



Advance Planning &  
Engineering Division  
(619) 446-5460

## FINAL ENVIRONMENTAL IMPACT REPORT

Project No. 30330/304032  
SCH No. 2004651076

**SUBJECT: CITY COUNCIL APPROVAL of a updated Otay Mesa Community Plan, General Plan Amendment, Rescission of Otay Mesa Development District (OMDD) and Adoption of a Rezone ordinance (to replace the OMDD with citywide zoning and creation of two (2) new Community Plan Implementation Overlay Zones), approval of the Public Facilities Financing Plan (PFFP), and amendments to the City's Land Development Code (LDC) as further described below.** The Otay Mesa Community Plan Update (CPU) is a comprehensive update of the 1981 community plan. Approval of the CPU would establish land use designations and policies to guide future development consistent with the City's General Plan (2008). The CPU is intended to implement the General Plan policies through the provision of community-specific recommendations. The concurrent rezone would rescind the existing OMDD and implement development regulations consistent with citywide zoning classifications. Amendments to the City's LDC are required to create new and revised implementing zones, including two new Community Plan Implementation Overlay Zones (CPIOZ Type A and Type B) for proposed commercial and industrial land use designations under the CPU and for the creation of new zones to implement the new International Business and Trade (IBT 1-1) and Business Park Residential Permitted (~~BRTBPRP~~) land use designations. An updated PFFP would be adopted with the CPU to allow for implementation of the CPU. The CPU would additionally serve as the basis for guiding a variety of other actions, such as parkland acquisitions, transportation improvements and public facilities. The update includes modifications to the various elements of the Plan to incorporate current planning policies and practices in the City of San Diego, as well as to make the Plan reflective of the substantial land use changes (e.g., adopted alignments of SR-905 and SR-125) that have occurred over the last twenty-five years. The Otay Mesa community encompasses approximately 9,300 acres in the southeastern portion of the City of San Diego. The community is bordered by the San Ysidro and Otay Mesa-Nestor communities on the west, the City of Chula Vista and the Otay Valley Regional Park on the north, the County of San Diego on the east and the US/Mexico border and the City of Tijuana on the south.

APPLICANT: City of San Diego - Planning, Neighborhoods and Economic Development Department

The community plan update project components include:

- 1. City of San Diego General Plan Amendment.** Adoption of the CPU constitutes an amendment to the Land Use Element of the General Plan.
- 2. Rescission of the Otay Mesa Development District (OMDD) and Adoption of a Rezone Ordinance (to replace the OMDD with citywide zoning) to citywide zones contained in**

**the Land Development Code (LDC).** The concurrent rezone would rescind the existing OMDD and make development regulations consistent with citywide zoning classifications.

- 3. Other Land Development Code Amendments.** Amendments to the City’s LDC are required to create new and revised implementing zones, including two new Community Plan Implementation Overlay Zones (CPIOZ Type A and Type B) for proposed commercial and industrial land use designations under the CPU and the creation of new zones to implement the new International Business and Trade (IBT 1-1) and Business Park Residential Permitted (~~BRT~~ BPRP) land use designations.
- 4. Otay Mesa Community Plan Public Facilities Financing Plan (PFFP) Update.** The PFFP includes the community’s boundary, a development forecast and analysis, a capital improvement program, and an updated fee schedule. Both Facilities Benefit Assessments (FBAs) and Development Impact Fees (DIFs) provide funding sources for public facilities projects in Otay Mesa. An updated PFFP would be adopted with the CPU to allow for implementation of the CPU.

The updated Otay Mesa Community Plan would provide a long-range, comprehensive policy framework for growth and development in Otay Mesa over the next 20 to 30 years. Guided by citywide policy direction contained within the General Plan (adopted by the City Council on March 8, 2008), the updated community plan will identify a land use strategy with new land use designation proposals to create villages, activity centers and industrial/employment centers along major transportation corridors, while strengthening cultural and business linkages to Tijuana, Mexico via the Otay Mesa Port of Entry, as well as other enhancements to the existing planning area. The Otay Mesa Community Plan Update (Project) will be consistent with and implement the City’s General Plan and will include the following 8 9 elements: Land Use; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services and Safety; Recreation; Conservation; Historic Preservation; and Noise. In conformance with CEQA Section 15152, the environmental analyses for the draft PEIR would “tier” from the General Plan Final PEIR (Project No. 104495/ SCH No. 2006091032) and will incorporate by reference the general discussions disclosed in this certified environmental document.

The CPU contemplates land use designations that support a fully integrated circulation system which includes, but is not limited to, high frequency transit and/or public transportation. Circulation changes (i.e., roadway deletions, reclassifications, and alignment modifications) would involve primarily Siempre Viva Road, Beyer Boulevard, Otay Mesa Road, Old Otay Mesa Road, Airway Road, Heritage Road (north and south of SR-905), Cactus Road, Britannia Road, La Media Road, Otay Valley Road, and Lonestar Road. Moreover, the CPU takes into account the alignment for the recently opened SR-905, which is different from that assumed in the existing community plan.

The CPU would re-designate land uses to increase the number of allowed residential units and reduce the acreage for industrial uses. New land use designations are proposed to allow the establishment of industrial centers, mixed commercial and residential uses, and, where appropriate, residential uses near industrial uses. Modified industrial and commercial land use designations also are included that are similar to the industrial intensity found in the

adopted community plan. The International Business and Trade (IBT) would be the dominant industrial land use designation. Other features of the CPU include:

- Increasing housing unit yield in the southwestern residential areas
- Creating a village center in an area south of SR-905 and west of Britannia Boulevard
- Designating a corridor of Business Park industrial uses along SR-905
- Seeking to enhance the image of the community along SR-905 with flex space and corporate office users flanking the freeway
- Encouraging outdoor storage and heavy industry uses to shift to the border area

**UPDATE 12/18/2013:**

**Revisions and clarifications have been made to the Final Environmental Impact Report (EIR) when compared to the Draft EIR to address comments received during public review, and to correct text, tables and figures in various sections. These revisions are indicated by ~~strikeout~~ and underline format. Correction of typographical errors, minor edits and other non-substantive revisions which have been made throughout the document are not shown in ~~strikeout~~ and underline format. A copy of the Final EIR showing all ~~strikeout~~ and underline text will be available for inspection in the office of the Development Services Department upon request.**

**In accordance with California Environmental Quality Act (CEQA) Section 15088.5 the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impacts or with the addition of a new mitigation measure required to avoid a significant environmental impact.**

**CONCLUSIONS:**

Based on the analysis conducted for the project described in the subject block above, the City has prepared the following Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA) to inform public agency decision-makers and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121). As further described in the attached EIR, the City has determined that the project would have a significant environmental effect in the following areas(s): **Land Use, Air Quality, Biological Resources, Transportation/Circulation, Geology/Soils, Historical Resources, Hydrology/Water Quality, Paleontological Resources, Human Health/Public Safety/Hazardous Materials, Noise, Utilities, and Greenhouse Gas Emissions.**

With the exception of impacts related to **Air Quality (~~RAQS~~ Criteria Pollutants, Stationary Sources/Collocation), Transportation/Circulation, Noise (Traffic/Stationary Sources and Construction), Utilities (Solid Waste), and Greenhouse Gas Emissions, mitigation measures are proposed (Chapter 11) that would reduce Project impacts to below a level of significance. The attached Environmental Impact Report and Technical Appendices document the reasons to support the above Determination.**

MITIGATION, MONITORING AND REPORTING PROGRAM:

A series of mitigation measures are identified within each issue area discussion in the EIR to reduce environmental impacts. The mitigation measures are fully contained in Chapter 11 of the EIR.

RECOMMENDED ALTERNATIVES FOR REDUCING SIGNIFICANT UNMITIGATED IMPACTS

Based on the requirement that alternatives reduce significant impacts associated with the proposed project, the EIR considers the following Project Alternatives which are further detailed in the Executive Summary and Chapter 8 10 of the EIR:

1. No Project
2. Reduced Biological Impacts Alternative
3. Reduced Density Alternative

Under CEQA Guideline Section 15126.6(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR must also identify which of the other alternatives is environmentally superior. The EIR identified Alternative 2 as the environmentally superior alternative because it would meet the Project objectives while further reducing and avoiding biological, historical (archaeological) and paleontological impacts when compared to the Project.

PUBLIC REVIEW DISTRIBUTION:

Individuals, organizations, and agencies that received a copy or notice of the draft EIR and were invited to comment on its accuracy and sufficiency is provided below. Copies of the Final EIR, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the office of the Advanced Planning & Engineering Division, or purchased for the cost of reproduction.

RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the accuracy or completeness of the Draft Environmental Impact Report (EIR). No response is necessary and the letters are attached at the end of the EIR.
- ( X ) Comments addressing the accuracy or completeness of the Draft Environmental Impact Report (EIR) were received during the public input period. The letters and responses are located immediately after the EIR Distribution List.

  
Cathy Winterrowd, Interim Deputy Director  
Development Services Department

Analyst: Myra Herrmann

September 10, 2013  
Date of Draft Report

December 18, 2013  
Date of Final Report



## DISTRIBUTION OF DRAFT ENVIRONMENTAL IMPACT REPORT:

Copies of the Draft EIR were distributed to the following individuals, organizations, and agencies:

### **U.S. GOVERNMENT**

Federal Aviation Administration (1)  
Department of Transportation, Region 9 (2)  
Naval Facilities Engineering Command Southwest, Karen Ringel-Director of Real Estate (8)  
Naval Facilities Engineering Command Southwest (12)  
Army Corps of Engineers (16 & 26)  
Environmental Protection Agency (19)  
Border Patrol (22)  
U. S. Fish and Wildlife Service (23)  
USDA Natural Resources Conservation Services (25)

### **STATE OF CALIFORNIA**

State Clearinghouse (46A)  
Caltrans Planning, District 11 (31)  
Department of Fish and Wildlife (32)  
Cal Recycle (35)  
California Environmental Protection Agency (37A)  
Housing & Community Development (38)  
Department of Toxic Substance Control (39)  
Natural Resources Agency (43)  
Regional Water Quality Control Board, Region 9 (44)  
California Air Resources Board (49)  
Office of the Attorney General (50)  
Caltrans –Division of Aeronautics (51B)  
California Transportation Commission (51A)  
Native American Heritage Commission (56)  
Office of Planning & Research (57)  
Highway Patrol (58)  
California Energy Commission – Eileen Allen (59)  
Department of Conservation (61)  
State Lands Commission (62)

### **COUNTY OF SAN DIEGO**

Air Pollution Control District (65)  
Planning and Land Use (68)  
Department of Parks and Recreation (69)  
Department of Public Works (72)  
Water Authority (73)  
Hazardous Materials Management Division (75)  
Department of Environmental Health – Land and Water Quality Division (76)  
Chuck Tucker (232)

**CITY OF SAN DIEGO**

Mayor's Office (91)

Interim Mayor, Todd Gloria

Walt Ekard – Interim Chief Operating Officer

Scott Chadwick – Assistant Chief Operating Officer Council District 3

Council President Pro Tem Sherri Lightner, District 1

Councilmember Kevin Faulconer, District 2

Council District 3

Councilmember Myrtle Cole, District 4

Councilmember Mark Kersey, District 5

Councilmember Lorie Zapf, District 6

Councilmember Scott Sherman, District 7

Councilmember David Alvarez, District 8

Councilmember Marti Emerald, District 9

Office of the City Attorney – Shannon Thomas

Development Services Department

Tom Tomlinson, Interim Director

Cathy Winterrowd, Interim Deputy Director

Myra Herrmann, Senior Planner - Environmental

Gary Geiler

Ann Gonsalves

Jim Lundquist

Frank January, Facilities Financing

Patrick Thomas

Mehdi Rastakhiz

Leonard Wilson

Don Weston

Planning & Neighborhood Restoration Department

Bill Fulton, Director

Nancy Bragado, Interim Deputy Director

Theresa Millette, Senior Planner – Project Manager

Jeanne Krosch

Tait Galloway

Kelley Stanco

Howard Greenstein

Maureen Gardiner

Real Estate Assets Department

James Barwick

Roy Nail

Michael Tussey

Park & Recreation Department - Open Space Division

Chris Zirkle

Laura Ball

Public Works Department - Engineering and Capital Projects

Kerry Santoro

Transportation & Storm Water Department  
Kris McFadden  
Drew Kleis  
Ruth Kolb  
Linda Marabian  
Public Utilities Department  
Anne Sasaki  
Nicole McGinnis  
Fire and Life Safety Services  
Larry Trame  
Michelle Abella-Shon  
Police Department  
Kevin Mayer  
Library Department – Government Documents (81)  
Environmental Services Library (81J)  
Otay Mesa-Nestor Branch Library (81W)  
San Ysidro Branch Library (81EE)  
Historical Resources Board (87)  
Lisa Wood - Environmental Services Department (93A)  
Wetland Advisory Board (91A/MS 908A)

**OTHER AGENCIES**

City of Chula Vista (94)  
San Diego Association of Governments (108)  
San Diego County Regional Airport Authority (110)  
San Diego Transit Corporation (112)  
San Diego Gas & Electric (114)  
Chula Vista School District (118)  
San Diego Unified School District (125)  
San Ysidro Unified School District (127)  
San Diego City Schools (132)  
San Diego Community College District (133)  
Sweetwater Union High School District  
Otay Water District – Robert Scholl

**ENVIRONMENTAL/BIOLOGICAL ORGANIZATIONS**

Sierra Club, San Diego Chapter (165)  
San Diego Canyonlands (165A)  
San Diego Natural History Museum (166)  
San Diego Audubon Society (167)  
Mr. Jim Peugh (167A)  
Environmental Heath Coalition (169)  
California Native Plant Society (170)  
San Diego Coast & Baykeeper (173)  
Ellen Bauder (175)  
EC Allison Research Center (181)  
Endangered Habitats League (182/182A)  
Vernal Pool Society (185)

## **HISTORICAL AND ARCHAEOLOGICAL ASSOCIATIONS**

South Coastal Information Center (210)  
San Diego History Center (211)  
San Diego Archaeological Center (212)  
Save Our Heritage Organisation (214)  
San Diego County Archaeological Society (218)

## **TRIBAL DISTRIBUTION**

Carmen Lucas (206)  
Ron Christman (215)  
Clint Linton (215B)  
Frank Brown (216)  
Campo Band of Mission Indians (217)  
Kumeyaay Cultural Heritage Preservation (223)  
Kumeyaay Cultural Repatriation Committee (225)  
Native American Distribution – Public Notice Only (225A-S)  
    Barona Group of Capitan Grande Band of Mission Indians  
    Campo Band of Mission Indians  
    Ewiiapaayp Band of Mission Indians  
    Inaja Band of Mission Indians  
    Jamul Indian Village  
    La Posta Band of Mission Indians  
    Manzanita Band of Mission Indians  
    Sycuan Band of Mission Indians  
    Viejas Group of Capitan Grande Band of Mission Indians  
    Mesa Grande Band of Mission Indians  
    San Pasqual Band of Mission Indians  
    Ipai Nation of Santa Ysabel  
    La Jolla Band of Mission Indians  
    Pala Band of Mission Indians  
    Pauma Band of Mission Indians  
    Pechanga Band of Mission Indians  
    Rincon Band of Luiseno Indians  
    San Luis Rey Band of Luiseno Indians  
    Los Coyotes Band of Mission Indians

## **CIVIC/PLANNING ORGANIZATIONS**

Citizen's Coordinate for Century III (179)  
San Diego Chamber of Commerce (157)  
Building Industry Association (158)  
Convis (159)  
Local 30 (191)  
League of Women Voters (192)  
Industrial Environmental Association – Jack Monger  
Otay Valley Regional Park CAC (227)  
Otay Mesa Nestor Planning Committee (228)  
Otay Mesa Chamber of Commerce (231A)

OVRP – San Diego County Parks (232)  
Marilyn Pongeggi –City of Chula Vista, Planning Department (234)  
Otay Mesa Planning Committee (235)  
San Ysidro Planning and Development Group (433)  
United Border Community Town Council (434)  
Chula Vista Chamber of Commerce  
San Diego County Hispanic Chamber of Commerce  
San Ysidro Chamber of Commerce  
Tijuana Chamber of Commerce  
Tijuana Economic Development Corporation  
South County Economic Development Corporation  
Regional Economic Development Corporation

OTHER GROUPS AND/OR INDIVIDUALS

Union-Tribune City Desk (140)  
Metro News (141)  
Southwestern College  
Theresa Acerro (230)  
Janay Kruger (233)  
Janet Vadakkumcherry (236)  
Kaiser Permanente  
Jean Cameron  
Jimmy Ayala, Pardee Homes  
John Ponder, Shephard Mullin  
Mark Rowson, Land Development Strategies  
Nicola Boon, Metro Airpark, LLC  
Jack Gorzeman, ESA  
Stephanie Morgan Whitmore - RECON (Consultant)

***THIS PAGE IS INTENTIONALLY BLANK.***

# **OTAY MESA COMMUNITY PLAN UPDATE**

## **Letters of Comment and Responses**

Letters of comment to the Draft PEIR were received from the following agencies, organizations, and individuals. Several comment letters received during the Draft PEIR public review period contained accepted revisions that resulted in changes to the final PEIR text. These changes to the text are indicated by strike-out (deleted) and underline (inserted) markings. The letters of comment and responses follow.

A	State Clearinghouse .....	RTC-3
B	U.S. Army Corps of Engineers.....	RTC-4
C	U.S. Fish and Wildlife Service/California Department of Fish and Wildlife.....	RTC-5
D	California Department of Transportation.....	RTC-12
E	Native American Heritage Commission .....	RTC-20
F	San Diego Association of Governments .....	RTC-25
G	Endangered Habitats League .....	RTC-29
H	Otay Mesa Chamber of Commerce .....	RTC-32
I	Otay Mesa Property Owners Association .....	RTC-44
J	Rincon .....	RTC-49
K	San Diego County Archaeological Society, Inc. ....	RTC-51
L	ColRich (CR Otay Canyon Ranch Associates LLC).....	RTC-53
M	Melvyn Ingalls.....	RTC-55
N	National Enterprises Incorporated (NEI).....	RTC-58
O	Sheppard Mullin (Chang).....	RTC-60
P	Sheppard Mullin (Torrey Pines).....	RTC-88

***THIS PAGE IS INTENTIONALLY BLANK.***



Letter A



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

October 25, 2013

Myra Herrman  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101

Subject: Otay Mesa Community Plan Update  
SCH#: 2004051076

Dear Myra Herrman:

A-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 24, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

A-1

Comment acknowledged. Please note that comment letters were received directly from the following State agencies before the close of public review on October 25, 2013: Department of Fish & Wildlife (joint letter with U.S. Fish & Wildlife Service), Native American Heritage Commission, and the Department of Transportation. All letters and City responses follow this SCH letter.

Letter B



**DEPARTMENT OF THE ARMY**  
Los Angeles District Corps of Engineers  
Regulatory Division-Carlsbad Field Office  
5900 La Place Court, Suite 100  
Carlsbad, CA 92008

October 31, 2013

REPLY TO  
ATTENTION OF  
Office of the Chief  
Regulatory Division

Ms. Myra Herrmann, Environmental Planner  
City of San Diego Development Services Center  
1222 First Avenue, MS 501  
San Diego, California 92101

SUBJECT: Information regarding requirement for Department of the Army Permit

Dear Ms. Herrmann:

B-1

This is in response to information received regarding Otay Mesa Community Plan Update. Based on the information you have provided, we are unable to determine if the proposed work would be regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. Please review your project and determine if you need a permit.

Applications and additional information are available on our website <http://www.spl.usace.army.mil/Missions/Regulatory/PermitProcess.aspx>. If you have any questions, please contact Shari Johnson of my staff at 760-602-4829 or via e-mail at [Shari.Johnson@usace.army.mil](mailto:Shari.Johnson@usace.army.mil).

Sincerely,

Therese O. Bradford  
Chief, South Coast Branch

B-1 The project submitted to the USACOE for review involves a community plan update which is intended to provide guidance for future development in the community. The CPU, in and of itself does not require a Section 404 permit. However, Section 404 permits may be required for future development projects implemented in accordance with the CPU. This will be determined when site-specific biological studies are prepared during project-level environmental review.

Letter C



U.S. Fish and Wildlife Service  
 Carlsbad Fish and Wildlife Office  
 2177 Salk Avenue, Suite 250  
 Carlsbad, California 92008  
 760-431-9440  
 FAX 760-431-9624



California Department of Fish and Wildlife  
 South Coast Region  
 3883 Ruffin Road  
 San Diego, California 92123  
 858-467-4201  
 FAX 858-467-4299

In Reply Refer To:  
 FWS/CDFW-14B0007-14TA0003

OCT 25 2013

Ms. Myra Herrmann  
 Environmental Planner  
 City of San Diego Development Services Center  
 Planning Division  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

Subject: Comments on the Public Draft Otay Mesa Community Plan Update and the associated Draft Program Environmental Impact Report, City of San Diego (SCH#2004051076)

Dear Ms. Herrmann:

C-1 The California Department of Fish and Wildlife (Department) and the U.S. Fish and Wildlife Service (Service), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced draft Otay Mesa Community Plan Update (CPU) and Program Environmental Impact Report (PEIR), dated September 10, 2013. The comments provided herein are based on information provided in the draft CPU, PEIR and associated documents, our knowledge of sensitive and declining vegetation communities in the City of San Diego (City), and our participation in the Multiple Species Conservation Program (MSCP) and the City's MSCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City participates in the NCCP and the Service's HCP programs by implementing its approved SAP.

C-2 The Otay Mesa CPU serves as a comprehensive update to the adopted 1981 Otay Mesa Community Plan (Community Plan) and was undertaken to address substantial land use changes

C-1 Comment noted. This paragraph provides information regarding the content of the letter.

C-2 Comment noted. This paragraph provides information regarding the content of the letter.

<p>Ms. Myra Herrmann (FWS/CDFW-14B0007-14TA0003) 2</p> <p>C-2 con that have occurred since that time. The CPU is intended to refine and implement the general vision and goals of the 2008 City of San Diego General Plan Update as it relates to land use and circulation within the approximately 9,300-acre Otay Mesa community. The CPU will also require the adoption of two Community Plan Implementation Overlay Zones (CPIOZs) that will be used to determine whether subsequent projects will be processed ministerially (CPIOZ Type A) or require discretionary approval through a Site Development Permit (CPIOZ Type B). Projects processed under the CPIOZ Type B application will require preparation of an initial study in accordance with CEQA to determine whether the project can rely on the Otay Mesa CPU PEIR or will require subsequent CEQA documentation and review (e.g., mitigated negative declaration or PEIR addendum).</p> <p>C-3 We have been meeting regularly with City staff on both the CPU and the City's proposed Vernal Pool HCP (VPHCP), and it has always been our recommendation that these two documents move forward concurrently given their inter-relatedness. Otay Mesa encompasses the majority of vernal pool resources in the City that have not already been addressed (conserved or impacted) within the City's SAP; therefore, the CPU is critical to the success of the VPHCP. We are concerned that the alternative evaluated in the CPU does not match the City's preferred alternative being developed for the VPHCP.</p> <p>C-4 The Wildlife Agencies and the City signed a Planning Agreement in October 2009 regarding the VPHCP. The Planning Agreement included a commitment by the City to follow an Interim Project Review Process (Exhibit C to the Planning Agreement) to ensure that projects or activities that were approved or initiated in the Planning Area before completion of the VPHCP are consistent with the preliminary conservation objectives and do not compromise successful completion and implementation of the VPHCP. To help ensure this commitment is met, the PEIR should include an analysis of the consistency of each alternative with the goals and objectives of the VPHCP, and consistency with the VPHCP should be used to determine what alternative is selected. Although the CPU (CPU Plan Policy 8.1.8) proposes to amend the community plan upon completion of the VPHCP, we recommend that the CPU not be finalized until the VPHCP is completed to help ensure that the City's commitments in the Planning Agreement are met.</p> <p>C-5 The Reduced Biological Impacts Alternative included in the draft PEIR (page 10-18) is the most consistent with the City's preferred alternative for the VPHCP. It would result in increased preservation of vernal pool, coastal sage scrub, maritime succulent scrub, and non-native grassland habitat while providing for improved/expanded local wildlife corridors. This alternative would also lessen impacts to burrowing owl (<i>Athene cunicularia</i>). If the City finalizes the CPU prior to completing the VPHCP, we recommend that the City adopt the Reduced Biological Impacts Alternative for the CPU. Even if the Reduced Biological Impacts Alternative is adopted, further modification to the Community Plan may be necessary to ensure consistency with the VPHCP.</p>	<p>C-3 Comment noted. The City acknowledges the significant role that Otay Mesa has in the comprehensive City-wide planning efforts for vernal pools as part of the VPHCP. The CPU and VPHCP projects have been closely coordinated; however, they are two separate and distinct projects with different processing schedules. It is anticipated that the draft VPHCP and associated environmental document will be distributed for public review and then followed by the public hearing process in 2014.</p> <p>The CPU Reduced Biological Impacts Alternative is similar to the proposed vernal pool preserve mapping for the VPHCP project, however, it also includes increased preservation of upland habitats (i.e., coastal sage scrub and maritime succulent scrub) that do not contain vernal pools resources. As discussed above, in addition to the planning for the VPHCP, subsequent to adoption of the CPU, a specific plan will be prepared for the Southwest Village area which contains a significant number of vernal pools. Neither one of these plans have been through the discretionary review and hearing process.</p> <p>C-4 The CPU is a planning document which guides development within the community plan area but it does not entitle any development or ground disturbance that would impact vernal pool resources. Therefore, per the definition of interim projects in Exhibit C of the Planning Agreement, the CPU is not considered to be an interim project since it would not adversely impact vernal pool species and habitat. All future projects implemented in accordance with the CPU would require subsequent environmental review. As discussed in Response to Comment C-3, the CPU includes specific policies and recommendations for the protection of vernal pools which currently do not exist in the adopted community plan. In addition, Conservation Element Policies 8.1.-1 through 8.1-6 include direction to implement the Environmentally Sensitive Lands Regulations, the MSCP SAP, and the Biology Guidelines.</p> <p>C-5 Comment noted. The Reduced Biological Impact Alternative correctly identifies biological impacts, including those to vernal pool resources that would be reduced if this alternative were adopted.</p>
---	---

LETTER

RESPONSE

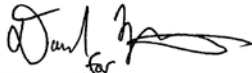
C-6

Ms. Myra Herrmann (FWS/CDFW-14B0007-14TA0003)

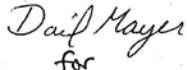
3

Our specific comments on the draft Otay Mesa CPU and PEIR are enclosed. We appreciate the opportunity to comment on the two documents. If you have any question regarding this letter or would like to schedule a meeting to discuss the CPU and PEIR, please contact Kyle Dutro of the Department at 858-467-4267 or Patrick Gower of the Service at 760-431-9440, extension 352.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Gail K. Sevens  
Environmental Program Manager  
California Department of Fish and Wildlife

C-6

Comment noted. Please see responses to General Comments provided below.

Ms. Myra Herrmann (FWS/CDFW-14B0007-14TA0003)

Enclosure, page 1

**GENERAL COMMENTS**

- C-7 1. The Wildlife Agencies are concerned with the City’s proposed procedure for processing subsequent development projects within Otay Mesa. Based on our interpretation of information provided in the PEIR, the City will process some future projects ministerially and others could potentially rely on the CEQA analysis provided in the PEIR. In the absence of project specific public review, how will the City implement the Interim Project Review Process that is included in the VPHCP Planning Agreement? In addition, we rely on the CEQA public review process to fulfill our oversight responsibilities under the MSCP. Please provide more detailed information in the PEIR regarding how future projects will be processed and, if future projects may rely entirely on the CEQA analysis provided in the PEIR, how the City will coordinate with the Wildlife Agencies to ensure projects are consistent with MSCP and the VPHCP Planning Agreement.
- C-8 2. Please revise any references to “State Fish and Wildlife Code” in the PEIR to read “Fish and Game Code”. Although the Department’s name has changed to Fish and Wildlife, the legal code under which the Department operates continues under the former name.

**SPECIFIC COMMENTS ON THE CPU**

- C-9 1. Section 2.0 (Land Use Element) should be updated to include a goal that addresses the preservation, management, and monitoring of open space within the MHPA consistent with the City’s SAP and the VPHCP. Table 2-3 (Community Plan Land Use Designations) includes a table of the community plan land use designations. Please clarify what the difference is between “open space” and “resource based parks.” Which designation would be used for MHPA lands that are being conserved under the City’s SAP and VPHCP?
- C-10 2. Section 2.1 (Specific Plan Areas) should be updated to include a reference to the City’s SAP and VPHCP. In addition it should include policies and recommendations that address preserve design, minimization of edge effects, maintenance of corridors, and the requirements of the MHPA Guidelines for Otay Mesa and River Valley (pages 8 to 10), section 1.4.2 (General Planning Policies and Design Guidelines) and Table 3-5 (Conditions of Coverage) in the City’s SAP.
- C-11 3. Section 2.6 (Open Space and Parks) should be updated to emphasize the importance of the vernal pool resources as well as the grasslands for raptors, including the burrowing owl. It should differentiate between lands to be conserved as part of the City’s SAP and VPHCP and active park lands and include specific policies and recommendations for both types of open space.
- C-12 4. Section 3 (Mobility Element) includes a discussion of all forms of transportation, including a network of streets and freeways, many of which will cross the MHPA. This section should but updated to include a discussion regarding how roads will be designed to be consistent with the MHPA Guidelines for Otay Mesa and River Valley (pages 8 to

**RESPONSE TO GENERAL COMMENTS:**

- C-7 See Response to Comment C-3. In addition, all industrial and commercial development implemented in accordance with the CPU will be subject to review under CPIOZ. The village areas require specific plans which are discretionary projects requiring City Council approval prior to any development, and will be subject to further review and analysis.
- C-8 This revision has been made to the Final EIR.
- C-9 Goals for preservation, management, and monitoring of open space are contained in the Conservation Element (specifically, Policies 8.1.-4 through 6). See Table RE-2 of the General Plan for definitions of resource-based parks and open space. MHPA lands that are conserved have an Open Space land use designation.
- C-10 Land Use Policy 2.1-2 b states that a subsequent specific plan provide a land use map consistent with a future VPHCP. The policy has been updated to include a reference to the MSCP Subarea Plan.
- C-11 The Conservation Element addresses the City’s resources (see CE-6 & CE-7, including vernal pools and burrowing owls. The Recreation Element addresses park lands and includes specific policies related to active and passive park uses.
- C-12 Per the TIS for the CPU, all roads are necessary for access and circulation within the CPU area, regardless of which alternative is approved. The existing circulation plan, adopted November 23, 1999 by Resolution R-292480, was evaluated under the City’s SAP. The existing circulation plan includes Siempre Viva Road connecting with Camino de la Plaza in San Ysidro, as well as a rail line connecting the San Ysidro rail to Siempre Viva Road across Spring Canyon. The proposed CPU’s circulation plan removes the rail line and the Siempre Viva Road-Camino de la Plaza connection, which reduces impacts in the southwest quadrant of the community planning area. As future alignments are submitted, a biological analysis will be required when applicable and each project will be subject to subsequent review in accordance with CEQA, as well as review for consistency with City’s MSCP SAP and Biology Guidelines.

Siempre Viva Road across Spring Canyon was not modeled or considered as an option for the CPU.

Ms. Myra Herrmann (FWS/CDFW-14B0007-14TA0003)

Enclosure, page 2

C-12 cont. 10), section 1.4.2 (General Planning Policies and Design Guidelines) and Table 3-5 (Conditions of Coverage) in the City’s SAP. To the extent feasible, we recommend road easements occur outside of the MHPA, be designed to cross the shortest length of MHPA as possible, and provide for fully functional wildlife movement through use of bridges or culverts and fencing. We also recommend that the final PEIR include a figure clearly depicting these roads and any other proposed encroachment into the MHPA (e.g. utilities, trails) so we can better understand the overall proposed impact to the MHPA. Although the City’s SAP does allow for infrastructure to cross the MHPA under certain circumstances, we are very concerned with several of the proposed roadways and the potential impacts to both the City’s SAP and VPHCP. Of particular concern are the proposed extensions of Beyer Road, Airway Road and Siempre Viva Road across Spring Canyon, and the proposed reclassifications of Lonestar Road, Aviator Road, Heritage Road, and Caliente Avenue as these have the potential for increased impacts to biological resources when compared to the adopted community plan evaluated under the City’s SAP.

C-13 5. Section 3.4 (Bicycles) includes a recommendations (3.4-1) to connect bikeways within the village areas to trail heads with access to the canyon system trails and pathways, and (3.4-2) to provide multi-use trails. Recommendation 3.4-2 does include a reference to being consistent with City’s SAP, but then references a figure of proposed trails (Figure 7.1) that we have had no discussion or input on. Prior to designating any trails within the MHPA, a natural resource management plan (NRMP) should be completed for the area that identifies the biological goals and objectives for this section of the MHPA and includes Area Specific Management Directives (ASMDs) for those species requiring them as a condition of coverage. The NRMP can then be used to determine whether trails and mountain bike riding are compatible with those biological goals and objectives.

C-14 6. Section 7.2 (Open Space Lands and Resource Based Parks) focuses on the canyons, but does not discuss the mesa top areas that support vernal pools and burrowing owls. This section should include a discussion of these valuable resources and how they will be protected.

**SPECIFIC COMMENTS ON THE PEIR**

C-15 1. Section 3.3 (CPU Objectives) should reference the City’s SAP and VPHCP. The Open Space Objective should be reworded to state: Protect the canyon lands, adjacent mesa tops supporting vernal pool habitat, and sensitive biological resources consistent with the goals and objectives of the City’s SAP and VPHCP. We recommend that recreational goals be addressed in a separate objective from the biological goals of the City’s SAP and VPHCP.

C-16 2. Section 3.4.2.7 (Conservation Element) references preserving biological resources, including vernal pools, however it does not reference the City’s SAP or VPHCP. This section should reference implementing the goals and objectives of the City’s SAP and VPHCP. The Conservation Element includes goals regarding water supply and local

C-13 Large portions of the open space and MHPA lands are privately owned. Specific Plans prepared for the village sites would provide further analysis and design for any trails and when applicable, would include input from the Wildlife Agencies. As part of the subsequent review process for the Specific Plans and trail plan, ASMDs would be identified. Otherwise, at such time that the City begins the process for acquisition of lands for the MHPA and open space, an NRMP, which would include ASMDs, would be completed.

C-14 Language has been added to Section 7.2 of the CPU.

C-15 As recommended, the following language has been added to the CPU objectives and to Conservation Element Policy 8.1-2: “and adjacent mesa tops.” The Conservation Element of the CPU (Section 8.1) discusses and provides policies related to the City’s MSCP SAP, VPHCP, and biological resources, including vernal pools.

C-16 Section 3.4-2.7 includes a reference to the City’s MSCP SAP and draft VPHCP. Community farms and gardens are anticipated to be located outside of any MHPA lands. However, if this use were proposed within the MHPA, it would be a future project requiring subsequent review for consistency with the CPU goals and policies, the City’s MSCP SAP, and the Biology Guidelines.

LETTER

RESPONSE

Ms. Myra Herrmann (FWS/CDFW-14B0007-14TA0003)

Enclosure, page 3

C-16 cont. food generation through community farms and gardens. Please clarify how these goals will be met given the absence of any water storage or agricultural land use designations. As an example, community farms and gardens are not an identified compatible use within the MHPA; therefore, is it envisioned that this could be accomplished within the non MHPA park lands?

C-17 3. Section 3.4.3.1 (Specific Plan Areas) includes a list of policies and recommendations for Specific Plans. It would be helpful to reference Figure 3-9 which depicts the two areas proposed for Specific Plans. This section references the VPHCP; however, it should also reference the City's SAP, including policies regarding preserve design, minimization of edge effects, maintenance of corridors, and the requirements of the MHPA Guidelines for Otay Mesa and River Valley (pages 8 to 10), section 1.4.2 (General Planning Policies and Design Guidelines) and Table 3-5 (Conditions of Coverage).

C-18 4. Section 3.4.3.7 (Parks, Open Space, and Recreation). This section should reference the City's SAP and VPHCP. Recreational opportunities should be consistent with goals and objectives of the City's SAP, VPHCP and any NRMPS developed for Otay Mesa. As we stated above, it may be appropriate to separate out recreational goals from the biological goals and objectives of City's SAP and VPHCP.

C-19 5. Section 3.4.4 (Mobility Element Roadways) includes a table of changes to the CPU area circulation network and a reference to Figure 3-6. Figure 3-6 is difficult to read and does not have all the roadways labeled that are included in the table. Please update the figure to make it easier for the reader to locate each of the road segments identified in the table. In addition, it would be helpful to list all of the proposed mobility element roadways, not just the ones being changed.

C-20 6. Related to the uncertain use of a CEQA process, we are especially concerned with those projects that could impact burrowing owl. The draft PEIR (page 5.4-49) concludes that impacts to non-native grassland would affect the preferred habitat of the burrowing owl and would likely reduce population numbers. It also correctly concludes that the loss of agricultural lands and disturbed lands may also negatively affect the conservation of burrowing owls. Table 3-5 of the City's SAP identifies several areas within the Otay Mesa Community Plan area that are important for the conservation of burrowing owls, including Spring Canyon, Otay Mesa, and the Otay River Valley. We have been working with the City to develop a comprehensive conservation strategy for burrowing owls and recommend that the strategy be completed so it can be included in the CPU. Because a strategy for burrowing owl has not been completed, and use of methodologies to actively or passively relocate burrowing owls requires approval by the Wildlife Agencies, we strongly encourage early coordination with the Wildlife Agencies to develop project-specific burrowing owl mitigation plans until a comprehensive strategy is completed. Early coordination should avoid untimely delays to the project applicant, be cost-effective, and result a better outcome for the local owl population.

C-17 A reference to Figure 3-2 has been added, as that figure includes the land use designations for the CPU. This section has also been updated to include a reference to the City's MSCP Subarea Plan.

C-18 As suggested, the following language "and consistency with the City's MSCP Subarea Plan" has been added to Land Use Policy 2.6-1.

C-19 Figure 3-6 provides an illustration of the backbone roadway infrastructure proposed within the CPU area. Due to the size of the exhibit, it is not practical to illustrate every roadway.

C-20 Comment noted. Early coordination with the Wildlife Agencies would be facilitated by the project biologist and City staff during the subsequent project review process.



LETTER

RESPONSE

Ms. Myra Herrmann (FWS/CDFW-14B0007-14TA0003)

Enclosure, page 4

- C-21 7. The PEIR (pages 5.4-59 and 5.4-62) indicates that several mobility element roads are planned within or adjacent to the MHPA and makes reference to Figure 5.4-8; however, we cannot find this figure. The final PEIR should include a figure showing the locations of these roads relative to the MHPA.
- C-22 8. CPU Plan Policy CE 8.1.6 (page 5.4-45 of the PEIR) states that ASMDs will be implemented as part of the CPU and serve to reduce impacts to below a level of significance (page 5.1-64 of the PEIR). Please clarify when/how these ASMDs will be developed and implemented.

- C-21 The two references to Figure 5.4-8 have been revised to reference the correct Figure 5.4-5.
- C-22 Please see Response to Comment C-13.

Letter D

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

DEPARTMENT OF TRANSPORTATION

DISTRICT 11  
 4050 TAYLOR STREET, MS 240  
 SAN DIEGO, CA 92110-2714  
 PHONE (619) 688-6960  
 FAX (619) 688-4299  
 TTY 711  
 www.dot.ca.gov



*Flex your power!  
 Be energy efficient!*

October 23, 2013

11-SD-905  
 PM VAR  
 Otay Mesa Community Plan Update  
 Draft PEIR – SCH#2004051076

Ms. Myra Herrmann  
 City of San Diego  
 1222 First Avenue, MS-501  
 San Diego, CA 92101

Dear Ms. Herrmann:

D-1 The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Draft Programmatic Environmental Impact Report (PEIR) and Technical Studies for the Otay Mesa Community Plan Update (CPU), specifically the included Transportation Analysis dated June 14, 2012. The Otay Mesa Community is located within the southern region of the City of San Diego (City), bounded on the north by the City of Chula Vista and on the south by the Tijuana River Valley and the San Ysidro Communities. The State highways serving Otay Mesa are Interstate 805 (I-805), State Route 905 (SR-905), State Route 125 (SR-125) and the proposed State Route 11 (SR-11).

Caltrans would like to submit the following comments on these five documents:

1. Otay Mesa CPU Draft PEIR;
2. Otay Mesa CPU Draft PEIR, Appendix I: Noise Analysis;
3. Otay Mesa CPU Draft PEIR, Appendix J: Transportation Analysis;
4. Otay Mesa CPU Public Draft; and
5. Otay Mesa CPU Draft Public Facilities Financing Plan and Facilities Benefit Assessment.

1. Otay Mesa CPU Draft PEIR, September 10, 2013

D-2 One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts to highway facility operations by local development on State highways. Therefore, Caltrans is concerned that the Draft PEIR states on page 5.12-48, and throughout the document, that:

*The CPU would significantly impact five segments of SR-905 [between Picador Boulevard and La Media Road]. Caltrans has designed the SR-905 to allow for the construction of HOV lanes, which would reduce the CPU impacts to below a level of significance at two of the five impacted freeway segments. However, the addition of HOV lanes to SR-905 is not a funded or planned project at this time and improvements to these facilities cannot be guaranteed to be implemented by the City. Additional mitigation such*

*"Caltrans improves mobility across California"*

D-1 Comment noted. This paragraph provides information regarding the content of the letter.

D-2 Comment noted. Due to the cost of providing additional freeway lanes and interchange improvements on SR-905, the resultant facilities benefit assessment fees that would be required to provide the improvements would make development economically infeasible. In addition there is some uncertainty related to the actual development and associated traffic impacts that will materialize over time. Transportation studies prepared for Specific Plans and subsequent development projects would more accurately identify impacts and provide appropriate mitigation through Public Facilities Financing Plan (PFFP) amendments and project-specific mitigation – either physical improvements or transportation demand management measures which may be more cost effective than alternative infrastructure improvements, or both. The PFFP project descriptions for projects T-11.1, T-11.2, T-16.7, T-21.1, T-21.2, T-25.2, and T-25.3 have been modified to indicate that these additional improvements should be considered based on future specific plan and development project studies.

Ms. Myra Herrmann  
October 23, 2013  
Page 2

D-2  
cont.

*as TDM measures may be identified in the future at the project-level. Thus, at the program-level, CPU impacts to the five SR-905 freeway segments would remain significant and unavoidable.*

Where feasible, Caltrans endeavors with any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) standards. Therefore, with the acknowledgement that the SR-905 project, completed in July 2012 as a six-lane freeway from I-805 to the Otay Mesa Port of Entry (POE), was designed "to allow for the construction of HOV lanes, which would reduce the CPU impacts to below a level of significance at two of the five impacted freeway segments," and that "the addition of HOV lanes to SR-905 is not a funded or planned project at this time," Caltrans would appreciate an explanation of why "these facilities cannot be guaranteed to be implemented by the City," and are not included in the Draft Public Facilities Financing Plan (PFFP) and Facilities Benefit Assessment (FBA). This strategy and statement in the PEIR defers the responsibility of the implementation of such improvements to "others."

