feasible mitigation measures and alternative.