Accordingly, the Mitigation Framework in the PEIR for traffic impacts to SR-905 states that:

*At the time future discretionary development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact (page S-28).*

As a result, the Draft PEIR defers the identification of detailed mitigation recommendations for direct impacts to SR-905 to future discretionary development projects on a case-by-case basis. Instead it is recommended by Caltrans that the inclusion of HOV lanes and/or other improvements to SR-905, such as auxiliary lanes or interchange improvements be considered in the Draft PFFP and FBA to allow future discretionary development projects to better identify and contribute their fair share, as well as identify potential local cost sharing for such improvements.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

D-3 Caltrans appreciates the explanation starting on page 4-1 that:

*In accordance with CEQA Guidelines, the baseline for establishing the environmental setting and existing conditions is determined to be the date when the NOP [Notice of Preparation] is published. ... The baseline for the purpose of this PEIR is, therefore those conditions occurring at the time of the third NOP [October 1, 2010] and are the conditions upon which physical changes are examined in the PEIR. It should be noted however, that the baseline for analysis of the Transportation/Circulation Section is different because of changes to the circulation system between when the 2010 NOP was issued and the time this PEIR was made public. This is specifically evident relative to State Route 905, which was under construction in 2010 and is now open for use within the CPU area; as well for the reopening of State Route 125.*

*"Caltrans improves mobility across California"*

D-3 Pursuant to CEQA Guidelines Section 15126.2(a), "In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published." Although there were multiple changes to the circulation system between issuance of the NOP in 2010 and release of the PEIR for public review, the existing conditions analysis was not updated to reflect the changed conditions due to the fact that updating the analysis would not have any bearing on the identification of significant impacts at buildout of the community plan. Therefore, the 2010 NOP is the appropriate baseline conditions, as further described in Section 5.12.2 of the PEIR and as acknowledged in the comment.

Ms. Myra Herrmann  
 October 23, 2013  
 Page 3

- D-4 Please note that in addition to SR-905 and SR-125, exhibits and analyses throughout the Otay Mesa CPU Draft PEIR and Technical Studies referencing SR-11 are not current, and should reflect the preferred alternative for SR-11 from the Caltrans *State Route 11 and the Otay Mesa East POE Final Tier II Environmental Impact Report/Environmental Impact Statement* (EIR/EIS), March 2012, currently available at [http://www.dot.ca.gov/dist11/Env\\_docs/SR11/Final\\_tech.html](http://www.dot.ca.gov/dist11/Env_docs/SR11/Final_tech.html).
- D-5 In addition, please ensure that the exhibits and analyses referencing the South Bay Bus Rapid Transit project should reflect the route alignment and stops as proposed by SANDAG in the project's Final Environmental Impact Report certified in July 2013.
- D-6 Caltrans agrees with the "Build-out Recommended Lane Configurations" for the I-805/Palm Avenue interchange as shown in Figure 5.12-4a (page 5.12-40). Please note that the final Caltrans Project Study Report (PSR) for the I-805/Palm Avenue interchange project, approved on July 17, 2013, proposes an Eastbound to Northbound loop on-ramp as the most likely alternative design, with slightly different lane striping than what is shown in the Draft PEIR, and subsequently in the Transportation Analysis (Appendix J).
- D-7 The Draft PEIR also states that "The reasons for not recommending the improvements [to 24 roadway segments and 49 intersections] are detailed in the Findings and the Statement of Overriding Considerations. The impacts are considered significant and unavoidable" (pages S-26 and S-27). However, page 1-8 explains that "a Statement of Overriding Considerations for impacts identified in the Draft PEIR as significant and unmitigable will be prepared and compiled as part of the PEIR finalization process," and are therefore not yet available for review. Please provide Caltrans with the Statement of Overriding Considerations as part of the City's response to these comments.  
  
 2. Otay Mesa CPU Draft PEIR, Appendix I: Noise Analysis, August 29, 2013
- D-8 Page 19 of the Noise Analysis states that:  
  
*Truck volumes for I-805, SR-905, SR-125, and SR-11 were obtained from California Department of Transportation (Caltrans) truck counts (Caltrans 2009). For I-805, a traffic mix of 93.1 percent cars, 4.2 percent medium trucks, and 2.7 percent heavy trucks was assumed. For SR-905, SR-125, and SR-11, a traffic mix of 91.9 percent cars, 5.5 percent medium trucks, and 2.6 heavy trucks was observed.*  
  
 Please note that SR-11 has not yet been constructed, as of both the Draft PEIR baseline of 2010 and the Draft PEIR public review of September-October 2013, therefore actual volumes would not be available.

"Caltrans improves mobility across California"

- D-4 Comment noted. Notes have been added to the figures in the Final EIR Transportation/Circulation section that show the future SR-11 and Otay Mesa East Point of Entry to refer readers to the Caltrans SR-11 and Caltrans Final Tier II EIR/EIS, dated March 2012 for the preferred alternative.
- D-5 The Mobility Element Transit Route Map has been revised to reflect the interim alignment of the southbound BRT in addition to the ultimate alignment that will be in effect when the SR-905/SR-125 freeway interchange is constructed. In addition to the planned southbound BRT stop at the Port of Entry, the figure shows an additional "potential transit stop" at the future Lone Star interchange which the City understands is not part of the current BRT project, but which may be desired in the future.
- D-6 Comment noted.
- D-7 Draft CEQA Findings and Statement of Overriding Considerations and City response to comments will be made available to Caltrans, other commenter's and City decision-maker with release of the Final EIR.
- D-8 Comment noted.

Ms. Myra Herrmann  
 October 23, 2013  
 Page 4

- D-9 3. Otay Mesa CPU Draft PEIR, Appendix J: Transportation Analysis, June 14, 2012 with corrections dated August 30, 2013

Pages 8-4 to 8-5 of the Transportation Analysis state the following regarding significant impacts to the State Highway System:

*The Adopted SANDAG 2050 Regional Transportation Plan includes two managed lanes on I-805 in each direction north of SR-905. ... These added managed lanes should be considered partial mitigation for regional cumulative traffic impacts. The implementation of Transportation Demand Management Plans for large development projects would also reduce, but not mitigate for, regional cumulative freeway impacts.*

*State Route 905 traffic impacts would be significant and unmitigated for all three scenarios. State Route 905 has been designed so that median High Occupancy Vehicle lanes could be installed in the future, but are not currently planned or funded by Caltrans. The addition of HOV lanes would provide partial mitigation for local and regional cumulative impacts but would not provide acceptable levels of service on segments of SR-905 projected to be at level of service "F", so that SR-905 traffic impacts would remain significant and unmitigated. The City of San Diego requested that HOV lanes on SR-905 be added to the Regional Transportation Plan as part of comments on the Draft 2050 RTP DEIR. The [Unconstrained] Network in the 2050 RTP includes 8 freeway lanes on SR-905.*

Caltrans appreciates the coordination between the City and SANDAG on including improvements to the State Highway System in the Regional Transportation Plan (RTP). However, as this analysis guides the impacts and mitigation measures identified in the Draft PEIR, Caltrans would like to reiterate a request for an explanation of why HOV lanes and/or improvements to 8 freeway lanes on SR-905 "cannot be guaranteed to be implemented by the City," and were not included in the Draft PFFP and FBA. Such deferment of improvements to the possible inclusion in future RTP updates is not appropriate. Inclusion of improvements in the PFFP and FBA could instead help facilitate a local cost sharing for improvements to regional transportation facilities, which may also assist in the future consideration of improvements in the RTP.

- D-10 Please note that SR-905 has additional phases, as described below:

Phase 3 – The SR-905/SR-125 freeway-to-freeway interchange will be constructed during this phase. A four-lane local access ramp will be constructed from the SR-905/SR-125 interchange east to the intersection with Enrico Fermi Drive. This project is not funded at this time and has not been scheduled.

Phase 4 – The final phase will construct the Heritage Road interchange ramps. Phase 4 will only be constructed once other parties have made other key improvements to the area, which is not expected to occur prior to 2016. It is anticipated that the City of San

*"Caltrans improves mobility across California"*

- D-9 See Response to Comment D-2.

- D-10 Comment noted.

Ms. Myra Herrmann  
October 23, 2013  
Page 5

D-10  
cont.

Diego will finance the ramps to accommodate the full build-out of the Otay Mesa community plan area.

D-11

As for the SR-905 interchanges with the local road network, Caltrans concurs with the Transportation Analysis that:

*Improvements are recommended at the interchange ramps for SR-905/Caliente Avenue, SR-905/Future Heritage Road, SR-905/Britannia Boulevard; SR-905/La Media Road; SR-905/Siempre Viva Road. Subsequent design requirements from Caltrans may change the recommended lane configurations (page ES-71).*

However, the Draft PEIR states that for the aforementioned SR-905 interchange ramps, "the following mitigation shall be provided [to reduce impacts]: TRF-1: Intersections shall be improved per the intersection lane designations identified in Figure 5.12.4" (Draft PEIR page S-27). As "Subsequent design requirements from Caltrans may change the recommended lane configurations" per the Transportation Analysis.

Caltrans recommends that the City initiate the process of working with Caltrans to develop and identify improvements for each of the aforementioned SR-905 interchanges, and/or other improvements, in order to determine Caltrans design requirements, cost estimates, and to preserve right-of-way. It is anticipated that all SR-905 ramps will be metered and in operation.

D-12

4. Otay Mesa CPU Public Draft, September 2013

As of January 1, 2011, Assembly Bill 1358 requires that any substantive revision of the circulation element of a general plan include planning for a balanced multi-modal transportation network that meets the needs of all users of streets, roads, and highways in a manner that is suitable to the context of the general plan. The Act defines all users as motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation. Caltrans supports Complete Streets policies and continues to implement our own Complete Streets directive, DD-64-R1.

Caltrans supports the concept of a local circulation system which is pedestrian, bicycle, and transit-friendly in order to enable residents to choose alternative modes of transportation. As a result, potential transit mitigation for development impacts should also be analyzed, such as improved transit accommodation through the provision of park and ride facilities, bicycle access, signal prioritization for transit, or other enhancements which can improve mobility and alleviate traffic impacts to State facilities.

Caltrans appreciates the acknowledgement of past and ongoing collaboration between the City and regional stakeholders, as stated on page I-10:

*Because the Otay Mesa community planning area includes regional impacts and issues, the City works closely with San Diego Association of Governments (SANDAG), the California Department of Transportation (Caltrans), the Airport Authority, the City of*

*"Caltrans improves mobility across California"*

D-11 Comment noted. The City agrees that further study is needed to develop future freeway and interchange improvements. As specific plans and other discretionary development projects in Otay Mesa are processed, the City will coordinate review of transportation analysis with Caltrans, as appropriate; in order identify recommended improvements or other measures to mitigate impacts. Meanwhile, the Public Facilities Financing Plan projects T-11.1, T-11.2, T-16.7, T-21.1, T-21.2, T-25.2, and T-25.3 have been modified to indicate that additional improvements may be identified in the future.

D-12 As stated in Section 5.12.6.1 of the PEIR, the CPU includes several alternative transportation policies with which future development projects would be required to comply. These policies promote the future availability of transit, alternative transportation convenience (including connectivity and speed), and the appeal of alternative transportation. Because the transit policies are included as part of the policy framework of the CPU, no impacts related to transit were identified, and therefore, no additional mitigation is required. Potential transit mitigation measures for development project impacts would be analyzed and identified during the development review process and through coordination between the City and SANDAG.

Ms. Myra Herrmann  
 October 23, 2013  
 Page 6

D-12  
 cont.

*Chula Vista and County staff to coordinate a comprehensive approach on planning issues that cross jurisdictional boundaries.*

D-13

Further coordination is needed between Caltrans and the City to properly implement Policy 3.1-1(b) on page ME-2 to "Provide safe, convenient, and attractive pedestrian crossings of SR-905."

D-14

Further coordination is also needed between Caltrans and the City on how to simultaneously implement both Policy 3.5-6 to "Maintain Britannia Boulevard, La Media Road, and the border access road as the truck routes. Work with Caltrans periodically to assess truck movement and needs along the truck routes" (page ME-20), and Policy 2.4-9 to "Provide adequate buffers, such as land uses, landscape, walls, and distance between the residential component of the Business Park-Residential Permitted lands, SR-905, and Britannia Boulevard to minimize negative impacts of air quality, noise, and truck transportation on residents" (page LU-27). The Draft CPU acknowledges that "Multi-family residential uses are allowed [in Business Park-Residential Permitted] at a density range of 15-44 dwelling units per acre," and that "these lands are in close proximity to SR-905, and the designated truck route of Britannia Boulevard." (page LU-26). Caltrans wants to ensure that major goods movement designated truck routes are compatible with surrounding land uses. We recommend that the City consider an implementation strategy for the Heritage/SR-905 interchange to allow for its construction before allowing any residential developments to avoid mixing residential uses with heavy trucks. The California Air Resources Board (ARB) recommends as a guideline a buffer of 500 feet between residential uses and freeways.

D-15

5. Otay Mesa CPU Draft Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2014

It is understood that the City of San Diego will coordinate with Caltrans to identify a list of improvement projects for the Otay Mesa CPU Financing Plan. The Otay Mesa CPU as currently devised defers the identification of detailed mitigation recommendations for direct impacts to SR-905 to future discretionary development projects on a case-by-case basis. Again, including improvements to SR-905 in the Draft PFFP and FBA may allow future discretionary development projects to better identify and contribute their fair share, as well as identify local cost sharing for such improvements.

As previously stated, Caltrans also recommends that the City initiate the process of working with Caltrans to develop and identify improvements for each of the aforementioned SR-905 interchanges, and/or other improvements, in order to determine Caltrans design requirements, cost estimates, and to preserve right-of-way. It is anticipated that all SR-905 ramps will be metered and in operation.

Please note that the Draft PFFP and FBA is inaccurate for the I-805/Palm Avenue interchange project, as page 32 shows construction financing is scheduled for Fiscal Years (FYs) 2028 and 2029. The final PSR for the I-805/Palm Avenue project has programmed Caltrans resources for a construction start date of 2017. The Environmental Phase is scheduled to start soon. Caltrans

*"Caltrans improves mobility across California"*

D-13 Comment noted. It is anticipated that this coordination will occur through the project review process as improvements are planned and implemented.

D-14 Comment noted. It is anticipated that coordination related to Policy 3.5-6 will occur through the Caltrans coordination section in the Transportation and Storm Water Department's – Transportation Engineering Operations Division and coordination related to Policy 2.4-9 will occur through the subsequent development project review process.

D-15 Development of the PFFP project schedule considered many factors including projected demand for facilities and availability of revenues based on development projections. Available funding limits the number of projects that can be implemented in the early years of the schedule. Subsequent development projects implemented in accordance with the CPU will be required to demonstrate compliance with the applicable CPIOZ, CPU and GP policies as well as development standards and guidelines specific to the project type. Also see Response to Comment D-11.

The PFFP has included \$5.1 Million of Continuing Appropriation and an additional \$0.3 Million in funding during FY 2014 for a total of \$5.4 Million available to the I-805/Palm Interchange project as early as FY 2014. (Refer to Otay Mesa PFFP, page 32)

Ms. Myra Herrmann  
October 23, 2013  
Page 7

D-15  
cont.

expects at least some stage of construction to take place at this interchange once the environmental document is completed.

Pages 102 and 103 of the Draft PFFP and FBA identify \$50,000 for design and construction in FY 2025 for SR-905/Caliente Avenue to "WIDEN CALIENTE AVENUE OVERPASS TO PROVIDE TWO NORTHBOUND AND TWO SOUTHBOUND LEFT TURN LANES. THE LENGTH OF TURN LANES IN THIS CASE WOULD BE 300 LINEAL FEET." Meanwhile, page 7-34 of the Transportation Analysis also recommends widening of the Caliente Avenue Overcrossing structure, meaning that the identified \$50,000 is inadequate. Since the current SR-905/Caliente Avenue interchange is designed for one-half build-out, extensive construction will be needed to accommodate local development. Also, any Caltrans approved PSR design may have an impact on adjacent future City intersection and roadway segment projects already programmed in the Draft PFFP (e.g., the Otay Mesa Road/Caliente Avenue intersection). A build-out design of the SR-905/Caliente Avenue interchange should occur first to protect R/W before the encroachment of development.

Pages 134 and 135 of the Draft PFFP identify \$21,700,000 in FY 2030 and FY 2031 to "PROVIDE FOR THE DESIGN AND CONSTRUCTION OF FOUR RAMPS CONNECTING SR-905 AND HERITAGE ROAD." Please note that Caltrans' most recent engineering estimate for half build-out of the SR-905/Heritage Road interchange is \$54.8 million for R/W capital and construction capital costs.

Pages 162 and 163 of the Draft PFFP have identified a project titled "SIEMPRE VIVA ROAD (Otay Center Road to Paseo de las Americas)" for \$1,400,000 in FY 2038 for "DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THIS SECTION OF SIEMPRE VIVA AS A SIX-LANE PRIMARY ARTERIAL. IMPROVEMENTS [that] WILL INCLUDE CONSTRUCTION OF INTERSECTION TURN LANES, LANDSCAPING AND STREET LIGHTING. THIS ROAD SEGMENT IS APPROXIMATELY 2,480 FEET." The SR-905/Siempre Viva Road interchange is within this project segment, yet the listing does not include improvements to the interchange as recommended in the Transportation Analysis, for which \$1,400,000 would be inadequate.

Meanwhile, the Draft PFFP has not identified funding for any improvements to the SR-905/Britannia Boulevard nor the SR-905/La Media Road interchanges.

The Draft PFFP has also not identified freeway ramp meter projects, except at I-805/Palm Avenue. Please note that Caltrans is committed to using ramp metering as an effective traffic management strategy to maximize the efficiency of State facilities, per directive DD-35-R1.

D-16

Summary of significant comments:

- The traffic study base line does not include existing SR-905 as it predates its opening. This is a significant change that Caltrans has asked previously to be updated.
- Impacts to SR-905 are significant and unavoidable. The PEIR relies on the RTP and future development on a case-by-case basis to address future impacts.

*"Caltrans improves mobility across California"*

D-15  
cont.

The available funding for the project is sourced from the Otay Mesa FBA. As the project develops and additional funding is needed, the other possible funding source that the Palm/I-805 project may qualify for is TransNet. The project team is also evaluating Federal & State grant opportunities to assist with funding needs. Since a preferred alternative needs to be identified, the total project cost has not yet been determined. At present project costs range from \$10 million to \$42 million, depending on the project alternative. The I-805/Palm Avenue Interchange Project is currently beginning the Project Report / Environmental Document phase which will assess the viable project alternatives and will aim to identify the preferred alternative. Due to funding limitations, the project team will start the next phase of development by conducting a value engineering/analysis (VA) study of the project. Some considerations in the VA study will be to evaluate phasing of project scope with available funding (present & future) as programmed. In addition, the on/off ramp system is one component that will be evaluated in depth as part of the phasing of work. In addition, the VA study will also evaluate innovative traffic interchange geometry (Diverging Diamond Interchange), a proposal that is reported to be effective in improving LOS and is cost effective. It is understood that the intermediate improvements will provide relief to traffic congestion at the interchange. The City is proposing to fund the remainder of the improvements in FY 28 and FY 29 as indicated.

D-16 Comment noted. The traffic impact study was completed before SR- 905 was completed and updating the existing conditions analysis to reflect the SR-905 opening would not affect the identification of significant transportation related impacts. Also see Response to Comment D-2.



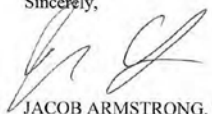
Ms. Myra Herrmann  
October 23, 2013  
Page 8

D-16  
cont.

- Caltrans suggests undertaking studies to identify interchange and/or other improvements that individual project clearances in the future could use to help mitigate their impacts.
- Caltrans supports buffers between truck routes and residential uses to ensure that major goods movement designated truck routes are compatible with surrounding land uses.

Caltrans appreciates the continued coordination with City staff on this plan. If you have any questions, please contact Connery Cepeda, of the Public Transportation/Grant Administration Branch, at (619) 688-6003 or [connery\\_cepeda@dot.ca.gov](mailto:connery_cepeda@dot.ca.gov).

Sincerely,



JACOB ARMSTRONG, Chief  
Development Review Branch

c: State Clearinghouse

THIS PAGE LEFT INTENTIONALLY BLANK

## Letter E

STATE OF CALIFORNIA  
 NATIVE AMERICAN HERITAGE COMMISSION  
 1550 Harbor Boulevard  
 West Sacramento, CA 95691  
 (916) 373-3715  
 (916) 373-5471 – FAX  
 e-mail: ds\_nahc@pacbell.net

Edmund G. Brown, Jr., Governor

September 13, 2013

Myra Herrmann, Senior Environmental Consultant  
**City of San Diego Development Services Department**  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

RE: SCH#2004051075 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **“OTAY MESA COMMUNITY PLAN UPDATE;”** located the Otay Mesa area near the U.S. – Mexico International Boundary; san Diego County, California

Dear Ms. Herrmann:

E-1

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

E-2

This project may be subject to California Government Code Sections 65040.2, *et seq.*

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

E-3

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this

E-1 Comment noted. This paragraph provides information regarding the content of the letter.

E-2 A Cultural Resources Report (2013) was prepared for the CPU and is included as Appendix E to the PEIR. A record search was conducted in May 2011 at the South Coastal Information Center, San Diego State University using the California Historical Resources Information System (CHRIS). A total of 262 prehistoric and historic sites/structures have been recorded within the Otay Mesa Community Plan Update boundaries (APE). The recorded resources are listed in Table 2 of the Cultural Resources Report which is included as an Appendix to the EIR.

E-3 Please refer to the Response to Comment E-2. The Cultural Resources Report (2013) prepared for the CPU was submitted to and approved by the City of San Diego Environmental Analysis Section. The City of San Diego recognizes the confidential nature of the NAHC Sacred Lands Inventory as well as the locations of all types of archaeological and Native American sites within our jurisdictional boundaries. All archaeological site information obtained as a result of evaluating the potential for cultural resources within the community plan boundaries are included in a separate confidential appendix to the Cultural Resources Report which was not made available to the public with distribution of the Draft EIR.

E-3  
cont.

be coordinated with the NAHC, if possible. This area is known to the NAHC to be very culturally sensitive. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

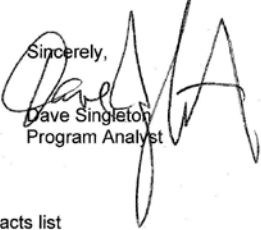
E-4

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

E-5

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,



Dave Singleton  
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

E-4

In accordance with Senate Bill 18, letters were distributed to all tribal groups identified by the NAHC with a potential interest in the CPU on February 26, 2007. The City did not receive any requests for consultation from any of the tribal groups or individuals identified by the NAHC within the 90 day period. In addition, all culturally affiliated tribal groups in the San Diego County area and other members of the Native American community (as noted on the public review notice distribution list) were sent a copy of the public notice for the Draft EIR in accordance with the provisions of CEQA, the City's General Plan, and the Land Development Code, CEQA Implementation Procedures. Other than the comment letter received from the NAHC, only one tribal group, the Rincon Band of Luiseno Indians submitted a letter. This letter provided information to the City regarding Kumeyaay Aboriginal Territory for the project and a recommendation to contact the appropriate Kumeyaay tribe to address how to handle discoveries in the project area. In addition, the City is committed to an on-going relationship with the local Native American community through informal meetings and/or regulatory compliance requirements.

E-5

Comment noted. The Mitigation Framework for archaeological resources included in the CPU FEIR includes specific guidance for evaluating the potential for archaeological and Native American resources within the Community Plan boundaries for future development projects. In addition, the City of San Diego's Mitigation Monitoring and Reporting Program (MMRP), which would be implemented during construction-related activities for future development projects includes a subsection which provides specific direction in the event that unanticipated human remains are encountered. The MMRP requires immediate implementation of the provisions explicitly stated in Section 5097.98 of the California Public Resources Code, Section 27491 of the California Government Code, and Section 7050.5 of the California Health and Safety Code for the discovery and subsequent treatment of human remains.

**Native American Contacts  
San Diego County  
September 13, 2013**

Barona Group of the Capitan Grande  
Clifford LaChappa, Chairperson  
1095 Barona Road Diegueno  
Lakeside , CA 92040  
sue@barona-nsn.gov  
(619) 443-6612  
619-443-0681

Sycuan Band of the Kumeyaay Nation  
Daniel Tucker, Chairperson  
5459 Sycuan Road Diegueno/Kumeyaay  
El Cajon , CA 92019  
ssilva@sycuan-nsn.gov  
619 445-2613  
619 445-1927 Fax

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
PO Box 1120 Diegueno/Kumeyaay  
Boulevard , CA 91905  
gparada@lapostacasino.  
(619) 478-2113  
619-478-2125

Viejas Band of Kumeyaay Indians  
Anthony R. Pico, Chairperson  
PO Box 908 Diegueno/Kumeyaay  
Alpine , CA 91903  
jhagen@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

Manzanita Band of Kumeyaay Nation  
Leroy J. Elliott, Chairperson  
PO Box 1302 Diegueno/Kumeyaay  
Boulevard , CA 91905  
ljbirdsinger@aol.com  
(619) 766-4930  
(619) 766-4957 Fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road Diegueno/Kumeyaay  
Alpine , CA 92001  
(619) 445-0385

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
PO Box 365 Diegueno  
Valley Center. CA 92082  
allenl@sanpasqualband.com  
(760) 749-3200  
(760) 749-3876 Fax

Campo Band of Mission Indians  
Ralph Goff, Chairperson  
36190 Church Road, Suite 1 Diegueno/Kumeyaay  
Campo , CA 91906  
chairgoff@aol.com  
(619) 478-9046  
(619) 478-5818 Fax

THIS PAGE LEFT INTENTIONALLY BLANK

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004051075; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the OTAY MESA COMMUNITY PLAN UPDATE; located in the southern portion of the city of San Diego; San Diego County, California.

**Native American Contacts  
San Diego County  
September 13, 2013**

Jamul Indian Village  
Raymond Hunter, Chairperson  
P.O. Box 612 Diegueno/Kumeyaay  
Jamul, CA 91935  
jamulrez@sctdv.net  
(619) 669-4785  
(619) 669-48178 - Fax

Kumeyaay Cultural Repatriation Committee  
Steve Banegas, Spokesperson  
1095 Barona Road Diegueno/Kumeyaay  
Lakeside, CA 92040  
sbanegas50@gmail.com  
(619) 742-5587  
(619) 443-0681 FAX

Mesa Grande Band of Mission Indians  
Mark Romero, Chairperson  
P.O. Box 270 Diegueno  
Santa Ysabel, CA 92070  
mesagrandeband@msn.com  
(760) 782-3818  
(760) 782-9092 Fax

Viejas Band of Kumeyaay Indians  
ATTN: Julie Hagen, cultural Resources  
P.O. Box 908 Diegueno/Kumeyaay  
Alpine, CA 91903  
jhagen@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337

Kwaaymii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 775 Diegueno -  
Pine Valley, CA 91962  
(619) 709-4207

Ewiiapaayp Tribal Office  
Will Micklin, Executive Director  
4054 Willows Road Diegueno/Kumeyaay  
Alpine, CA 91901  
wmicklin@leaningrock.net  
(619) 445-6315 - voice  
(619) 445-9126 - fax

Inaja Band of Mission Indians  
Rebecca Osuna, Chairman  
2005 S. Escondido Blvd. Diegueno  
Escondido, CA 92025  
(760) 737-7628  
(760) 747-8568 Fax

Ipay Nation of Santa Ysabel  
Clint Linton, Director of Cultural Resources  
P.O. Box 507 Diegueno/Kumeyaay  
Santa Ysabel, CA 92070  
cjlinton73@aol.com  
(760) 803-5694  
cjlinton73@aol.com

THIS PAGE LEFT INTENTIONALLY BLANK

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004051075; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the OTAY MESA COMMUNITY PLAN UPDATE located in the southern portion of the city of San Diego; San Diego County, California.

**Native American Contacts  
San Diego County  
September 13, 2013**

Kumeyaay Diegueno Land Conservancy  
Mr. Kim Bactad, Executive Director  
2 Kwaaypaay Court Diegueno/Kumeyaay  
El Cajon , CA 91919  
(619) 445-0238 - FAX  
(619) 659-1008 - Office  
kimbactad@gmail.com

Inter-Tribal Cultural Resource Protection Council  
Frank Brown, Coordinator; Viejas THPO  
240 Brown Road Diegueno/Kumeyaay  
Alpine , CA 91901  
frbrown@viejas-nsn.gov  
(619) 884-6437

Kumeyaay Cultural Repatriation Committee  
Bernice Paipa, Vice Spokesperson  
1095 Barona Road Diegueno/Kumeyaay  
Lakeside , CA 92040  
(619) 478-2113  
(KCRC is a Coalition of 12  
Kumeyaay Governments)  
bp@lapostatribes.com

THIS PAGE LEFT INTENTIONALLY BLANK

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

his list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004051075; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the OTAY MESA COMMUNITY PLAN UPDATE; located in the southern portion of the city of San Diego; San Diego County, California.

Letter F



401 B Street, Suite 800  
San Diego, CA 92101-4231  
(619) 699-1900  
Fax (619) 699-1905  
www.sandag.org

October 25, 2013

File Number 3330300

Ms. Theresa Millette  
City of San Diego  
Planning Division, Community Planning  
1222 First Avenue, Mail Stop 413  
San Diego, CA 92101

Dear Ms. Millette:

SUBJECT: Otay Mesa Community Plan Update Public Draft and Draft Programmatic Environmental Impact Report

Thank you for the opportunity to comment on the Otay Mesa Community Plan Update (CPU), draft Programmatic Environmental Impact Report (PEIR), and the Otay Mesa CPU Public Draft.

Our comments are based on policies included in the Regional Comprehensive Plan (RCP) and the 2050 Regional Transportation Plan and its Sustainable Communities Strategy (2050 RTP/SCS), and are submitted from a regional perspective, emphasizing the need for land use and transportation coordination and implementation of smart growth and sustainable development principles. The goal of the regional plans is to focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure to create a more sustainable region.

The San Diego Association of Governments (SANDAG) provides the following comments on the Otay Mesa CPU and associated draft PEIR.

**Smart Growth, Land Use, and Transportation**

- SANDAG supports the policies and recommendations throughout the Otay Mesa CPU and as analyzed in the draft PEIR, which encourages the use of business park lands and other uses to buffer residential development and sensitive receptors from traditional industrial uses, as well as impacts from truck and freight transportation in this key goods movement corridor. The collocation of residential development in the Central Village adjacent to the industrial uses, State Route 905, and Britannia Boulevard could result in negative impacts on sensitive uses, and so it is important to consider existing and future transportation developments in the approval of residential uses in this area. SANDAG supports the provision in the proposed plan update that separates potentially conflicting uses in the CPU area through a number of policies regarding buffer uses, separation distances, and the location of sensitive receptors on both sides of the border.

MEMBER AGENCIES

- Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Sanitec, Solana Beach, Vista
- and County of San Diego

ADVISORY MEMBERS

- Imperial County
- California Department of Transportation
- Metropolitan Transit System
- North County Transit District
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

F-1

F-1 Comment noted. This paragraph provides information regarding the content of the letter.

F-2

F-2 The Central Village will process a Specific Plan, which requires approval by the City Council. The specific plan would determine refined land uses and zoning within the specific planning area, and would be consistent with all CPU policies, including buffer and transitional use policies.

LETTER

RESPONSE

<p>F-3</p> <ul style="list-style-type: none"> <li>SANDAG promotes Smart Growth Principles, which result in higher density development in areas that are near transit, focuses growth near jobs and services, and can increase housing and transportation choices for residents. SANDAG appreciates that the proposed Otay Mesa CPU is generally supportive of these principles and has identified opportunities to contribute to a jobs/housing balance by providing a diversity of employment opportunities within walking distance of residences.</li> </ul> <p>F-4</p> <ul style="list-style-type: none"> <li>The boundaries of the proposed Otay Mesa CPU contain three areas that are identified as potential Smart Growth Areas on the SANDAG Smart Growth Concept Map (SGCM): SD OM-1 - Potential Community Center, SD OM-2 - Potential Urban Center, and SD OM-3 - Potential Special Use Center. Upon adoption of the proposed Otay Mesa CPU, the smart growth designations for this planning area will need to be reevaluated to reflect the changes in land use designations and density requirements. SANDAG is available to coordinate with city staff to update the SGCM once the plan update is completed. Please refer to the SGCM and SGCM Site Descriptions on the SANDAG website.</li> </ul> <p><b>Transportation Demand Management</b></p> <p>F-5</p> <p>The 2050 RTP/SCS sets forth a multimodal approach to meeting the region's transportation needs. Therefore, it is recommended that the CPU and subsequent specific plans and project approvals consider the needs of motorists, transit riders, pedestrians, and bicyclists, and the implementation of a robust Transportation Demand Management (TDM) Program.</p> <p>F-6</p> <ul style="list-style-type: none"> <li>Where potentially significant traffic impacts are expected, please consider implementing TDM programs as mitigation. In support of this, policies ME1 through MEB of the Mobility Element of the City of San Diego's General Plan encourage TDM to reduce single occupant vehicle travel and to mitigate traffic impacts related to development projects. SANDAG supports policies included in the Otay Mesa CPU Public Draft that promote transit-oriented development, a multimodal transportation network, and efforts to decrease Vehicle Miles Traveled (VMT) through a jobs-housing balance.</li> </ul> <p>F-7</p> <ul style="list-style-type: none"> <li>Given that employment and other development will increase substantially in the Otay Mesa Community Planning Area, consider TDM policies and programs that require or incentivize new developments and employers to provide site designs and/or on site amenities that support alternative modes of transportation. The SANDAG TDM division, iCommute, can assist with efforts to promote and implement TDM measures. Please refer to the SANDAG publication, <i>Integrating TDM into the Planning and Development Process – A Reference for Cities</i>, for additional information.</li> </ul> <p>F-8</p> <ul style="list-style-type: none"> <li>Consider parking management strategies that encourage alternative transportation options. In support of this, policies ME-G1 through ME-G5 of the Mobility Element of the City of San Diego's General Plan encourage parking strategies that contribute to a multimodal environment. SANDAG recognizes that the Otay Mesa CPU encourages multimodal transportation options through its policies and recommendations and the SANDAG TDM division can assist with parking management efforts. Please refer to the SANDAG publication, <i>Parking Strategies for Smart Growth</i>, and the future parking strategies tool box that SANDAG is in the process of preparing.</li> </ul> <p style="text-align: center;">2</p>	<p>F-3</p> <p>Comment noted.</p> <p>F-4</p> <p>Upon adoption of the CPU, staff will work with SANDAG to update the Smart Growth Concept Map.</p> <p>F-5</p> <p>The General Plan and Otay Mesa CPU Mobility Elements contain goals and policies that consider the needs of motorists, transit riders, pedestrians and bicyclists, and TDM programs. At the specific plan and project level, potential TDM mitigation measures for development project impacts would be analyzed and identified during the development review process and through coordination between the City and SANDAG.</p> <p>F-6</p> <p>As indicated in the PEIR in Section 5.12, at the project level, partial-mitigation for roadway segments, intersections, freeways and freeway ramp metering impacts may be possible in the form of transportation demand management (TDM) measures that encourage carpooling and alternate means of transportation. At the time future discretionary development projects are proposed, project-specific traffic analyses would contain detailed recommendations.</p> <p>F-7</p> <p>See Response to Comments F-5 and F-6.</p> <p>F-8</p> <p>Comment noted.</p>
--	---



LETTER

RESPONSE

<p>F-9</p> <ul style="list-style-type: none"> <li>The SchoolPool program, offered by iCommute, is available to assist residents with commute trips to schools both in and around the community. Carpools, walking, and biking groups assist in reducing traffic congestion on local roads during peak travel times. Given that multiple schools are located within the proposed CPU boundaries, the program may benefit existing and future residents.</li> </ul> <p><b>Active Transportation</b></p> <p>F-10 SANDAG appreciates the policies and recommendations included in the Otay Mesa CPU that emphasize the importance of well-connected bicycle and pedestrian facilities and pathways to link activity centers with residential areas and public facilities.</p> <p>F-11</p> <ul style="list-style-type: none"> <li>In a robust multimodal network, secure bike parking is important in the decision an individual makes in choosing biking as a viable travel mode. Please consider the establishment of secure bicycle parking, particularly near transit and/or the community village areas.</li> </ul> <p>F-12</p> <ul style="list-style-type: none"> <li>Creation of jobs in and near the community that are also closely compatible with the skills of community residents can help to reduce VMT and the distances travelled for work. Jobs located in close proximity to employees can help to facilitate a more walkable and bike-friendly community. SANDAG acknowledges that residential development is planned in the proposed Central Village with the goal of providing housing in close proximity of employment, which could support multimodal transportation options.</li> </ul> <p><b>Natural Environment</b></p> <p>F-13 A key RCP objective is to preserve and maintain natural areas in urban neighborhoods, such as canyons and creeks, and provide access for the enjoyment of the region's residents. SANDAG appreciates the preservation of canyons as a valuable natural resource and recognizes the policies included in the Otay Mesa CPU that support a comprehensive distribution of well-connected parks and open spaces in the proposed CPU area.</p> <p><b>Other Considerations</b></p> <p>F-14 Please consider the following State of California laws when developing the draft environmental impact report: Assembly Bill 32 (Nunez, 2006), Senate Bill 375 (Steinberg, 2008), and Senate Bill 97 (Dutton, 2007), which call for the analysis of greenhouse gas emissions. Additionally, it is suggested that consideration be given to the policies included in the SANDAG Regional Energy Strategy, which promote the reduction of energy demand and water consumption.</p> <p>F-15 We appreciate the opportunity to comment on the Otay Mesa CPU and associated draft PEIR. We also encourage the City of San Diego, where appropriate, to consider the following tools in evaluating this update, future specific plans, and development projects proposed in this area based on the following SANDAG publications, which can be found on our website at: <a href="http://www.sandag.org/figr">www.sandag.org/figr</a>.</p> <ol style="list-style-type: none"> <li>1) <i>Designing for Smart Growth, Creating Great Places in the San Diego Region</i></li> <li>2) <i>Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region</i></li> <li>3) <i>Trip Generation for Smart Growth</i></li> </ol> <p style="text-align: center;">3</p>	<p>F-9 Comment noted.</p> <p>F-10 Comment noted.</p> <p>F-11 To supplement General Plan Policy ME-F.4, the Otay Mesa CPU ME Policy 3.2-3.b. has been edited to specify integration of bicycle parking. In addition, ME Policy 3.4-1 f. has been added which states: Provide secure bicycle parking, especially near transit and in the community village areas.</p> <p>F-12 Comment noted.</p> <p>F-13 Comment noted.</p> <p>F-14 The requirements of the noted legislation were considered in the preparation of the technical analyses and EIR (see EIR section 5.18.1.3). AB32 is the basis for the reduction requirements placed on future land uses. Similarly, the analyses of GHG emissions included consideration of regional and state strategies to reduce energy and water demand (see Section 5.18.4, 5.14 and 5.9). However, it should be noted that while SB 375 includes requirements for SANDAG and other metropolitan transportation authority's to work with CARB on development of regional emission reduction targets and develop sustainable community strategies, SB 375 does not require a City's or County's General Plan or other planning policies to be consistent with the sustainable communities strategy.</p> <p>F-15 Comment acknowledged.</p>
---	--

F-15  
cont.

- 4) *Parking Strategies for Smart Growth*
- 5) *Regional Multimodal Transportation Analysis: Alternative Approaches for Preparing Multimodal Transportation Analysis in EIRs*
- 6) *Integrating Transportation Demand Management into the Planning and Development Process - A Reference for Cities*
- 7) *Riding to 2050, the San Diego Regional Bike Plan*

If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943 or [susan.baldwin@sandag.org](mailto:susan.baldwin@sandag.org).

Sincerely,



SUSAN BALDWIN  
Senior Regional Planner

SBA/bga

THIS PAGE LEFT INTENTIONALLY BLANK

Letter G

**ENDANGERED HABITATS LEAGUE**  
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



BY ELECTRONIC MAIL

October 25, 2013

Myra Herrmann, Environmental Planner  
City of San Diego Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

RE: DPEIR for OTAY MESA COMMUNITY PLAN UPDATE (30330/304032)

Dear Ms. Herrmann:

G-1 The Endangered Habitats League (EHL) is a regional conservation organization with members throughout Southern California, including the City of San Diego. EHL submits the following comments on behalf of itself and its members on the proposal to update the Community Plan for the Otay Mesa area ("Project") and the associated Draft Programmatic Environmental Impact Report ("DEIR"). As we explain below, since the Project would result in significant unavoidable impacts, it cannot be approved consistent with CEQA where feasible alternatives that carry out Project purposes exist that would avoid or substantially lessen those impacts. Because such an alternative exists—the Reduced Biological Impact Alternative—CEQA precludes approval of the Project.

G-2 "This 'substantive mandate' of CEQA requires 'public agencies to refrain from approving projects with significant environmental effects if 'there are feasible alternatives or mitigation measures' that can substantially lessen or avoid those effects.'" (*County of San Diego v. Grossmont-Cityamaca Cmty. Coll. Dist.*, (2006) 141 Cal. App. 4th 86, 98.) Because the Project here would result in significant and unavoidable impacts on traffic, air quality, noise and GHG emissions, the City *must* be able to make two sets of findings. The City must first determine that "specific economic, legal, technological, or other considerations . . . make *infeasible* . . . the project alternatives identified in the final EIR." (CEQA Guidelines § 15091, subd. (a)(3).) The second set concerns a statement of overriding considerations, permitting an agency to approve a project despite the existence of significant environmental impacts. (CEQA Guidelines, § 15093.) Because the findings requirements implement CEQA's substantive mandate that public agencies refrain from approving projects with significant environmental impacts when there are feasible alternatives or mitigation measures that can lessen or avoid these impacts, a lead agency is prohibited from reaching the second set until it has properly

G-1 Comment noted. This paragraph provides information regarding the content of the letter.

G-2 Because the proposed project will result in one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the FEIR; evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives as listed in Section 3.3 of the FEIR.

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), will be required as part of a noticed public hearing before the City Council to make specific findings with respect to the alternatives identified in the FEIR as noted below:

*Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR.*

*"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.*

A Statement of Overriding Considerations, pursuant to CEQA Guidelines Section 15093, has been prepared for the consideration of the decision-making body (City Council) and, left to its discretion to determine whether project benefits outweigh any significant unavoidable impacts.

Myra Herrmann  
 City of San Diego  
 October 25, 2013  
 Page 2

G-2  
 cont.

*addressed the first.* (See CEQA Guidelines, § 15091, subd. (f), subd. (c); *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal. 4<sup>th</sup> 105, 134.)

G-3

These findings must be supported by substantial evidence in the record. (Pub. Res. Code § 21081.5; CEQA Guidelines, § 15091, subd. (b).) Any finding that an alternative is infeasible must not only reflect a reasoned analysis, but must be based on specific and concrete evidence. For example, in *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, the court rejected a finding of infeasibility of alternatives based on conclusory assertions of unacceptable cost, noting that:

“The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (Id. at p. 1181.)

Only if this finding can properly be made may a lead agency rely on a statement of overriding considerations necessary to approve the Project.

Based on the information provided in the DEIR, substantial evidence does not exist to permit the City to make these required findings. The Reduced Biological Impacts Alternative concededly is feasible and will at least “substantially lessen” the significant impacts of the Project while satisfying all project purposes.

G-4

The Reduced Biological Impacts Alternative is feasible because, as the DEIR acknowledges, it is “generally consistent with the policies of the General Plan and the CPU” and “generally meets the CPU objectives.” (DEIR at 1-4) Although this alternative “would not accommodate anticipated population growth to the same extent as the CPU,” it would still “meet the goals and objectives of the General Plan and the San Diego Association of Governments’ (SANDAG) Regional Comprehensive Plan (RCP).” (Id.)

This alternative will also “substantially lessen” impacts. In the words of the DEIR:

“the Reduced Biological Impacts Alternative would be considered environmentally superior because it would preserve more open space and, therefore, result in fewer impacts to biological, archaeological and paleontological resources; hydrology/water quality; human health/public safety/hazardous materials, and utilities (including solid waste), resulting from a decrease in developable land that could be graded. It also would reduce (but not avoid) the significant and unavoidable impacts of the CPU (i.e., air quality (RAQS, stationary sources/collocation), noise (traffic, construction and stationary

G-3 Please refer to Response to Comment G-2.

G-4 Comment noted. The Reduced Biological Impacts Alternative generally meets the CPU objectives. Specifically, this alternative preserves more area in open space and in turn reduces the extent of residential development within areas designated for community commercial and industrial/business park development. This would not however preclude this alternative from meeting General Plan and Community Plan goals relative to mixed-use, transit-oriented communities, but would not achieve the level of density and intensity necessary to support the Community Village goals and objectives that are included in the City’s General Plan. Further justification to support adoption of the CPU as stated in the Project Description will be included in the Findings and Statement of Overriding Considerations prepared for the consideration of the decision-making body (City Council) as part of the public hearing process for adoption of the CPU.

Myra Herrmann  
City of San Diego  
October 25, 2013  
Page 3

G-4  
cont.

sources), traffic/circulation, utilities (solid waste), and greenhouse gas emissions.” (DEIR at 10-9.)

In sum, because this alternative is feasible, fully accomplishes all Project purposes, and is environmentally superior in virtually all respects, CEQA *requires* its adoption.

But even apart from the City’s legal obligations, adoption of this alternative makes good planning and policy sense. As an initial matter, it would strengthen the City’s adopted MSCP and result in a more robust MHPA. As the DEIR notes,


“By definition the Reduced Biological Impacts Alternative would increase the acreage of biological sensitive habitat and species preserved throughout the CPU area. This alternative would reduce impacts to coastal sage scrub and maritime succulent scrub habitat, nonnative grasslands, vernal pools and vernal pool species, and burrowing owl habitat within the Southwest Village area. Additionally, mulefat scrub, riparian, and non-native grassland would be preserved within the drainage area west of La Media Road. Preservation of the nonnative grasslands would also reduce impacts and preserve vernal pools and their associated watersheds, as well as, habitat for burrowing owl. Wildlife corridors also would be conserved to a greater extent under this alternative. In addition to increased preservation of the biological resources, this alternative would increase available acreage for restoration of vernal pool and burrowing habitat, provide expanded wildlife linkages, and decrease impacts to critical habitat for San Diego fairy shrimp and *Navarretia Fossalis*.” (DEIR at 10-11.)

And, because the reduced development footprint would fully meet project purposes, these *substantial* environmental benefits would not require any sacrifice to economic or planning objectives—a win-win solution.

G-5

EHL accordingly urges the City to adopt the Reduced Biological Impacts Alternative. Should you wish to discuss the contents of this letter further, please feel free to contact the undersigned.

Very truly yours,



Dan Silver, M.D.  
Executive Director

G-5 Comment noted.

Letter H



**Officers**  
**President**  
 Ernesto Legano  
 Mexamerica  
**Vice President**  
 Eduardo Acosta  
 R.L. Jones Customhouse Brokers  
**Secretary**  
 Patricia Alvarez  
 XEWI 12 Televisa  
**Treasurer**  
 Shane Harmon  
 Colten International

**Directors**  
 James Barritt  
 Panalpa, Inc.  
 Silvia Corrajo - Derry  
 Southwestern College  
 Enrique Esperza, Jr.  
 Co-Production International and  
 Call Center Services International

**Armando Freije**  
 Total Transportation Services, Inc.  
 Linda Greenberg  
 Colten International  
 Cheryl Hammond  
 Scott & Ayers, LLP  
 Matt Jones  
 Innovative Cold Storage Enterprises

**Araeli Penilla**  
 Dierck's Strawberry Associates  
**Rafael Rodriguez**  
 Agencia Aduanal Rodriguez  
**Joaquin Saramiego**  
 DDO Global  
**A. Armando Valencia**  
 New York Life Insurance Co.  
**Steven Ziser**  
 Ziser Group

**Matthias Ciolek**  
 Co-Production International and  
 Call Center Services International  
 SDG&I  
**President's Circle**  
 Circle Foods, LLC  
 Deloitte Baja California  
 Distributive Projects Company  
 Higgs, Fletcher & Mack, LLP  
 Mexamerica  
 MEX-CAL Truckline  
 Parade Homes  
 Quality Suites  
 Sanyo North America  
 SHARP HealthCare  
 Shurfit Kappa Orange County  
 Walgreen Realty Investors  
 XEWI 12 Televisa / Rep. ECC

October 22, 2013

Myra Herrmann  
 Environmental Planner  
 City of San Diego  
 Development Services Center  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

Re: Otay Mesa Community Plan Update EIR Comments (30330/304032)

Dear Myra,

On behalf of the Otay Mesa Chamber of Commerce, please find our comments related to the environmental impact report for the Otay Mesa Community Plan update.

**Public Notice**

1. Pg. 2 - The notice only identifies actions relating to the City of San Diego Land Use Element of the General Plan, there will also be amendments to the Economic Prosperity Element of the General plan in order to revise the map of Prime Industrial Lands based on the following General Plan Language: "Amend the boundaries of Figure EP-1 if community plan updates or community plan amendments lead to an addition of Prime Industrial Lands."

**Subject**

1. Pgs. 3-9 Conclusions: In the last paragraph, the document fails to identify Health and Public Safety as an unmitigated environmental impact. This conflicts with information in the public notice.

**Executive Summary**

1. Pg. S-8, last paragraph, again, Health and Public Safety impacts are not addressed. The PEIR also lacks a table of contents.

9163 Siempre Viva Road, Ste 1-2 - San Diego, CA 92154  
 (619) 661-6111 Fax (619) 661-6178  
 www.otaymesa.org

H-1

H-2

H-3

H-4

H-1 Comment noted. This paragraph provides information regarding the content of the letter.

H-2 Although not explicitly stated in the public notice, actions associated with adoption of the CPU will include amending the General Plan Land Use Element and the Economic Prosperity Element Prime Industrial Map, Figure EP-1.

H-3 Both the Public Notice and the Conclusions identify Human Health/Public Safety/Hazardous Materials as a significant environmental effect of the project. This impact would be less than significant after mitigation, as described in Section 5.6 of the PEIR, and is therefore, not an unmitigated impact as stated in the comment. Page 3 of the Conclusions states: "With the exception of impacts related to Air Quality (RAQS, Stationary Sources/Collocation), Transportation/Circulation, Noise (Traffic/Stationary Sources), Utilities (Solid Waste), and Greenhouse Gas Emissions, mitigation measures are proposed (Chapter 11) that would reduce Project impacts to below a level of significance." This would include Health and Public Safety and, thus, is not in conflict with the public notice.

H-4 See Response to Comment H-3. Page S-8 accurately characterizes the impacts associated with the Environmentally Superior Alternative which include Air Quality (criteria pollutants, sensitive receptors, stationary Sources/Collocation), Transportation/Circulation (capacity), Noise (traffic, construction and stationary sources), Utilities (solid waste), and Greenhouse Gas Emissions.

A Table of Contents was included in the Draft PEIR and can be found after the Executive Summary and title page (See Pages i-xii).

H-5 **Project Description, Section 3**

1. Pgs. 3-41, "Allow office, research and development, and optional residential uses in the Business Park-Residential Permitted area and allow optional residential uses with proposals that conform to APCD and HAZMAT adjacency guidelines and regulations." The CPIOZ, which directs conformance with APCD/HAZMAT regulations, is a ministerial process. In addition, it is not the burden of residential development to conform to HAZMAT/APCD regulations, since these regulations would apply to industrial development. Since the collocation standards in the General Plan have not been applied, the statement is false.

H-6 2. Pgs. 3-53, The design considerations listed in section 3.6 and specified in the community plan to reduce or avoid impacts is only applied to CPIOZ B. Therefore, the conditions associated with health and safety impacts of industrial uses on residential uses cannot be applied. This is particularly evident in the BPRP area, where the locations of residential uses are not even specified.

A Programmatic-level EIR is not intended to cover off "projects." The PEIR needs to be more specific in its analysis of the impacts of industrial uses on sensitive receptors (residential) and their impacts related to future development of the BPRP. A program EIR analysis assumes that future development is discretionary thereby examining more specific environmental impacts.

**Environmental Analysis, Section 5**

**Land Use, Section 5.1**

1. The PEIR incorrectly concludes that there is no significant land use impacts related to the two significant thresholds identified here. CEQA provides for the identification of significant land use impacts if there are secondary indirect environmental impacts. These associated environmental impacts include but are not limited to those impacts identified in the PEIR as significant, unavoidable, and unmitigated, specifically Air Quality, Noise, Public Health and Safety, and Transportation.

2. "Based on the City's Significance Determination Thresholds, a significant land use impact would occur if the CPU would: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project;"

The proposed CPU conflicts with the General Plan Land Use, Economic Prosperity, and Noise Elements due to the following:

a) The Land Use Element of the General Plan directs that "As part of community plan updates or amendments that involve land use or intensity changes, evaluate public health risks associated with identified sources of hazardous substances and

H-5 Implementation of the CPIOZ is a process for streamlining the subsequent development project review process and does not supersede nor supplant regulatory requirements at the federal, state, or regional level, such as air quality and hazardous material regulatory requirements. The CPIOZ does not direct APCD/HAZMAT compliance. Compliance with outside agency regulations are assured at the building permit stage by providing verification from the regulatory agency that any issues have been adequately addressed.

The policy has been revised to clarify as follows: "...area and allow optional residential uses with **industrial** proposals that conform to APCD and HAZMAT adjacency guidelines and regulations." BPRP is an industrial designation that may include optional residential development opportunity.

H-6 The two CPIOZ overlays are required to ensure protection of sensitive resources, construction of the circulation infrastructure, and conformance with the appropriate policies from the Urban Design Element. The first CPIOZ, Otay Mesa CPIOZ, is an overlay on all commercially and industrially designated and zoned properties except for the approximately 26-acre site that is designated Business Park, Residential Permitted (BPRP). The BPRP 26-acre site would have its own BPRP CPIOZ, and will be required to address the maximum area for residential development within the industrial designated and zoned area, and to ensure conformance with the appropriate policies from the Urban Design Element. Subsequent development projects located within the CPIOZ areas would be reviewed by appropriate City staff at the Process 1 or 2 level, which are considered ministerial, and regulated by Municipal Code Chapter 11 Article 2 Division 5. For Subsequent development projects that are consistent with the CPIOZ Type A requirements, ministerial permits would be processed. For subsequent development projects that are not consistent with the CPIOZ Type A requirements, CPIOZ Type B, a discretionary action, would apply.



<p><b><u>Project Description, Section 3</u></b></p> <p>1. Pgs. 3-41, "Allow office, research and development, and optional residential uses in the Business Park-Residential Permitted area and allow optional residential uses with proposals that conform to APCD and HAZMAT adjacency guidelines and regulations." The CPIOZ, which directs conformance with APCD/HAZMAT regulations, is a ministerial process. In addition, it is not the burden of residential development to conform to HAZMAT/APCD regulations, since these regulations would apply to industrial development. Since the collocation standards in the General Plan have not been applied, the statement is false.</p> <p>2. Pgs. 3-53, The design considerations listed in section 3.6 and specified in the community plan to reduce or avoid impacts is only applied to CPIOZ B. Therefore, the conditions associated with health and safety impacts of industrial uses on residential uses cannot be applied. This is particularly evident in the BPRP area, where the locations of residential uses are not even specified.</p> <p>H-7 A Programmatic-level EIR is not intended to cover off "projects." The PEIR needs to be more specific in its analysis of the impacts of industrial uses on sensitive receptors (residential) and their impacts related to future development of the BPRP. A program EIR analysis assumes that future development is discretionary thereby examining more specific environmental impacts.</p> <p><b><u>Environmental Analysis, Section 5</u></b></p> <p>H-8 <b><u>Land Use, Section 5.1</u></b></p> <p>1. The PEIR incorrectly concludes that there is no significant land use impacts related to the two significant thresholds identified here. CEQA provides for the identification of significant land use impacts if there are secondary indirect environmental impacts. These associated environmental impacts include but are not limited to those impacts identified in the PEIR as significant, unavoidable, and unmitigated, specifically Air Quality, Noise, Public Health and Safety, and Transportation.</p> <p>2. "Based on the City's Significance Determination Thresholds, a significant land use impact would occur if the CPU would: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project;"</p> <p>The proposed CPU conflicts with the General Plan Land Use, Economic Prosperity, and Noise Elements due to the following:</p> <p>a) The Land Use Element of the General Plan directs that "As part of community plan updates or amendments that involve land use or intensity changes, evaluate public health risks associated with identified sources of hazardous substances and</p>	<p>H-7 The PEIR provide a framework for how subsequent development projects will be processed in the future and provides an analysis of the proposed land uses and implementing actions necessary for implementing the CPU ( Section 3.0 – Project Description). The PEIR does not provide the level of analysis necessary to allow subsequent development projects to proceed without additional review for compliance with the Land Development Code. The PEIR does however provide a mitigation framework for subsequent development projects that are subject to discretionary and environmental review in accordance with CEQA. Therefore, the PEIR analysis relative to the collocation of industrial and sensitive land uses is adequate at the program-level.</p> <p>The PEIR addresses the issues related to the OMCPU, including revisions to the existing land use patterns. The CPU also addresses issues required through the City's General Plan which includes the land use adjacency issues such as industrial lands and sensitive receptors. The CPU provides transitional uses between industrial and residential land uses as discussed in the City's General Plan. In this case, the CPU includes a Zoning Ordinance amendment to create two new CPIOZ overlays which includes a process for streamlining the subsequent development project review process and is thoroughly addressed in the PEIR. In addition, a PEIR need not assume that future development is ministerial or discretionary. Pursuant to CEQA Guidelines Section 15183(a), Projects Consistent with a Community Plan or Zoning, "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects..."</p> <p>H-8 The Land Use Section of the PEIR included four (4) Issues for analysis, two (2) of which were determined to be less than significant after implementation of the applicable Mitigation Framework. This analysis did not identify any significant land use impacts associated with the air quality, noise, public health and safety or transportation.</p>
---	---



**Project Description, Section 3**

1. Pgs. 3-41, "Allow office, research and development, and optional residential uses in the Business Park-Residential Permitted area and allow optional residential uses with proposals that conform to APCD and HAZMAT adjacency guidelines and regulations." The CPIOZ, which directs conformance with APCD/HAZMAT regulations, is a ministerial process. In addition, it is not the burden of residential development to conform to HAZMAT/APCD regulations, since these regulations would apply to industrial development. Since the collocation standards in the General Plan have not been applied, the statement is false.

2. Pgs. 3-53, The design considerations listed in section 3.6 and specified in the community plan to reduce or avoid impacts is only applied to CPIOZ B. Therefore, the conditions associated with health and safety impacts of industrial uses on residential uses cannot be applied. This is particularly evident in the BPRP area, where the locations of residential uses are not even specified.

A Programmatic-level EIR is not intended to cover off "projects." The PEIR needs to be more specific in its analysis of the impacts of industrial uses on sensitive receptors (residential) and their impacts related to future development of the BPRP. A program EIR analysis assumes that future development is discretionary thereby examining more specific environmental impacts.

**Environmental Analysis, Section 5**

**Land Use, Section 5.1**

1. The PEIR incorrectly concludes that there is no significant land use impacts related to the two significant thresholds identified here. CEQA provides for the identification of significant land use impacts if there are secondary indirect environmental impacts. These associated environmental impacts include but are not limited to those impacts identified in the PEIR as significant, unavoidable, and unmitigated, specifically Air Quality, Noise, Public Health and Safety, and Transportation.

2. "Based on the City's Significance Determination Thresholds, a significant land use impact would occur if the CPU would: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project;"

The proposed CPU conflicts with the General Plan Land Use, Economic Prosperity, and Noise Elements due to the following:

- a) The Land Use Element of the General Plan directs that "As part of community plan updates or amendments that involve land use or intensity changes, evaluate public health risks associated with identified sources of hazardous substances and

H-9

H-9 The proposed Otay Mesa CPU addresses land use considerations across the entirety of the community and to the maximum extent feasible, eliminates conflicts between the land use plan, policies, and regulations within the City's jurisdiction, as required. The criteria provided in the General Plan relative to Economic Prosperity, Noise, and Land Use, were carefully considered during the CPU process.

Specifically, the land use plan does not create conflicts between residential and industrial land uses, as transitional uses such as office uses, are provided. Where noise is anticipated to exceed acceptable standards, uses are generally prohibited (site specific noise analysis is required at building permit stage).

The CARB Guidelines were created to provide local jurisdictions with guidance in addressing air quality issues, where warranted. While the guidelines have not been adopted at the local jurisdiction, it should be noted that they, like most of the air quality standards, are evolving into more stringent polices which may become local laws and policies.

While the BPRP CPIOZ does allow for Process One ministerial projects, it is unknown at this time whether a future development project would meet the requirements for CPIOZ Type A, as no project has been submitted. See Response to Comment H-6 for further information on the CPIOZ process.

LETTER

RESPONSE

<p>H-9 cont. toxic air emissions (see also Conservation Element, Section F). Create adequate distance separation, based on documents such as those recommended by the California Air Resources Board and site specific analysis, between sensitive receptor land use designations and potential identified sources of hazardous substances such as freeways, industrial operations or areas such as warehouses, train depots, port facilities, etc.” The CARB guidelines are not referenced in the Community Plan. Site-specific analysis cannot be conducted for the BPRP site, since the permit is ministerial.</p> <p>H-10 b) The Land Use Element of the General Plan states that “Apply zoning designations that separate industrial and sensitive receptor uses as presented on LU Table 4.” The BPRP land use designation does not achieve this separation since the site is in very close proximity to the IBT zone, which permits light industrial, wholesale, and distribution uses that have the capacity to generate toxic air contaminants and hazardous substances.</p> <p>H-11 c) The Economic Prosperity Element of the General Plan provides policies for commercial and industrial development, which are insufficiently analyzed in the PEIR. See below #2a.</p> <p>H-12 d) The Noise Element of the General Plan requires adherence to the General Plan Noise Guidelines. Since the BPRP is ministerial, these standards cannot be applied.</p> <p>H-13 3. “Based on the City’s Significance Determination Thresholds, a significant land use impact would occur if the CPU would: Result in the collocation of residential and industrial land uses and/or conversion of industrial to residential land uses, proposed as part of the CPU, create land use incompatibilities or result in physical changes as a result of precluding achievement of regional economic development objectives/policies for industrial development.</p> <p>a) The Economic Prosperity Element of the General Plan identifies Otay Mesa as a Sub-regional Employment Area in the General Plan, Appendix C, Figure EP. This section emphasizes Otay mesa’s role in the entire region to provide base sector employment. The addition of more than 65,000 residents within the plan area conflicts with this policy. In addition, the following is an excerpt from the appendix related to land use designations and permitting: “Support of infrastructure development and preservation of areas for primarily industrial uses that support manufacturing and international trade activities are essential to provide middle-income job opportunities and contribute to the growth of the City’s overall economic base.” The large amount of residential and their supporting infrastructure and land uses proposed in the CPU conflict with the adopted General Plan for Otay Mesa’s role in the City and entire region.</p> <p>b) The policies in the General Plan Economic Prosperity Element are intended to protect base sector uses that provide quality job opportunities including middle-income jobs; provide for secondary employment and supporting uses; and</p>	<p>H-10 The properties east of the BPRP are currently developed with office and distribution uses and are designated “Other Industrial” on the Prime Industrial Map. The CPU anticipates that should residential units be developed, they would occur closer to the other residential units planned for the village area directly to the west. The PEIR identifies mitigation to address these uses.</p> <p>H-11 The Economic Prosperity Element is addressed in PEIR Section 5.1.3.1a. The PEIR concluded that the CPU is consistent with its goals and policies; no land use impact would result. In addition, the PEIR properly analyzes the implementation of BPRP relative to the surrounding IBT land use. The CPU anticipates that should residential development occur, it shall be located close to the proposed village area to the west and not abutting Britannia Blvd., or near the existing uses east of the site. Further, the site is separated from the industrial lands north of I-905. It should be noted that implementation of the Otay Mesa CPU will implement the Economic Prosperity Element of the General Plan and apply the proper industrial land use designations to the community, as well as protect approximately 1,990 acres as Prime Industrial Lands.</p> <p>H-12 Prior to issuance of any Building Permits for development, acoustical analysis must demonstrate that the proposed use complies with State requirements for internal noise attenuation.</p> <p>H-13 The comment implies that residential land uses will be intermixed across the planning area; however, the residential land uses are generally located in the western half of the community, thereby separated from the industrial lands to the east of Britannia. The southeastern portion of the planning area is almost exclusively designated for industrial development with supportive commercial and no residential uses.</p> <p>The existing community plan has a total of 12,400 dwelling units at build out with an estimated population of 45,324. The CPU has a total of 18,774 dwelling units with a population estimate of 67,035 a difference of 21,711. To say there is an addition of more than 65,000 residents is incorrect. The change in land uses amounts to a 3% reduction in Industrial acreage, with 2% changing to Open Space and 1% changing to Village. The CPU maintains 2,528 acres for industrial uses, and has protected 1,990 acres as Prime Industrial Lands. The CPU implements the Economic Prosperity, Land Use and Housing Elements of the General Plan.</p>
---	--

toxic air emissions (see also Conservation Element, Section F). Create adequate distance separation, based on documents such as those recommended by the California Air Resources Board and site specific analysis, between sensitive receptor land use designations and potential identified sources of hazardous substances such as freeways, industrial operations or areas such as warehouses, train depots, port facilities, etc.” The CARB guidelines are not referenced in the Community Plan. Site-specific analysis cannot be conducted for the BPRP site, since the permit is ministerial.

- b) The Land Use Element of the General Plan states that “Apply zoning designations that separate industrial and sensitive receptor uses as presented on LU Table 4.” The BPRP land use designation does not achieve this separation since the site is in very close proximity to the IBT zone, which permits light industrial, wholesale, and distribution uses that have the capacity to generate toxic air contaminants and hazardous substances.
- c) The Economic Prosperity Element of the General Plan provides policies for commercial and industrial development, which are insufficiently analyzed in the PEIR. See below #2a.
- d) The Noise Element of the General Plan requires adherence to the General Plan Noise Guidelines. Since the BPRP is ministerial, these standards cannot be applied.

3. “Based on the City’s Significance Determination Thresholds, a significant land use impact would occur if the CPU would: Result in the collocation of residential and industrial land uses and/or conversion of industrial to residential land uses, proposed as part of the CPU, create land use incompatibilities or result in physical changes as a result of precluding achievement of regional economic development objectives/policies for industrial development.

a) The Economic Prosperity Element of the General Plan identifies Otay Mesa as a Sub-regional Employment Area in the General Plan, Appendix C, Figure EP. This section emphasizes Otay mesa’s role in the entire region to provide base sector employment. The addition of more than 65,000 residents within the plan area conflicts with this policy. In addition, the following is an excerpt from the appendix related to land use designations and permitting: “Support of infrastructure development and preservation of areas for primarily industrial uses that support manufacturing and international trade activities are essential to provide middle-income job opportunities and contribute to the growth of the City’s overall economic base.” The large amount of residential and their supporting infrastructure and land uses proposed in the CPU conflict with the adopted General Plan for Otay Mesa’s role in the City and entire region.

H-14

b) The policies in the General Plan Economic Prosperity Element are intended to protect base sector uses that provide quality job opportunities including middle-income jobs; provide for secondary employment and supporting uses; and

H-14 As stated above, the residential land uses are generally located in the western half of the planning area, while the eastern half of the community is designated industrial with some supportive commercial uses. The CPU implements the General Plan’s Economic Prosperity Element Policy EP-A.12 by amending the Prime Industrial Lands to include approximately 1,990 acres in Otay Mesa. The CPU goals and policies are based upon many factors, including a comprehensive evaluation of market analysis, housing needs, and resource protection. Through the CPU’s separation of residential and industrial land uses, and its fostering of innovative industrial land uses, implementation of the collocation/conversion suitability factors is demonstrated throughout the CPU. According to Appendix C, EP-2 of the General Plan: Transit Availability- present (bus corridor along Airway Road); No Adjacent Prime Industrial lands; Significance of Residential/Employment Component - only 49% of BPRP land use is allowed to be residential, the mix of uses with technology serves to attract a broader employment base to Otay Mesa; Community Village is adjacent to BPRP, which provides for additional retail and residential uses; Public Health - mitigation requirements in place per PEIR; Separation of Uses - see Table 5.6-1 of PEIR indicating no known hazardous uses nearby.

LETTER

RESPONSE

<p>H-14 cont. maintain areas where smaller emerging industrial uses can locate in a multi-tenant setting. "When updating community plans or considering plan amendments, the industrial land use designations contained in the Land Use and Community Planning Element should be appropriately applied to protect viable sites for base sector and related employment uses".</p> <p>More specific direction is as follows: "Justification for a land use change must be supported by an evaluation of the prime industrial land criteria in Appendix C, EP-1, and the Collocation/Conversion Suitability factors." Although Table 5.1-11 of the PEIR presents the criteria for determining whether a use is suitable for collocation/conversion, PEIR lacks the required analysis. Though, the PEIR states on pg. 5.1-48 that "Preparation of the CPU considered citywide economic prosperity goals and, based upon a comprehensive evaluation of the General Plan's collocation/conversion suitability factors", there is no evidence in the CPU that this occurred.</p> <p>H-15 "In industrial areas not identified as Prime Industrial Lands on Figure EP-1, the redesignation of industrial lands to non-industrial uses should evaluate the Area Characteristics factor in Appendix C, EP-2 to ensure that other viable industrial areas are protected". No lands were designated as prime industrial in Otay Mesa because the plan update was underway; therefore, this analysis should be included in the PEIR as part of the land use analysis.</p> <p>H-16 c) This lack of analysis has resulted in the CPU Land Use Plan, which contains an overconcentration of residential uses in close proximity of industrial uses in the IBT area, particularly in the Central Area. The same wholesaling, distribution, and manufacturing uses in the Light Industrial Designations are permitted in the IBT. As such, this designation cannot serve as a gradual transition of uses often referred to in the PEIR as a means reduced land use conflicts in the CPU. The statement on pg. 5.1-47 of the EIR "to avoid or reduce potential impacts associated with the collocation of residential and industrial uses, the CPU generally focuses lighter, more residentially, compatible industrial uses adjacent to multifamily residential areas, while locating heavier, less residentially-compatible categories of industrial uses to the south and southeast" is false.</p> <p>H-17 d) Pgs. 5.1-48 of the PEIR states: "Additionally, the Otay Mesa CPIOZ would apply to the areas designated for industrial uses. The CPIOZ would ensure consistency of all future development within these areas with CPU direction and policy, including otherwise future ministerial projects. Since the CPIOZ A (ministerial) in the CPU contains no conditions or language to gauge compatibility, this statement is false. A ministerial project by its nature cannot be subject to general policy interpretation contained in a community plan.</p> <p>H-18 e) The residential entitlements gained in the Central Area through adoption of the OMCPU, are not adequately analyzed in the PEIR, even given the future Specific Plan process. If the required analysis were undertaken, this issue would result in a</p>	<p>H-15 Each of the General Plan's elements were carefully considered and evaluated during the evolution of the plan update as each community plan must be consistent with the applicable policies of each element of the General Plan. One of the actions of the CPU is to amend the Prime Industrial Lands Map to include approximately 1,990 acres in Otay Mesa.</p> <p>H-16 The Central Village is only adjacent to IBT on the northern portion and is separated from the IBT by the freeway. Land use policies include providing adequate buffers uses and distance between residential and industrial uses. The CPU implements the policies of the Economic Prosperity Element through clustering industrial uses together and providing land use transitions to the residential areas. These policies include EP-A.1 through EP-A.11.</p> <p>H-17 The assertion that CPIOZ Type A does not include a policy review is incorrect. The CPU states that CPIOZ Type A is applicable where development is consistent with the CPU as related to certain plan policies. However, it also states that projects inconsistent with said policies are subject to CPIOZ Type B. The CPU provides specific text relative to which policies of the plan apply to CPIOZ Type A. Also see Response to Comment H-6.</p> <p>H-18 No "residential entitlements" will be granted through the CPU process. The CPU has redesignated two areas with the community as Specific Plan Areas. As stated in the CPU, "in order to comprehensively plan the Southwest and Central Village Areas using the General Plan's City of Villages Strategy, one Specific Plan covering each of the village areas will be required prior to consideration of any comprehensive development and rezoning proposals...Specific plans should be privately sponsored and developed in collaboration with the City of San Diego. Both Specific Plans will be considered amendments to the Community Plan, and must adhere to the City's process for plan amendments and any associated rezoning." A project-level CEQA analysis would be required in conjunction with any future Specific Plan applications and associated entitlements (permits). Therefore, at the program-level, the analysis of the CPU is adequate and the impact conclusions in Chapter 5 of the PEIR are supported.</p>
--	--

<p>H-18 cont. significant unmitigated impact.</p>	
<p>H-19 f) The BPRP area is located in close proximity to industrial land use designations, which permit manufacturing, wholesaling, and distribution. Appendix C of The General Plan contains a policy suggesting 1,000 feet between the <i>property lines</i> of industrial uses and sensitive receptors or a specific study. The CPU incorrectly interprets the 1,000 ft. as between the uses. The requirement is not part of the CPIOZ A standards.</p>	<p>H-19 Per Appendix C of the General Plan, the 1,000 foot buffer is suggested if there are hazardous uses identified within a ¼ mile of proposed sensitive receptors. According to Section 5.6 of the PEIR, there are no hazardous uses identified within that distance from BPRP site. Accordingly, the provision for 1,000 feet between property lines is not applicable. Mitigation Framework AQ-4 includes a Health Risk Assessment requirement if sensitive receptors are developed in the buffer areas for the land uses identified in Table 5.3-7 of the PEIR.</p>
<p>H-20 In sum, we disagree with the determination that collocation and conversion land use impacts are less than significant since the analysis is not provided in the PEIR. In addition, the ministerial nature of the CPIOZ A designated properties (the majority of the CPU area) does not allow for future environmental review, contrary to numerous statements in Section 5.1 of the PEIR to the contrary. To allow residential uses without future environmental review in this area is also contrary to the Environmental Justice Policies contained in the General Plan.</p> <p><b><u>Air Quality, Section 5.3</u></b></p>	<p>H-20 The General Plan Economic Prosperity Element EP.A-11 states “Encourage the provision of workforce housing within employment areas not identified as Prime Industrial Land.” Further, the Land Use Element LU.I-10 encourages increased housing opportunities near employment opportunities. While the CPIOZ’s allow for Process One and Two ministerial reviews, it is unknown at this time whether subsequent development projects would meet the requirements for CPIOZ Type A, as no projects have been submitted. See Response to Comment H-6 for further information on the CPIOZ process.</p>
<p>H-21 1. This section fails to analyze the health impacts of Diesel Particulate Matter (a known carcinogen) on residential uses per the California Air Resource Board Guidelines, particularly on the residential uses in the Central Specific Plan area and the BPRP site both of which are directly adjacent to the future I-905 freeway. Contrary to the conclusion in the PEIR, this risk is significant.</p> <p>H-22 2. Pg. 5.3-32 correctly states that “Therefore, impacts related to exposure to air toxics would be significant and unavoidable”. However, this conclusion is also bears on the significance of the health and safety and land use issues.</p>	<p>H-21 As stated in Section 5.3.5.1b of the PEIR the incremental cancer risk and the chronic hazard index related to traffic-generated diesel exhaust emissions are both less than significant at any modeled receptors. Acute hazards due to diesel particulate matter are also less than significant as stated on page 5.3-25. Both are detailed in Appendix C of the PEIR, the Air Quality Study. The PEIR analyses show that residential receptors could be located within the CPU with less than significant health risk impacts from freeway emissions. The PEIR included an assessment of diesel particulate matter and evaluated the impacts from all roadways in the CPU area that qualify for consideration in the California Air Resource Board’s <i>Air Quality And Land Use Handbook: A Community Health Perspective</i> (i.e., carried the minimum traffic volumes). This analysis included I-805, I-905, SR-125, Otay Mesa Road, and La Media Road as the primary roadways of concern for exposure to diesel particulate matter.</p>
<p><b><u>Human Health, Public Safety, Hazardous Materials, Section 5.6</u></b></p> <p>1. Pgs. 5.6-21 incorrectly states that Health and Safety Hazards due to exposure to toxic contaminants (related to Sections 5.3, Air Quality and Sections 5.6.4, and 5.6.5) are reduced to below a level of significance due to mitigation contained in 5.6.5.3 requiring a Phase I site assessment and remediation. This does not mitigate significant air quality impacts. In addition, since the majority of development in Otay Mesa will be in CPIOZ-A (ministerial) this assessment cannot be required. Therefore, this impact is significant and unmitigated.</p> <p>2. Pgs. 5.6 -22 incorrectly states that a future risk of an explosion or the release of hazardous substances (including, but not limited to, gas, oil, pesticides, chemicals, or radiation) expose people or the environment to a significant hazard through the routine transport, use, or disposal of hazardous materials is not significant due to the requirement of future environmental review and discretionary approval to ensure appropriate uses reduce the potential for hazards. As stated above, this is not correct except possibly in the Specific Plan Areas, which does not include industrial uses where the mitigation would most likely apply. This CPU assigns land uses, so a more</p>	<p>H-22 Section 5.3.5 of the PEIR clearly identifies a significant unavoidable impact related to air toxics “associated with the potential collocation of incompatible land uses”. Section 5.6.3(a) Health Hazards, in the PEIR refers the reader to the discussion of toxic air emissions found in Section 5.3.5 of the PEIR. No additional air toxic impact relative to health and safety or land use has been identified, and therefore, the PEIR is adequate in its analysis and disclosure of the impact.</p>

significant unmitigated impact.

- f) The BPRP area is located in close proximity to industrial land use designations, which permit manufacturing, wholesaling, and distribution. Appendix C of The General Plan contains a policy suggesting 1,000 feet between the *property lines* of industrial uses and sensitive receptors or a specific study. The CPU incorrectly interprets the 1,000 ft. as between the uses. The requirement is not part of the CPIOZ A standards.

In sum, we disagree with the determination that collocation and conversion land use impacts are less than significant since the analysis is not provided in the PEIR. In addition, the ministerial nature of the CPIOZ A designated properties (the majority of the CPU area) does not allow for future environmental review, contrary to numerous statements in Section 5.1 of the PEIR to the contrary. To allow residential uses without future environmental review in this area is also contrary to the Environmental Justice Policies contained in the General Plan.

**Air Quality, Section 5.3**

- 1. This section fails to analyze the health impacts of Diesel Particulate Matter (a known carcinogen) on residential uses per the California Air Resource Board Guidelines, particularly on the residential uses in the Central Specific Plan area and the BPRP site both of which are directly adjacent to the future I-905 freeway. Contrary to the conclusion in the PEIR, this risk is significant.
- 2. Pg. 5.3-32 correctly states that “Therefore, impacts related to exposure to air toxics would be significant and unavoidable”. However, this conclusion is also bears on the significance of the health and safety and land use issues.

**Human Health, Public Safety, Hazardous Materials, Section 5.6**

H-23

- 1. Pgs. 5.6-21 incorrectly states that Health and Safety Hazards due to exposure to toxic contaminants (related to Sections 5.3, Air Quality and Sections 5.6.4, and 5.6.5) are reduced to below a level of significance due to mitigation contained in 5.6.5.3 requiring a Phase I site assessment and remediation. This does not mitigate significant air quality impacts. In addition, since the majority of development in Otay Mesa will be in CPIOZ-A (ministerial) this assessment cannot be required. Therefore, this impact is significant and unmitigated.

H-24

- 2. Pgs. 5.6 -22 incorrectly states that a future risk of an explosion or the release of hazardous substances (including, but not limited to, gas, oil, pesticides, chemicals, or radiation) expose people or the environment to a significant hazard through the routine transport, use, or disposal of hazardous materials is not significant due to the requirement of future environmental review and discretionary approval to ensure appropriate uses reduce the potential for hazards. As stated above, this is not correct except possibly in the Specific Plan Areas, which does not include industrial uses where the mitigation would most likely apply. This CPU assigns land uses, so a more

H-23

The commenter fails to acknowledge the state and federal requirements associated with a business operation using toxic or hazardous materials. Use of such materials requires approval from state and federal regulators and compliance with the associated permits. City issuance of a ministerial permit does not waive the state and federal permit requirements to use or handle toxic or hazardous materials. Compliance with all of these requirements is included in the mitigation requirements. Additionally, the Significance after Mitigation discussion in Section 5.6.3.4 of the PEIR has been revised to include a reference to the Mitigation Framework in Air Quality Section 5.3.5. As concluded in Section 5.3.5.4, impacts related to exposure to air toxics would be significant and unavoidable with the mitigation framework.

H-24

The combination of existing federal, state and local regulations along with adopted GP policies and proposed CPU policies together would result in impacts that are less than significant. Section 5.6.4.2 has been revised to include a summary statement that impacts would be less than significant, consistent with the analysis in Section 5.6.4.1. Also see Response to Comments H-5 and H-6.

LETTER

RESPONSE

<p>H-24 cont. detailed analysis of land use conflicts cannot be deferred to a later date. Although the CPU contains some general measures to avoid impacts at the programmatic level, they will not apply to the vast majority of properties in the CPU area. All land uses are being applied in the CPU now. Additionally, these policies, or any safety mitigation measures, are not included in CPIOZ-A. Therefore, this impact is significant and unmitigated.</p> <p>H-25 3. Pgs. 5.6-25 (Section 5.6.4.2) <i>Significance of Impacts</i> states that improved roadway and transportation modifications reduce the risk of exposure due to spills, etc. The PEIR does not specify what these modifications are and the transportation section only specifies city standards. This section lacks adequate facts to support the conclusion of insignificant impacts. Although the EIR clearly states that residents would be subject to exposure, it wrongly concludes that it is not significant, presumably since there are no schools nearby.</p> <p>H-26 4. Pgs. 5.6-26 <i>Significance after Mitigation</i>, incorrectly states that all projects are subject to discretionary review.</p> <p>H-27 5. Pgs. 5.6-28 (<i>Hazardous Sites</i>) mitigation only requires a Phase I site assessment and remediation for discretionary projects, therefore does not qualify as mitigation for the majority of the OMPCU area.</p> <p>6. In the Central Specific Plan area and the BPRP site, future residents' ability to evacuate a site in the event of a hazardous incident is highly compromised due to the timing of the Heritage Road/1-905 interchange and associated road improvements which are not scheduled to occur for over 10 years. Due to the lack of discretionary review for the BPRP site (to apply phasing and/or improvement requirements) future residents will be forced to use Britannia Rd., a major truck route to the border crossing. The associated health and safety impacts of mixing trucks with residential traffic are not analyzed in the PEIR.</p> <p><b><u>Noise, Section 5.10</u></b></p> <p>1. Pgs. 5.10-16, <i>Significance of Impacts-Traffic and Stationary Source Noise</i> states that, even given project-specific noise abatement, it cannot be guaranteed that future land uses and traffic from those uses would not expose existing and future uses to noise levels in excess of City standards. Therefore, impacts related to noise impacts (exterior and potentially interior) to new residences would be significant and unavoidable.</p> <p>Even with the proposed mitigation to reduce noise levels such as site-specific acoustical analysis with mitigation measures and adherence to the CPU Acoustical report, it is still significant. However, even these mitigation measures cannot be required unless there is future discretionary review.</p> <p><b><u>Traffic/Circulation, Section 5.12</u></b></p>	<p>H-25 The existing roadway system lacks adequate improvements which include unpaved and narrow roads. The planned transportation system includes fully improved and widened roadways that reduce the risk of collisions and spills. The backbone roadway system includes widening the major roadways to four and six lanes. These roadways include Airway, Britannia, and La Media Roads which will provide safer routes for truck traffic and passenger vehicles. Furthermore, the majority of residential development is located in the western half of the community while the industrial area is located in the eastern half of the community. Additionally, Section 5.6.4.2 of the PEIR has been revised to clarify the "modifications" related to the designation of truck routes in Otay Mesa. Also see Response to Comments H-23 and H-24.</p> <p>H-26 While the BPRP CPIOZ allows for Process One review, and the Otay Mesa CPIOZ allows for Process One and Two ministerial reviews, it is unknown at this time whether subsequent development projects would meet the requirements for CPIOZ Type A, as no projects have been submitted. The Significance after Mitigation (Section 5.6.4.4) has been revised to clarify the process for determining which future development projects are subject to discretionary review. Also see Response to Comment H-6.</p> <p>H-27 Mitigation Framework Section 5.6.5.3 has been revised to clarify that the process for determining which future development projects are subject to discretionary review, Furthermore; all projects are required to comply with state, federal, and county requirements relative to hazardous sites and materials, regardless of the City review process.</p>
---	---

<p>detailed analysis of land use conflicts cannot be deferred to a later date. Although the CPU contains some general measures to avoid impacts at the programmatic level, they will not apply to the vast majority of properties in the CPU area. All land uses are being applied in the CPU now. Additionally, these policies, or any safety mitigation measures, are not included in CPIOZ-A. Therefore, this impact is significant and unmitigated.</p> <p>3. Pgs. 5.6-25 (Section 5.6.4.2) <i>Significance of Impacts</i> states that improved roadway and transportation modifications reduce the risk of exposure due to spills, etc. The PEIR does not specify what these modifications are and the transportation section only specifies city standards. This section lacks adequate facts to support the conclusion of insignificant impacts. Although the EIR clearly states that residents would be subject to exposure, it wrongly concludes that it is not significant, presumably since there are no schools nearby.</p> <p>4. Pgs. 5.6-26 <i>Significance after Mitigation</i>, incorrectly states that all projects are subject to discretionary review.</p> <p>5. Pgs. 5.6-28 (<i>Hazardous Sites</i>) mitigation only requires a Phase I site assessment and remediation for discretionary projects, therefore does not qualify as mitigation for the majority of the OMPCU area.</p> <p>H-28 6. In the Central Specific Plan area and the BPRP site, future residents' ability to evacuate a site in the event of a hazardous incident is highly compromised due to the timing of the Heritage Road/1-905 interchange and associated road improvements which are not scheduled to occur for over 10 years. Due to the lack of discretionary review for the BPRP site (to apply phasing and/or improvement requirements) future residents will be forced to use Britannia Rd., a major truck route to the border crossing. The associated health and safety impacts of mixing trucks with residential traffic are not analyzed in the PEIR.</p> <p>H-29 <b><u>Noise, Section 5.10</u></b></p> <p>1. Pgs. 5.10-16, <i>Significance of Impacts-Traffic and Stationary Source Noise</i> states that, even given project-specific noise abatement, it cannot be guaranteed that future land uses and traffic from those uses would not expose existing and future uses to noise levels in excess of City standards. Therefore, impacts related to noise impacts (exterior and potentially interior) to new residences would be significant and unavoidable.</p> <p>Even with the proposed mitigation to reduce noise levels such as site-specific acoustical analysis with mitigation measures and adherence to the CPU Acoustical report, it is still significant. However, even these mitigation measures cannot be required unless there is future discretionary review.</p> <p>H-30 <b><u>Traffic/Circulation, Section 5.12</u></b></p>	<p>H-28 As detailed in Section 5.6.1.5, the County Office of Emergency Services (OES) is responsible for: notifying appropriate agencies when a disaster occurs; coordinating all responding agencies; ensuring that resources are available and mobilized; developing plans and procedures for response to and recovery from disasters. Additionally, the City's Emergency Operations Center (EOC), is responsible for maintaining the EOC in a continued state of readiness and coordinating EOC operations when activated in response to an emergency or major event/incident. If an incident involving hazardous materials were to occur in the near-term (until completion of the Heritage Road interchange) evacuation will affect all parties in the area, rather than just residents and the mixing of truck traffic and vehicular traffic on Britannia Boulevard would be short-term and temporary in nature (during evacuation). No health risks would be anticipated from a short-term, temporary condition as noted above. In addition, the specific route of evacuation cannot be determined at this time as each property will be developed independently based on market conditions at the time of application. Also see Response to Comments H-5 and H-6.</p> <p>H-29 All projects are subject to compliance with the City's noise abatement requirements prior to the issuance of building permits, regardless of whether a ministerial or discretionary permit is required or processed. Therefore, all future buildings will be required to comply with the City's General Plan standards and Municipal Code requirements. While the CPIOZ's allow for Process One and Two ministerial reviews, it is unknown at this time whether subsequent development projects would meet the requirements for CPIOZ Type A, as no projects have been submitted. See Response to Comments H-5 and H-6 for further information on the CPIOZ process.</p> <p>H-30 Within the CPU, policies 2.4-2, 2.4-7, 2.4-9, and 4.1-17 provide direction for transitional uses for the separation of sensitive receptors to the freeway, truck routes, and industrial uses.</p>
--	--



H-30 cont. 1.Pgs. 5.12-42 and 43, state that Traffic Hazards to vehicles and pedestrians are not significant due to adherence to city standards and the provision of transitional land uses. As stated above in Section 5.1, 3c, this transition does not exist.

**Alternatives, Section 10.0**

H-31 1. Pgs. 10-33, the PEIR incorrectly states that the health and public safety impacts of both the CPU and Reduced Density Alternative are not significant. Since Section 5.3, Air Quality impacts are included in this determination, this impact is significant.


H-32 2. The Reduced Density Alternative does not go far enough to reduce significant impacts such as land use, traffic, air quality, public health and safety, and noise to below a level of significance as required of an alternative per CEQA. This alternative should include the elimination of the BPRP land use area and relocation of land uses which include residential development in the Central Village away from the impacts of the I-905 to the north and from industrial development to the east and south.

H-33 The PEIR as written inadequately addresses the impacts of the OMPCU. As enumerated above, the PEIR allows the application of land uses without proper analysis and mitigation measures. The conclusions of the PEIR are based on a lack of understanding of how they will be applied to future projects as directed in the CPU. In many cases, significance determinations are based on analysis that is lacking or deferred to a later time, but, in fact, will not occur. The introduction of residential uses to Otay Mesa, in the amounts and locations as proposed by the proposed plan, will have significant negative and costly impacts on the businesses trying to operate in Otay Mesa.

H-34 Due to the magnitude of changes, which will have to take place to the PEIR and CPU to meet CEQA guidelines, the OMCC believes both documents will need to be re-circulated for public review.

Thank you for your consideration of this request.

Sincerely,



Alejandra Mier y Teran  
Executive Director

CC:  
City Councilmembers  
Planning Commissioners  
Bill Fulton

H-31 Please refer to Response to Comment H-22.

H-32 CEQA requires that a reasonable range of alternatives that reduce or eliminate the significant effects on the environment be evaluated in an EIR. The PEIR provides an analysis of an adequate range of alternatives in Chapter 10.

H-33 This comment asserts that the PEIR inadequately addresses impacts; specifically with respect to collocation and adjacent land uses. This comment is inconsistent with the facts. A zoning ordinance will be adopted in conjunction with the CPU which will provide the mechanism for review of subsequent development projects implemented in accordance with the CPU. All subsequent projects will be subject to review in accordance with CPIOZ for the specific area where it will be located. The Southwestern and Central Village sites will be required to submit applications which include preparation of a Specific Plan subject to discretionary review in accordance with CEQA and the City's Land Development Code. Also see Response to Comments H-6, H-7, and H-18.

H-34 This comment reflects an opinion regarding the amount of revisions anticipated to the PEIR prior to certification. While the information included in this comment is correct regarding the requirements in accordance with CEQA for recirculation of an environmental document if significant new information is added after public review [Section 15088.5(a)(1) through (4)] of the State CEQA Guidelines]. However, in accordance with Section 15088.5(a), new information added to an EIR is "not significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. This section of CEQA further defines what constitutes "Significant new information" requiring recirculation. Based on this guidance, the City has determined that the revisions made in the PEIR prior to certification are intended to clarify or amplify or modify language to assist the decision-makers in review of the CPU, which does not meet the definitions of "Significant new information" requiring recirculation. The Draft EIR has not been modified in a way that recirculation of the document is necessary.

Letter I

# OMPOA

## Otay Mesa Property Owners Association

October 25, 2013

Ms. Myra Herrmann, Environmental Planner  
City of San Diego Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

**SUBJECT: Otay Mesa Community Plan Update. #30330/304032**

Dear Ms. Herrmann,

I-1 The Otay Mesa Property Owners Association ("OMPOA") appreciates the opportunity to comment on the adequacy of the Draft Program Environmental Impact Report ("PEIR") for the Otay Mesa Community Plan Update ("CPU"). As you are aware, the OMPOA represents the interests of property owners in the Otay Mesa area of the City of San Diego and meets at least once a month to discuss issues of common concern. A list of these members is included on the final page for your reference. In summary, we support the CPU as proposed and have concluded that with the exceptions noted below, the PEIR adequately discloses and analyzes all potential significant environmental impacts and proposes appropriate mitigation measures.

I-2 In particular, we note the following:

**Purpose and Need (Section 3)**

As the PEIR points out, the current plan is out of date and the vision many of us shared with the City in 1981 has not been realized. We agree that the changing characteristics of industry, the need for more housing, the need for more middle income jobs and a better understanding of the transportation – land use connection have created a need for a more integrated land use plan.

We further agree that the selected alternative will increase the number of allowed residential units while achieving a more balanced community through integration of housing and appropriate employment lands.

I-3 **Table 3-1 Community Plan Land Use Designations (page 3-32)**

The maximum FAR for the Designation Business Park-Residential Permitted should be footnoted to reflect the same language that is proposed in the implementing zone (IP-3-1) which provides for a 2.0 FAR with the following language:

"Within the Otay Mesa Community Planning Area, the maximum *floor area ratio* is 0.50 unless a *final map* has been recorded prior to [INSERT the effective date of this ordinance]. This restriction does not apply to residential development in accordance with Section 131.0623(j)."

3111 Camino del Rio North, Ste. 100  
San Diego, CA 92108

I-1 Comment noted. This paragraph provides information regarding the content of the letter.

I-2 Comment noted.

I-3 The Final EIR has been revised to reflect the language of the amended Zoning Ordinance relative to the IP-3-1 Zone.

# OMPOA

## Otay Mesa Property Owners Association

I-4 Section 5.0 Environmental Impact Analysis:

There are several references throughout section 5.0 that make reference to the Community Plan Implementation Overlay Zone (CPIOZ) being discretionary in nature. Other parts of the Draft EIR appropriately reference the distinction between CPIOZ A which is ministerial and CPIOZ B which is discretionary.

*"Development proposals that do not comply with the CPIOZ Type A supplemental regulations would be subject to discretionary review in accordance with CPIOZ Type B."*

The following sections delineated in bold should be changed or stricken in order to properly reflect the two types of CPIOZ (Ministerial and Discretionary) which will be used to implement the Community Plan. Specifically, Implementation of the Business Park Residential Permitted Land Use designation does not require discretionary review unless it does not comply with the provisions of CPIOZ A.

- I-5 • (page 5.1-54 section 5.1.5.1 a.) ***"All future projects located within the 100-year flood hazard area as identified in a project-specific drainage study, would be subject to the CPIOZ, which would ensure discretionary review of all future development within this area."***
- I-6 • (page 5.6-22 section 5.6.4.1 Impacts) strike the last sentence: ***"In addition, future development would be subject to environmental review and discretionary approval to ensure appropriate uses reduce the potential for hazards."***
- I-7 • (page 5.6-26 section 5.6.4.4 Significance after Mitigation) strike or modify the second to last sentence: ***"Future development would be subject to discretionary review with subsequent environmental review to ensure risks are minimized."***
- I-8 The document appropriately recognizes that no significant impact has been identified because there are local policies in place (ministerial) that reduce potential impacts to below a level of significance including the example provided: *"For example, disclosure laws require all users, producers, and transporters of hazardous materials to clearly identify materials they store, use, or transport and to notify the appropriate agency in the event of a violation."* Section 6.3.6 of the PEIR (Human Health/Public Safety/Hazardous Materials) provides additional analysis that compliance with either ministerial or discretionary regulations would ensure that no direct or cumulative impacts related to Human Health/Public Safety/Hazardous Materials would result from implementation of the CPU.
- I-9 • (page 5.6-27 section 5.7.5.1 Impacts) strike or modify the following sentence: ***"All future projects located within the 100-year flood hazard area along Otay Creek, as identified in the CPU drainage study, would be subject to the CPIOZ, which would ensure discretionary review of all future development within this area."***

3111 Camino del Rio North, Ste. 100  
San Diego, CA 92108

I-4 See Response to Comment H-6 which provides further clarification on the CPIOZ process.

I-5 Revisions have been made to the text in Section 5.1.5.1.a to clarify the appropriate review process for subsequent development projects implemented in accordance with the CPU.

I-6 Revisions have been made to the text in Section 5.6.4.1 to clarify the appropriate review process for subsequent development projects implemented in accordance with the CPU.

I-7 Revisions have been made to the text in Section 5.6.4.4 to clarify the appropriate review process for subsequent development projects implemented in accordance with the CPU.

I-8 Comment noted. Please also see Response to Comments H-5, H-23 and H-24.

I-9 Revisions have been made to the text in Section 5.7.5.1 to clarify the appropriate review process for subsequent development projects implemented in accordance with the CPU.

# OMPOA

## Otay Mesa Property Owners Association

**I-10 Policies Referenced**

There are numerous references within the PEIR to design guidelines from the Community Plan. Some of the policies referenced in the PEIR have been modified or deleted in the current draft of the Community Plan. A comparison should be done of the policies referenced in the PEIR for consistency with those that have been modified or omitted from the current draft of the Community Plan. An example of a policy that has been modified in the CPU:

*(PEIR page 5.6-23) reads: "a. Apply traffic-calming techniques, such as popouts, raised crosswalks, and parkways at truck route intersections with Airway Road and where the truck routes are adjacent to village and park uses."*

*(CPU page UD-9) reads: "a. Apply traffic-calming techniques that address vehicular/truck and pedestrian movements where the truck routes are adjacent to village and park uses."*

**I-11 Impacts: Land Use (Section 5.1)**

We concur that the CPU is consistent with SANDAG's Regional Comprehensive Plan and Regional Transportation Plan as well as with the City's General Plan and related ordinances and policies.

We further agree that various policies contained in the CPU will serve to limit incompatibilities at the interface between residential and industrial uses and will promote both a desirable residential community and opportunities for continued industrial development. Finally, we agree with the conclusion that the impacts of collocation as proposed would be less than significant and that no mitigation should be required.

We support the recommended conversion of some industrial land to residential, mixed residential commercial and institutional uses and agree that the impacts would be less than significant and no mitigation will be required.

**I-12 Impacts: Air Quality (Section 5.3)**

We note that emissions will be less than under the adopted plan, that impacts will be less than significant and that no mitigation will be required (5.3-18).

**I-13** We have attached for the record a "Review of the Otay Mesa Community Plan Update PEIR Air Quality Section" prepared by Environ. With regard to planned residential development in the CPU, the review references the following conclusions in the PEIR:

- Risks to residents from freeway emissions (specifically diesel particulate matter emissions) are below significance thresholds.
- If the California Air Resources Board Handbook is followed, there will be a less than significant impact in collocating residential land uses with commercial and industrial land

3111 Camino del Rio North, Ste. 100  
San Diego, CA 92108

**I-10** The Final EIR has been revised to reflect the correct policy language as written in the CPU.

**I-11** Comment acknowledged.

**I-12** Comment acknowledged.

**I-13** Comment acknowledged.

**OMPOA**

Otay Mesa Property Owners Association

I-13 cont. uses. Furthermore, if developments of residential land uses occur within the ARB buffer distances mitigation measures have been incorporated into the document, in particular measure AQ-4.

I-14 Finally the Environ review recommends modifying Mitigation Measure AQ-3 which states that:  
 "Prior to the issuance of building permits for any new facility that would have the potential to emit toxic air contaminants, in accordance with AB 2588, an emissions inventory and health risk assessment shall be prepared."

I-15 The review points out that this language goes beyond current ARB and APCD rules and regulations and could create an excessive burden on developers of industrial and commercial lands. Thus Environ recommends the following language replace that included in the PEIR:  
 "Prior to the issuance of building permits for any facility that would have the potential to emit toxic air contaminants at levels that would subject it to a health risk assessment under SDAPCD Rule 1200, an emissions inventory and health risk assessment shall be prepared."

I-16 **Impacts: Population and Housing (Section 5.16)**  
 We concur that while population growth in the community would be substantial, impacts would be less than significant because the CPU would:

- Implement SANDAG's RCP and Regional Housing Element and the City's General Plan and Housing Element by providing a mix of housing types within mixed-use centers linked to public transportation.
- Increase the City's and region's supply of needed housing consistent with SANDAG's regional growth forecast.
- Focus increased housing supply within compact villages conducive to supporting frequent transit service in accordance with the RCP and General Plan goals and policies. (5.16-7)

Sincerely,



Rob Hixson  
 Chairman, Otay Mesa Property Owners Association

cc: Councilmember David Alvarez

3111 Camino del Rio North, Ste. 100  
 San Diego, CA 92108

I-14 Comment references the text from the analysis. No additional response is necessary.

I-15 Rule 1200 is a regulatory requirement administered by the SDAPCD which is required when an Authority to Construct or Permit to Operate is required, or for which a Notice of Intention or Application for Certification has been accepted by the California Energy Commission. AQ-3 is designed to be broader to provide protection and disclosure for local residents and other air quality sensitive land uses. Additionally, as AB 2588 is a state level regulation and requirement, it supersedes local air district rules and would be required for all uses included under Rule 1200. This is further supported by SDAPCD Rule 1200's requirement that inventory requirements, HRA requirements, and notification comply with the requirements of AB 2588. As the requirements of AB 2588 are incorporated within Rule 1200, no revision is required.

I-16 Comment noted.

**OMPOA**  
Otay Mesa Property Owners Association

Michael and Kaitlin Murphy, Murphy Development Company

Tom Story, Sunroad Enterprises

Mark Rowson, Otay-TJ Ventures, LLC

John Gibson, Hamann Companies

David Wick, National Enterprises, Inc.

Rita Mahoney, ColRich

Joe and Sarah Street, Street Properties

Mel Ingalls, Ingalls Enterprises

Jeff Huttner, Insurance Auto Auction

Hal Ryan, Davisson Trust

Larry Edwards, NAI

Regan Tully, Grubb & Ellis | BRE Commercial

THIS PAGE LEFT INTENTIONALLY BLANK

3111 Camino del Rio North, Ste. 100  
San Diego, CA 92108

Letter J

**RINCON BAND OF LUISEÑO INDIANS**

**Culture Committee**

1 W. Tribal Road · Valley Center, California 92082 ·  
(760) 297-2622 or (760) 297-2635 & Fax:(760) 297-2639



September 19, 2013

The City of San Diego  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

Subject: Otay Mesa Community Plan Update, Project No. 30330/304032/SCH No. 2004651076

Dear Myra Herrmann,

J-1 This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Otay Mesa Community Plan Update, Project No. 30330/304032/SCH No. 2004651076. Rincon is submitting these comments concerning your Project's potential impact on Luiseño cultural resources.

J-2 The Rincon Band has concerns for impacts to historic and cultural resources and findings of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. In fact, your project falls within the boundaries of the Kumeyaay Aboriginal Territory. We recommend that you locate a Tribe within the project area to receive direction on how to handle any inadvertent findings according to their traditions and customs. Also, we recommend a Native American Monitor be present during any and all ground disturbances.

J-3 If you would like information on Tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral. If for some reason you are unable to locate an interested tribe please notify us and we will be happy to assist you in the matter. We also request you update your contact information for Rincon and send any future letters and correspondence to the Rincon Tribal Chairman and the Tribal Historic Preservation Officer in the Cultural Resource Center, 1 W. Tribal Road, Valley Center, CA 92082 (760) 297-2635.

J-4 Note that our address has changed. Please update your records to replace the previous address of PO Box 68, Valley Center, CA 92082 with the following address: 1 W. Tribal Road, Valley Center, CA 92082.

Bo Mazzetti Tribal Chairman	Stephanie Spencer Vice Chairwoman	Steve Stallings Council Member	Laurie E. Gonzalez Council Member	Frank Mazzetti III Council Member
--------------------------------	--------------------------------------	-----------------------------------	--------------------------------------	--------------------------------------

J-1 Comment noted. This paragraph provides information regarding the content of the letter.

J-2 Comment noted. The Rincon Band of Luiseño Indians received a copy of the Draft EIR along with all federally recognized and culturally affiliated tribal groups in San Diego County. This list was provided to the City of San Diego by the Native American Heritage Commission in accordance with SB 18. At the close of public review, only two comment letters were received: one from the Native American Heritage Commission and this letter from the Rincon Band of Luiseno Indians indicating that the CPU is not within the Luiseno Aboriginal Territory. No other comment letters or requests for consultation were received from San Diego County Native American tribal groups or individuals as a result of this process.

In accordance with the City of San Diego's General Plan Historic Preservation Element and the City's Historical Resources Guidelines Native American monitors are required on all projects within City jurisdiction when significant archaeological resources have been identified, and during all phases of a project that involve either survey or ground disturbing activities on projects. In addition, the City is committed to an on-going relationship with the local Native American community through informal meetings and/or regulatory compliance requirements.

J-3 As stated in the Cultural Resources Report (2013) for the CPU (Appendix E of PEIR), the Native American Heritage Commission (NAHC) was contacted by the City of San Diego in accordance with Senate Bill 18 requirements for community plan updates. A reply from the NAHC indicated that they had no record of Native American religious or sacred sites within the CPU area boundaries. A Native American contact list was provided by the NAHC, and contact letters were sent by the City to the listed parties on February 26, 2007. The City did not receive comments from any federally recognized or culturally affiliated tribal groups within the 90-day period recommended by the NAHC.

J-4 Comment noted. City staff has verified that the address noted in this comment is correct on City records.

**RINCON BAND OF LUISEÑO INDIANS**  
**Culture Committee**

1 W. Tribal Road · Valley Center, California 92082 ·  
(760) 297-2622 or (760) 297-2635 & Fax: (760) 297-2639



J-5 Thank you for this opportunity to protect and preserve our cultural assets.

Sincerely,

Rose Duro  
Rincon Culture Committee Chairman

J-5 Comment noted.

Bo Mazzetti Tribal Chairman	Stephanie Spencer Vice Chairwoman	Steve Stallings Council Member	Laurie E. Gonzalez Council Member	Frank Mazzetti III Council Member
--------------------------------	--------------------------------------	-----------------------------------	--------------------------------------	--------------------------------------



Letter K



**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

24 September 2013

To: Ms. Myra Herrmann  
Development Services Department  
City of San Diego  
1222 First Avenue, Mail Station 501  
San Diego, California 92101

Subject: Draft Environmental Impact Report  
Otay Mesa Community Plan Update

Dear Ms. Herrmann:

K-1 I have reviewed the historical resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its historical resources appendix, we have the following comments:

- K-2 1. On page S-17 of the DEIR, in the box for Mitigation Framework for Prehistoric/Historical Sites, there are references to DEIR Section 5.4. It should be Section 5.5.
- K-3 2. In about the middle of page 5.5-24, and the corresponding location on page 50 of the appendix, reference is made to the "San Diego Archaeology Center". The correct name is San Diego Archaeological Center.
- K-4 3. On page 5.5-25 of the DEIR and page 51 of the appendix, the sentence beginning "Resources found to be non-significant..." needs to be revised to make it clear that any collections resulting from "survey and/or assessment" are to be curated. Such collections and their analysis have, in fact, mitigated the impacts to such sites.
- K-5 4. Mitigation measure HIST-2 in the DEIR (pages 5.5-27 and 28) and the corresponding text in Section 7.2 of the appendix include "f. Removing industrial pollution at the source of production." It is not clear what the intent of this statement actually is. Please clarify.

P.O. Box 81106 San Diego, CA 92138-1106 (658) 538-0935

- K-1 Comment noted. This paragraph provides information regarding the content of the letter.
- K-2 The revision has been made in the Final PEIR.
- K-3 The revision has been made in the Final PEIR.
- K-4 In accordance with the City's Historical Resources Guidelines, non-significant resource types are defined as isolates, sparse lithic scatters, isolated bedrock milling stations, and shellfish processing stations. Resources found to be non-significant at the survey level do not require any further action beyond documentation in a report prepared in accordance with the Historical Resources Guidelines. Curation is not required for these resource types because they are not classified as "collections" and are generally limited to one isolated artifact, contain a minimal amount lithics and no subsurface component (in the case of sparse lithic scatters) or have no associated surface or subsurface components. All other phases of archaeological evaluation which result in the recovery of artifacts will require curation in accordance with the General Plan and City Historical resources Guidelines.
- K-5 This measure was taken directly from the adopted City of San Diego Historical Resources Guidelines. The measure was intended to provide additional protection for historical buildings or structures located adjacent to industrial areas where exhaust or ash from such uses could have an adverse effect on exterior character defining features of a historical building. While the intent of this measure has good merit, the City recognizes that it would be difficult at best to require an adjacent use to stop such activity, unless of course the industrial pollution affecting the adjacent resource is illegal, at which point the appropriate regulatory agency would be contacted to address any violations. With respect to Otay Mesa, the City has determined that this measure is not applicable and had deleted it from Mitigation Framework Measure HIST-2. The City will also consider removing this measure from the Historical Resources Guidelines during a future update process.

LETTER


RESPONSE

K-6

5. Other than the above, we concur in the impact analysis and mitigation measures as proposed.

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: RECON  
SDCAS President  
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

K-6

Comment noted.

Letter L



4747 Morena Blvd. • Suite 300  
San Diego • California 92117  
(858) 493-2300 • Fax (858) 460-0261

October 24, 2013

Ms. Myra Hermann  
City of San Diego  
Development Services  
1222 First Avenue  
San Diego, CA 92101

RE: DRAFT PROGRAM EIR OTAY MESA COMMUNITY PLAN UPDATE, PROJECT NO. 30330/304032/SCH. 2004651076

Dear Ms. Hermann,

L-1 CR Otay Canyon Ranch Associates LLC has conducted a review of the Program Environmental Impact Report (PEIR) prepared in support of the pending Otay Mesa Community Plan Update (CPU). In general, the PEIR is a well-written document that appears to meet all applicable California Environmental Quality Act (CEQA) requirements for analysis at the programmatic level. However, we have identified several issues with the Draft PEIR that we request be resolved prior to certification of the document by the San Diego City Council. Our comments are primarily intended to allow future projects to effectively "tier" off of the PEIR as intended, thereby minimizing subsequent CEQA compliance requirements for future Otay Mesa projects.

L-2 1. PEIR Section 3.7 identifies the land use density and intensity methodology or assumptions used throughout the PEIR for evaluating potential impacts to the environment. Although Section 3.7 indicates that the PEIR assumes that "Village" and "Business Park-Residential Permitted" mixed-use designations were based on approximately 50 percent of the maximum density for residential portions of the gross area within these designations, the discussion does not adequately describe what assumptions were made for the "Village" and "Business Park-Residential Permitted" designations. Section 3.7 of the PEIR should be refined to more clearly articulate the maximum percentage of land area within the "Village" and "Business Park-Residential Permitted" that were assumed for residential, commercial, and/or business park uses. Section 3.7 also should more clearly articulate the density/intensity assumptions made for each of these land use categories within the "Village" and "Business Park-Residential Permitted" designations. This revision is intended to allow future implementing projects within the CPU area to effectively tier off of the PEIR document in accordance with CEQA Guidelines § 15168(c).

L-3 2. Table 3-5, *Future Actions*, should be expanded to indicate that the future actions needed from the City of San Diego also include Community Plan Amendments, Specific Plans, and Zone Changes. These future actions are required pursuant to the CPU policies related to the Southwest and Central Village areas.

L-4 3. Figure 5-2.8, *Proposed View Corridors and Gatesways*, does not include a legend identifying what the blue asterisks or yellow circles represent. Please clarify the legend.

L-5 4. PEIR Section 5.6.4.2 is intended to discuss the significance of the CPU's impacts due to hazardous substances; however, the text in this section does not indicate the level of significance. The text in this section should be supplemented with a statement that impacts would be less than significant, as is implied by the subsequent sections.

L-1 Comment noted. This paragraph provides information regarding the content of the letter.

L-2 The methodology used to calculate the number of dwelling units within a Village area for the purpose of CEQA analysis was based on the following calculation:

- 75% of the density range within the applicable land use designation (i.e., neighborhood village = 15-25 du/ac) resulting in 7.5 du/ac
- 7.5 du/ac was added to the low number of the range (in this case 15) resulting in 23 du/ac

The text in Section 3.7 has been modified to reflect the above methodology used for calculating dwelling units as noted above. Including density/intensity assumptions for each land use category at the program level would be speculative.

Assumptions were made for commercial square footages, residential dwelling units and business/industrial uses for the Village and Business Park-Residential Permitted land use designations. However, for the BPRP, CPIOZ implementation will only allow for 49% of the area to be developed with residential units at 15-44 du/ac as indicated in Table 3-1. While the Village area included both commercial square footages and residential dwelling units' assumptions, Specific Plans will be required to provide more detailed information regarding how land uses are sited within the village and will be subject to discretionary and environmental review.

L-3 The PEIR (Table 3-5) has been revised to include these future actions.

L-4 Figure 5.2-8 has been revised to include a complete legend.

L-5 Section 5.6.4.2 has been revised to include a summary statement that impacts would be less than significant, consistent with the analysis in Section 5.6.4.1.

LETTER

RESPONSE

- L-6 5. Figure 5.7-2, *Drainage Areas*, depicts the location of the various drainage areas within the CPU area, which presumably are also intended to be described in Table 5.7-1, *Otay Mesa CPU Drainage Areas*. However, the Drainage Areas depicted on Figure 5.7-2 appear to be inconsistent with the drainage areas listed in Table 5.7-1. For example, Figure 5.7-2 identifies the "San Ysidro" drainage area, but there is no "San Ysidro" drainage area shown in Table 5.7-1. Either Figure 5.7-2 or Table 5.7-1 should be revised to resolve this discrepancy.
- L-7 6. PEIR Page 5.12-16 indicates that Class II bike lanes should be 6-foot in width. However, per the *City of San Diego Street Design Manual* (Page 59), Class II bike lanes should be between 5 and 6 feet in width, and may be 4 feet in width when abutting a mandatory right-turn lane. Please revise the text on PEIR Page 5.12-16 accordingly.
- L-8 7. To allow for more effective tiering, specific modeling assumption utilized in the traffic study should be added to PEIR sections 3.7, 5.12, and/or in Appendix J. In order for the traffic study to be more effectively utilized by implementing projects designations and to allow future implementing projects to provide a direct comparison to the PEIR's assumptions and findings, it would be helpful to identify what land use assumptions were made for the various land uses within the CPU, particularly for the "Village Centers" and "Business Park – Residential Permitted" land use. We would appreciate clarity regarding the assumption for the calculation of trips for purposes of the PFFP. Does the City intend to apply the trip rate values shown in the "Trip Generation Rates for Facility Financing Purposes" published by the City which has a differentiation between projects with residential densities of more or less than 20 units per acre?
- L-9 8. PEIR Page 5.13-24 states, "The CPU indicates that it is the intent of the City to collaborate with SUHSD on the location of one additional high school to meet increased demand (Policy 2.6-2.d, City of San Diego 2011a). While siting has not yet been determined, the CPU indicates that this facility would be located within the central portion of the planning area, south of Airway Road (see Figure 5.13-1)." There is no future high school facility identified on Figure 5.13-1. Figure 5.13-1 should be revised to identify the conceptual location for this facility.

If you should have any questions regarding any of these comments, please contact me. I can be reached by phone at: (619) 818-3575, or by e-mail at [rmahoney@colrich.com](mailto:rmahoney@colrich.com).

Sincerely,



Rita Mahoney  
Project Manager, ColRich  
On Behalf of CR Otay Canyon Ranch Associates LLC

- L-6 Section 5.7.1 of the PEIR has been revised to ensure consistency among all text, tables and exhibits.
- L-7 Page 5.12-16 has been revised accordingly to be consistent with the City's *Street Design Manual*.
- L-8 The Otay Mesa PFFP applies the Trip Generation Manual as augmented on Page 13 of the PFFP for the determination of ADTs applicable to non-residential development. The applicability of ADTs to non-residential fees is reflected on the PFFP on the Fee Schedule (Table 2, page 10) and in the Cashflow (Table 5, page 15).  
  
Regarding residential development, while ADT assumptions were used in the derivation of the single-family and multi-family residential fees, the fees are set at fixed values in the PFFP as reflected on the Fee Schedule (Table 2, Page 10). The fees reflect ADT assumptions for single-family and multi-family dwelling units as determined by City staff based on analysis specific to Otay Mesa during the development of the PFFP. As the residential fees are set at fixed values as established in the PFFP (Table 2, Page 10), they are not related to or dependent on the Trip Generation Manual.
- L-9 The SUHSD is amenable to siting a high school within either village area or just outside and, therefore, a future high school site is not specifically identified on Figure 5.13-1. However, as part of the Specific Plan process, the City of San Diego and future developers will coordinate with the SUHSD to determine the appropriate location for an additional high school. As such, the following sentence has been deleted from the paragraph as noted on Page 5.13-24:  
  
"While siting has not yet been determined, the CPU indicates that this facility would be located within the central portion of the planning area, south of Airway Road (see Figure 5.13-1)."

Letter M

October 24, 2013

Ms. Myra Hermann, Environmental Planner, and Ms Theresa Millette, Senior Planner

City of San Diego Development Services Center

1222 First Avenue, MS 501

San Diego, CA 92101

SUBJECT: Otay Mesa Community Plan Update. #30330/304032

Dear Ms. Hermann and Ms Theresa Millette,

M-1 Thank you for the opportunity to review the PEIR. The following are our comments and concerns. The comments included in this letter are comments on the land use analysis of the OMCPU Draft PEIR and the Otay Mesa Community Plan Update.

M-2 Request no. 1: There are many useable lots North of the proposed Airway Road alignment just West of Cactus Road. We would like to request that these parcels be included in the Central Village Specific Plan Area. Additionally, we would like to request that the following parcel that I currently own in the same described area, (APN # 646-093-04-00), be included in the Central Village Specific Plan Area. The parcel is flat and useable, has been farmed and cultivated for years, and has no environmental resources on-site or concerns that would otherwise preclude development as part of this Specific Plan area. Attached are some photos for your reference of parcel # 646-093-04-00. Clearly, as evidenced by these photos, this property should not be designated as open space as presently contemplated by the Plan Update.

M-3 Request no. 2: We are also the owners of Ocean View Village (VTM 314829/SDP 320732), an entitled mixed-use project consisting of 143 multi-family residential units, 40,678 square feet of neighborhood commercial, and 37,850 square feet of industrial development. This project was approved by the City Council on December 1, 2008. This project includes a transportation phasing plan requirement that, in order to exceed 107 multi-family units, the construction of the Heritage Road/SR-905 Interchange must be assured to the satisfaction of the City Engineer.

If the construction of only the 108th residential unit in Ocean View Village triggers the need for this Interchange, it would be reasonable to conclude that this Interchange is a "near term" improvement requirement for the entire Otay Mesa Community. Yet, both the Traffic Impact Analysis and the Community Plan Update are silent as to the imminent need for this Interchange Improvement. This omission, when coupled with the City's recent approvals of two other significant projects, Brown Field's Metropolitan Airpark Project and the Cross Border Airport Terminal Project, neither of which required the assurance of the Heritage Road/SR-905 Interchange in the near term, only reinforces the conclusion that the Heritage Road/SR-905 Interchange is no longer a near term improvement requirement.

M-1 Comment noted. This paragraph provides information regarding the content of the letter.

M-2 While the alignment for Airway Road appears to run along the canyon edge as it approaches Cactus Road, the more specific alignment will occur with the submittal of the Specific Plan. It is anticipated that any properties north of any alignment of Airway Road and south of the canyon would be included in the Central Village Specific Plan.

M-3 At this time, amending the permit condition for the Ocean View Village project is not identified as an action for the CPU.

M-3  
con

Consequently, based on the updated, more current traffic analysis documentation as contained in the TIA for the Otay Mesa Community Plan Update, together with the TIA's recently prepared and approved for the above referenced projects, it is requested that, as part of the approval of the Otay Mesa Community Plan Update, those projects, such as Ocean View Village, that have an obligation to assure the construction of the Heritage Road/SR-905 Interchange be excused from this improvement as a near term obligation of their developments. Improvements such as the Heritage Road/SR-905 Interchange are included and funded by the FBA program in Otay Mesa and the payment of FBA fees should be sufficient participation in this project.

M-4

Request no. 3: Additionally, there have been three different California State assembly bills that have passed that extend tentative maps. We have not seen any reference to these three assembly bills in the PEIR. Specifically, we would like to see AB 208, AB 333 and AB 116 be included in the PEIR.

Sincerely,



Melvyn Ingalls



APN # 646-093-04-00 at Southeast corner looking to the West (photo taken 10/24/13)

M-4

The assembly bills referenced in this comment are not part of the regulatory framework for the CPU; therefore, they have not been included in the PEIR. Requests for Extension of Time (EOT) are covered by the Subdivision Map Act and implemented in accordance with the provisions of the City's Municipal Code when an EOT application is submitted for review or when new legislative requirements are enacted.





APN # 646-093-04-00 at Southeast corner looking to the North (photo taken 10/24/13)

THIS PAGE LEFT INTENTIONALLY BLANK

Letter N



October 25, 2013

Ms. Myra Herrmann, Environmental Planner  
 City of San Diego Development Services Center  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

**Re: Otay Mesa Community Plan Update, Project No. 30330/304032 – DEIR Comments**

Dear Ms. Herrmann:

**N-1** We are in receipt of your Public Notice of a Draft Environmental Impact Report (“DEIR”) for the above-referenced project. This letter is in response to your request for comments on the DEIR to be submitted by October 25, 2013.

National Enterprises, Inc. (“NEI”) manages approximately 2,200 acres within the City and County portions of Otay Mesa. While we and other Otay Mesa stakeholders support the Community Plan Update (“CPU”), we need to ensure that the policies laid out in the CPU are consistently applied to all projects.

**N-2** As such, we noticed that the *Otay Mesa Community Plan Implementation Overlay Zone* CPIOZ A contains certain policies that do not apply to the *Business Park, Residential Permitted Community Plan Implementation Overlay Zone*. These policies cover the following items:

- Create a visual distance from heavy industrial uses or use a buffer zone;
- Connectivity pathway;
- Lively street signs;
- Pathways linking parks;
- Noise barriers or buffers;
- Focus on pedestrian orientation;
- No cul-de-sacs;
- Alternative parking designs.

NATIONAL ENTERPRISES INCORPORATED

5440 Morehouse Drive • Suite 4000 • San Diego, California 92121 • 858/623-9000 • 858/623-9009

**N-1** Comment noted. This paragraph provides information regarding the content of the letter.

**N-2** The Urban Design Element policies within the Otay Mesa CPIOZ include specific policies for both industrial and commercial uses. As such, the commercially-specific policies are not referenced in the Business Park, Residential Permitted CPIOZ because it is an industrially designated and zoned area. The Otay Mesa CPIOZ and the BPRP CPIOZ address the bullet points as follows:

1. Visual distance: With reference to UDE 4.1-9, the BPRP implementing zone allows limited office and research and development uses by right, and is a mixed use designation that would allow for vertical and horizontal mixed use. Any proposal beyond what is allowed by right would trigger discretionary review.
2. Connectivity pathway: UDE policies 4.2-1, 4.2-2 a-c and 4.5-1 apply within both CPIOZ areas.
3. Lively street signs: The CPIOZs do not address street signs.
4. Pathways linking parks: UDE policies 4.2-1, 4.2-2 a-c and 4.5-1 apply within both CPIOZ areas.
5. Noise barriers: The CPIOZs do not address noise barriers.
6. Pedestrian orientation: UDE policies 4.2-1, 4.2-2 a-c and 4.5-1 apply within both CPIOZ areas.



LETTER

RESPONSE

Ms. Myra Herrmann  
October 25, 2013  
Page 2 of 2

N-2  
cont.

- Non-sensitive design;
- Public view opportunities;
- Neighborhood identity required; and,
- No building walls.

N-3

Therefore, please ensure that the policies required of CPIOZ A under the *Otay Mesa Community Plan Implementation Overlay Zone* are updated to reflect the same policies under the *Business Park, Residential Permitted Community Plan Implementation Overlay Zone*.

Please let us know if you have any questions.

Sincerely,



David Wick  
President  
National Enterprises, Inc.  
(858) 623-9000, ext. 700  
dwick@natent.com

N-2  
cont.

7. No cul-de-sacs: UDE policy 4.2-4 was not applied to the BPRP CPIOZ as the site is currently mapped. Should the owner desire to reconfigure the lots and local streets, that would trigger discretionary action, and CPIOZ B would then apply.
8. Alternative parking designs: UDE 4.2-7 applies to the village areas and specific plans, not the CPIOZ areas. UDE 4.2-8 b and 4.2-9 are applied in both CPIOZ areas.
9. Non-sensitive design: UDE 4.3-1 applies to properties adjacent to canyons and open space. The BPRP property is not adjacent to canyons or open space.
10. Public view opportunities: UDE 4.2-5 applies to both CPIOZ areas.
11. Neighborhood identity required: UDE 4.3-5 applies within both CPIOZ areas.
12. No building walls: The CPIOZs do not address building walls.

N-3

The minor differences between the two CPIOZ areas have been addressed in Response to Comment N-2.

Letter O

**SheppardMullin**

Sheppard Mullin Richter & Hampton LLP  
501 West Broadway, 10th Floor  
San Diego, CA 92101-3598  
619.338.6500 main  
619.234.3915 main fax  
www.sheppardmullin.com

619.338.0640 direct  
jpostle@sheppardmullin.com

File Number: 0100-092221

October 29, 2013

**VIA E-MAIL AND U.S. MAIL**

Theresa Millette  
Senior Planner  
Planning Division  
City of San Diego  
1222 First Ave, MS 413  
San Diego, CA 92101  
E-Mail: ctaymesaolanupdate@sandiego.gov

Myra Herrmann  
Environmental Planner  
City of San Diego  
Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101  
E-Mail: dsdeas@sandiego.gov

Re: Comments on Otay Mesa Community Plan Update EIR (Project No. 30330/304032)

Dear Ms. Millette and Ms. Herrmann:

O-1

This firm represents Richard and Margaret Chang (the "Changs"), owners of a thirty-eight (38) acre piece of property along the south side of Airway Road between Britannia Boulevard and Cactus Road (the "Property"). The Changs have been actively involved in monitoring of the Otay Mesa Community Plan Update ("CPU"). We appreciate this opportunity to comment on the CPU and the corresponding program environmental impact report ("PEIR") as these documents relate to the Property. This letter constitutes comments on the land use and other section of the PEIR and attached as Exhibit A are our full comments on the PEIR.

O-1

Comment acknowledged. This letter supersedes that of the one submitted on October 25, 2013. No additional response is necessary.

Please note this letter was initially sent on Friday, October 25, 2013. Since then, we have discovered two factual errors: (i) a misstatement of acreage in the third bullet point in the subsequent paragraph, and (ii) a misstatement of the current land use designation in the conclusion. This letter supersedes the letter dated October 25, 2013 and is the operative letter.

O-2

To better serve the City of San Diego ("City") and to be in compliance with the goals and policies articulated in the City General Plan ("General Plan"), instead of the designations proposed under the CPU, described in more detail below, the Property should be designated to incorporate the following possible uses in the various Property areas:

O-2

The CPU represents a comprehensive planning effort by evaluating and coordinating a multi-modal transportation network, balancing economic prosperity with housing needs, and coordinating infrastructure financing and phasing with complex land use decisions. The land uses were determined in a public process through the community planning group.

1. Retail uses at the northwest corner (approximately 4.5 acres).
2. Senior Care Facilities or Independent Senior Living at the northeast corner (approximately 10.3 acres).
3. Community Facilities or Public Use Facilities in the middle of the Property along Airway Road (approximately 4.5 acres).
4. Business Park, Hotel and/or Self Storage Facility at the east end of the property (approximately 12 acres).

**SheppardMullin**

Theresa Milette and Myra Herrmann  
 October 29, 2013  
 Page 2

O-2  
 cont.

- 5. Retail Uses at the corner of Britannia Boulevard and Airway Road (approximately 8.7 acres).

The remainder of the Property, along Britannia Boulevard and Siempre Viva Road, shall be developed as business park and office to maintain consistency with the surrounding areas.

O-3

**I. Surrounding CPU Land Use Designations**

To the south of the Property is seventy-seven (77) acres designated for operational business, as well as six (6) separately owned parcels (ranging from 2.07 acres to 17.37 acres). To the west of the Property is approximately eighty (80) acres proposed for mixed-use development. To the northwest of Property is vacant, unentitled land; while to the northeast are ten (10) entitled, subdivided and recorded industrial lots, known as "Brown Field Technology Park." To the east of Property are existing industrial/business park buildings. Under the CPU, this surrounding area is designated as "Community Village," which allows high density residential up to thirty (30) to thirty-five (35) dwelling units per acre ("du/ac") and related commercial uses. The "Brown Field Technology Park" which is zoned as "Business Park - Residential Permitted" and permits between fifteen (15) and forty-four (44) du/ac.

O-4

**II. Proposed Land Use Designation and Deficiencies in the CPU**

According to the zoning map proposed by the CPU ("CPU Proposed Zoning Map"), the land use designation for the Property would be "Potential Regional Park" for the western portion, while the eastern portion would be being designated as "Business Park - Office Permitted" with an Overlay of "Potential High School Area." These designations are improper and need is unsubstantiated for a number of reasons.

First, there is internal inconsistency between various planning documents. The CPU Proposed Zoning Map designates the Property parcels bounded by Airway Road, Britannia Boulevard, Siempre Viva Road and Cactus Road in the northwest quadrant as the "Potential Regional Park" area, while the "Potential High School" area is still being planned. Alternatively, the "City Planning & Community Investment" version of the proposed Otay Mesa Zoning Map designates the western portion of the Property as "Potential Park Area" and the eastern portion of the Property as "Potential School Area". In addition to this inconsistency, the CPU does not include a clear definition as to the sizes and the locations of the "Potential Park" and the "Potential School" areas. Coupled with the inherent inconsistency, this lack of specificity renders the CPU deficient.

O-5

Second, the Property's "Potential Park" designation is improper as the CPU is not consistent with the General Plan Recreation Goals. Specifically, the General Plan requires developments to "[i]ncrease the amount and quality of recreation facilities and infrastructure through the promotion of alternative methods where development of typical facilities and infrastructure may be limited by land constraints." (General Plan, RE-6).

In contrast, the CPU assumes that every property within the CPU area will not have constraints that would make it impractical to provide population-based parks at the

O-3 This comment provides a summary of existing conditions. No additional response is required.

O-4 The September 2013 draft OMCPU Land Use Map, Figure 2-1, removed the potential high school site from the map and designated that portion of the property Business Park. The community park was reduced to an approximately 36-acre site at the southeast corner of Airway and Cactus Roads. The current draft zoning map was amended to reflect the latest Land Use Map.

O-5 Because Otay Mesa is a developing community, General Plan park standards can be met and park equivalencies were not considered in Otay Mesa during the update process.

**SheppardMullin**

Theresa Millette and Myra Herrmann  
 October 29, 2013  
 Page 3

O-5  
 cont.

General Plan's 2.8 acres per 1,000 residents. This false assumption leads the CPU to include no flexibility at all for the provision of park equivalent facilities on future projects. Its Policy 7.1-3 states "Provide usable acreage park land required to meet General Plan population-based park standards, without the use of park equivalencies, and for the sole use as parks, independent of any shared joint use at Ocean View Hills Elementary School." The City would be required to conduct a site-specific analysis of all the constraints that could possibly interfere with the development of 2.8 net acres of useable park area before it could rule out all future need for use of General Plan permitted park equivalency measures. As discussed throughout the EIR and CPU, the Otay Mesa Community is engaging in the difficult task of collocating residential and industrial uses. The full array of collocation tools, including the ability to move parks and residential facilities farther away from industrial uses though the allow use of park equivalency measures and efficient joint use of school/neighborhood parks. The appropriateness of using park equivalency measures is a right the City Council gave itself in the General Plan when evaluating a site-specific development project that may be constrained in any one of many ways. Page RE-11 of the General plan describes this flexibility as necessary. The specific Recreation Element General Plan policies require it. Accordingly, a community plan update with a policy that removes this discretion for all projects within the community plan area is inconsistency with the General Plan.

In addition to the inconsistencies with the City General Plan's Recreational Element, the CPU, at bare minimum, should have permitted flexibility in reducing the required acreage necessary for parks if development utilized the joint use of parks and multi-story schools. Under such a framework, the reduced park acreage could be provided on the Property, the Property would have an economically viable use, and some of the other concerns identified in this letter would be eliminated.

O-6

Third, as demonstrated in the CPU and corresponding PEIR, Britannia Boulevard will result in an increased Average Daily Traffic ("ADT") and should anticipate very high truck traffic. Therefore, if a potential regional park site or a potential high school site are to be located within the Property, it should not be located near Britannia Boulevard, as such a location would result in increased traffic, noise and air quality impacts. Instead, Cactus Road would be a superior site location for the potential park and high school sites. Neither the CPU nor the corresponding EIR consider such an alternative.

O-7

Fourth, the Land Use of the section of the CPU PEIR is rife with issues and inconsistencies, resulting in an insufficient analysis. Specifically, to be adequate within the perimeters of CEQA the CPU must:

- Add the most recent California Air Resources Board Scoping Plan for statewide reductions of greenhouse gas ("GHG") emissions necessary to achieve AB 32 GHG targets.
- Evaluate the CPU for consistency with General Plan goals and policies. LU-A and LU-B contain policies applicable to Community Plans, including but not limited to LU-A.1(c), LU-A.5, LU-A.7, LU-A.8, LU-B.1, LU-B.2, Table LU-4, LU-F.

O-6 See Response to Comment O-4.

O-7 The CPU was evaluated for consistency with the General Plan's Land Use Element applicable policies in Sections A and B. As indicated in PEIR Section 5.1.3.1, "...the CPU is consistent with and would implement the goals and policies of the Land Use Element of the General Plan and would apply the City of Villages strategy to the setting and needs of the CPU area." The CARB Scoping Plan is discussed in the GHG Section of the PEIR; refer to Sections 5.18.1.3, 5.18.3 and 5.18.4.

No Specific Airport was referenced in the comment. A consistency of analysis of the CPU with operations at Brown Field was conducted. This issue is addressed in PEIR Sections 5.1.3.1, 5.6.3.1, and 5.10.5.

The CPU is a planning document which guides development within the community plan area but it does not entitle any development or ground disturbance that would impact vernal pool resources. Therefore, per the definition of interim projects in Exhibit C of the Planning Agreement, the CPU is not considered to be an interim project since it would not adversely impact vernal pool species and habitat. All future projects would be implemented in accordance with the CPU and would require subsequent environmental review. As discussed in comment O-3, the proposed CPU adds specific policies and recommendations for the protection of vernal pools which currently do not exist in the adopted CPU. Policies 8.1.-1 through 8.1-6 include direction to implement the Environmentally Sensitive Lands regulations, MSCP, and Biology Guidelines.

According to the City's CEQA Significance Thresholds, the focus of environmental analysis should be on the physical impacts of constructing new public service facilities and not response times. At the present time, significance response time deficiencies due to a lack of personnel or equipment can be helped only by continued, mandatory approval by the City Council of the affected department's budget proposal of operations within the affected area because developers cannot be required to fund ongoing operational costs nor can they make budgetary decisions regarding such funding. Developers are required

**SheppardMullin**

Theresa Milette and Myra Herrmann  
 October 29, 2013  
 Page 4

O-7  
 cont.

- Analyze the CPU's consistency with operation of this airport and what cumulative impact build-out of the community plan will have on the environment with noise, traffic, hazards created by this existing airport facility.
- The City identified the CPU itself, not just projects within it as a vernal pool project subject to the injunction issued by Judge Brewster in October 2006. As part of the Planning Agreement with the United States Fish and Wildlife Services ("USFWS") for processing vernal pool projects during the City-USFWS' new vernal pool Habitat Conservation Plan, the City made its own discretionary projects subject to the Planning Agreement. The CPU is a City-initiated discretionary project subject to CEQA. Therefore, the EIR must demonstrate the CPU's compliance with the Planning Agreement and make the findings required in Subsection C of the Planning Agreement, which include the following:
  - o The Project is consistent with the preliminary Vernal Pool Preserve Areas;
  - o Provides management and monitoring consistent with the draft Vernal Pool Management Plan;
  - o Provides funding in perpetuity for management and monitoring;
  - o Consistent with the proposed ESL/wetlands amendments; and
  - o Requires MSCP conservation / covenant of easement over any preserved on-site or off-site vernal pools/habitat
- Analyze how police, fire and EMT can reach all parts of the CPU area within the response times identified in the General Plan. City reports on fire service note the difficulty of meeting such standards and recommends changing the response times standards, but the General Plan still uses the "old" response times. If the City Fire Department is going to use the response times recommended in the report to the City, then a General Plan Amendment is required. (See Policy LU-C.1(c).)

O-8

Lastly, an PEIR must include an evaluation of a reasonable range of alternatives (*City of Maywood v. LA Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 421.) The CPU PEIR does not include an alternative that incorporates a reduced number of park acreage and increased acreage under the commercial designation. The CPU PEIR should have specifically considered this alternative as it relates to the Property, which is the environmentally superior alternative. Therefore, the CPU PEIR does not include a reasonable range of alternatives and should be rejected.

O-9

**III. Proposed CPU Designation**

With Britannia Boulevard and Airway Road as the main thoroughfares with high traffic volumes, the potential park and the school sites should not be sited along these two roadways in order to ensure the maximum protection of human safety and welfare while promoting increased traffic and circulation. Instead, the Property along Airway Road from Britannia Boulevard to Cactus Road would best served as a future development corridor area that can utilize the traffic volume to serve the needs of the residents, businesses and industrial uses in the vicinity, while generating more taxes and revenues for the City.

As it relates to the approximately twenty-three (23) acres of "Potential High School Site" sited at the southwest quadrant of the Property, the CPU should designate ingress

O-7  
 cont.

to fund construction of new facilities with DIF and FBA as conditions of project approvals. The City Council adopted new standards in 2011 with a Fire Services Standards of Deployment Study. The new performance measures are being incorporated into a General Plan amendment that is currently in process and anticipated to be adopted at City Council in early 2014.

O-8

CEQA requires that a reasonable range of alternatives that reduce or eliminate the significant effects on the environment be evaluated in an EIR. The OMCPU EIR provides an analysis of alternatives as provided in Chapter 10.

O-9

See Response to Comments O-4 and L-9.

**SheppardMullin**

Theresa Millette and Myra Herrmann  
October 25, 2013  
Page 5

O-9  
cont.

and egress routes on Cactus Road or Siempre Viva Road, because both are less congested than Airway Road and Britannia Boulevard. This change would result in reduced environmental impacts, especially noise, traffic and air quality impacts. Additionally, in the event the high school is unnecessary or the size of the school is reduced, the CPU should permit the remainder of the Property to be developed as a business park, compatible with surrounding areas. Moreover, in the event that the size of the proposed park, which is currently designated to be approximately thirty (30) acres, is reduced either through joint use, multi-story schools or other avenues, the CPU should also permit the remainder of the Property under this designation to be developed as a business park.

O-10

**IV. Conclusion**

The Changs have participated and commented throughout the CPU process, and have consistently protested the change from the industrial designation to public use. We have responded to staff's requests for more information and addressed staff's previous concerns. We therefore respectfully request that the City retain implement the requested uses into the CPU.

Sincerely,



John E. Ponder  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH411634605.1

Encl.: Exhibit A: Memo re Draft PEIR Comments, October 25, 2013

cc: Jaw-Min Chang  
Bill Fulton, Department of Planning and Neighborhood Restoration  
Councilmember Alvarez, City of San Diego

O-10 Comment noted.

LETTER

RESPONSE

EXHIBIT A

THIS PAGE LEFT INTENTIONALLY BANK

**SheppardMullin**

Sheppard, Mullin, Richter & Hampton LLP  
 501 West Broadway, 13<sup>th</sup> Floor  
 San Diego, California 92101-3998  
 619.336.6500 main  
 619.234.3815 fax  
 www.sheppardmullin.com

**MEMORANDUM**

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

To: Myra Herrmann  
 Theresa Millette  
 Cathy Winterrowd  
 Date: October 25, 2013

Cc: Jaw-Min Chang

From: John Ponder, Esq.  
 File Number: 28PK-162958

Re: Comments on Otay Mesa Community Plan Update Draft Program EIR

O-11 We have reviewed the Draft Program Environmental Impact Report ("PEIR") for the Otay Mesa Community Plan Update ("Project") released for public comment on September 10, 2013 and offer the comments herein. This memorandum provides detailed comments on questions raised by each individual section of the PEIR. I am available to discuss the specific issues raised below with the City to clarify the meaning of or legal basis for our comments or draft new language for the PEIR.

Page or Figure No.	Section/Heading	Comments
O-12 S-5	Summary of Project Alternatives	The PEIR improperly states that it "considered but rejected the No Project Alternative, the Reduced Biological Impacts Alternative, and the Reduced Density Alternative." This statement reflects an improper delegation of authority to staff and usurpation of the right of the City Council as the final decision-maker to consider a range of reasonable alternatives and determine whether to select or reject the alternatives. The above statement is an admission that the alternatives do not comprise a reasonable range because none of the alternatives are feasible and would substantially reduce a significant impact.
O-13 S-6	S.5.2.2/Reduced Biological Impacts Alternatives	This alternative is the environmentally superior alternative pursuant to CEQA Guidelines section 15126.6 (e)(2).  The Reduced Biological Impacts Alternative provides fewer dwelling units as compared to the CPU but still meets the goals and objectives of the General Plan and SANDAG Regional Comprehensive Plan. The lesser intensity of residential use and

O-11 Comment noted. This paragraph provides information regarding the content of the letter.

O-12 On page S-5 of the PEIR, the document indicates that only the "Vernal Pool and Vernal Pool Conservation Alternative" was considered but rejected. The three alternatives referenced by the commenter were brought forward for detailed consideration as indicated on page S-6 of the PEIR Summary and as detailed in Chapter 10 of the PEIR. An editorial correction has been made in the FEIR.

O-13 Section 15126.6(a) of the State CEQA Guidelines requires the discussion of a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.

The alternatives evaluated in detail within the PEIR include the: 1) No Project Alternative; 2) Reduced Biological Impacts Alternative; and 3) the Reduced Density Alternative. Each of these alternatives was selected in order to avoid or minimize a significant impact associated with the CPU. These alternatives permit informed decision making and public participation because there is enough variation amongst the alternatives that provide a reasonable range. As required under CEQA, the alternatives would avoid or minimize significant impacts associated with the CPU while also meeting at least some of the project objectives.



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		<p>the fewer number of commercial developments allowed for in this alternative minimally reduces impacts related to traffic congestion. Impacts to visual resources, hydrology/water quality, and energy conservation are also less when compared to the CPU. Because this alternative would increase the amount of open space in close proximity to development, the risk from wildfire would be slightly greater, but would still be mitigated through strict compliance with the Landscape Standards and Brush Management Regulations contained in the LDC. This alternative generally meets all the project objectives but would not accommodate future population growth to the same extent as the CPU.</p> <p>In addition, the PEIR should include an Economically Feasible Alternative, which would analyze a CPU that presents economically feasible land uses for all landowners. For example, if the City applied policies of park and recreation joint use and equivalencies for the Chang property, the underlying land use would be developable and economically feasible.</p>
O-14	3-1 to 3-3 Purpose and Need	<p>The PEIR's project description is flawed because it does not have a stable temporal scope. On page 3-1, the PEIR states that the CPU is "intended to define new strategies for the way Otay Mesa would develop and function over the next 20-50 years." On page 3-3, the PEIR states that the CPU addresses "present and future trends through 2030." Neither of these descriptions accurately encompass the Project's temporal scope as stated in the CPU itself. The CPU states that there is a "15 to 20-year planning period addressed by this plan." (CPU, at I-3.) The public and decision-makers have no way of knowing the true scope of the project, and whether the environmental analysis accurately reflects that scope. By the very language of the PEIR and CPU, the scope of the project could end anywhere from 2028 to 2063.</p>
O-15	3-3 Relationship to General Plan	<p>It is unclear whether the PEIR bases its analysis on the current General Plan. Only the General Plan adopted in 2008 is referenced, despite the fact that there have been three significant amendments since then, in 2010 (Land Use and Community Planning Element, Public Facilities, Services, &amp; Safety Element; Recreation Element; and Glossary), 2012 (Conservation Element), and 2013. The City of San Diego adopted a General Plan Amendment on March 4, 2013 when it approved the General Plan Housing Element 2013-2020.</p> <p>The current proposed GPA for the CPU and the Housing Element GPA recently completed should have been considered comprehensively rather than in two separate, smaller pieces. This</p>

O-13 cont.

O-14

O-15

O-14 According to the public review draft Community Plan (September 2013), the planning horizon for the CPU is an assumed buildout of 2062. The PEIR project description has been revised to clarify the accurate scope of the planning horizon.

O-15 The PEIR bases its analysis on the current General Plan which includes all amendments after the 2008 adoption, including the 2013 Housing Element.

The 2013 Housing Element Update was a city-wide update of the General Plan Housing Element and includes no land use or circulation changes. As part of the General Plan, the CPU is required to be consistent with the Housing Element, as with all other General Plan Elements. As detailed in Section 5.16 of the PEIR, the CPU provides land uses and policies consistent with the goals of the City-wide Housing Element including those related to housing types and affordability. The Housing Element serves as a policy guide to address the comprehensive housing needs of the City of San Diego. It is intended to be an integrated, internally consistent and compatible statement of policies for housing in the City. The Housing Element reflects the planning efforts that are currently in process Citywide.

Furthermore, each CPU is a separate action that is also a General Plan Amendment. This is not considered segmenting for the purpose of CEQA.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

O-15  
cont.

Page or Figure No.	Section/Heading	Comments
		<p>inappropriate project segmentation serves to diminish the true impacts of the Project, especially regarding housing impacts. (See e.g. <i>City of Santee v. County of San Diego</i> (1989) 214 Cal.App.3d 1438.)</p> <p>In addition, since community plans are components of the General Plan, the City should comprehensively analyze all reasonably foreseeable community plan amendments. The City is concurrently processing or has recently approved many General Plan Amendments through community plan updates: San Ysidro, Barrio Logan, Uptown, North Park, and Golden Hill, among others. San Ysidro is especially noteworthy because it is immediately adjacent to Otay Mesa. Dividing the GPAs into multiple CEQA actions is improper segmentation of a project under CEQA and serves to diminish and mask the true impacts of the overall City project of amending the General Plan. The CPU's cumulative impact analysis should address the impacts of the other GPA.</p>
3-53	Table 3-6: Summary of Project Design Considerations	<p>The PEIR should revise the following sentence with regard to landform alteration/visual quality: "Future projects would be required to adhere to the CPU land use and development design guidelines." The words "to adhere to" should be replaced with "to be consistent with" or "to be compatible with" because strict adherence to every design guideline is not required and is not the purpose of the guidelines. Guidelines are not binding. The statement is factually inaccurate because there is no legal requirement for future projects to "adhere" to the design guidelines. Because it is factually inaccurate, the PEIR cannot take credit for avoiding or reducing environmental impacts due to it. The same comment applies to the other guidelines mentioned in the same table.</p> <p>The listing of "project design considerations" that future projects will be required to implement is improper deferral of mitigation under CEQA. The City cannot defer its obligation to formulate and adopt mitigation until a more specific development plan is proposed. (<i>Citizens for Quality Growth v. City of Mount Shasta</i> (1988) 198 Cal.App.3d 433.) The list in this table evidences that the formulation of precise mitigation measures is feasible at this time, but the City is simply deciding to defer their formulation and adoption by calling them "project design considerations." Even if the mitigation measures are general, as are the "project design considerations" listed, the City must devise and approve them along with the certification of this PEIR. (<i>Sundstrom v. County of Mendocino</i> (1988) 202 Cal.App.3d 296.)</p>

O-16

O-16 Table 3-6 is not intended to serve as mitigation, but is provided to illustrate a compilation of environmental/regulatory compliance requirements of the CPU, including land use planning, policies or other implementation mechanisms. The compliance measures listed in the table are by definition already part of "the project" as defined by the CEQA Guidelines. A mitigation framework for future projects is provided within each issue section of Chapter 5 in the PEIR. Regarding the statement under "Landform Alteration/Visual Quality", Table 3-6 has been revised to state that future projects will be required to demonstrate compliance with the CPU land use and development design guidelines.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
O-17	5.1-1	Table 5.1-1 The percentages listed for the land use distribution total 102%. This is a significant error considering that the total Commercial uses are listed as 1.85%.
O-18	5.1-7	Table 5.1-2 The PEIR should add most recent CARB Scoping Plan for statewide reductions of GHG necessary to achieve AB 32 GHG targets.
O-19	5.1-9	Table 5.1-3 The PEIR should evaluate CPU for consistency with General Plan goals and policies. LU-A and LU-B contain policies applicable to community plans, including but not limited to LU-A.1(c) , LU-A.5, LU-A.7, LU-A.8, LU-B.1, LU-B.2, Table LU-4, LU-F.
O-20	5.1-9	Table 5.1-3 LU-G policies are focused on consistency with ALUCP. The City identifies the Tijuana Airport as part of the existing condition/surrounding land uses. PEIR should analyze the CPU's consistency with operation of this airport and what cumulative impact build-out of the CPU will have on the environment with noise, traffic and hazards created by this existing airport facility.  See also figures 5.1-4, 5.1-5 and 5/1-6 comparing noise and safety zones for Brownfield, but not the Tijuana Airport.
O-21	5.1-35	Vernal pool lawsuit The City identified the CPU itself, not just projects within it as a vernal pool project subject to the injunction issued by Judge Brewster in October 2006. As part of the Planning Agreement with the USFWS for processing vernal pool projects during the City-USFWS' new vernal pool HCP, the City made its own discretionary projects subject to the Planning Agreement. The CPU is a City-initiated discretionary project subject to CEQA. Therefore, the EIR must demonstrate the CPU's compliance with the Planning Agreement and make the findings required in Subsection C of the Planning Agreement, which include the following: <ul style="list-style-type: none"> <li>• The Project is consistent with the preliminary Vernal Pool Preserve Areas;</li> <li>• Provides management and monitoring consistent with the draft Vernal Pool Management Plan;</li> <li>• Provides funding in perpetuity for management and monitoring;</li> <li>• Consistent with the proposed ESL/wetlands amendments; and</li> <li>• Requires MSCP conservation/covenant of easement over any preserved on-site or off-site vernal pools/habitat.</li> </ul>

SMRH:411316222.5

-4-

- O-17 Table 5.1-1 has been updated to reflect the correct percentages of land use distribution for CPU.
- O-18 The currently approved CARB Scoping Plan, including all updates is discussed in Section 5.18.1.3 and was addressed in the GHG analysis of the PEIR.
- O-19 An analysis of the CPU's consistency with General Plan goals and policies are summarized in Section 5.1.3.2 of the FEIR.
- O-20 The Tijuana Airport is located in Mexico and is not subject to federal, state, or local regulation and does not require an ALUCP. Figure 4 of the Noise Technical Report identifies the noise contours for Tijuana Airport. Open Space and Industrial land use designations are within the 65 db CNEL and are consistent with the General Plan's Noise Element compatibility guidelines. Traffic trips associated with the Tijuana Airport are included in the CPU transportation modeling and analysis by incorporating the POE traffic and the Cross Border Facility land uses.
- O-21 The CPU is a planning document which guides development within the community plan area but it does not entitle any development or ground disturbance that would impact vernal pool resources. Therefore, per the definition of interim projects in Exhibit C of the Planning Agreement, the CPU is not considered to be an interim project since it would not adversely impact vernal pool species and habitat. All future development projects would be implemented in accordance with the CPU and would require subsequent environmental review. The proposed CPU adds specific policies and recommendations for the protection of vernal pools which currently do not exist in the adopted CPU. Conservation Element Policies 8.1.-1 through 8.1-6 include direction to implement requirement established in the Environmentally Sensitive Lands regulations, the MSCP SAP, and the Biology Guidelines.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
O-22 5.1-41	Public Facilities Element	The PEIR must analyze how police, fire and EMT can reach all parts of the CPU area within the response times identified in the General Plan. City reports on fire service note the difficulty of meeting such standards and recommends changing the response times standards, but the General Plan still uses the "old" response times. If the City Fire Department is going to use the response times recommended in the report to the City, then a General Plan Amendment is required. (See Policy LU-C.1(c).)
O-23 5.1-41	Recreational Element	<p>The CPU is not consistent with the General Plan Recreation Goal to "[i]ncrease the amount and quality of recreation facilities and infrastructure through the promotion of alternative methods where development of typical facilities and infrastructure may be limited by land constraints." (General Plan, RE-6.)</p> <p>In contrast, the CPU assumes that every property within the CPU area will not have constraints that would make it impractical to provide population-based parks at the General Plan's 2.8 acres per 1,000 residents. This false assumption leads the CPU to include no flexibility at all for the provision of park equivalent facilities on future projects. CPU Policy 7.1-3 states "Provide usable acreage park land required to meet General Plan population-based park standards, without the use of park equivalencies, and for the sole use as parks, independent of any shared joint use at Ocean View Hills Elementary School. The City would be required to conduct a site-specific analysis of all the constraints that could possible interfere with the development of 2.8 net acres of useable park area before it could rule out all future need for use of General Plan permitted park equivalency measures. As discussed throughout the EIR and CPU, the Otay Mesa Community is engaging in the difficult task of collocating residential and industrial uses. The full array of collocation tools, including the ability to move parks and residential facilities farther away from industrial uses though the allowed use of park equivalency measures and efficient joint use of school/neighborhood parks. The appropriateness of using park equivalency measures is a right the City Council gave itself in the General Plan when evaluating a site-specific development project that may be constrained in any one of many ways. Page RE-11 of the General Plan describes this flexibility as necessary. The specific Recreation Element General Plan policies requires it. Accordingly, a community plan update with a policy that removes this discretion for all projects within the community plan area is inconsistency with the General Plan.</p> <p>We note that the PFFP for the Center City area also does not contain any park equivalency standards and downtown San Diego</p>

O-22 An analysis of how police, fire and EMT can reach all parts of the CPU area within the response times identified in the General Plan is included in the PEIR in Chapter 5.13, Public Services. The Public Facilities Financing Plan (PFFP), which implements the CPU, identifies the facilities that would be necessary to serve build out of the CPU area and meet the City's response time goals.

According to the City's CEQA Significance Thresholds, the focus of environmental analysis should be on the physical impacts of constructing new public service facilities and not response times. At the present time, significance response time deficiencies due to a lack of personnel or equipment can be helped only by continued, mandatory approval n by the City Council of the affected department's budget proposal of operations within the affected area because developers cannot be required to fund ongoing operational costs nor can they make budgetary decisions regarding such funding. Developers are required to fund construction of new facilities with DIF and FBA as conditions of project approvals. The City Council adopted new standards in 2011 with a Fire Services Standards of Deployment Study. The new performance measures are being incorporated into a General Plan amendment that is currently in process and anticipated to be adopted at City Council in early 2014.

O-23 Because Otay Mesa is a developing community, General Plan park standards can be met and park equivalencies were not considered for Otay Mesa during the update process.



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

O-23  
cont.

Page or Figure No.	Section/Heading	Comments
		<p>is clearly a constrained community. There appears to be a bias against park equivalencies required by the General Plan in planning documents put forth to the City Council for approval regardless of whether a community plan area is known to be constrained or may have parcels within it that are constrained.</p> <p>This is an appropriate time for the City to establish park equivalency standards and include them in the CPU and Center City PFFP.</p>
5.1-42	Noise Element	<p>The CPU is not consistent with the City's Noise Element because it admits that it cannot guarantee the buildout of the Community Plan will avoid significant and unavoidable impacts to existing developed areas. Therefore, including CPU policy 9.2-2 requiring that projects "demonstrate that required noise levels for individual development projects within Otay Mesa are considered compatible with the General Plan Noise Land Use Compatibility Guidelines" would seem to set the stage for future claims that individual projects are not in conformance with the Community Plan noise policies. The City Council can determine whether or not the CPU is overall consistent with the General Plan, but the purpose of the EIR is to identify where there are inconsistencies so the City Council and the public are aware the inconsistency exists.</p>
Figure 5.2-1	Photo Location Map	<p>The PEIR's visual impact analysis identified in this figure does not show sufficient viewpoints of the impacts of buildout of the CPU on either existing or planned trails identified in the CPU trail map located on page RE-9. The General Plan's Urban Design Element Policy UD-A.3.I. states: "Ensure that the visibility of new development from natural features and open space areas is minimized to preserve the landforms and ridgelines that provide a national backdrop to the open space systems. For example, development should not be visible from canyon trail sat the point the trail located nearest to proposed development. Lines-of-sight from trails or the open space system could be used to determine compliance with this policy." Likewise, the PEIR states that views of the CPU area are limited from existing trails within the Otay Valley Regional Park. This does not address what the line of sight would look like from these trails at their nearest point to the CPU area's development. Accordingly, under the analysis method supported by the General Plan, there is insufficient evidence to support the PEIR's conclusion that there would not be a significant impact to the visual quality of views from public viewing areas. At a minimum the PEIR should identify the impact as potentially significant at Section 5.2.3 and include a mitigation measure requiring future development to perform an analysis of the impact</p>

O-25

O-24 The Mitigation Framework is intended to provide the methodology and protocol for review of subsequent development projects to assure compliance with all applicable regulations of the Municipal Code, General Plan and CPU policies. It would be speculative at best to analyze each individual parcel, which is why Noise was identified as an unavoidable environmental impact. Additionally, although the CPU establishes land use designations, it cannot determine at the program-level specifically how an individual development will be sited on a particular parcel. Therefore, analysis of the CPU at the program-level requires that individual development projects demonstrate compliance with GP and CPU at the project-level. This does not constitute an inconsistency with the General Plan; rather, this assures consistency for subsequent development projects.

O-25 Large portions of the open space and MHPA lands are privately owned. The Specific Plans for the villages would provide the further analysis and design for any trails within the specific planning area and would include input from the wildlife agencies. As part of the subsequent development review process for the Specific Plans and trail plan, ASMDs would be identified.

Per policy 3.4-2, trail alignments at the program-level are conceptual and trails outside of the specific planning areas would require subsequent environmental review and coordination with the wildlife agencies. Otherwise, at such time that the City begins the process for acquisition of lands for the MHPA and open space, an NRMP, which would include ASMDs, would be completed.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

O-25  
cont.

O-26

O-27

O-28

Page or Figure No.	Section/Heading	Comments
		of project on the nearest point to the trail system and establish a performance standard such projects would be required to meet in order to mitigate such future visual impacts to below a level of significance.
5.2-17	Proposed Designated Public Views	While the analysis of views of the open space areas, particularly the existing designated resources at OVRP is encouraging, the City's significance threshold is based on the view blockage from designated open spaces areas and parks. (See Section 5.2.2.)
5.3-19	5.3.4.1.a Construction Emissions	The PEIR identifies that it cannot predict the exact number and timing of future development projects. If three large projects are in construction at the same time, then it would appear that the threshold would be exceeded for ROG and NOx. Please analyze the feasibility of a mitigation measure whereby the City tracks the number of large projects under construction at the same time to avoid exceeding the construction thresholds.
5.3-20	Construction Emissions	CEQA prohibits the analysis of hypothetical projects. In addition, no parameters are given to define a large project.
5.3-23	AQ-1	CEQA requires mitigation measures to be feasible and to reduce significant impact even if they cannot be reduced to below a level of significance. Here, AQ-1 identifies a menu of Best Available Control Measures without analyzing whether or not they are feasible and without stating what numerical daily emissions standard (performance standard) the City is required to achieve to provide such partial mitigation.
5.3-24	AQ-2	CEQA requires mitigation measures to be enforceable and feasible and to reduce significant impacts even if they cannot be reduced to below a level of significance. Here, AQ-2, simply identifies that a future project will have to analyze all reasonable mitigation measures and identifies buffers as a potentially feasible mitigation measure. The City should analyze and provide a matrix of the buffer distance needed to achieve a certain level of air quality emission reduction.  As discussed earlier, the fact that a particular project may be required to implement large buffers to achieve feasible reductions in significant air quality impacts is a reason why the City cannot assume that all land in Otay Mesa is unconstrained. Accordingly, the City cannot remove the flexibility needed to meet park standards through park equivalency features.

O-26 Section 5.2.2 provides an overview of the City's significance threshold. The City's complete Significance Determination Threshold (2011) relative to visual resources (views) is based on several criteria, including:

a. The project would substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program.

b. The project would cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community plan.

c. The project exceeds the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area;

d. The project would have a cumulative effect by opening up a new area for development, which will ultimately cause extensive view blockage. Please refer to the City's adopted Significance Determination Thresholds (2011).

The analysis in Section 5.2.3.1 adequately reflects the above significance threshold.

O-27 The comment is correct and due to these uncertainties, the impact was determined to be significant. The request for a tracking procedure is noted, however, the development of a tracking procedure of projects within the City is not part of the CPU. No revisions are required.

O-28 The project is not a hypothetical project; it is an example of a project that can be developed within the community plan area under the current and proposed land use regulations. The parameters of the project are included in the Air Quality Technical Analysis (Section 6.1.1) as part of Appendix C to the EIR.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		of project on the nearest point to the trail system and establish a performance standard such projects would be required to meet in order to mitigate such future visual impacts to below a level of significance.
5.2-17	Proposed Designated Public Views	While the analysis of views of the open space areas, particularly the existing designated resources at OVRP is encouraging, the City's significance threshold is based on the view blockage from designated open spaces areas and parks. (See Section 5.2.2.)
5.3-19	5.3.4.1.a Construction Emissions	The PEIR identifies that it cannot predict the exact number and timing of future development projects. If three large projects are in construction at the same time, then it would appear that the threshold would be exceeded for ROG and NOx. Please analyze the feasibility of a mitigation measure whereby the City tracks the number of large projects under construction at the same time to avoid exceeding the construction thresholds.
5.3-20	Construction Emissions	CEQA prohibits the analysis of hypothetical projects. In addition, no parameters are given to define a large project.
5.3-23	AQ-1	CEQA requires mitigation measures to be feasible and to reduce significant impact even if they cannot be reduced to below a level of significance. Here, AQ-1 identifies a menu of Best Available Control Measures without analyzing whether or not they are feasible and without stating what numerical daily emissions standard (performance standard) the City is required to achieve to provide such partial mitigation.
5.3-24	AQ-2	CEQA requires mitigation measures to be enforceable and feasible and to reduce significant impacts even if they cannot be reduced to below a level of significance. Here, AQ-2, simply identifies that a future project will have to analyze all reasonable mitigation measures and identifies buffers as a potentially feasible mitigation measure. The City should analyze and provide a matrix of the buffer distance needed to achieve a certain level of air quality emission reduction.  As discussed earlier, the fact that a particular project may be required to implement large buffers to achieve feasible reductions in significant air quality impacts is a reason why the City cannot assume that all land in Otay Mesa is unconstrained. Accordingly, the City cannot remove the flexibility needed to meet park standards through park equivalency features.

O-29

O-30

O-29 Best practices, in this case referred to as best available control measures, are currently available for use and required on projects subject to air permits and are feasible for use on future development projects. The effectiveness of any specific technology is based on the process and the actual emission rate. Therefore, it would be speculative to attempt to quantify the specific emission reduction from these technologies. As these measures will be assessed for each project at the time a specific project is proposed, additional technologies may be available that achieve greater reductions than the current technologies or best practices used today.

O-30 Air quality mitigation can vary greatly depending on the land use. Thus, the proposed mitigation measures require the implementation of all feasible measures to reduce emissions as the specific developments are not known at the programmatic level. As stated in the EIR, "Mitigation measures AQ-1 and AQ-2 shall be implemented to reduce project-level impacts. These measures shall be updated, expanded and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state and federal laws." Therefore, mitigation measures AQ-1 and AQ-2 will be refined for specific developments and as specific equipment controls or other restrictions can be identified. Similarly, the precise distance from any given source to a location where emissions would drop to less than significant is highly dependent on the location, pollutants, rate of emissions, height of emission, and meteorological conditions, to name just some of the necessary parameters used to develop buffer distances. Therefore, any specific proposed measures or buffers determined at the program level would be speculative.

The requirement to reduce potential cancer risks to 10 in 1,000,000 or less is similar to the APCD's permit requirements. However, APCD could allow greater risk under its permits. Therefore, the City has provided mitigation that would not allow development of land uses that create a risk of greater than 10 in 1,000,000. The City would not issue a building permit to allow development of these uses, thereby avoiding the impact.



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		CEQA requires mitigation measures to be enforceable and when the details of mitigation are deferred into the future, the lead agency is required to identify a performance standard and an explanation of the evidence to support that implementation of common mitigation measures options will be effective in achieving the performance standard. Here, the mitigation measure requires an applicant that cannot meet the 10 per 1,000,000 toxic air contaminant threshold to submit a risk reduction audit and plan to the APCD that demonstrates how the facility would reduce health risks to less than significant levels within 5 years of the date of the plan. Assuming the plan would need to achieve the 10 per 1,000,000 performance standard, the PEIR is inadequate because it does not give the public or the City decision-makers any evidence to support what types of mitigation measures could be included in such an audit/plan and why those measures would be effective in achieving the performance standard. Accordingly, without additional analysis, AQ-3 is the type of deferred mitigation that violates CEQA.
O-31	5.4-45 5.4.4.1/Impacts	Impacts to unique, rare, endangered, sensitive or fully protected species of plants or animals would occur with the implementation of the CPU. These impacts are significant and unavoidable. Despite the severity of these impacts, the PEIR does not provide feasible mitigation measures or options in violation of CEQA to even partially mitigate the impacts.
O-32	5.4-46 5.4.4.1(a)/ Impacts to Sensitive Plants	Implementation of the CPU has the potential to impact 17 sensitive plant species known to occur within the CPU footprint. Despite this knowledge and the admittance that this is a significant impact at the program-level, the PEIR states that evaluation and mitigation will occur at the project-level. The impacts and corresponding mitigation should have been evaluated at the program-level and not deferred to subsequent projects because the program level is the opportunity to address cumulative impacts to these species.  Use of the tiering procedure, as is being accomplished here, does not permit the lead agency to defer an analysis of reasonably foreseeable significant environmental impacts to a later stage of review to avoid addressing those impacts in a first-tier EIR. (CEQA Guidelines § 15152(b).) While tiering allows the lead agency to defer analysis of some of the details of later phases of long-term projects until they come up for approval, CEQA's information disclosure requirements are not satisfied by simply asserting that information will be provided in the future. ( <i>Santa Clarita Org. for Planning the Env't v. County of L.A.</i> , (2003) 106 Cal.App.4th 715,

O-30 cont.

O-31

O-32

O-31 As stated in Section 5.4 of the PEIR, impacts to sensitive plant and animal species are potentially significant. As this is a programmatic EIR, site specific impacts and mitigation for future projects cannot be identified. Instead, the PEIR provides a detailed mitigation framework that all future projects, which have the potential to impact such resources, must follow. Compliance with the mitigation framework in the PEIR, along with community plan policies and existing federal, state and local regulations would ensure that all impacts are mitigated to below a level of significance at the program level. With this foundation, future projects must demonstrate how the specific mitigation will be accomplished before a project can be approved. If a project cannot demonstrate mitigation, it would be determined to be inconsistent with the CPU, thus requiring a Supplemental EIR.

O-32 Please refer to the Response to Comment H-6 which provides further details regarding the CPIOZ review process for subsequent development projects implemented in accordance with the CPU (CPIOZ Type A). Additionally, for projects that cannot comply with CPIOZ Type A, CPIOZ Type B submittal would be required along with subsequent discretionary review in accordance with CEQA.

The PEIR adequately serves its role as a disclosure document and clearly identifies potential impacts to sensitive plant and wildlife species from implementation of the CPU. CEQA Guidelines Section 15168(c), states that "subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or Negative Declaration. If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the EIR, and no new environmental document would be required." Consistent with the above, the PEIR provides a detailed mitigation framework that would be implemented by all future projects that could potentially result in site-specific impacts to biological resources.

Cumulative impacts to plant and wildlife species are addressed in the PEIR (refer to Section 6.3.4). The mitigation framework in the PEIR, along with CPU policies and existing regulations provide adequate assurance that future development projects would not result in a cumulatively considerable contribution to biological resources impacts.



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		723.)  A significant environmental impact is ripe for evaluation in a first-tier EIR when it is a reasonably foreseeable consequence of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." ( <i>L.A. Unified Sch. Dist. V. City of Los Angeles</i> (1997) 58 Cal.App.4th 1019, 1028.). The impacts and corresponding mitigation should have been evaluated at the program-level and not deferred to subsequent projects because the program level is the opportunity to address cumulative impacts to these species.
5.4-48	5.4.4.1(b)/Impacts to Sensitive Wildlife	Implementation of the CPU has the potential to impact 28 sensitive wildlife species known to occur within the CPU area. Despite this knowledge and the admittance that this is a significant impact at the program-level, the PEIR states that evaluation and mitigation will occur at the project-level. The impacts and corresponding mitigation should have been evaluated at the program-level and not deferred to subsequent projects because the program level is the opportunity to address cumulative impacts to these species.  Use of the tiering procedure does not permit the lead agency to defer an analysis of reasonably foreseeable significant environmental impacts to a later stage of review to avoid addressing those impacts in a first-tier EIR. (CEQA Guidelines § 15152(b).) While tiering allows the lead agency to defer analysis of some of the details of later phases of long-term projects until they come up for approval, CEQA's information disclosure requirements are not satisfied by simply asserting that information will be provided in the future. ( <i>Santa Clara Org. for Planning the Env't v. County of L.A.</i> (2003) 106 Cal.App.4th 715, 723.)  A significant environmental impact is ripe for evaluation in a first-tier EIR when it is a reasonably foreseeable consequence of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." ( <i>L.A. Unified Sch. Dist. V. City of Los Angeles</i> (1997) 58 Cal.App.4th 1019, 1028.). The impacts and corresponding mitigation should have been evaluated at the program-level and not deferred to subsequent projects because the program level is the opportunity to address cumulative impacts to these species.
5.4-57	5.4.4.3/Mitigation Framework	The PEIR inappropriately defers mitigation measures for impacts to sensitive plants and wildlife to subsequent projects. The PEIR states "Adherence to the recommendations below is anticipated to minimize impacts to sensitive biological resources." This mitigation is impermissibly deferred, as it does not set performance criteria or

O-32 cont.

O-33

O-34

O-33 Please refer to the Response to Comments O-31 and O-32.

O-34 Please refer to Response to Comments O-31 and O-32.

The Mitigation Framework provided in Section 5.4 of the PEIR establishes the framework, methodology and protocol through which future development would be reviewed in accordance with the CPIOZ. This requirement for conducting site-specific biological survey, identify appropriate mitigation in accordance with the City's Biology Guidelines and MSCP Subarea Plan (SAP) and preparing a report for staff review. "Performance criteria" for applicable mitigation is established in the City's adopted Biology Guidelines and the MSCP SAP, both of which are specifically referenced in the mitigation framework. Mitigation measures BIO-1, BIO-2, BIO-4 and LU-2 as described in Section 5.4, Biological Resources, address impacts of future development projects relating to sensitive plant and wildlife species.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		demonstrate how the impact can be mitigated. Instead, the PEIR merely puts off the analysis for a later date. It also does not explain what evidence supports the statement that these measures could achieve a performance standard.
5.4-64	5.4.6/Sensitive Habitat	Impacts to Tier I, II, IIIA and IIIB habitats would be significant. These sensitive habitats include: maritime succulent scrub, native grassland, Diegan coastal scrub, southern mixed chaparral, non-native grassland, riparian scrub, vernal pools, and basins with fairy shrimp. The mitigation is impermissibly deferred, as it does not set performance criteria or demonstrate how the impact can be mitigated. Instead, the PEIR merely puts off the analysis for a later date.
5.4-66	5.4.7/MSCP	Implementation of the CPU would introduce land uses adjacent to the MHPA. This is a potentially significant impact at the program-level. However, the PEIR states the mitigation measures will be mitigated at a project-level. The CPU identifies permissible land uses adjacent to the MHPA; therefore, the PEIR impermissibly defers mitigation as there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." Additionally, the PEIR does not set performance criteria or demonstrate how the impact can be mitigated. Instead, the PEIR merely puts off the analysis for a later date.
5.4-70	5.4.9/Wetland Impacts	Approximately 1,266 vernal pools (12.34 acres) are located within the CPU area. Of this total, 522 are basins with fairy shrimp (12.24 acres). Implementation of the CPU has the potential to impact up to 2.95 acres of vernal pools and .07 acres of basins with fairy shrimp. Impacts to vernal pools would require deviation from the City's ESL Regulations.  The PEIR identifies the location of such basins; therefore, the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." However, the PEIR defers this analysis for subsequent project. Additionally, the PEIR does not set performance criteria or demonstrate how the impact can be mitigated. Instead, the PEIR merely puts off the analysis for a later date.
5.4-71	5.4.9.3/ Mitigation Framework	The EIR improperly concludes that project compliance with ESL guidelines will mitigate biological impacts to below a level of significance. The 1997 Implementing Agreement with the USFWS for the MSCP program contemplated that the City would identify a

O-34  
cont.

O-35

O-36

O-37

O-38

O-35 Please refer to Response to Comments O-31, O-32, and O-34.

O-36 Please refer to Response to Comments O-31, O-32, and O-34.

O-37 Please refer to Response to Comments O-31, O-32, and O-34.

O-38 Comment noted. Staff has reviewed the text in the Mitigation Framework (Section 5.4.9.3) and cannot find any reference to a regional funding source for maintenance of open space lands dedicated to the City. This is not an issue that is discussed in the OMCPU or FEIR. Based on discussion with MSCP staff, funding for maintenance of City-owned open space is a regional issue and not specific to any one community planning area.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		regional funding source for maintenance of open space lands dedicated to the City. The Implementing Agreement and federal "no surprises" policy prohibits the City from seeking the maintenance funds from the affected landowners because the landowners are already giving up 75% of their development rights on their property within the MSCP and donating it to the City. If the MSCP and ESL's assumption that it will be effective in mitigating biological impacts is predicated on the City obtaining the necessary funds to main the biological values on the dedicated land within the MSCP, then there is a significant and unmitigated biological impact from build-out of the CPU with no corresponding Statement of Overriding Considerations that the impact is acceptable and it is infeasible for the City to raise the maintenance funds from the public or obtain them from landowners who are protected against further exactions by the Implementing Agreement and federal "no surprises" policy.
O-39	5.4-75 5.4.9.4/ Significance after Mitigation	The PEIR states it cannot guarantee that all future project-level impacts would be avoided or mitigated to below a level of significance. Because the extent of future development is unknown at this time, the degree of impact and applicability, feasibility and success of these measures cannot be accurately predicted for each specific project at this time. Therefore, direct and/or indirect impacts to wetlands, jurisdictional resources vernal pools and vernal pool species are considered significant and unavoidable at the program-level. However, the PEIR identifies a substantial amount of information that would permit a more comprehensive analysis. The PEIR should not defer analysis or mitigation of these potential impacts.
O-40	5.4-76 5.4.10/ Noise Generation	There is a potential for temporary noise impacts to wildlife from construction and permanent noise impacts from the introduction of noise generating land uses adjacent to the MHPA. Temporary/or permanent noise impacts to wildlife would be significant. The mitigation is impermissibly deferred, as it does not set performance criteria or demonstrate how the impact can be mitigated. Instead, the PEIR merely puts off the analysis for a later date.
O-41	5.5-28 5.5.3.4/ Significance after Mitigation	There are 262 recorded historic and prehistoric sites/structures recorded within the CPU area boundaries. 126 known sites that remain within the CPU area have not been impacted by development. Due to the number and density of prehistoric and historic cultural resources in the CPU area, the loss of these resources would be considered a significant impact at the program level.

O-38  
cont.

O-39 Comment acknowledged. The Significance after Mitigation statement noted in Section 5.4.9.4 was incorrect in the Draft EIR. This error was found by City staff after the document was released for public review and has since been corrected to reflect that implementation of the Mitigation Framework detailed in BIO-4 would serve to reduce impacts to wetlands, vernal pools, and other jurisdictional water resources to below a level of significance.

O-40 Please see Responses to Comments O-31, O-32, and O-34.

O-41 Section 5.5.3.1 clearly states that "based on the development footprint of the CPU, future development would have the potential to significantly impact all or a portion of 61 of these sites and any additional unrecorded sites." This is identified as a significant impact at the program-level.

The mitigation framework provided in Section 5.5 of the PEIR establishes the framework, methodology and protocol through which future projects that have the potential to impact historical resources would complete the necessary site-specific surveys and identify the appropriate site-specific mitigation given the results of those surveys. "Performance criteria" for that mitigation are established in the City's adopted Historical Resources Guidelines and Historical Resources Regulations, both of which are specifically referenced in the mitigation framework.

As described in Section 5.5.1.2(d), the City conducted a consultation with Native American Tribes in compliance with SB 18. Please also see Response to Comment E-4.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

O-41  
cont.

O-42

O-43

O-44

O-45

Page or Figure No.	Section/Heading	Comments
		<p>The PEIR acknowledges that the location of these sites can be determined; therefore, there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." The PEIR impermissibly defers analysis and mitigation as the mitigation should have been evaluated at the program-level and not at the project-level as done in the PEIR.</p> <p>The City must also comply with all tribal consultation requirements and the PEIR should discuss that consultation. SB 18 (Chapter 905, Statutes of 2004) requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space.</p>
5.6-7	Table 5.6-1	<p>The PEIR omits analysis of properties of environmental concern located in Mexico. The PEIR "should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions" including conditions emanating from Mexico. (CEQA Guidelines § 15126.2(a).) The PEIR omits analysis of aircraft hazards from Rodriguez Airport, which is immediately adjacent to the project boundary and highly likely to make adjacent development in the CPU susceptible to hazardous conditions.</p>
5.6-17 to 5.6-19	Wildfire Hazards	<p>There is no analysis of potential impacts of the Project on wildfire, such as whether the Project will increase the likelihood of starting a wildfire by bringing additional people into the area – sparks from backyard barbecues, cigarettes, portable fireplaces, etc.</p>
5.6-17 to 5.6-19	Health Hazards	<p>There is no analysis of the impact of the Project, by bringing additional land uses and corresponding health hazard, on the environment. Instead, the PEIR only analyzes impacts of the existing environment on the Project. The purpose of an EIR is to evaluate the impacts of the project on the environment rather than the impacts of the environment on the project. (<i>Ballona Wetlands Land Trust v. City of L.A.</i> (2011) 201 Cal.App.4th 455, 474.)</p>
5.7-23 to 5.7-24	Runoff – Significance After Mitigation	<p>The PEIR inappropriately concludes that there are no significant drainage impacts based on a statement that future projects will be required to comply with applicable regulation at that time. A determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance, not programmatic analysis as is the case here.</p>

SMRH:411316222.5

-12-

O-42 While the CPU area is within close proximity to Tijuana (TIJ) Airport (Rodriguez Field) which is located across the U.S/Mexico border, future development projects implemented in accordance with the CPU would be subject to all applicable design and operation requirements related to public health and safety (including considerations regarding airport operations). In addition, projects would also be required to demonstrate compliance with the requirements of the Municipal Code, state and federal health and safety requirements and applicable General Plan and CPU policies to assure that no significant health and safety impacts related to airport proximity would result from future development within the CPU area.

O-43 The PEIR includes an analysis of wildfire hazards in Section 5.6.3.1: "because of the existing and proposed land use patterns around which the community is formed, new development in the wildland interface areas may expose additional people and structures to wildland fire hazards, representing a potentially significant impact." Mitigation (HAZ-1) would reduce these impacts to less than significant.

O-44 The issue statement included in Section 5.6.4 "Hazardous Substances" states, "Would the CPU create a future risk of an explosion or the release of hazardous substances (including, but not limited to, gas, oil, pesticides, chemicals, or radiation)?" The analysis discloses that there are several uses permitted under the CPU that would use or dispose of hazardous materials. Existing federal, state, and local regulations and procedures pertaining to the handling, storage, and transport of potentially hazardous materials would apply to all future development within the CPU area. The PEIR concludes that adherence to these regulations would ensure that no significant impact would occur from the existence of such uses.

O-45 The PEIR concludes in Section 5.7.3 that impacts associated with runoff would be less than significant because of compliance with the mitigation framework provided in the PEIR, which requires that all subsequent development projects implemented in accordance with the CPU demonstrate compliance with all applicable local, state and federal requirements, including, but not limited to the City's Storm Water Standards.



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		<i>(Californians for Alternatives to Toxics v. Dept. of Food &amp; Agric. (2005) 136 Cal.App.4th 1.)</i> This comment applies to all PEIR determinations of less than significant impacts based on presumed regulatory compliance for future projects.
5.8-11	5.8.1.2/Geologic Hazards	Subsurface exploration and laboratory testing would be necessary as future development extends into those areas or any other areas where deep alluvial deposits are encountered. However, the PEIR impermissibly defers evaluation of this impact as there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." The mitigation should have been evaluated at the program-level and not at the project-level as done in the PEIR.
5.8-16	5.8.3.1/Impacts	Portions of the CPU area are underlain by undocumented fill, colluvium/topsoil and alluvium. These soils are typically loose, dry, and contain rubble, and are unsuitable for support of settlement structures. The CPU should avoid development in these areas.  Moreover, the PEIR identifies where these deposits occur. Therefore, the PEIR impermissibly defers analysis and evaluation of this impact as there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." The mitigation should have been evaluated at the program-level and not at the project-level as done in the PEIR.
5.8-17	5.8.4.2/Significance of Impacts	Based on the steep nature of many of the hillsides and the generally poorly consolidated nature of the sedimentary materials and soils found throughout the CPU area, erosion would represent a potentially significant impact, particularly in conjunction with some portions of the San Diego Formation and in drainages and stream valleys. The CPU should avoid development on these areas or identify what mitigation (with performance standards) is required to allow development.  Moreover, the PEIR identifies where the soil erosion has potential to occur. Therefore, the PEIR impermissibly defers evaluation of this impact as there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." The mitigation should have been evaluated at the program-level and not at the project-level as done in the

O-45 cont.

O-46

O-47

O-48

O-46 Geotechnical issues are site specific, and pursuant to the City's Seismic Safety Study and Municipal Code, are addressed through the recommendations established in a project-specific geotechnical or soils report submitted during review of grading plans or as part of the ministerial grading permit process. The CPU identifies potential geologic hazards within the CPU area and provides a mitigation framework to address these conditions in conjunction with future development. This mitigation is detailed in Section 5.8.3.3 of the PEIR.

O-47 Please see Response to Comment O-46.

O-48 Geotechnical issues are site specific, and pursuant to the City's Seismic Safety Study and Municipal Code, are dealt with through the recommendations established in a project-specific geotechnical report. The CPU identifies potential geologic hazards within the CPU area and provides a mitigation framework to address these conditions in conjunction with future development. The CPU identified mitigation (Geo-2) for future development in areas that are highly susceptible to erosion.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		PEIR.
O-49	5.10-1 Noise	The EIR improperly restricts its analysis to impacts only from land uses within the CPU footprint, and excludes analysis of uses outside the CPU planning area that could create significant impacts.
O-50	5.10-15 5.10.3.2/ Significance of Impacts	Exterior and potentially interior traffic noise impacts are anticipated at the majority of the locations adjacent to I-805, SR-905, SR-125, Otay Mesa Road, and Alway Road; therefore, impacts related to new residences would be significant. There are areas within the CPU area where project traffic noise would potentially cause interior noise levels in existing residences to exceed applicable standards. This is a potentially significant impact of the CPU. These impacts will be significant and unavoidable. The CPU should avoid development in these areas or identify what mitigation (with performance standards) is required to allow development.
O-51	5.10-21 5.10.4.2/ Significance of Impacts	The CPU has the potential to site noise-sensitive uses (i.e., residential) adjacent to noise-generating commercial and industrial uses. The juxtaposition of these land uses would result in potentially significant noise impacts at this program-level analysis.  The program-level impacts related to noise from stationary sources will be significant and unavoidable. The CPU should avoid development in these areas or identify what mitigation (with performance standards) is required to allow development.
O-52	5.10-24 5.10.6/ Construction Noise	The EIR fails to identify construction noise from one phase of development to another, instead stating that noise impacts will be determined and mitigated on a project-by-project basis.
	5.10-25 5.10.6/ Construction Noise	Future development associated with implementing the CPU has the potential to exceed applicable construction thresholds at residential properties adjacent to construction sites. Additionally, there is the potential for construction noise to Belf's vireo, coastal California gnatcatcher, raptors, and other sensitive species, if they are breeding or nesting in adjacent MHPA lands. These impacts are significant at the project level. These impacts will be significant and unavoidable. The CPU should avoid development in these areas or identify what mitigation (with performance standards) is required to allow development.
	5.12-22 5.12.3/Capacity	A total of 24 roadway segments under the Horizon Year Plus CPU condition would be expected to operate at unacceptable LOS. Therefore, the CPU would have a significant impacts all of these

- O-49 The EIR properly analyzes impacts from the proposed project on the environment and to proposed new land uses within the project site. Specific noise conflicts in other community plan areas are addressed in the appropriate community plan or in the City's General Plan.
- O-50 While unshielded exterior use areas may be exposed to noise levels in excess of the clearly compatible noise levels, current construction techniques and materials are capable of achieving greater exterior to interior noise reductions than in previous years. Based on currently available design standards, construction techniques, and materials, exterior noise levels in excess of 70 CNEL can reduce noise at interior locations to below 45 CNEL. Thus, subsequent analysis will be sufficient to meet the City and state interior noise level standards.
- O-51 All future development is required to comply with the City noise ordinance, which limits noise from stationary sources between properties. If a land use does not comply with the City's noise ordinance, the land use can be cited and eventually shut down. The property line limits are applicable to all uses within the City, whether the interface is residential/ commercial, residential/ industrial, commercial/ commercial, commercial/ industrial, or industrial/ industrial.
- O-52 The analysis of construction noise, Section 5.10.6.1, identified the range of potential construction noise from various equipment used in construction and determined that while the City regulations limited construction noise, due to difference in potential projects the effectiveness of these regulations cannot be adequately determined at the program-level and the impact was found to be significant. As construction noise is primarily generated by diesel powered engines and is relatively consistent between construction phases, it was further determined that subsequent development projects, implemented in accordance with the CPU would be required to prepare an acoustical analysis demonstrating compliance with the City' Noise Ordinance.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		PEIR.
5.10-1	Noise	The EIR improperly restricts its analysis to impacts only from land uses within the CPU footprint, and excludes analysis of uses outside the CPU planning area that could create significant impacts.
5.10-15	5.10.3.2/ Significance of Impacts	Exterior and potentially interior traffic noise impacts are anticipated at the majority of the locations adjacent to I-805, SR-905, SR-125, Otay Mesa Road, and Alway Road; therefore, impacts related to new residences would be significant. There are areas within the CPU area where project traffic noise would potentially cause interior noise levels in existing residences to exceed applicable standards. This is a potentially significant impact of the CPU. These impacts will be significant and unavoidable. The CPU should avoid development in these areas or identify what mitigation (with performance standards) is required to allow development.
5.10-21	5.10.4.2/ Significance of Impacts	The CPU has the potential to site noise-sensitive uses (i.e., residential) adjacent to noise-generating commercial and industrial uses. The juxtaposition of these land uses would result in potentially significant noise impacts at this program-level analysis.  The program-level impacts related to noise from stationary sources will be significant and unavoidable. The CPU should avoid development in these areas or identify what mitigation (with performance standards) is required to allow development.
5.10-24	5.10.6/ Construction Noise	The EIR fails to identify construction noise from one phase of development to another, instead stating that noise impacts will be determined and mitigated on a project-by-project basis.
5.10-25	5.10.6/ Construction Noise	Future development associated with implementing the CPU has the potential to exceed applicable construction thresholds at residential properties adjacent to construction sites. Additionally, there is the potential for construction noise to Belf's vireo, coastal California gnatcatcher, raptors, and other sensitive species, if they are breeding or nesting in adjacent MHPA lands. These impacts are significant at the project level. These impacts will be significant and unavoidable. The CPU should avoid development in these areas or identify what mitigation (with performance standards) is required to allow development.
5.12-22	5.12.3/Capacity	A total of 24 roadway segments under the Horizon Year Plus CPU condition would be expected to operate at unacceptable LOS. Therefore, the CPU would have a significant impacts all of these

O-53 The comment is correct that future construction activities in close proximity to sensitive receptors may exceed established noise thresholds. However, noise from and specific activity is a localized phenomenon which affects relatively short distances. As many conditions affect the assessment of noise, at this stage of development and design, i.e. program-level, determining the significance and severity of impacts at a project level is speculative. This is further supported by the many methods available for reducing noise levels from construction activities, including but not limited to, barriers, equipment restrictions, as well as distance. Noise impacts to wildlife and habitat are discussed in sections 5.10.6.1 and 5.4.10 of the EIR.

O-54 The impacts of the CPU to specific roadway segments, including their future LOS condition, are clearly identified in Section 5.12.3.1 of the PEIR and were evaluated at the program-level. No feasible mitigation beyond the design features already included in the Mobility Element of the CPU have been identified. The EIR has been revised to provide further clarification on impacts associated with roadway segments and feasibility of mitigation. This issue is also further addressed in the draft Findings and Statement of Overriding Considerations for the project. The EIR does not violate the stated General Plan policy. As subsequent development projects implemented in accordance with the CPU are submitted for review, project-specific traffic analysis will be required and measures identified to reduce impacts at the project-level. While the program-level conditions cannot be fully mitigated, implementation of project-level improvements will serve to improve such conditions including the provision for providing sidewalks that meet City Engineering standards; maintenance of which is the responsibility of the applicable asset manager (City department) and is dependent upon appropriate funding.

O-53

O-54



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

O-54  
cont.

O-55

O-56

Page or Figure No.	Section/Heading	Comments
		<p>24 roadway segment locations. This impact is significant and unavoidable.</p> <p>The PEIR identifies the failing roadway segments, but impermissibly defers evaluation and mitigation of this impact as there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." The mitigation should have been evaluated at the program-level and not at the project-level as done in the PEIR.</p> <p>The CPU violates General Plan Policy ME-C.4 (Improve operations and maintenance on City streets and sidewalks) and ME-C.8 (Implement Traffic Impact Study Guidelines that address site and community specific issues).</p>
5.12-30	5.12.3/Capacity	<p>A total of 49 intersections would be expected to operate at unacceptable levels under the Horizon Year Plus CPU condition. Therefore, the CPU would have a significant impact to all 49 of these intersections. This impact is significant and unavoidable.</p> <p>The PEIR identifies the failing intersections, but impermissibly defers evaluation and mitigation of this impact as there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." The mitigation should have been evaluated at the program-level and not at the project-level as done in the PEIR.</p> <p>The CPU violates General Plan Policy ME-C.4 (Improve operations and maintenance on City streets and sidewalks) and ME-C.8 (Implement Traffic Impact Study Guidelines that address site and community specific issues).</p>
5.12-30	5.12.3/Capacity	<p>Five SR-905 freeway ramps would be expected to experience freeway delays with downstream freeway operations and unacceptable levels in the Horizon Year Plus CPU condition. This impact is significant and unavoidable.</p> <p>The PEIR identifies the failing freeway ramps, but impermissibly defers evaluation and mitigation of this impact as there are reasonably foreseeable consequences of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." The mitigation should have been evaluated at the program-level</p>

O-55 The impacts of the CPU to specific roadway intersections, including their future LOS condition, are clearly identified in Section 5.12.3.1 of the PEIR. No feasible mitigation beyond the 10 intersection lane configurations presented in the PEIR has been identified. The EIR has been revised to provide further clarification on impacts associated with roadway intersections and feasibility of mitigation. This issue is also further addressed in the draft Findings and Statement of Overriding Considerations for the project. The EIR does not violate the stated General Plan policy. As subsequent development projects implemented in accordance with the CPU are submitted for review, project-specific traffic analysis will be required and measures identified to reduce impacts at the project-level. While the program-level conditions cannot be fully mitigated, implementation of project-level improvements will serve to improve such conditions including the provision for providing sidewalks that meet City Engineering standards; maintenance of which is the responsibility of the applicable asset manager (City department) and is dependent upon appropriate funding.

O-56 The impacts of the CPU to specific freeway ramps are clearly identified in Section 5.12.3.1 of the PEIR. Due to the uncertainty associated with implementing freeway ramp improvements, and uncertainty related to implementation of TDM measures, the freeway ramp impacts associated with the CPU would remain significant and unavoidable at the program-level. The EIR has been revised to provide further clarification on impacts associated with specific freeway ramps and feasibility of mitigation. This issue is also further addressed in the draft Findings and Statement of Overriding Considerations for the project. The EIR does not violate the stated General Plan policy. As subsequent development projects implemented in accordance with the CPU are submitted for review, project-specific traffic analysis will be required and measures identified to reduce impacts at the project-level. While the program-level conditions cannot be fully mitigated, implementation of project-level improvements will serve to improve such conditions including the provision for providing sidewalks that meet City Engineering standards; maintenance of which is the responsibility of the applicable asset manager (City department) and is dependent upon appropriate funding.



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		and not at the project-level as done in the PEIR.  The CPU violates General Plan Policy ME-C.4 (Improve operations and maintenance on City streets and sidewalks) and ME-C.8 (Implement Traffic Impact Study Guidelines that address site and community specific issues).
5.13-9	Parks and Recreation	The PEIR's analysis of Public Services impacts is inadequate with respect to parks and recreation. The CPU is inconsistent with the Recreation Element of the General Plan because the update precludes the City Council from considering park equivalencies when they review individual projects. Contrary to the clear statements in the General Plan Recreation Element where the City Council stated flexibility to use park equivalencies is needed where a property is constrained and that a Community Plan Update is an appropriate place for the City to establish its Park Equivalency Standards, the CPU dismisses the entire park equivalency process on the theory that the entire community plan area is not constrained land. There is no explanation why Otay Mesa is not and never could be constrained land. A developable parcel in Otay Mesa could be constrained for many reasons – biology, noise, preservation of prime industrial lands and the need to design projects sensitive to these lands using collocation technique are all significant sources of constrains that could make it difficult for a parcel to meet both park acreage requirements and minimum density requirements without the use of flexible tools such as park equivalencies. Now is the perfect time for the City Planning Department to create the park equivalency standards because the Planning Department is also bringing the Centre City PFFP to City Council without any park equivalency standards. Clearly downtown San Diego has constrained parcels that will need the benefit of park equivalency standards.
5.13-21	Fire Protection	The PEIR also improperly analyzes fire services impacts. General Plan Policy PF –D.1 establishes four emergency response times for fire. The first one is that the City respond to 90 percent of priority one emergencies within four minutes adding an additional minute for turnout (5 minute standard). However, on November 15, 2011, the City Council adopted Resolution R-307139 adopting longer response times (7.5 minutes) recommended in the Citygate Report as the framework for implementing the City's fire service protection. (See, <a href="http://dockets.sandiego.gov/sirepub/pubmtgframe.aspx?meetid=1248&amp;doctype=Agenda">http://dockets.sandiego.gov/sirepub/pubmtgframe.aspx?meetid=1248&amp;doctype=Agenda</a> ) To the extent the Citygate Report's longer response times are good policy, procedurally the City has never adopted a General Plan amendment to make the response times

SMR#4113182225

-16-

O-56  
cont.

O-57

O-58

O-57 Otay Mesa is a developing community; therefore, General Plan park standards can be met and park equivalencies were not considered in Otay Mesa during the update process.

O-58 According to the City's CEQA Significance Thresholds, the focus of environmental analysis should be on the physical impacts of constructing new public service facilities and not response times. At the present time, significance response time deficiencies due to a lack of personnel or equipment can be helped only by continued, mandatory approval n by the City Council of the affected department's budget proposal of operations within the affected area because developers cannot be required to fund ongoing operational costs nor can they make budgetary decisions regarding such funding. Developers are required to fund construction of new facilities with DIF and FBA as conditions of project approvals. The City Council adopted new standards in 2011 with a Fire Services Standards of Deployment Study. The new performance measures are being incorporated into a General Plan amendment that is currently in process and anticipated to be adopted at City Council in early 2014.

Additionally, CPU Policy 6.1-1 states "Maintain fire and police service levels to meet the demands of continued growth and development in Otay Mesa." The new fire station would be located within the footprint of the CPU, and therefore, would be subject to the same General and Community Plan policies, existing regulations, and mitigation framework established throughout this PEIR, as all other future development within the CPU area. Because adequate protections exist at the program-level and future site-specific analysis would be required for development of a fire station, impacts would be considered in less than significant impacts at the program-level.

O-58  
cont.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		<p>longer. The public facilities section identifies the 5 minute standard, states that the current response times in the community plan are 8 minutes for priority one calls, and states that an additional fire station is needed to maintain fire protection service levels.</p> <p>The PEIR is deficient because the public and decision-makers are unclear what fire protection level the CPU provides for. Will the new fire station make it possible to meet the five minute standard for all properties within the community plan area? Will it just maintain the current 8 minute level of service? Will it meet the Citygate Report response time standards adopted by the City Council in 2011, but never adopted through a General Plan amendment? The CPU is not consistent with the General Plan because there is no evidence it will meet the General Plan's published response time policy for fire.</p> <p>Furthermore, the PEIR identifies that a new fire station is needed and the funding is provided for in the PFFP, but it will be subject to future environmental review because the future location is unknown. Under these circumstances, the correct CEQA conclusion is not that the environmental impacts are below a level of significance. If the City is going to defer the environmental impact analysis of the fire station to the future when a site is known, then CEQA requires the City to establish performance standards the fire station must meet. What size must the fire station be? Must it be located in a place where it can meet the General Plan response times for the entire community? Do those response times account for delays from failing road segments intersections identified in the PEIR? If so, what are the boundaries of the area within the community plan it would have to be constructed in to meet the required response time standard? What is the noise level generated by a fire station and what buffers would it be required to have to keep from generating a significant noise impact on surrounding land uses? If the PEIR cannot analyze the future fire station with adequate performance standards to assure its impacts are below a level of significance, then it should be identified as a significant and unmitigated impact.</p>
5.13-21 to 5.13-22	Public Services	<p>The PFFP plans for the construction of a co-located fire and police station, and bases its conclusion of less than significant impacts on the construction of that station. That conclusion is without substantial evidence because according to the PFFP, "FUNDING FOR ACQUISITION, DESIGN AND CONSTRUCTION ARE ANTICIPATED IN FY 2044 AND FY 2045." The Project Description is unstable, as discussed above, but 2044 and 2055 is</p>

O-59

O-59 The PEIR adequately addresses response times identified in the General Plan and determined that the impacts were less than significant. This analysis is included in the PEIR in Chapter 5.13, Public Services. The Public Facilities Financing Plan (PFFP), which implements the CPU, identifies the facilities that would be necessary to serve the CPU area under an assumed buildout year of 2062 in order to meet the City's response time goals.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		beyond the majority of the various planning periods cited in the PEIR and CPU. Therefore, the station cannot be used to mitigate impacts from the project during the planning period. In other words, buildout of the project will be complete before adequate fire and police services are provided. There are several other infrastructure improvements listed in the PFFP, used to mitigate impacts, that will only be completed after buildout of the CPU.
5.17-11	5.17.3.1/Impacts	Build-out of the CPU would eliminate all agricultural activity that occurs within the CPU area. It is anticipated that agricultural operations on the 306 acres of active farmland would continue to be viable in the near-term under the holding zone designation, but are considered to be permanently converted under the long term build-out of the CPU. This includes 180 acres designated as "Farmland of Statewide Importance" and 28 acres of "Unique Farmland" to non-agricultural uses. This will result in a significant cumulative impact. The PEIR should analyze the feasibility of mitigation options such as agricultural conservation easements elsewhere.
Table 5.18-6 and p. 5.18-17	Estimated GHG Emissions and BAU reductions	This section should be updated to reflect new caselaw from the 9 <sup>th</sup> Circuit affirming the constitutionality of the LCFS. There is no need to identify what the BAU reduction would be without LCFS anymore because the legal uncertainty has been removed.
5.18-11	Significance Determination Thresholds	The PEIR's GHG analysis needs to address GHG impacts beyond 2020 for a community plan with a planning horizon of up to 2053, depending on which of the various project descriptions is accurate.
5.18-11	Significance Determination Thresholds	The city's significance threshold of 28.3% below Business as Usual (BAU) is based on CAPCOA's expert opinion from 2008 Report entitled "CEQA & Climate Change". That report identified the BAU approach as a potential significance threshold for analyzing GHG impacts and looked to the then existing 2008 CARB Scoping Plan as its source for selecting 28.3% BAU as the correct BAU percentage. Under CEQA, expert opinion must be based upon facts. Here, the 2008 Scoping Plan is no longer credible evidence that can be relied upon to support an expert opinion because a court found that CARB's 2008 Scoping Plan was not adopted in accordance with CEQA. In the course of addressing the court's concerns, CARB updated the Scoping Plan. After making adjustments for state and federal laws providing GHG mitigation and a reduced GHG forecast caused by the economic downturn, the new and legal Scoping Plan found that 16% reductions below BAU are needed statewide for the state to meet the 2020 target.

O-59 cont.

O-60

O-61

O-62

O-63

O-60 As stated in PEIR Section 6.3.17.1, because the loss of this acreage is not regionally significant to agricultural production, the loss would not be cumulatively considerable. Therefore, no mitigation is required.

O-61 The LCFS issue had not been resolved at the time of preparation of the EIR. The text in the EIR has been modified to correct for the current court ruling on LCFS.

O-62 There is no requirement for a Community Plan to include an assessment of GHG emissions beyond 2020. The City has a CAP and a CMAP that address GHG emissions and reduction strategies in compliance with State regulations.

O-63 No jurisdiction or agency has formally adopted a GHG threshold for use in CEQA. The City relies on the seminal works in this area developed by the California Air Pollution Control Officers Association in developing GHG thresholds and determining findings. While the City has reviewed the current Scoping Plan, which the CMAP was based partially on, the City has opted to use the more conservative requirement of 28.3%. Additionally, expert opinion is not required to be based on any single document. In practice, expert opinion requires considering input from many sources.

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

Page or Figure No.	Section/Heading	Comments
		emissions reduction standard required by AB 32. Accordingly, if the City is going to rely on the BAU approach and expert opinion about reductions necessary to achieve the 2020 target, then those expert opinions must be based on the current and only legally adopted Scoping Plan.
5.18-25	5.18.4.3 Mitigation Framework	<p>There is a significant 16.9% gap between the 11.4% BAU reduction and the City's current 28.3% BAU threshold of significance. Mitigation measure GHG-2 requires future projects to select from certain GHG reduction measures it states are feasible to close this significant gap and achieve the city's performance standard. However, in order to avoid improper deferred mitigation, CEQA requires the EIR to provide evidence that the menu of mitigation measures is capable of achieving the performance standard. Here, certain product types like residential have repeatedly demonstrated over the years that it can achieve the GHG threshold through implementation of energy efficiency measures and reliance of state and federal programs like CAFÉ, Pavley, and LCFS. However, there is reason to believe that industrial warehouse projects cannot achieve this standard no matter how energy efficient they are because truck trips to these facilities do not benefit from many of the same GHG-reducing transportation programs that residential car traffic does benefit from.</p> <p>Accordingly, the City's findings should explain why it is infeasible to mitigate this warehouse type of land use rather than spread false hope that energy efficiency measures, water conservation, and limiting solid waste disposal can feasibly close the gap. The City's alternative analysis should identify an alternative that reduces more industrial uses in favor of more commercial and residential as a feasible means of reducing the GHG emissions from build-out of the CPU. Alternatively, the City's Statement of Overriding Considerations should specifically discuss why these warehouse uses and their unmitigable GHG impacts are acceptable so warehouse project-level EIRs can tier off of that conclusion.</p>
6-15	6.3.10/Noise	The CPU would contribute to a cumulatively considerable noise impact.
6-17	6.3.12/Traffic/Circulation	The CPU will contribute to traffic/circulation impacts would be cumulatively considerable.
10-4	Alternatives Considered	The PEIR's alternative analysis is inadequate because it contains an overly narrow range of alternatives that reduces significant impacts and cursorily rejects environmentally superior alternatives

SMRH-411316222.5

-19-

O-63 cont.

O-64

O-65

O-66

O-67

O-64

O-65

O-66

O-67

Contrary to the comment's assertion that industrial projects cannot reduce emissions, these land uses can and must reduce emissions to assist in achieving the State's mandated goals. While it is true that industrial projects cannot reduce total emissions as effectively as residential uses, they can achieve a reduction percentage over the emissions they would generate without taking any steps to reduce emissions. This is recognized by the state and City, which have both developed percentage reductions from standard operations instead of requiring a reduction of a specific quantity of GHG CO<sub>2</sub>e, i.e. 28.3% not 20 MT CO<sub>2</sub>e. Additionally, the emission reduction that affects residential vehicles also affects the vehicles that workers drive to work. It should also be noted that CARB has enacted regulations (Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation) affecting on-highway heavy truck, which will also reduce future emissions associated with these types of land uses. No revisions required.

The statement is noted. As it is not supported by any additional information; no revisions are required.

The commenter is correct in his assertion. This impact is identified in the referenced section of the PEIR.

Please refer to the Response to Comment O-13. The alternatives were selected because they meet at least one of the project objectives and would serve to reduce at least one significant impact of the proposed CPU.



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DOCTRINE

O-67  
cont.

Page or Figure No.	Section/Heading	Comments
		<p>that meet most of the basic project objectives without providing substantial evidence of infeasibility.</p> <p>The PEIR fails to describe the City's rationale for selecting the alternatives that are discussed, as required by CEQA Guidelines Section 15126.6(c). Merely stating that the alternatives were selected to comply with CEQA, as the PEIR does, is not sufficient detail to inform the City Council and the public why these, and no other, alternatives were analyzed. It is particularly important to explain why only 2 alternatives were analyzed, other than the no project alternative.</p>
		<p>The PEIR failed to describe the City's rationale for not including several alternatives that would meet most Project Objectives and reduce significant impacts. Courts have deemed an EIR's analysis of alternatives defective when an alternative that would reduce significant impacts and achieve most of the basic project objectives is excluded from the analysis and the EIR fails to include a reasonable explanation of the decision to exclude that alternative. The PEIR should have included Reduced Residential Density and Reduced Industrial/Increased Commercial alternatives. The PEIR's failure to do so renders the alternatives analysis defective under CEQA.</p>
10-6	No Project Alternative	<p>CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. (<i>Mountain Lion Found. v. Fish &amp; Game Comm.</i> (1997) 16 Cal.4th 105, 1343; Pub. Res. Code § 21002.)</p> <p>It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives... can substantially lessen such effects." (<i>Sierra Club v. Gilroy</i> (1990) 222 Cal.App.3d 30, 41.)</p> <p>An EIR may not provide such a cursory rejection of an environmentally superior alternative without supporting analysis. In violation of this mandate, the City has determined that the No Project is the environmentally superior alternative, but has not provided substantial evidence that this alternative is infeasible or impractical.</p>

O-68

O-68 Please see Response to Comment G-2.

Letter P

**SheppardMullin**

Sheppard Mullin Richter & Hampton LLP  
501 West Broadway, 19th Floor  
San Diego, CA 92101-3598  
619.338.6500 main  
619.234.3615 main fax  
www.sheppardmullin.com

John E. Ponder  
619.338.6546 direct  
jponder@sheppardmullin.com

File Number: 21TV-154612

October 25, 2013

**VIA E-MAIL AND U.S. MAIL**

Theresa Millette  
Senior Planner  
Planning Division  
City of San Diego  
1222 First Ave, MS 413  
San Diego, CA 92101  
E-Mail: otaymesaplanupdate@sandiego.gov

Myra Herrmann  
Environmental Planner  
City of San Diego  
Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101  
E-Mail: dsdeas@sandiego.gov

Re: Comments on Otay Mesa Community Plan Update and EIR (Project No. 30330/304032)

Dear Ms. Millette and Ms. Herrmann:

P-1 This firm represents Western Alliance Bankcorporation ("Western Alliance" or "Torrey Pines"), owner of the La Media property ("Property"), a 51.1-acre undeveloped site located at the southeastern corner of Otay Mesa Road and La Media Road in the Otay Mesa Community Plan Area at 8420 Airway Road (APN 646-121-32000). Western Alliance is affiliated with Torrey Pines Bank.

Western Alliance has submitted an application for a commercial development on the Property and the City has deemed the application complete, as discussed in more detail below. The CPU should maintain the Existing Commercial Land Use designation for the entire Property for public policy, fiscal, fairness, and legal reasons.

P-2 Western Alliance has been actively involved in monitoring of the Otay Mesa Community Plan Update ("CPU") and has submitted several previous letters to the City with respect to the CPU. We have enclosed the following correspondence with this letter:

Exhibit A is our most recent letter to the City, dated July 18, 2013. That letter includes attachments to other prior correspondence, including a November 1, 2010 letter commenting on the Notice of Preparation for the Draft Programmatic Environmental Impact Report ("EIR") for the CPU and an August 17, 2011 comment letter on the prior draft of the CPU.

Exhibit B is a memo dated October 25, 2013 providing our comments on the current draft Otay Mesa Community Plan Update Programmatic EIR ("PEIR"). We hereby incorporate by reference all other comments on the CPU EIR into our comment letter.

P-1 The comment provides introductory comments to the letter. No additional response is necessary.

P-2 Comments received in response to the 2010 NOP were incorporated into the Public Review Draft EIR. Please refer to Appendix A.

The City is in receipt of the comment letter on the Draft PEIR. Comments and responses are provided in conjunction with the Final PEIR prior to hearing.

**SheppardMullin**

Theresa Milette and Myra Herrmann  
 October 25, 2013  
 Page 2

P-2  
 con

The comments included in this letter are also comments on the land use analysis of the PEIR.

Exhibit C is a timeline of noteworthy entitlement events related to the project which demonstrates Western Alliance's continuous objection to the change from a Commercial to Industrial Land Use designation, expenditure of countless hours and dollars preserving its existing rights, and dedication to resolving all concerns raised by City staff.

P-3

I. Summary of Proposed Project

On August 8, 2012, the City approved a Tentative Map Waiver ("Map Waiver") and Site Development Permit ("SDP") (Project No. 199429) to subdivide the Property into two separate legal lots. The Map Waiver and SDP were required by the City of San Diego, Development Services Department, because the Property was bisected by the creation of State Route 905 in 2006 by the State of California. The bisect caused the single parcel to have the appearance and potential function of two separate lots. However, in order to convey the Property as two separate lots and to investigate the potential for future development, a subdivision was required. The application for the Map Waiver and SDP was deemed complete on December 21, 2009, pursuant to a letter from the City of San Diego which is attached hereto as Exhibit D.

The Conditions of Approval for the Map Waiver and SDP provided that no development activity shall occur until a new project-specific Site Development Permit (and any other required permits) has been obtained as required by the San Diego Municipal Code. As a result, Western Alliance has assembled a development team and has submitted a project-specific application for an approximately 130,000 SF commercial development on the north parcel and approximately 252,000 SF commercial development on the south parcel ("Project"). The application was submitted to the City of San Diego, Development Services Department, on August 1, 2013, and deemed complete by the City of San Diego on August 23, 2013. (See Exhibit E, Letter from City of San Diego deeming project complete on August 23, 2013.)

The findings for the Map Waiver and SDP determined that "the proposed subdivision and its design would be consistent with the policies, goals, and objectives of the applicable land use plan," which included the General Plan and Community Plan. (See Exhibit F, Resolution No. HO-8548, August 8, 2012, p. 3.) The findings also concluded that the Otay Mesa Community Plan designates the site for specialized commercial purposes and allows the creation of such lots consistent with the size and frontage allowed by the underlying zone.

P-4

II. Proposed Change in Land Use Designation

The Property has been designated for Commercial Land Use in the Otay Mesa Community Plan since at least 1981. The current land use designation for the Property is Specialized Commercial, and the current zoning designation is Otay Mesa Development District: Commercial Subdistrict. The current September 2013 draft CPU proposes "Industrial-International Business and Trade" and "Business Park-Office Permitted" for the Property. Torrey Pines has opposed this redesignation for the past three years.

P-3

This comment does not address the environmental analysis provided in the EIR. The comment is acknowledged and is included in the Final EIR for the decision makers to consider. No additional response is necessary.

P-4

The current proposal for the noted property is Heavy Commercial for the northern piece and International Business and Trade (IBT) for the southern piece. Heavy Commercial is a designation that supports both commercial and industrial uses, is implemented with the IL-3-1 zone, and most replicates the Specialized Commercial designation of the existing plan. The IBT designation for the southern portion is due to safety and access factors, as previously noted in past correspondence. La Media Road is a truck route for trucks using the POE; the City has concerns about the mixing of truck traffic with commercial traffic.

## SheppardMullin

Theresa Millette and Myra Herrmann  
October 25, 2013  
Page 3

P-4  
cont. Western Alliance first learned that the City proposed to change the land use designation of the Property in the CPU from commercial to industrial on October 1, 2010, after the Project was deemed complete in 2009. In response to previous letters to the City advocating for the retention of the current Commercial Land Use designation on the Property, on October 21, 2013, Planning & Neighborhood Restoration Director Bill Fulton sent the letter attached hereto as Exhibit G stating that the City can support a Heavy Commercial or Community Commercial Land Use designation for the northern part of the Property and an IBT designation for the southern portion of the Property.

P-5 III. City Should Designate Entire Property as Community Commercial

A. Commercial Designation is Appropriate for the Entire Property

The CPU should maintain the existing Commercial Land Use designation to be consistency with City planning policies. It would integrate Commercial lands into the Central District which would allow employees access to goods and services. Changing the land use is inconsistent with the stated desire to encourage pedestrian activity and create a walkable community. Maintaining the Existing Commercial Land Use designation of the southern portion of the Property is necessary to provide a complete community consistent with the City's General Plan principles promoting walkable, balanced communities with efficient transportation links to employment centers. (General Plan Guiding Principles 3 and 5, SF-6.) The proposed CPU does not include any commercial south of SR-905, so maintaining the Commercial Land Use designation at the Property would serve that need. It would also be consistent with CPU Policy and Recommendation for Commercial 2.3-1 which states: "Maintain lands for existing commercial development within Otay Mesa to serve the demands of the residential and employment communities." (CPU, at p. LU-21.)

The CPU rezones property, currently designated industrial, to add commercial acres farther to east rather than retaining commercial acres, such as the Property ideally located at the 905 / La Media interchange. The CPU outlines an absence of commercial uses in the Central District, although there are residential, business park, recreational, educational, and institutional uses proposed. We believe that these uses would be complemented by nearby commercial uses, and nothing in the CPU states that there is too much commercial in this area.

The City's own economic analysis supports the need for retail near the major employment areas south of SR-905. It states that "workers within Otay Mesa" are one of the primary sources of market support for retail and that "there is limited retail space currently". (ERA Real Estate Market Analysis, at p. 17.) Further, the CPU's definition of Community Commercial supports the designation of the southern portion as Community Commercial. It states: "Community Commercial lands are located adjacent to SR-905 to accommodate the demand for goods and services of the residential and employment communities of Otay Mesa at buildout." (CPU, at p. LU-21.) The southern portion of the Property is adjacent to several transportation corridors including SR-905 and will serve many employment areas.

The IBT designation is ill-fitting to the southern portion of the Property because according to the CPU, IBT lands are "appropriate to apply in portions of the communities adjacent to the border,

P-5 See Response to Comment P-4. Also, throughout the CPU process, there have been multiple designations analyzed on this property, including residential and commercial uses. The Planning Division has been advised that access along Otay Mesa Road and both the northern and southern portion of La Media Road may not be allowed driveway access due to proximity to the freeway and the classifications of the streets which would affect the viability of commercial development. Additionally, based on the CPU market analysis, the draft land uses for Scenario 3B include adequate commercial capacity for build-out of the community.

Walkability within the area of the intersection of Otay Mesa and La Media Roads will be based on urban design rather than the land use designation. The area contributes to the General Plan's designation of Otay Mesa as a Subregional Employment Center. The only commercial uses south of the SR-905 are in the POE area, which is appropriate.

The CPU states "IBT lands are focused primarily in the border zone, west of the Otay Mesa Port of Entry; covering most of the land east of Britannia Boulevard and south of the Central District's Great Park. IBT is also designated between Otay Mesa Road and SR-905 adjacent to Brown Field." The property designated for IBT meets the general description.

With the southern portion designated IBT, it would implement goals on page I-4 by contributing to Otay Mesa as a Bi-National Regional Center, broaden the economic profile to increase employment and growth opportunities, and enhance and sustain Otay Mesa's strong economic base and potential for expansion. The IBT designation would implement policies 2.4-5, 5.1-1 – 5.1-5, and 5.1-10 – 5.1-12.



P-5  
cont.**SheppardMullin**

Theresa Millette and Myra Herrmann  
October 25, 2013  
Page 4

other ports of entry, or areas in transition to higher density." (CPU, at Table 2-3.) The Property meets none of these criteria.

In addition, the following goals and policies of the CPU support maintaining the Existing Commercial Land Use designation on the southern portion of the Property:

- Page I-5: "a major transit corridor is envisioned to travel in an east-west direction, linking much of the community to the region at large." Airway Road has limited commercial opportunities. An industrial use on the site would emphasize driving over walking or biking and conflict with the goals of the General Plan and the CPU.
- Page I-6: "The Central District, which generally is the land along the Airway Road Corridor, is envisioned as the transit corridor and spine of the community with the Central Village at the western end and employment opportunities at the eastern end." The southern portion of the site abuts Airway Road and will serve the surrounding Industrial designated lands. The Property fronts on two transit corridors (Airway and La Media Roads) which makes it an ideal location for Commercial development and is consistent with the original and existing Otay Mesa Community Plan.
- Page LU-1: "A distribution of land uses that provides sufficient capacity for a variety of uses, facilities, and services needed to serve Otay Mesa"; "Diversified commercial uses that serve local, community, and regional needs." Removing the Commercial Land Use designation is inconsistent with these goals as it isolates the employment lands from goods and services needed by employees.
- Tables 2-1 and 2-2: These show the reduction in commercial lands, approximately 170 acres, compared to residential and open space acreage which is being increased. Dwelling units are increasing by 50% which equates to greater commercial need.
- Page ME-8: This includes a discussion of street classifications that states that Major Streets and Primary Arterials should accommodate pedestrians, yet these streets are discussed as carrying through traffic with minimal or no driveway access. Neither of these classifications of streets are pedestrian-friendly – high volume and high speed streets are not comfortable places for pedestrians. Commercial Land Use on the property would better encourage pedestrians from the employment areas south of SR-905.
- Page EP-1: "the community continues to see an increase in residential development, bringing not only more residents but the demand for greater access to commercial and retail businesses"; "Commercial uses that support Otay Mesa's industrial community." Maintaining the existing Commercial Land Use designation is consistent with these policies.
- Page EP-7: "A majority of these lands are located in close proximity to SR-125, SR-905, and the Port of Entry to meet the demand of border-related activities." This parcel is

THIS PAGE LEFT INTENTIONALLY BLANK

**SheppardMullin**

Theresa Millette and Myra Herrmann  
October 25, 2013  
Page 5

P-5  
cont.

located abutting SR-905 and three transportation corridors and will serve the employment lands surrounding the Property.

- Page EP-8: Policy and Recommendation 5.2-4 states: "Locate large retail establishments along transportation corridors to minimize impacts to residential neighborhoods." While the Property is not located in a residential neighborhood, it abuts three transportation corridors as well as SR-905 so is consistent with this policy

P-6

**B. Western Alliance Has Detrimentally Relied On Existing Commercial Designation**

The Project has been in the City's regulatory pipeline for several years and has relied on the current Otay Mesa Commercial Land Use designation in its financial and planning decisions. Western Alliance has diligently worked towards the requirements for City approval of the Project under the assumption that commercial use would remain on the entire Property. As mentioned above, the Property has had a Commercial Land Use designation in the Otay Mesa Community Plan since at least 1981. Both the 3B and 4B scenarios depicted on the City's website in April 2009 proposed to retain commercial use on the northern portion of the property, with either Village Community or International Business and Trade uses on the southern portion of the property. Yet the CPU now eliminates all commercial and Village Community and proposes IBT on the Property.

The City deemed the Project complete on December 21, 2009, and Western Alliance only found out about the City's proposal to change the land use designation in 2010. Therefore, the rules in place at that time, including the Commercial Land Use designation for the entire property, should remain. Under California law, once an agency deems a project application complete, it typically may not change the development rules, regulation and policies applicable to the project, including land use designations, unless it would place residents in a condition dangerous to their health or safety.

Western Alliance has a vested right to the Commercial Land Use designation even though the CPU was pending at the time the application was deemed complete in 2009. The Government Code allows an agency to apply new rules when, at the time of the application, the agency (1) initiated proceedings for a development rule change by way of ordinance, resolution, or motion; and (2) published notice in accordance with Government Code § 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances. Gov't Code § 66474.2(b).) While Western Alliance has generally known that the CPU has been pending for several years, it did not know for certain that the draft CPU released in September 2013 would eliminate all the commercial uses that had existed since the 1981. Commercial was the predominate use in the April 2009 3B and 4B scenarios, and as discussed in more detail below, City officials assured Western Alliance that the Property would be designated commercial through 2012 and 2013.

Moreover, the City is estopped from eliminating the commercial designation in the CPU. As demonstrated above, the City has been aware of both the Project's proposed commercial development and the CPU since at least 2009. Based upon the City's assurances, Western Alliance was unaware that the City would eliminate the Commercial Land Use designation from

P-6

All projects that have been deemed complete prior to the date of adoption of the Otay Mesa Community Plan Update and associated actions will be evaluated with regard to land-use and zoning consistency based upon the Otay Mesa Community Plan and the Otay Mesa Development District that were in existence at the time of a project's deemed complete date.

**SheppardMullin**

Theresa Millette and Myra Herrmann  
 October 25, 2013  
 Page 6

P-6  
 cont.

the Property in the CPU. Western Alliance had a right to believe the City intended Western Alliance to act upon these assurances, has relied on these assurances to its detriment, and will incur injury or prejudice as a result. *La Canada Flintridge Dev. Corp. v. Dept. of Transp.* (1985) 165 Cal.App.3d 206, 219. The injury to Western Alliance's interests if the City is not stopped from eliminating the commercial designation exceeds the injury to the public interest if the City is estopped.

P-7

C. Traffic Impacts Would Be Less With Commercial Than IBT

Maintaining the Existing Commercial Land Use abutting the intersection of La Media and Airway Roads will reduce vehicle miles traveled for services desired by employees in the Industrial area. The Property is convenient for employees of the industrial and distribution centers already existing or planned in the CPU for the area south of SR-905. If the southern portion were redesignated as IBT as proposed by the CPU, those employees would need to travel further to reach commercial and retail services, which would in turn exacerbate traffic impacts and corresponding air quality, greenhouse gas, and noise impacts.

Moreover, retaining the existing Commercial Land Use designation would not adversely affect the proposed CPU's level of service on Otay Mesa Road, would not appear to trigger significant delays, and would not have an impact on the traffic analysis performed for the CPU. Based on a traffic analysis requested by the City and performed by Urban Systems, which can be found in the exhibits to the letter attached hereto as Exhibit A, the traffic volumes based on a commercial use can be accommodated without the need for roadway reclassifications and that the roads will operate at acceptable levels of service.

P-7 While a traffic analysis was generated for the commercial uses at this location and submitted to the City, City transportation staff is not in agreement with the analysis and would require further review and analysis prior to acceptance of the report's conclusions.

P-8

D. Commercial is Consistent with the General Plan

Commercial Land Use, not Industrial, is consistent with the General Plan. The General Plan does not designate the Property as Prime Industrial Land. (General Plan, Figure EP-1.) The General Plan assumed that the existing Commercial Land Use designation would remain. Figure 5-1 of the General Plan states that Prime Industrial Lands in Otay Mesa will be identified as part of the community plan update process. In addition, the Property does not meet the General Plan criteria for Prime Industrial Lands. According the General Plan, the purpose of the Prime Industrial Lands designation is to preserve existing industrial land, not to convert land designated for other uses to industrial. It states: "The identification of prime industrial lands is intended to protect valuable employment land for base sector industries." (General Plan, at p. EP-7.) Further, the commercial designation is consistent with the planning documents of other agencies such as the San Diego County Regional Airport Authority and the San Diego Association of Governments.

P-8 Each of the General Plan's elements were carefully considered and evaluated during the evolution of the plan update. The CPU goals and policies are based upon many factors, including a comprehensive evaluation of market analysis, housing needs, and resource protection. The CPU has analyzed lands for Prime Industrial, and has both removed industrial designation (the Central Village area, the Lonestar property) and added industrial designation (southern portion of Western Alliance property). This was analysis throughout the update process, and is not considered a conversion per the General Plan's Figure EP-1.

P-9

E. City Has Previously Agreed to Keep Entire Property as Commercial

In the last few years, the City has assured Western Alliance several times that the Property will retain its Commercial Land Use designation. For example, in a phone call to me on January 12, 2012, Planning Director Bill Anderson confirmed that it was his recollection that at a October 28, 2010 meeting between Western Alliance representatives and City staff, the City agreed that if

P-9 While a traffic analysis was generated for the commercial uses at this location and submitted to the City, City transportation staff is not in agreement with the analysis and would require further review and analysis prior to acceptance of the conclusions of the traffic report.

**SheppardMullin**

Theresa Millette and Myra Hermann  
October 25, 2013  
Page 7

P-9  
cont.

Western Alliance performed a traffic analysis and demonstrated that leaving the Property as commercial would not result in the need for re-classification of any roadways in the CPU or delay the CPU, the City would leave the property designated as Commercial in the next draft of the CPU. As explained in more detail in the letter attached as Exhibit A, Western Alliance fully fulfilled those conditions and resolved the City's concerns.

In addition, on May 22, 2013, Kelly Broughton confirmed in a conversation with me that Western Alliance had met the traffic analysis conditions given by the City in the October 28, 2010 meeting for maintaining the Commercial Land Use designation and also stated that if an application for development of a commercial use were submitted and deemed complete prior to the adoption of the CPU, the City would have no alternative but to allow the commercial use to continue.

P-10

F. Community Supports Commercial/Retail On Entire Property

The City should respect the desire of the community to maintain the entire Property designated as Commercial. The benefits to the community of maintaining the current Commercial designation have been recognized by the Otay Mesa Community Planning Group (Planning Group). In February, 2010, the Planning Group unanimously supported the Map Waiver and Site Development Permit for Commercial uses. On April 20, 2011, the Planning Group unanimously passed a motion to support the current Commercial designation of the Property, and not the industrial designations as proposed by the CPU, contingent on Western Alliance agreeing to address traffic issues. On July 31, 2013, the Planning Group agreed that Western Alliance had addressed the traffic issues and unanimously re-affirmed its support for Commercial/Retail development for the entire Property. In addition, Theresa Millette from the City's Planning Division stated at that meeting that the City cannot change Commercial Land Use designation of the Property to Industrial after its development application is deemed complete.

P-11

G. Commercial Designation Makes Fiscal Sense

From a fiscal perspective, the City would benefit from maintaining the Commercial Land Use designation on the entire Property. The adopted community plan proposes 453 acres of commercial, but the CPU only proposes 284 acres of commercial. (CPU, Tables 2-1 and 2-2, at p. LU-2.) The 2007 Fiscal Impact Analysis of Otay Mesa Community Plan Update analyzed the net fiscal impacts of three CPU scenarios with varying amounts of commercial, and determined that the City would benefit from increased acreage of commercial designation. Scenario 1, with 512 acres of commercial, netted the highest annual returns for the City with \$19.1 million. Scenario 2, with 400 acres of commercial, netted \$17.5 million annually. ERA, the author of the study, explained: "Scenario 1's anticipated sales tax, property tax, and transient occupancy tax receipts help to generate the highest revenues of all the scenarios." (2007 Fiscal Impact Analysis at p. 7.) The proposed CPU causes fiscal harm to the City by changing the existing Commercial designation to IBT. Retaining the existing Commercial use would also help provide revenue for much needed public infrastructure through increased Facilities Benefits Assessment fees. Therefore, maintaining the Commercial Land Use designation on the Property would be fiscally sound for the City.

P-10

The CPG has supported the commercial designation, as long as the designation does not delay the CPU process. While a traffic analysis was generated for the commercial uses at this location and submitted to the City, City transportation staff is not in agreement with the analysis and would require further review and analysis prior to acceptance of the report's conclusions. All projects that have been deemed complete prior to the date of adoption of the Otay Mesa Community Plan Update and associated actions will be evaluated with regard to land-use and zoning consistency based upon the Otay Mesa Community Plan and the Otay Mesa Development District that were in existence at the time of a project's deemed complete date.

P-11

Comment noted. Other factors have been part of the CPU process, one of which includes the need to provide base sector employment lands, as Otay is identified as a Subregional Employment Center.



**SheppardMullin**

Theresa Millette and Myra Herrmann  
 October 25, 2013  
 Page 8

P-12

H. IBT Designation is Based on Flawed Reasoning and Data

The City based its decision to redesignate the southern portion of the Property as IBT on unfounded concerns. In the October 21, 2013 letter from Bill Fulton (Exhibit G), the City expressed concerns regarding mixing truck traffic with commercial traffic, inadequate access, and the lack of any other commercial uses south of SR-905. None of these purported rationales withstands a closer examination of the facts. In addition, the City's proposal to designate the southern portion of the Property as IBT is unreasonable.

P-13

1. No Issues With Truck Traffic

The assumption that Commercial use on the southern portion of the Property would create truck traffic issues is misplaced. An Industrial use on the Property, with its corresponding increase in truck trips, would exacerbate the truck traffic problem, while a Commercial use would reduce it. The Property abuts an intersection with SR-905, so the majority of the trucks will be stopping to either enter or exit the freeway. Passenger vehicles are unlikely to impede the flow of traffic of the trucks. Moreover, the trucks will not be entering or exiting the Property but will be headed to or from the Port of Entry from SR-905.

In addition, the City should not let short term concerns override long-term planning. The CPU is a long-term planning document which states that it has a 15-20 year planning period. (CPU, p. I-3.) The truck traffic issue will be substantially resolved after the completion of the improvements on La Media Road, truck routing plans for the Otay Mesa Port of Entry, and the new Otay Mesa East Port of Entry scheduled to be complete in 2015. The purchase of the SR-125 toll road by SANDAG from a private operator will also reduce traffic impacts on Otay Mesa, including truck trips.

The designation of the southern portion of the Property with a Commercial Land Use would be more compatible with the truck traffic than designation of the site as IBT. Given the diversion of traffic that will occur from La Media Road to Airway Road, congestion will be lessened at the La Media Road/Airway Road Intersection. Finally, the designation of the southern portion of the Property as IBT would actually result in increased truck traffic conflicts compared to a Commercial Land Use designation on the property because employees driving in cars from the industrial and distribution uses near the Port of Entry would need to use designated truck routes for further distances to reach commercial north of SR-905.

P-14

2. Access for Commercial Would Be Safe and Adequate

The City should not interpret the location of the Property as a reason to anticipate limited access, but should view it as being consistent with adjacent transportation corridors. The location of the Property next to the freeway and Otay Mesa Road is a factor that supports Commercial use. CPU Economic Prosperity Element, Policy and Recommendation 5.2-4 states: "Locate large retail establishments along transportation corridors to minimize impacts to residential neighborhoods." The Property is consistent with this policy because it is situated along three major transportation corridors.

P-12

The City stands by the rational detailed within the October 21, 2013 and September 30, 2011 letter exchange between SheppardMullin and Planning Director, Bill Fulton.

P-13

See Response to Comment P-12. The truck traffic issues' resolution through the La Media improvements, POE reconfiguration, new POE opening, and the purchase of the SR-125 are highly speculative. The new POE and the SR-125 are toll roads, and there is no analysis or evidence that truck traffic will use toll systems for goods movement. The City roads will continue to have truck impacts.

P-14

See Response to Comment P-7.

**SheppardMullin**

Theresa Millette and Myra Herrmann  
 October 25, 2013  
 Page 9

P-15

3. Treatment of Surrounding Properties is Inconsistent

The CPU proposes to redesignate the adjacent Sunroad property from Industrial to Commercial while simultaneously redesignating the Western Alliance Property from Commercial to Industrial without any reasonable justification. Western Alliance is not opposed to the proposed change on the Sunroad property, but the change should not come at the expense of removing the Commercial Land Use designation on the Western Alliance Property, which diminishes the value of the Property and undermines the years of diligent work Western Alliance has performed to approve a Commercial development on the Property.

The treatment of the Sunroad property contradicts the City's statements that there is already sufficient commercial acreage to service the Otay Mesa community through CPU buildout. (CPU, at p. LU-20.) If there were already ample commercial, then the City could not be justified in increasing the Commercial designation on the Sunroad property. If the City maintained the Commercial designation on the southern portion of the Property, it would be consistent with the remainder of the Property as well as the Sunroad property, which would allow enhanced functioning of circulation, parking, drainage, and other infrastructure. Western Alliance is hopeful that the City will resolve this issue to the satisfaction of all parties by designating both the Sunroad and Western Alliance properties as commercial. Western Alliance is currently working cooperatively with Sunroad to facilitate parking, circulation and drainage based upon land uses of commercial for both properties.

In addition, the CPU's shifting of Commercial to the east is also antithetical to the CPU's stated project goal to designate a corridor of Business Park industrial uses along SR-905. The CPU achieves this for most of the SR-905 until just west of La Media road, where the it shifts to a leapfrog of Industrial and Commercial use pattern.

P-16

4. City Based IBT Designation on Outdated and Flawed Data

The CPU's proposed designations are based on stale and erroneous data. For example, staff directed ERA to prepare a Real Estate Market Analysis justifying more Industrial in Otay Mesa. The report is dated 2005 with an addendum in 2006 and the analysis was based on data dating from before 2000 until 2004. Circumstances in Otay Mesa have changed substantially since that time. The ERA report was prepared during the last real estate boom and before the Great Recession. According to the ERA report, the City anticipates 870,000 s.f. of industrial building absorption per year compared to an average of 474,000 s.f. from 1986 to 2004 during comparatively vigorous economic conditions. (ERA Real Estate Market Analysis, at p. 19.) The conclusion that there will still be almost double the industrial absorption compared to historical trends is questionable, especially considering that ERA, the City's own expert, estimated that it would be less. (ERA Real Estate Market Analysis, at p. 19.) Therefore the ERA analysis is far too outdated to support the conclusions in the CPU, and the City's purported need for more Industrial rather than Commercial space is without adequate basis.

Despite its flaws, the ERA report nonetheless stated that there was a need for 32.5 acres of retail land for the community and 5.7 acres for the border crossing area. To the extent the market has changed since 2005, there is actually much more demand for retail and commercial

P-15

The adjacent Sunroad property has requested that the property remain the Heavy Commercial land use designation rather than the Regional Commercial land use designation. As such, the property will be zoned IL-3-1, which allows a mix of both commercial and industrial uses. The designation of Heavy commercial would allow for a consistent string of Heavy Commercial uses between Alisa Court and the SR-125.

P-16

At this time, the City is not considering that another market analysis be done.

**SheppardMullin**

Theresa Millette and Myra Herrmann  
October 25, 2013  
Page 10

P-16  
cont.

uses than there was previously. Rob Hixson, Senior Vice President for CB Richard Ellis and an expert in industrial development in Otay Mesa, reviewed the economic study and concluded that the CPU is insufficient to support existing market demand for retail from such major tenants as Wal-Mart, Target and Food 4 Less, who are currently in the market looking for available retail land. (See Exhibit H, email from Rob Hixson, December 21, 2011.) If the City believes that the assumptions made in 2005 are still true, we believe that it should perform another study to confirm those assumptions. We believe that an updated market study will reveal that there is an overabundance of Industrial land in Otay Mesa, not Commercial land.

P-17

IV. Conclusion

Western Alliance has participated and commented throughout the CPU process, including submitting the detailed comment letters attached, and has consistently protested the change from the Commercial designation to Industrial. We have always responded to City staff's requests for more information and addressed staff's previous concerns. We therefore respectfully request that the City retain the current Commercial land use designation on all of the Property including the southern portion of the Property.

Thank you for the opportunity to comment on the CPU. We look forward to discussing these issues with you further. Please do not hesitate to contact us if you require information regarding the nature and scope of our comments.

Very truly yours,



John E. Ponder  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

P-18

SMRH-411519004.5

- Encl.: Exhibit A: Sheppard Mullin letter to the B. Fulton, July 18, 2013.
- Exhibit B: Draft EIR comments, October 25, 2013.
- Exhibit C: Timeline of Torrey Pines CPU and Entitlement Events
- Exhibit D: Letter from City deeming project complete, December 21, 2009.
- Exhibit E: Letter from City deeming project complete, August 23, 2013.
- Exhibit F: Resolution No. HO-8548, August 8, 2012.
- Exhibit G: Letter from B. Fulton, October 21, 2013.
- Exhibit H: Email from Rob Hixson, December 21, 2011.

cc: Anne-Marie Berg, Torrey Pines Bank  
Bill Fulton, Department of Planning and Neighborhood Restoration  
Councilmember Alvarez, City of San Diego

P-17 This comment does not address the environmental analysis provided in the EIR. The commenter's opinion is acknowledged and is included in the project's Final EIR for the decision makers to consider. No additional response is necessary.

P-18 Exhibits attached are for reference only and do not require response. They have been included in Appendix O of the Final EIR.

***THIS PAGE IS INTENTIONALLY BLANK.***



## S.0 Executive Summary

### S.1 Project Synopsis

This summary provides a brief synopsis of: (1) the Community Plan Update (CPU) to the adopted 1981 Otay Mesa Community Plan, the associated rezoning and Land Development Code (LDC) amendments; (2) the results of the environmental analysis contained within this Program Environmental Impact Report (PEIR); (3) the alternatives that were considered; and (4) the major areas of controversy and issues to be resolved by the Lead Agency. This summary does not contain the extensive background and analysis found in the PEIR. Therefore, the reader should review the entire PEIR to fully understand the CPU and its environmental consequences.

#### S.1.1 Project Location and Setting

The CPU area is in the southeastern portion of the City of San Diego (City), just north of the United States International Border with Mexico. The CPU area is bounded by the Otay River Valley and the City of Chula Vista on the north; an unincorporated area of San Diego County to the east; the International Border and the City of Tijuana on the south; and Interstate 805 (I-805) on the west. The San Ysidro, Otay Mesa-Nestor, and the Tijuana River Valley communities in the City of San Diego are located west of the CPU area.

The CPU area encompasses approximately 9,3009,302 acres. Multiple jurisdictions govern land surrounding Otay Mesa, including but not limited to the City of San Diego, City of Chula Vista, County of San Diego, and City of Tijuana, Baja California, Mexico. Major facilities, such as the Otay Mesa Port of Entry (POE), Brown Field airport, and Donovan Correctional Facility, exist within and adjacent to the CPU area. ~~The~~In addition, the Nakano property, which is located in the most northwestern corner of Otay Mesa, south of the Otay River Valley is directly adjacent to, but not a part of the CPU. This property is within the City of Chula Vista's land use authority, but and is only shown on figures throughout within Section 3 (Environmental Setting) of the PEIR for context and delineated with dashed lines.

#### S.1.2 Project Description

The CPU is a comprehensive update to the adopted 1981 Otay Mesa Community Plan. The CPU was undertaken to address substantial land use changes, both locally and regionally, that have occurred over the past 25 years. The CPU is guided by the framework and policy direction in the 2008 City of San Diego General Plan Update and

reflects new citywide policies and programs from the General Plan for the CPU area. The CPU contains a plan for land use and circulation with the CPU area and includes the following nine elements: Land Use; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; and Historic Preservation, along with a chapter pertaining to Implementation.

The CPU would refine and implement the general vision and goals as expressed in the General Plan for the CPU area. It provides community-specific land use, development design guidelines, and numerous mobility and local guidelines, incentives, and programs in accordance with the goals stated in the General Plan. The CPU would additionally serve as the basis for guiding a variety of other actions, such as parkland acquisitions, public service/facilities, and transportation improvements.

Discretionary actions required to implement the CPU, and addressed in this PEIR, include: adoption of the CPU and associated actions; approval of a General Plan Amendment; rescission of the Otay Mesa Development District (OMDD); ~~and adoption of amendments to the City's Land Development Code (LDC) to include~~ of an "International Business and Trade" (IBT) Zone and the IP-3-1 Zone to implement the proposed Business Park – Residential Permitted (BPRP) land use category; adoption of two Community Plan Implementation Overlay Zones (CPIOZs); and adoption of an updated Public Facilities Financing Plan (PFFP); ~~and amendments to the City's Land Development Code~~. Certification of the PEIR at a noticed public hearing (Process 5) would also be required in conjunction with adoption of the CPU and associated actions.

### S.1.3 Project Objectives

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15124, the following specific objectives for the CPU support the underlying purpose of the project, assist the City as Lead Agency in developing a reasonable range of alternatives to evaluate in this PEIR, and will ultimately aid the Lead Agency in preparing findings and overriding considerations, if necessary. The primary objectives of the CPU are the following:

- **Regional Center:** Enhance Otay Mesa's role as a bi-national regional center.
- **Economic Diversification:** Broaden the economic profile to increase employment and growth opportunities.
- **Industrial Capacity:** Enhance and sustain Otay Mesa's strong economic base and potential for expansion.
- **International Trade:** Support activities that promote greater interregional and bi-national activities.
- **Housing:** Provide more and varied housing and meet workforce needs close to employment centers.

- **Complete Places:** Create balanced, integrated mix of uses in Otay Mesa while minimizing collocation compatibility issues.
- **Transit:** Coordinate land use planning with high frequency transit service planning.
- **Open Space:** Protect the canyon lands and sensitive biological resources while providing recreational opportunities.
- **Infrastructure:** Include financing mechanisms that can secure infrastructure improvements concurrent with development.
- **Environmental Leadership and Sustainability:** Follow environmentally sensitive design and sustainable development practices.

The above objectives are specific to the Otay Mesa planning area, and are intended to implement the broader goals, policies, and Guiding Principles of the General Plan. Following are the Guiding Principles of the General Plan which were used to develop the more refined objectives above.

- An open space network formed by parks, canyons, river valleys, habitats, beaches and ocean;
- Diverse residential communities formed by the open space network;
- Compact walkable mixed-use villages of different scales within communities;
- Employment centers for a strong economy;
- An integrated regional transportation network of walkways, bikeways, transit, roadways, and freeways that efficiently link communities and villages to each other and to employment centers;
- High quality, affordable, and well-maintained public facilities to serve the City's population, workers, and visitors;
- Historic districts and sites that respect our heritage;
- Balanced communities that offer opportunities for all San Diegans and share citywide responsibilities;
- A clean and sustainable environment; and
- A high aesthetic standard.

## **S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects**

Table S-1, located at the end of this Executive Summary, summarizes the significant effects of the environmental analysis for the CPU. Table S-1 also includes mitigation measures to reduce and/or avoid the environmental effects, with a conclusion as to whether the impact has been mitigated to below a level of significance. The mitigation measures listed in Table S-1 are also discussed within each relevant topical area and fully contained in Section 11, Mitigation Monitoring and Reporting Program.

## **S.3 Areas of Controversy**

Areas of controversy associated with the CPU primarily concern the issues of land use, including the collocation of residential and industrial uses; traffic congestion and truck routes; adequacy of public services and facilities; air quality and noise issues; greenhouse gas emissions; and impacts to biologically sensitive resources, specifically vernal pools and burrowing owls. All of these issues are analyzed in the PEIR.

## **S.4 Issues to be Resolved by the Lead Agency**

The issues to be resolved by the decision-making body (in this case the City of San Diego City Council) are whether: (1) the significant impacts associated with the environmental issues of land use (regulation consistency, MHPA adjacency); biological resources; cultural/historic resources; human health/public safety/hazardous materials; hydrology/water quality/drainage; geology and soils, and paleontological resources would be fully mitigated to below a level of significance; (2) there are overriding reasons to approve the project despite the significant unavoidable air quality (criteria pollutants, sensitive receptors - stationary sources/collocation); greenhouse gas emissions; noise (traffic, stationary sources and construction); traffic (capacity), and utilities (solid waste) impacts; or (3) to approve any of the alternatives instead of the proposed project.

The Lead Agency must also decide if the CPU conforms to land use policies, such as those in the General Plan and MSCP Subarea Plan. Finally, the Lead Agency must determine whether the CPU or an alternative might best meet the key objectives while reducing environmental impacts.

## **S.5 Summary of Project Alternatives**

Section 15126.6 of the CEQA Guidelines requires the discussion of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to “focus on alternatives to the project or its location, which are capable of avoiding or substantially lessening any significant effects of the project,” even if these alternatives would impede to some degree the attainment of the project objectives.

In addition to the CPU, the PEIR addresses three alternatives considered in detail: the No Project Alternative, the Reduced Biological Impacts Alternative, and the Reduced Density Alternative. These alternatives are evaluated in full in Section 10.0, Alternatives, of this document.

### **S.5.1 Alternatives Considered but Rejected**

#### **Vernal Pool and Vernal Pool Conservation Alternative**

An alternative was considered where all vernal pools and vernal pool species would be conserved. In order to ensure the long-term viability of the vernal pools and species, conservation of associated watersheds and sufficient buffers would also be required. While this alternative would significantly reduce impacts to vernal pool resources and the surrounding non-native grasslands, this alternative was rejected because the ability to provide a neighborhood village within the southwest CPU area would be severely constrained.

Due to the scattered location of the vernal pool resources within the southwest village area, the available development area would result in compact development, but would separate out exclusive development areas without an integrated circulation pattern or open space system. Benefits of the village areas such as but not limited to compact development, multi-modal transportation networks and mixed-use development opportunities as further described below would not be realized. In addition, the following goals and objectives of the General Plan and CPU for this area would not be achieved:

- Diverse residential communities formed by the open space network;
- Compact walkable mixed-use villages of different scales within communities;
- Integrated regional transportation network of walkways, bikeways, transit, roadways, and freeways that efficiently link communities and villages to each other and to employment centers;

- Distinct villages that include places to live, work and recreate;
- Require a mixed-use residential/commercial component to be included within village core areas, with neighborhood-serving commercial uses such as food markets, restaurants, and other small retail shops.

## **S.5.2 Alternatives Considered**

### **S.5.2.1 No Project Alternative (Adopted Community Plan)**

The No Project Alternative consists of continued implementation of the adopted 1981 Otay Mesa Community Plan including amendments to the plan as further described in Section 10.2.1, consistent with the provisions outlined in CEQA Guidelines Section 15126.6(e)(3)(A). Compared to the CPU, the No Project Alternative would comprise less density for residential land use and more industrial land. The general distribution of land uses in the No Project Alternative would have residential uses on the west side of the CPU and industrial uses in the central-eastern areas. The residential uses on the west side would be comprised of conventional suburban development, while the industrial uses on the east side would mainly include labor intensive manufacturing, warehousing, and distribution, with only limited office uses.

As residential and industrial land uses would be primarily segregated with the No Project Alternative, potential impacts associated with the adjacency of residential and industrial uses would be avoided, specifically those associated with hazardous materials and sites. However, some beneficial features of the CPU would not be realized under the No Project Alternative. These include the integration of village centers along transportation corridors, creation of Community and Neighborhood Villages, and the inclusion of new specific land use designations (e.g., International Business and Trade and Business Park – Residential Permitted). As such, the goals and objectives of the General Plan and Strategic Framework Element related to international trade, housing, complete places, transit, open space, infrastructure, and environmental leadership and sustainability would not be fully achieved. Additionally, the continued segregation of land uses would result in greater traffic volumes, and correspondingly, greater impacts associated with traffic/circulation, air quality, noise (traffic) and greenhouse gas emissions when compared to the CPU. Also, the No Project Alternative would preserve fewer acres of open space and provide for less compact forms of development, thereby resulting in greater impacts to visual quality/landform alteration, biological resources, historical resources, hydrology/water quality and paleontological resources.

### **S.5.2.2 Reduced Biological Impacts Alternative**

The Reduced Biological Impact Alternative would reduce impacts to biological resources by preserving additional lands in two locations within the CPU, one in the Southwest Village in the southwest area of the CPU and the second in an area west of La Media Road in the south-central portion of the CPU (see Figure 10-2). Both of these areas would become part of the MHPA. This alternative would allow for less grading or ground disturbing activity, and thus would reduce conflicts with the purpose and intent of the ESL and Historical Resources Regulations of the LDC, and slightly reduce impacts to historical and paleontological resources, when compared to the CPU.

The Reduced Biological Impacts Alternatives provides fewer dwelling units in the Southwest Village as compared to the CPU but still meets the goals and objectives of the General Plan and the San Diego Association of Governments' (SANDAG) Regional Comprehensive Plan (RCP). The lesser intensity of residential use and the fewer number of commercial developments allowed for in this alternative minimally reduces impacts related to traffic congestion (such as, air quality, noise, greenhouse gas emissions), but not to below a level of significance. Impacts to visual resources (landform alteration), hydrology/water quality, and energy conservation are also less when compared to the CPU. Because this alternative would increase the amount of open space in close proximity to development, the risk from wildfire would be slightly greater, but would still be mitigated through strict compliance with the Landscape Standards and Brush Management Regulations contained in the Land Development Code. This alternative generally meets all project objectives but would not accommodate future population growth to the same extent as the CPU.

### **S.5.2.3 Reduced Density Alternative**

The Reduced Density Alternative would convert the IBT land use designation to "Light Industrial," thereby excluding business park uses and would serve to reduce the trip generation rates in these areas. The maximum number of residences within the Southwest Village and the Central Village would be reduced as well, although permitting enough to be consistent with the Transit Oriented Development (TOD) Guidelines used in the CPU, even if the goals to reduce numbers of average daily traffic (ADTs) in these villages are met to a slightly lesser extent. This alternative still meets the goals and objectives of the General Plan and SANDAG's RCP.

As the development pattern for the Reduced Density Alternative is similar to the CPU, impacts to most areas (land use, biological resources, historical resources, human health/public safety/hazardous materials (risk from wildfires), hydrology/water quality, geology/soils, and paleontological resources) are roughly equivalent to the CPU. Due to the fewer number of residences allowed, significant impacts to air quality, noise, utilities (solid waste), transportation/circulation, and greenhouse gas emissions are slightly



reduced than in the CPU but not to below a level of significance. Because the land use segregation of housing and industrial is greater in this plan, there is also a small reduction in risk of exposure to hazardous materials. This alternative generally meets project objectives but with less density within village areas that would not accommodate future population growth or provide greater transit opportunities to the same extent as the CPU. The Reduced Density alternative would allow for more suburban-type development, which could be more auto-dependent, and therefore contribute to, rather than reduce greenhouse gas emissions.

#### **S.5.2.4 Environmentally Superior Alternative**

State CEQA Guidelines Section 15126.6(e)(2) requires that an EIR identify which alternative is the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must also identify which of the other alternatives is environmentally superior. Based on this CEQA Guidance and the analysis further detailed in Section 10 of the PEIR, the Reduced Biological Impacts Alternative would be considered environmentally superior because it would preserve more open space and, therefore, result in fewer impacts to biological, archaeological and paleontological resources; hydrology/water quality; human health/public safety/hazardous materials, and utilities (including solid waste), resulting from a decrease in developable land that could be graded. It also would reduce (but not avoid) the significant and unavoidable impacts of the CPU (i.e., air quality [criteria pollutants, sensitive receptors - stationary sources/collocation], noise [traffic, construction and stationary sources], traffic/circulation [capacity], utilities [solid waste], and greenhouse gas emissions).

**TABLE S-1  
SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>LAND USE</b>			
<p><b>Regulation Consistency</b></p> <p>Would the CPU result in a conflict with the purpose and intent of the ESL Regulations, the Historical Resources Regulation, and the Brush Management Regulation of the City of San Diego Land Development Code (LDC)?</p>	<p><b>Environmentally Sensitive Lands Regulations</b></p> <p>The development footprint of the CPU would encroach into sensitive ESL areas. Future public and private development proposals would be required to comply with the ESL Regulations or process a Site Development Permit in order to deviate from the regulations. Additionally, all subsequent discretionary projects would be subject to review in accordance with CEQA. At which time, appropriate site-specific mitigation in accordance with the Mitigation Framework LU-2 and BIO-1 through BIO-4 would be identified for impacts to sensitive biological resources covered under the ESL Regulations. For other resource areas covered under the ESL Regulations, such as steep hillsides and floodplains, future projects would be designed to ensure compliance with the supplemental regulations and any other regulatory requirements to ensure that no impacts would occur. The CPU also includes several policies (see Table 5.4-5) which aim to reduce impacts to sensitive and other resources covered under the ESL Regulations as well as development regulations required for projects within areas covered by CPIOZ Type A, which address sensitive biological resources.</p>	<p><b>Environmentally Sensitive Lands Regulations</b></p> <p><b>LU-1a:</b> Future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no biological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework LU-2 and BIO 1-4 in Section 5-4, Biological Resources.</p>	<p><b>Environmentally Sensitive Lands Regulations</b></p> <p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
**(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>LAND USE (cont.)</b>			
	Future projects would be required to comply with the above regulations, policies, and mitigation. Therefore, at the program-level the CPU would not be in conflict with the purpose and intent of the ESL regulations and potential impacts would be below a level of significance.		
	<p><b>Historical Resources Regulations</b></p> <p>Given the presence of historical resources distributed throughout the CPU area, implementation of the CPU has the potential to result in significant impacts to historical resources. The CPU includes several policies aimed to reduce impacts to historical resources within the CPU area as well as development regulations required for projects within areas covered by CPIOZ Type A which address archaeological resources. Additionally, incorporation of the mitigation framework for historical resources contained in Section 5.5 would reduce the potential for significant impacts at the project-level.</p>	<p><b>Historical Resources Regulations</b></p> <p><b>LU-1b:</b> Future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework HIST-1 in Section 5-5, Historical Archaeological Resources.</p>	<p><b>Historical Resources Regulations</b></p> <p>Less than Significant</p>

**TABLE S-1  
SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS  
(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>LAND USE (cont.)</b>			
<p><b>Environmental Plan Consistency</b></p> <p>Would the CPU result in a conflict with adopted environmental plans, including the City of San Diego's MSCP Subarea Plan and the MHPA adopted for the purpose of avoiding or mitigating an environmental effect for the area?</p>	<p><b>MHPA / Land Use Adjacency Guidelines</b></p> <p>Potential indirect impacts would be evaluated at the project-level for consistency with the MHPA Land Use Adjacency Guidelines. Implementation of the CPU would introduce land uses adjacent to MHPA which would potentially result in a significant impact at the program-level.</p>	<p><b>MHPA / Land Use Adjacency Guidelines</b></p> <p><b>LU-2:</b> All subsequent development projects that are implemented in accordance with the CPU which are adjacent to designated MHPA areas shall comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. Mitigation measures include, but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The project biologist for each proposed project would identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review would be required to determine the significance of impacts from land use adjacency and compliance with the Land Use Adjacency Guidelines of the MSCP. Prior to approval of any subsequent development project in an area adjacent to a designated MHPA, the City of San Diego shall identify specific conditions of approval in order to avoid or to reduce potential impacts to adjacent the MHPA.</p> <p>Specific requirements of the mitigation framework are detailed in Section 5.1.6.3.</p>	<p><b>MHPA / Land Use Adjacency Guidelines</b></p> <p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>AIR QUALITY</b>			
<p><b>Criteria Pollutants</b></p> <p>Would the CPU result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p> <p>Would the CPU result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state AAQS (including the release of emissions which exceed quantitative thresholds for ozone precursors)?</p>	<p><b>Construction Emissions</b></p> <p>Air emissions due to construction would not exceed the applicable thresholds for individual projects. However, if several of these projects were to occur simultaneously, there is the potential for multiple projects to exceed significance thresholds. While it is not anticipated that construction activities under the CPU would result in significant air quality impacts, as air emissions from the future developments within the CPU area cannot be adequately quantified at this time, this impact would be significant and unavoidable.</p>	<p><b>Construction Emissions</b></p> <p><b>AQ-1:</b> For future projects that would exceed daily construction emissions thresholds established by the City of San Diego, best available control measures/technology shall be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego.</p>	<p><b>Construction Emissions</b></p> <p>Significant and unavoidable</p>

**TABLE S-1  
SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS  
(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>AIR QUALITY (cont.)</b>			
	<p><b>Operational Emissions</b> While emissions under the CPU would exceed project-level thresholds, which would potentially have a significant air quality impact when compared to the existing condition, the CPU would, however, result in lower emissions than the adopted plan.</p> <p>The CPU would be consistent with adopted regional air quality improvement plans and would represent a decrease in emissions used to develop the SDAPCD RAQS. However, as air emissions from the future developments within the CPU area cannot be adequately quantified at this time, this impact would be significant and unavoidable.</p>	<p><b>Operational Emissions</b> <b>AQ-2:</b> Development that would significantly impact air quality, either individually or cumulatively, shall receive entitlement only if it is conditioned with all reasonable mitigation to avoid, minimize, or offset the impact. As a part of this process, future projects shall be required to buffer sensitive receptors from air pollution sources through the use of landscaping, open space, and other separation techniques.</p>	<p><b>Operational Emissions</b> Significant and unavoidable</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>AIR QUALITY (cont.)</b>			
<p><b>Sensitive Receptors</b></p> <p>Would the CPU expose sensitive receptors to substantial pollutant concentration, including air toxics such as diesel particulates?</p>	<p><b>Stationary Sources</b></p> <p>The CPU includes industrial uses which could generate air pollutants. Without appropriate controls, air emissions associated with planned industrial uses would represent a significant adverse air quality impact.</p> <p>Any new facility proposed that would have the potential to emit toxic air contaminants would be required to evaluate toxic air problems resulting from their facility's emissions.</p> <p>If the facility poses a potentially significant public health risk, the facility would submit a risk reduction audit and plan to demonstrate how the facility would reduce health risks. Specific project-level design information would be needed to determine stationary source emission impacts. Therefore, at the program-level, impacts would be potentially significant.</p>	<p><b>Stationary Sources</b></p> <p><b>AQ-3:</b> Prior to the issuance of building permits for any new facility that would have the potential to emit toxic air contaminants, in accordance with AB 2588, an emissions inventory and health risk assessment shall be prepared. If adverse health impacts exceeding public notification levels (cancer risk equal to or greater than 10 in 1,000,000; see Section 5.3.5.2 [b &amp; c]) are identified, the facility shall provide public notice to residents located within the public notification area and submit a risk reduction audit and plan to the APCD that demonstrates how the facility would reduce health risks to less than significant levels within five years of the date the plan.</p>	<p><b>Stationary Sources</b></p> <p>Significant and unavoidable</p>



**TABLE S-1  
SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS  
(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>AIR QUALITY (cont.)</b>	<p><b>Collocation</b></p> <p>The CPU would place residential, commercial, and industrial uses in proximity to one another, which would have potential air quality impacts associated with the collocation of incompatible land uses, as described in Section 5.3.5.1 (d). Air Quality impacts would be associated with exposure to pollutants from the operation of the facility, which can include DPM emitted by heavy trucks and diesel engines, chromium emitted by chrome platers, and perchloroethylene emitted by dry cleaning operations. While compliance with the CPU and General Plan policies, along with local, state and federal regulations, would reduce potential impacts, future projects may result in sensitive uses (residential uses, schools, parks being located within the buffer distances of the facilities described in Table 5.3-7, and therefore sensitive receptors would be exposed to toxic air emissions. In this case, impacts would be significant.</p>	<p><b>Collocation</b></p> <p><b>AQ-4:</b> Significant adverse impacts associated with collocation would be mitigated at the project-level, through implementation of the Mitigation Framework contained in Section 5.3.5.3.</p>	<p><b>Collocation</b></p> <p>Significant and unavoidable</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>BIOLOGICAL RESOURCES</b>			
<p><b>Sensitive Plants and Animals</b></p> <p>Would the CPU result in a reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?</p>	<p>Implementation of the CPU has the potential to impact sensitive plants and animals directly through the loss of habitat or indirectly by placing development adjacent to the MHPA.</p>	<p>Mitigation measures <b>BIO-1, BIO-2, BIO-4 and LU-2</b>, as described in Sections 5.1 Land use and 5.4, Biological Resources, would address impacts of future development projects related to sensitive plant and wildlife species.</p>	<p>Less than Significant</p>
<p><b>Migratory Wildlife</b></p> <p>Would the CPU result in interference with the nesting/foraging/ movement of any resident or migratory fish or wildlife species?</p>	<p>Future development, including construction or extension of CPU roadways, utility lines, and/or temporary construction activities, has the potential to interfere with nesting, reduce foraging habitat, and obstruct wildlife movement as a result of noise, construction activities, habitat loss and/or fragmentation. Any direct or indirect impacts to migratory wildlife nesting, foraging, and movement would be considered significant.</p>	<p>Mitigation measures <b>BIO-2</b> under Section 5.4.5.3 shall apply.</p>	<p>Less than Significant</p>
<p><b>Sensitive Habitat</b></p> <p>Would the CPU result in an impact to a sensitive habitat, including, but not limited to streamside vegetation, oak woodland, vernal pools, wetland, coastal sage scrub, or chaparral?</p>	<p>Impacts to Tier I, II, IIIA, and IIIB habitats would be significant. These sensitive habitats include: maritime succulent scrub, native grassland, Diegan coastal sage scrub, southern mixed chaparral, non-native grassland, riparian scrub, vernal pools, and basins with fairy shrimp.</p>	<p>Refer to Mitigation Framework <b>BIO-1</b>.</p>	<p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>BIOLOGICAL RESOURCES (cont.)</b>			
<p><b>MSCP</b></p> <p>Would the CPU affect the long-term conservation of biological resources as described in the MSCP? Would the CPU meet the objectives of the Subarea Plan's Land Use Adjacency Guidelines or conflict with the provisions of the Subarea Plan, or other approved local, regional, or state conservation plans?</p>	<p><b><i>MHPA Land Use Adjacency Guidelines</i></b></p> <p>Potential impacts would be evaluated at the project-level for consistency with the MHPA Land Use Adjacency Guidelines. As implementation of the CPU would introduce land uses adjacent to MHPA, this is a potentially significant impact at the program-level.</p>	<p><b><i>MHPA Land Use Adjacency Guidelines</i></b></p> <p>MHPA adjacency impacts would be addressed at the project-level; Section 5.1.6 includes the Mitigation Framework, <b>LU-2</b>.</p>	<p><b><i>MHPA Land Use Adjacency Guidelines</i></b></p> <p>Less than significant</p>
<p><b>Invasive Plants</b></p> <p>Would the CPU result in the introduction of invasive species of plants into the area?</p>	<p>Due to the large extent of future grading and development within the CPU, the CPU has the potential to introduce invasive species into the MHPA. If uncontrolled, invasive species could significantly impact the integrity of the MHPA in the CPU area.</p>	<p>All future projects would be required to implement the MHPA Land Use Adjacency Guidelines and Mitigation Framework measure <b>LU-2</b> in Section 5.1.6, Land Use, which requires that the project's landscape plan would not contain any exotic plant/invasive species and would include an appropriate mix of native species which would be used adjacent to the MHPA.</p>	<p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>BIOLOGICAL RESOURCES (cont.)</b>			
<p><b>Wetland Impacts</b></p> <p>Would the CPU result in an impact on City, state, or federally regulated wetlands (including but not limited to, salt marsh, vernal pool, lagoon, riparian habitat, etc.) through direct removal, filing, hydrological interruption, or other means?</p>	<p>Impacts to wetlands, vernal pools, and other jurisdictional water resources would be considered significant.</p>	<p>Mitigation framework <b>BIO-4</b>, as described in Section 5.4, Biological Resources, shall apply to future development.</p>	<p>Less than significant</p>
<p><b>Noise Generation</b></p> <p>Would the temporary construction noise from the CPU or permanent noise generators (including roads) adversely impact sensitive species (e.g., coastal California gnatcatcher) within the MHPA?</p>	<p>There is a potential for temporary noise impacts to wildlife from construction and permanent noise impacts from the introduction of noise generating land uses adjacent to MHPA. Temporary and/or permanent noise impacts to wildlife within the MHPA would be significant.</p>	<p>Mitigation for impacts to sensitive wildlife species (including temporary and permanent noise impacts) resulting from future projects implemented in accordance with the CPU are included in Sections 5.1.6.3 (Land Use) and 5.4.4.3 (Biological Resources). Please refer to Mitigation Framework <b>BIO-1 through BIO-4 and LU-2</b> (MHPA Land Use Adjacency Guidelines).</p>	<p>Less than Significant</p>
<b>HISTORICAL RESOURCES</b>			
<p><b>Prehistoric/Historical Sites</b></p> <p>Would the CPU result in the alteration or destruction of a prehistoric or historical archaeological site?</p>	<p>Due to the number and density of prehistoric and historic cultural resources in the CPU area, the loss of these resources would be considered a significant impact at the program-level</p>	<p><b>Archaeological Resources</b></p> <p>Mitigation framework <b>HIST-1</b>, as described in Section 5.5, Historical Resources, shall apply for future development.</p> <p><b>Historic Buildings, Structures, and Objects</b></p> <p>Mitigation framework <b>HIST-2</b>, as described in Section 5.5, Historical Resources, shall apply for future development.</p>	<p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>HISTORICAL RESOURCES (cont.)</b>			
<p><b>Religious or Sacred Uses</b></p> <p>Would the CPU result in any impact to existing religious or sacred uses within the CPU area?</p>	<p>Impacts to known resources and those not yet found and formally recorded, could occur anywhere within the CPU area. Future grading of original in situ soils could also expose buried historical archaeological resources and features including sacred sites. Potential impacts to historical resources associated with construction of future projects implemented in accordance with the CPU, would be considered significant.</p>	<p>The Mitigation Framework religious or sacred uses would be the same as outlined for Archaeological Resources. Please refer to Mitigation Framework <b>HIST-1</b>.</p>	<p>Less than Significant</p>
<p><b>Human Remains</b></p> <p>Would the CPU result in the disturbance of any human remains, including those interred outside of formal cemeteries?</p>	<p>Impacts to known resources and those not yet found and formally recorded could occur anywhere within the CPU area. Future grading of original in situ soils could also expose buried human remains. Potential impacts to historical resources associated with construction of projects implemented in accordance with CPU would be considered significant.</p>	<p>The Mitigation Framework for human remains would be the same as outlined for Archaeological Resources. Please refer to Mitigation Framework <b>HIST-1</b>.</p>	<p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS</b>			
<p><b>Health and Safety Hazards</b></p> <p>Would the CPU expose people or property to health hazards, including wildfire and airport operations?</p>	<p><b>Health Hazards</b></p> <p>A discussion of exposure to health hazards is found in Section 5.3, Air Quality and Sections 5.6.4, and 5.6.5. As indicated in those sections, hazardous sites have been identified that could result in significant impacts to future development within the CPU area.</p>	<p><b>Health Hazards</b></p> <p>Refer to Sections 5.3, 5.6.4, and 5.6.5. In accordance with the CPU policies, mitigation identified in Section 5.6.5.3 would be required to reduce potential health hazards to future development from hazardous sites. Please refer to Mitigation Framework AQ-3, AQ-4, and <b>HAZ-3</b>.</p>	<p><b>Health Hazards</b></p> <p>Less than Significant</p>
	<p><b>Wildfire Hazards</b></p> <p>Because of the existing and proposed land use patterns around which the community is formed, new development in the wildland interface areas may expose additional people and structures to wildland fire hazards, representing a potentially significant impact. Therefore, impacts associated with wildfires would be significant at the program-level.</p>	<p><b>Wildfire Hazards</b></p> <p><b>HAZ-1:</b> Future projects implemented in accordance with the CPU shall be required to incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations, and Landscape Standards pursuant to General Plan and CPU policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the 2010 California Fire Code, Section 145.0701 through 145.0711 of the LDC, and Chapter 7 of the California Building Code.</p>	<p><b>Wildfire Hazards</b></p> <p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS (cont.)</b>			
	<p><b>Aircraft Hazards</b></p> <p>Future projects could conflict with the FAA requirements unless the City implements a mechanism to ensure either the project wouldn't include features identified in Part 77 criteria for notification or the project obtains a No Hazard to Air Navigation from the FAA. Thus, potential aircraft hazards impacts would be potentially significant.</p>	<p><b>Aircraft Hazards</b></p> <p>Mitigation framework <b>HAZ-2</b>, as described in Section 5.6, Human Health/Public Safety/Hazardous Materials, shall apply for future development.</p>	<p><b>Aircraft Hazards</b></p> <p>Less than significant</p>
<p><b>Hazardous Sites</b></p> <p>Would the CPU uses be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?</p>	<p>The presence of sites compiled pursuant to Government Code Section 65962.5, along with any unknown hazardous sites, would have potentially significant impacts on future development and land uses within the CPU area.</p>	<p>Mitigation framework <b>HAZ-3</b>, as described in Section 5.6, shall apply to future development.</p>	<p>Less than Significant</p>



**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>HYDROLOGY/WATER QUALITY</b>			
<p><b>Runoff</b></p> <p>Would the CPU result in an increase in impervious surfaces and associated increased runoff? Would the CPU result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?</p>	<p>Buildout in accordance with the CPU would result in an increase in impervious surfaces and associated increased runoff, and result in alterations to on- and off-site drainage. Therefore, implementation of the CPU has the potential to result in significant direct and indirect impacts associated with runoff and alternations to on-and off-site drainage patterns.</p>	<p>Mitigation framework <b>HYD/WQ-1</b>, as described in Section 5.7, Hydrology/Water Quality, shall apply for future development. Future development implemented in accordance with the CPU would be subject to the requirements of the Storm Water Standards Manual, which includes design of new or improved system to meet local and state regulatory requirements satisfactory to the City Engineer. Strict adherence to the Mitigation Framework, which requires regulatory compliance as noted above, along with General Plan and CPU policy compliance for reducing storm water runoff, would ensure that potential impacts to downstream resources would be reduced to below a level of significance.</p>	Less than Significant
<p><b>Natural Drainage System</b></p> <p>What modifications to the natural drainage system would be required for implementation of the CPU? Would there be an effect on the Otay or Tijuana river valley drainage basins with implementation of the CPU?</p>	<p>Buildout in accordance with the CPU has the potential to result in a substantial change to stream flow velocities and drainage patterns on downstream properties. Therefore, implementation of the CPU has the potential to result in significant direct and indirect impacts to the natural drainage system.</p>	<p>See <b>HYD/WQ-1</b>.</p>	Less than Significant
<p><b>Flow Alteration</b></p> <p>Would the CPU result in alterations to the course or flow of flood waters?</p>	<p>Future development within the CPU area would potentially impact the existing course and flow of flood waters, resulting in potentially significant impacts.</p>	<p>See <b>HYD/WQ-1</b>.</p>	Less than significant

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
**(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>HYDROLOGY/WATER QUALITY (cont.)</b>			
<p><b>Water Quality</b></p> <p>Would the CPU create discharges into surface or ground water, or any alteration of surface or ground water quality, including but not limited to temperature, dissolved oxygen or turbidity? Would there be increases in pollutant discharges including downstream sedimentation?</p>	<p>Future projects implemented in accordance with the CPU could result in impacts to water quality, including discharges to surface or groundwater. Although specific locations for future projects have not been identified, the construction of such facilities and, to a lesser degree, the operation of these facilities, could impact water quality. Grading and exposed soil could result in sedimentation.</p>	<p>Mitigation framework <b>HYD/WQ-2</b>, as described in Section 5.7, Hydrology/Water Quality, shall apply.</p>	<p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>GEOLOGY/SOILS</b>			
<p><b>Geologic Hazards</b></p> <p>Would the CPU expose people or property to geologic hazards such as earthquakes, landslides, mudslides, liquefaction, ground failure, or similar hazards?</p>	<p>The CPU area contains geologic conditions which would pose significant risks for future development if not properly addressed at the project-level. Unstable conditions relating to compressible soils, landslides, seismicity (faults), and expansive soils represent a potentially significant impact for future development.</p>	<p>Mitigation framework <b>GEO-1</b>, as described in Section 5.8, Geology and Soils, shall apply for future development.</p>	<p>Less than Significant</p>
<p><b>Erosion</b></p> <p>Would the land use and circulation modifications proposed in the CPU increase the potential for erosion of soils on- or off-site?</p>	<p>Based on the steep nature of many of the hillsides and the generally poorly consolidated nature of the sedimentary materials and soils found throughout the CPU area, erosion would represent a potentially significant impact, particularly in conjunction with some portions of the San Diego Formation and in drainages and stream valleys.</p>	<p>Mitigation framework <b>GEO-2</b>, as described in Section 5.8, Geology and Soils, shall apply for future development.</p>	<p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>NOISE</b>			
<p><b>Traffic Generated Noise</b></p> <p>Would the CPU result in a significant increase in the existing ambient noise level?</p>	<p>Exterior and potentially interior traffic noise impacts are anticipated at the majority of locations adjacent to I-805, SR-905, SR-125, Otay Mesa Road, and Airway Road. Therefore, impacts related to traffic noise impacts to new residences would be significant.</p> <p>There are areas within the CPU area where project traffic noise would potentially cause interior noise levels in existing residences to exceed applicable standards. This is a potentially significant impact of the CPU.</p>	<p>Mitigation framework <b>NOS-1</b> and <b>NOS-2</b>, as described in Section 5.10, Noise, shall apply for future development. However, because the extent of the success of this mitigation framework cannot be accurately predicted for at this time, impacts would be unavoidable at the program-level.</p>	<p>Significant and unavoidable</p>
<p><b>Stationary Source Noise (Collocation)</b></p> <p>Could the proposed collocation of residential and commercial or industrial land uses result in the exposure of people to noise levels, which exceed the City's Noise Abatement and Control Ordinance?</p>	<p>The CPU has the potential to site noise-sensitive uses (i.e., residential) adjacent to noise-generating commercial and industrial uses. The juxtaposition of these land uses would result in potentially significant noise impacts at this program-level of analysis.</p>	<p>Mitigation framework <b>NOS-3</b>, as described in Section 5.10, Noise, shall apply for future development. However, because the extent of the success of this mitigation framework cannot be accurately predicted for at this time, impacts would be unavoidable at the program-level.</p>	<p>Significant and unavoidable</p>
<p><b>Construction Noise</b></p> <p>Would temporary construction noise from the proposed neighborhood developments or permanent noise generators (including roads) adversely impact sensitive receptors or sensitive bird species (e.g., coastal California gnatcatcher) within the MHPA?</p>	<p>Future development associated with implementing the CPU has the potential to exceed applicable construction thresholds at residential properties adjacent to construction sites. Additionally, there is the potential for construction noise to impact least Bell's vireo, coastal California gnatcatcher, raptors, and other sensitive species if they are breeding or nesting in adjacent MHPA lands. These impacts are significant at the program-level.</p>	<p>Mitigation framework <b>NOS-4</b>, as described in Section 5.10, Noise, shall apply for future development.</p>	<p>Significant and unavoidable</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>PALEONTOLOGICAL RESOURCES</b>			
<p>Would the CPU allow development to occur that could significantly impact a unique paleontological resource or a geologic formation possessing a moderate to high fossil bearing potential?</p>	<p>Implementation of the CPU has the potential to result in significant impacts to paleontological resources. Specifically, future projects implemented in accordance with the CPU that would involve substantial grading within the San Diego and Otay formations and Very Old Paralic Deposits that would result in the loss of significant fossil remains. It should be noted however, that for future projects that are consistent with the OMCP, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that no paleontological fossil resources are present; the project can be processed ministerially and would not be subject to further environmental review under CEQA.</p>	<p>Mitigation framework <b>PALEO-1</b>, as described in Section 5.11, Paleontological Resources, shall apply for future development.</p>	<p>Less than Significant</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>TRAFFIC/CIRCULATION</b>			
<p><b>Capacity</b></p> <p>Would the CPU result in an increase in projected traffic that is substantial in relation to the capacity of the circulation system?</p>	<p><b>Capacity</b></p> <p><b>Roadway Segments</b></p> <p>A total of 24 roadway segments under the Horizon Year Plus CPU condition would be expected to operate at unacceptable LOS. Therefore, the CPU would have a significant impact at all of these 24 roadway segment locations.</p>	<p>Even with the incorporation of the recommended street classifications in Table 5.12-4 in the CPU, Public Facilities Financing Plan, and future project development review and (ministerial) and discretionary review through the CPIOZ, 24 roadway segments would operate unacceptably in the Horizon Year Plus CPU condition. The TIA identified additional potential improvement measures that are not recommended as part of the CPU and are not included as part of the project. The reasons for not recommending the improvements include various factors such as adjacency to environmentally sensitive land and/or steep hillsides, existing development conflicts, and/or multi-modal and urban design context. The impacts are considered significant and unmitigated. At the project-level, partial mitigation may be possible in the form of transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.</p>	<p>Significant and unmitigated</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
**(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>TRAFFIC/CIRCULATION (cont.)</b>			
	<p><b>Intersections</b></p> <p>A total of 49 intersections would be expected to operate at unacceptable levels under the Horizon Year Plus CPU condition. Therefore, the CPU would have a significant impact at all 49 of these intersections.</p>	<p>Even with incorporation of the recommended land configurations shown in Figure 5.12-4a-4g for the 53 intersections analyzed into the projects to be funded through the Public Facilities Financing Plan, and through future development projects (ministerial and discretionary through the CPIOZ, a total of 39 intersections would continue to be significantly impacted. The TIA identified further potential improvement measures such as additional intersection turning movement lanes that are not recommended as part of the CPU and are not included as part of the project. The reasons for not recommending the improvements due to considerations such as adjacency to environmentally sensitive land and/or steep hillsides, existing development conflicts, multi-modal and urban design context, or because additional study at the project level would be required in order to make recommendations. At the project-level, partial mitigation may be possible in the form of transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact. To reduce impacts the following mitigation shall be provided:</p>	<p>Significant and unmitigated</p>

**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
(continued)

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>TRAFFIC/CIRCULATION (cont.)</b>			
		<b>TRF-1:</b> Intersections shall be improved per the intersection lane designations identified in Figure 5.12-4.	
	<p><b>Freeway Segments</b></p> <p>With the planned and funded I-805 improvements, all I-805 freeway segments would be expected to operate at an acceptable LOS in the Horizon Year Plus CPU condition and therefore impacts would be less than significant. Five SR-905 freeway segments would be expected to operate at unacceptable levels in the Horizon Year Plus CPU condition. Thus, the CPU impact at these five SR-905 freeway segments would be significant.</p>	<p>While providing one HOV lane in each direction on the SR-905 would reduce impacts associated with buildout of the CPU, the additional lanes are not funded; therefore, impacts would remain significant and unmitigated at the programmatic level. At the project-level, partial mitigation may be possible in the form of auxiliary lanes and/or transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.</p>	Significant and unmitigated
	<p><b>Freeway Ramp Metering</b></p> <p>Five SR-905 freeway ramps would be expected to experience delays over 15 minutes with downstream freeway operations at unacceptable levels in the Horizon Year Plus CPU condition. The CPU impact at these five freeway ramps would be significant.</p>	<p>Mitigation that would reduce freeway ramp metering impacts at the five significantly impacted SR-905 locations consists of adding a lane to the freeway on-ramp, auxiliary lanes, and/or implementation of transportation demand management (TDM) measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in</p>	Significant and unmitigated



**TABLE S-1**  
**SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS**  
**(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>TRAFFIC/CIRCULATION (cont.)</b>			
		order to provide mitigation at the time of impact. However, due to the uncertainty associated with implementing freeway ramp improvements, and uncertainty related to implementation of TDM measures, the freeway ramp impacts associated with the CPU would remain significant and unmitigated at the program-level.	
<b>UTILITIES</b>			
Would the CPU result in a need for new systems, or require substantial alternations to existing utilities? These systems include water, wastewater, reclaimed water, solid waste disposal, storm water infrastructure, and communication systems.	<b>Solid Waste</b> Because all future projects within the CPU area may not be required to prepare a waste management plan or may not reduce project-level waste management impacts below a level of significance, the CPU cannot be guaranteed, at the program-level, to meet the 75 percent diversion requirement. Direct impacts associated with solid waste would be significant at the program-level.	<b>Solid Waste</b> Mitigation framework <b>UTIL-1</b> , as described in Section 5.14, Utilities, shall apply for future development. However, because the extent of the success of this mitigation framework cannot be accurately predicted for at this time, impacts would be unavoidable at the program-level.	<b>Solid Waste</b> Significant and unavoidable

**TABLE S-1  
SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS  
(continued)**

Environmental Issue	Results of Impact Analysis	Mitigation Framework	Impact Level After Mitigation
<b>GREENHOUSE GAS EMISSIONS</b>			
<p><b>Consistency with Adopted Plans, Policies, and Regulations</b></p> <p>Would the CPU conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?</p>	<p>The CPU contains policies that would reduce GHG emissions from transportation and operational building uses (related to water and energy consumption, and solid waste generation, etc.) and would be consistent with the strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. Subsequent projects implemented in accordance with the CPU would be required to implement GHG-reducing features beyond those mandated under existing codes and regulations. However, because project-level details are not known, there is the potential that projects would not meet the necessary City reduction goals put in place in order to achieve the reductions required by AB 32. Thus, the level of potential impacts associated with plan conflict would be potentially significant.</p>	<p>Mitigation framework <b>GHG-1</b>, as described in Section 5.18, Greenhouse Gas Emissions, shall apply for future development. However, because the extent of the success of this mitigation framework cannot be accurately predicted for at this time, impacts would be unavoidable at the program-level.</p>	<p>Significant and unavoidable</p>
<p><b>Cumulative GHG Emissions</b></p> <p>Would implementation of the CPU generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?</p>	<p>The 9.1 to 11.4 percent reductions relative to BAU fall short of meeting the City's goal of a minimum 28.3 percent reduction in GHG emissions relative to BAU. This impact associated with GHG emissions under the CPU would be significant and unavoidable.</p>	<p><b>GHG-2:</b> Future projects implemented in accordance with the CPU shall be required to demonstrate their avoidance of significant impacts related to long-term operational emissions as identified in mitigation framework <b>GHG-1</b>.</p>	<p>Significant and unavoidable</p>

***THIS PAGE IS INTENTIONALLY BLANK.***

Final  
Program Environmental Impact  
Report for the  
Otay Mesa Community Plan Update,  
City of San Diego  
Project Number 30330/304032  
SCH No. 2004651076

December 18, 2013

***THIS PAGE IS INTENTIONALLY BLANK.***

## TABLE OF CONTENTS

<b>Acronyms and Abbreviations</b>	<b>vii</b>
<b>Summary</b>	<b>s-1</b>
<b>1.0: Introduction</b>	<b>1-1</b>
<b>2.0: Environmental Setting</b>	<b>2-1</b>
<b>3.0: Project Description</b>	<b>3-1</b>
<b>4.0: History of Project Changes</b>	<b>4-1</b>
<b>5.0: Environmental Impact Analysis</b>	<b>5-1</b>
5.1 Land Use	5.1-1
5.2 Visual Effects and Neighborhood Character	5.2-1
5.3 Air Quality/Odor	5.3-1
5.4 Biological Resources	5.4-1
5.5 Historical Resources	5.5-1
5.6 Human Health/Public Safety/Hazardous Materials	5.6-1
5.7 Hydrology/Water Quality	5.7-1
5.8 Geology/Soils	5.8-1
5.9 Energy Conservation	5.9-1
5.10 Noise	5.10-1
5.11 Paleontological Resources	5.11-1
5.12 Traffic/Circulation	5.12-1
5.13 Public Services	5.13-1
5.14 Utilities	5.14-1
5.15 Water Supply	5.15-1
5.16 Population and Housing	5.16-1
5.17 Agricultural and Mineral Resources	5.17-1
5.18 Greenhouse Gas Emissions	5.18-1
<b>6.0: Cumulative Impacts</b>	<b>6-1</b>
<b>7.0: Growth Inducement</b>	<b>7-1</b>
<b>8.0: Effects Found Not to be Significant</b>	<b>8-1</b>
<b>9.0: Significant Unavoidable Environmental Effects/Irreversible Environmental Changes</b>	<b>9-1</b>

<b>10.0: Project Alternatives</b>	<b>10-1</b>
<b>11.0 Mitigation Monitoring and Reporting Program</b>	<b>11-1</b>
<b>12.0 References</b>	<b>12-1</b>
<b>13.0 Individuals and Agencies Consulted</b>	<b>13-1</b>
<b>14.0 Certification</b>	<b>14-1</b>

**FIGURES**

2-1:	Regional Location of Otay Mesa Community Plan Area	2-2
2-2:	Regional Context of Otay Mesa Community Plan Area	2-3
2-3:	Aerial Photograph	2-5
2-4:	Otay Mesa Community Plan Area Location on USGS Map	2-7
2-5:	Adopted Precise Plan Areas	2-11
3-1:	Otay Mesa Vision Plan	3-6
3-2:	CPU Land Use Plan	3-9
3-3:	Planning Districts	3-11
3-4:	Transit Routes	3-13
3-5:	Proposed Bicycle Routes	3-15
3-6:	Major Roadways	3-17
3-7:	Truck Routes	3-19
3-8:	Prime Industrial Lands	3-23
3-9:	Otay Mesa Proposed Zoning	3-48
5.1-1:	Existing Land Use	5.1-3
5.1-2:	Adopted OMCP Land Use Map	5.1-20
5.1-3:	Existing Zoning	5.1-25
5.1-4:	Brown Field Noise Contours	5.1-30
5.1-5:	Brown Field AIA	5.1-31
5.1-6:	Brown Field Safety Zones	5.1-32
5.1-7:	Designated MHPA with the CPU Area	5.1-35
5.2-1:	Photo Location Map	5.2-5
5.2-2:	Residential Areas	5.2-7
5.2-3:	Undeveloped Mesas and Canyons	5.2-8
5.2-4:	Industrial Uses	5.2-9
5.2-5:	Commercial Uses	5.2-10
5.2-6:	Freeways	5.2-11
5.2-7:	Brown Field and Heavy Trucks	5.2-12
5.2-8:	Proposed View Corridors and Gateways	5.2-18
5.3-1:	Air Quality Monitoring Stations	5.3-9
5.3-2:	Incremental Cancer Risk and MEIR/MEIW Community Plan Update	5.3-27
5.4-1:	Existing Vegetation Communities and Land Cover Types	5.4-3
5.4-2:	Sensitive Vegetation Communities	5.4-11
5.4-3:	Location of Designated Critical Habitat for Spreading Navarretia, San Diego Fairy Shrimp and Riverside Fairy Shrimp within the Otay Mesa Community Plan Boundary	5.4-13

**FIGURES (cont.)**

5.4-4:	Location of Designated Critical Habitat for the Quino Checkerspot Butterfly within the Otay Mesa Community Plan Boundary	5.4-23
5.4-5:	Location of MHPA, SanGIS Conserved Lands, and Proposed Otay Mesa Community Plan Open Space	5.4-31
5.4-6:	Impacts to Vegetation Communities and Land Cover Types	5.4-53
5.4-7:	Impacts to Sensitive Vegetation Communities	5.4-55
5.7-1:	Existing Hydrologic Conditions	5.7-3
5.7-2:	Drainage Areas	5.7-6
5.8-1:	Geologic Map	5.8-3
5.8-2:	Geologic Hazards	5.8-7
5.8-3:	City of San Diego Seismic Safety Hazards	5.8-9
5.10-1:	Noise Measurement Locations	5.10-9
5.10-2:	Airport Noise Contours and Land Uses for the Proposed CPU	5.10-13
5.10-3:	Future Traffic Noise Contours and Land Uses for the Proposed CPU	5.10-17
5.11-1:	Paleontological Resource Sensitivity	5.11-3
5.11-2:	Paleontological Resource Impact Areas	5.11-6
5.12-1a:	Existing Condition Roadway Segment Volumes (West)	5.12-11
5.12-1b:	Existing Condition Roadway Segment Volumes (East)	5.12-12
5.12-2a:	Existing Condition Intersection LOS (West)	5.12-15
5.12-2b:	Existing Condition Intersection LOS (East)	5.12-16
5.12-3a:	Horizon Year Plus Project Condition Roadway Segment Volumes (West)	5.12-25
5.12-3b:	Horizon Year Plus Project Condition Roadway Segment Volumes (East)	5.12-26
5.12-4a:	Buildout Land Configurations 1-8	5.12-43
5.12-4b:	Buildout Land Configurations 9-16	5.12-44
5.12-4c:	Buildout Land Configurations 17-24	5.12-45
5.12-4d:	Buildout Land Configurations 25-32	5.12-46
5.12-4e:	Buildout Land Configurations 33-41	5.12-47
5.12-4f:	Buildout Land Configurations 42-50	5.12-48
5.12-4g:	Buildout Land Configurations 51-53	5.12-49
5.13-1:	Community Facilities	5.13-3
5.13-2:	School Districts within the CPU Area	5.13-7
5.14-1:	Identified Improvements to the City of San Diego Water System	5.14-11
5.14-2:	Identified Improvements to the City of San Diego Wastewater System	5.14-15
5.14-3:	Otay Water District - Ultimate Recycled Water System	5.14-19
5.17-1:	Important Farmland Mapping	5.17-3
5.17-2:	Soil Types	5.17-5
5.17-3:	Mineral Resources	5.17-14
10-1:	Concept of the No Project Alternative	10-7
10-2:	Reduced Biological Impacts Alternative	10-19
10-3:	Reduced Density Alternative	10-29



**TABLES**

S-1:	Summary of Significant Environmental Analysis Results	S-9
3-1:	Community Plan Land Use Designations	3-28
3-2:	Planned Land Use	3-32
3-3:	CPU Residential Density Ranges/Estimated Single-Family and Multi-Family Dwelling Units	3-37
3-4:	Proposed CPU Roadway Classification Changes	3-44
3-5:	Future Discretionary Actions	3-47
3-6:	Summary of Project Design Considerations	3-57
3-7:	Otay Mesa Buildout Land Use Summary	3-61
5.1-1:	CPU Area - Year 2012 Existing Land Use Distribution	5.1-1
5.1-2:	Applicable Documents	5.1-7
5.1-3:	Land Use Element Policies Related to Community Plans	5.1-9
5.1-4:	Land Use Element Policies Related to Environmental Protection	5.1-12
5.1-5:	Mobility Element Policies Related to Community Plans	5.1-13
5.1-6:	Recreation Element Policies Related to Community Plans	5.1-15
5.1-7:	Conservation Element Policies Related to Community Plans	5.1-15
5.1-8:	Historic Preservation Element Policies Related to Community Plans	5.1-16
5.1-9:	Noise Element Policies Related to Community Plans	5.1-17
5.1-10:	Economic Prosperity Element Policies Related to Community Plans	5.1-18
5.1-11:	Collocation/Conversion Suitability Factors	5.1-21
5.1-12:	Adopted Community Plan Designated Land Uses	5.1-24
5.1-13:	CPU Conservation Element Policies	5.1-61
5.2-1:	Urban Design Element Policies Related to Visual Quality	5.2-13
5.3-1:	Ambient Air Quality Standards	5.3-4
5.3-2:	Ambient Air Quality Summary – San Diego Air Basin	5.3-11
5.3-3:	Summary of Air Quality Measurements Recorded at the Otay Mesa Monitoring Stations	5.3-12
5.3-4:	Sample Daily Construction Emissions	5.3-20
5.3-5:	Average Daily Operational Emissions to the San Diego Air Basin	5.3-22
5.3-6:	Maximum Buildout CO Concentrations Under CPU	5.3-25
5.3-7:	CARB Land Use Siting Constraints	5.3-29
5.4-1:	Vegetation Communities and Land Cover Types	5.4-1
5.4-2:	Sensitive Plant Species Known to Occur in the Otay Mesa Community Plan Area	5.4-15
5.4-3:	Sensitive Wildlife Species Known to Occur in the Otay Mesa Community Plan Area	5.4-19
5.4-4:	General Plan Policies Relating to Biological Resources	5.4-39
5.4-5:	CPU Plan Policies Relating to Biological Resources	5.4-44
5.4-6:	Potential Impacts to Vegetation Communities and Land Cover Types within the CPU	5.4-52
5.4-7:	Mitigation Ratios for Impacts to Vegetation Communities and Land Cover Types	5.4-60
5.4-8a:	City of San Diego Wetland Mitigation Ratios (with Biologically Superior Design)	5.4-73
5.4-8b:	City of San Diego Wetland Mitigation Ratios (without Biologically Superior Design)	5.4-73
5.5-1:	Site Typology of Otay Mesa Prehistoric Resources	5.5-5

**TABLES (cont.)**

5.5-2:	Recorded Sites within the Otay Mesa Community Plan Area	5.5-7
5.5-3:	General Plan Historic Preservation Element Policies	5.5-20
5.6-1:	Properties/Facilities of Potential Environmental Concern	5.6-7
5.7-1:	Otay Mesa CPU Area Drainage Areas	5.7-5
5.7-2:	Public Facilities Element Policies Related To Water Quality	5.7-13
5.8-1:	Public Facilities, Services, and Safety Element Policies Relating to Geology and Soils	5.8-13
5.9-1:	SDG&E Power Content Label	5.9-2
5.9-2:	Estimated Energy Consumption	5.9-7
5.10-1:	Land Use Noise Compatibility Guidelines	5.10-2
5.10-2:	CPU Noise Element Policies	5.19-3
5.10-3:	Brown Field Noise Compatibility Criteria	5.10-6
5.10-4:	Measured Noise Levels	5.10-11
5.10-5:	15-Minute Traffic Counts	5.10-11
5.11-1:	Paleontological Significance Thresholds	5.11-7
5.12-1:	Existing Segment Operations	5.12-13
5.12-2:	Existing Intersection Levels of Service	5.12-14
5.12-3:	Existing Freeway Segment Levels of Service	5.12-17
5.12-4:	Proposed CPU Roadway Classifications	5.12-23
5.12-5:	CPU Horizon Year Roadway Segment Level of Service	5.12-27
5.12-6:	CPU Horizon Year Intersection Levels of Service	5.12-33
5.12-7:	CPU Horizon Year Freeway Segment Levels of Service	5.12-37
5.12-8:	CPU Horizon Year Ramp Meter Operations	5.12-39
5.13-1:	Fire Station Response Times and Incidents	5.13-2
5.13-2:	Police Response Times	5.13-5
5.13-3:	Enrollment and Capacity for Schools Serving the CPU Area	5.13-9
5.13-4:	Population-Based Park Standards	5.13-11
5.13-5:	General Plan Policies Related to Public Services	5.13-15
5.13-6:	Single-Family and Multi-Family Student Generation Rates for San Ysidro and Sweetwater High School Districts and Projected Student Population at Buildout of the CPU	5.13-23
5.13-7:	CPU Park Acreage Needs at Buildout	5.13-25
5.14-1:	Public Facilities Element Policies Related to Utilities	5.14-6
5.14-2:	Estimated Solid Waste Generation Rates	5.14-22
5.15-1:	Projected Water Supplies – Water Authority Service Area, Normal Year	5.15-3
5.15-2:	City of San Diego Projected Water Supply and Demand, Average Year Conditions	5.15-4
5.15-3:	City of San Diego Projected Water Supply and Demand, Single Dry Year Conditions	5.15-4
5.15-4:	City of San Diego Projected Water Supply and Demand, Multiple Dry Year Conditions	5.15-4
5.15-5:	Otay Water District Water Supply and Demand	5.15-5
5.15-6:	Conservation Element Policies Related to Water Conservation/ Landscape Design	5.15-9
5.15-7:	Community Plan Update Water Demand Analysis (City PUD)	5.15-11
5.15-8:	Community Plan Update Water Demand Analysis (OWD)	5.15-12

Table of Contents

**TABLES (cont.)**

5.15-9:	Community Plan Update Recycled Water Average Demands (OWD)	5.15-13
5.15-10:	Projected Balance of Water Demands and Supplies Normal Year Conditions	5.15-13
5.15-11:	Projected Balance of Water Demands and Supplies Single Dry and Multiple Dry Year Conditions	5.15-14
5.16-1:	SANDAG Population and Housing Estimates in the CPU Area (2012 to 2050)	5.16-1
5.16-2:	Population and Housing Estimates (2012)	5.16-2
5.16-3:	Residential Buildout	5.16-6
5.17-1:	Important Farmlands Within the CPU Area	5.17-4
5.17-2:	CPU Soil Resources	5.17-7
5.17-3:	CPU Impacts to Important Farmlands	5.17-11
5.18-1:	CPU Area GHG Emissions in 2012	5.18-1
5.18-2:	CARB Scoping Plan Recommended GHG Reduction Measures	5.18-6
5.18-3:	Project Types that Do Not Require a GHG Analysis and Mitigation	5.18-11
5.18-4:	Summary of Estimate BAU GHG Emissions	5.18-19
5.18-5:	Summary of Estimate CPU GHG Emissions	5.18-19
5.18-6:	Estimated CPU GHG Emissions and BAU Reductions	5.18-24
6-1:	Plans and Programs Used for Cumulative Analysis	6-3
10-1:	Matrix Comparison of the CPU and Project Alternatives	10-5
10-2:	Updates to Adopted Community Plan	10-6
10-3:	Comparison of No Project Alternative With CPU	10-9
10-4:	Comparison of Reduced Density Alternative With CPU	10-30

**APPENDICES (bound under separate cover)**

A:	Notices of Preparation and Responses
B:	Community Outreach Chronology
C:	Air Quality Report
D:	Biological Resources Report
E:	Cultural Resources Report
F:	Hazardous Materials Technical Study
G-1:	Drainage Report
G-2:	Review of Otay Mesa Drainage Studies
G-3:	Water Quality Technical Report
H:	Community Plan Update Geotechnical Report
I:	Noise Technical Report
J:	Transportation Analysis
K:	Service Letters
L:	Technical Infrastructure Study
M-1:	Water Supply Assessment Report
M-2:	Water Supply Assessment and Verification Report
N:	Greenhouse Gas Emissions Report
O:	<u>Sheppard Mullin/Torrey Pines Bank Comment Letter (10/25/13) Exhibits</u>

# Acronyms and Abbreviations

°F	degrees Fahrenheit
µg/m <sup>3</sup>	micrograms per cubic meter
AAQS	Ambient air quality standards
AASHTO	American Association of Highway and Transportation
AB	Assembly Bill
ADA	Americans with Disabilities Act
ADD	Assistant Deputy Director
ADT	average daily traffic
AEOZ	Airport Environs Overlay Zone
AEP	Association of Environmental Professionals
AF	acre feet
AFY	acre feet per year
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AMSL	above mean sea level
AQIP	Air Quality Improvement Program
APCD	San Diego County Air Pollution Control District
ASTM	American Society for Testing and Materials
B.P.	Before Present
BACT	best available control technology
BAU	business as usual
BMP	best management practice
BPRP	Business Park – Residential Permitted
BRT	South Bay bus rapid transit
CAA	Clean Air Act
CCAA	California Clean Air Act
CalARP	State of California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
CalRecycle	California Recycle
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CCP	Cities for Climate Protection
CCR	California Code Regulation
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CESA	California Endangered Species Act
CFC	California Fire Code
cfs	cubic feet per second

## Acronyms and Abbreviations

CGS	California Geological Survey
CFR	Code of Federal Regulations
CIP	Capital Improvements Project
City	City of San Diego
CIWMB	California Integrated Waste Management Board
CLUP	Comprehensive Land Use Plan
CMAP	Climate Mitigation and Adaptation Plan
CNDDB	California Natural Diversity Data Base
CNEL	community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CP	Community Plan
CPAP	Climate Protection Action Plan
CPIOZs	Community Plan Implementation Overlay Zones
CPTED	Crime Prevention Through Environmental Design
CPU	Community Plan Update
CPUC	California Public Utilities Commission
CRC	California Residential Code
CVESD	Chula Vista Elementary School District
dB	decibel
dB(A)	24-hour A-weighted average decibel level
DEH	Department of Environmental Health
DHS	California Department of Health Services
DMP	Drought Management Plan
DOE	Department of Energy
DOT	Department of Transportation
DPM	diesel-exhaust particulate matter
DSD	Development Services Department
DTSC	Department of Toxic Substances Control
du/ac	dwelling units per acre
EI	Expansion Index
EMS	Emergency Medical Services
EMT	emergency medical technician
EPCA	Energy Policy and Conservation Act
EPIC	Energy Policy Initiative Center
EO	Executive Order
EOC	Emergency Operations Center
ERNS	Emergency Response Notification System
ESA	Endangered Species Act of 1973
ESD	Environmental Services Department
ESL	Environmentally Sensitive Land
ESP	Emergency Storage Plan
FAA	Federal Aviation Administration
FAR	floor area ratio
FBA	Facilities Benefit Assessments
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highways Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FR	Federal Register

FY	fiscal year
GHG	Greenhouse Gas
GIS	Geographic information system
gpm	gallons per minute
HA	Tijuana Valley Hydrologic Area
HCM	Highway Capacity Manual
HCP	Historical Commemorative Program
HHI	Health Hazard Index
HMIRS	Hazardous Material Incident Report System
HMTS	Hazardous Materials Technical Study
HOV	High-occupancy vehicle
HRB	Historical Resources Board
HRA	Health Risk Assessment
HRG	Historical Resource Guidelines
HRR	Historical Resource Regulations
HSA	Hydrologic Subarea
HU	Hydrologic Unit
HVAC	heating, ventilating, and air conditioning
IA	Implementing Agreement
I-805	Interstate 805
IBT	International, Business and Trade
ICLEI	International Council for Local Environmental Initiatives
ICP	Integrated Contingency Plan
IID	Imperial Irrigation District
IRP	Integrated Resources Plan
ITP	Incidental Take Permits
ITS	intelligent transportation system
JEPA	Joint Exercise of Powers Agreement
kBTU	thousand British Thermal Units
kwh/yr	Kilowatts hours per year
LCFS	Low Carbon Fuel Standard
LDC	Land Development Code
LEA	Local enforcement agency
LEED	Leadership in Energy and Environmental Design
$L_{eq}$	one-hour, A-weighted equivalent sound level
LID	Low Impact Development
LNFZ	La Nación Fault Zone
LOMR-F	Letter of Map Revision based on Fill
LOS	level of service
LTRP	long-term energy resource plan
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
Metro	Metropolitan Sewerage System
MEIR	maximally exposed individual resident
MEIW	maximally exposed individual worker
mgd	million gallons per day
MHMP	Multi-hazard Mitigation Plan
MHPA	Multi-Habitat Planning Area
MMC	Mitigation Monitoring Coordination Section
MMRP	Mitigation Monitoring and Reporting Program
MMTCO <sub>2</sub> E	million metric tons of carbon dioxide equivalents

## Acronyms and Abbreviations

MOU	Memorandum of Understanding
mpg	miles per gallon
mph	miles per hour
MPO	Metropolitan Planning Organizations
MRZ	Mineral Resource Zone
MSCP	Multiple Species Conservation Program
MTCO <sub>2</sub> E	metric tons of carbon dioxide equivalents
MTDB	Metropolitan Transit Development Boards
MTS	San Diego Metropolitan Transit System
mw	megawatt
MWD	Metropolitan Water District
NAAQS	national ambient air quality standards
NCCP	Natural Communities Conservation Plan
NCFUA	North City Future Urbanizing Area
NFRAP	No Further Remedial Action Planned
NHPA	National Historic Preservation Act
NO <sub>2</sub>	nitrogen dioxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPL	National Priority List
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
Notice	Notice to Proceed
O <sub>3</sub>	ozone
OES	Office of Emergency Services
OHWM	Ordinary High Water Mark
OMDD	Otay Mesa Development District
OMR	Office of Mine Reclamation
OMTS	Otay Mesa Trunk Sewer
OWD	Otay Water District
OVRP	Otay Valley Regional Park
OVTS	Otay Valley Trunk Sewer
Pb	lead
PCB	polychlorinated biphenyls
PDO	Planned District Ordinance
PDP	Planned Development Permit
PEIR	Program Environmental Impact Report
PFFP	Public Facility Financing Plan
PIL	Prime Industrial Lands
PM <sub>10</sub>	particulate matter with an aerodynamic diameter of 10 microns or less
PM <sub>2.5</sub>	particulate matter with an aerodynamic diameter of 2.5 microns or less
PMI	point of maximum impact
POE	Port of Entry
pph	person per household
ppm	parts per million
PRC	Public Resources Code
proposed CPU	Otay Mesa Community Plan Update
PUD	Public Utilities Department
RAQS	Regional Air Quality Standards
RCP	Regional Comprehensive Plan
RCRA	Resource Conservation and Recovery Act

RMP	Risk Management Plan
ROG	reactive organic gas
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	San Diego Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SBWRP	South Bay Water Reclamation Plant
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SCIC	South Coastal Information Center
SCP	Sustainable Community Program
Scoping Plan	Climate Change Scoping Plan
SCS	Sustainable Communities Strategy
SDAB	San Diego Air Basin
SD&AE	San Diego and Arizona Eastern Railroad
SDAPCD	San Diego Air Pollution Control District
SDCWA	San Diego County Water Authority
SDFD	San Diego Fire-Rescue Department
SDG&E	San Diego Gas and Electric
SDPD	San Diego Police Department
SDRAA	San Diego County Regional Airport Authority
SDSSS	San Diego Seismic Safety Study
SFHA	Special Flood Hazard Area
SIP	State Implementation Plan
SLIC	Spills, Leaks, Investigations, and Cleanups
SMARA	Surface Mining and Reclamation Act
SMGB	State Mines and Geology Board
SoCalGas	Southern California Gas
SR	State Route
SUHSD	Sweetwater Union High School District
SWF/LF	Solid Waste Facilities/Landfill Site
SWIS	Solid Waste Information System
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SYSD	San Ysidro School District
TAC	toxic air contaminant
TCM	Transportation Control Measures
TCP	Traditional Cultural Properties
TDM	Transportation Demand Management
TIA	Traffic Impact Analysis
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
UDC	Unified Disaster Council
URMP	Urban Water Management Plan
USC	United States Code
USDA	United States Department of Agriculture
U.S. EPA	United States Environmental Protection Agency
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service



## Acronyms and Abbreviations

USGS	United States Geological Survey
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
v/c	volume-to-capacity
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
WMA	watershed management area
WMI	Watershed Management Initiative
WoS	Waters of the State
WoUS	Waters of the U.S.
WRMP	Water Resources Master Plan
WMP	Waste Management Plan
WSA	Water Supply Assessment
WSDRP	Water Shortage and Drought Response Plan
WURMP	Watershed Urban Runoff Management Plan

# 1.0 Introduction

This Program Environmental Impact Report (PEIR) has been prepared by the City of San Diego for the Otay Mesa Community Plan Update (CPU) in compliance with the California Environmental Quality Act (CEQA) of 1970 as amended (Public Resources Code [PRC], Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). In addition, this PEIR has been prepared in accordance with City of San Diego Environmental Impact Report Guidelines (2005). The PEIR relies on the most recent City of San Diego Significance Determination Thresholds (January 2011d).

This PEIR addresses the environmental effects associated with adoption of an update to the 1981 Otay Mesa Community Plan; amendment to the General Plan; rezone ordinance to replace the Otay Mesa Development District (OMDD) with citywide zoning; Land Development Code (LDC) amendments and approval of an updated Public Facilities Financing Plan (PFFP). The CPU is a comprehensive update to the adopted plan and addresses substantial land use changes, both locally and regionally that have occurred over the past 25 years. The CPU is guided by the framework and policy direction in the City of San Diego General Plan (2008a) and reflects new citywide policies and programs from the General Plan for the CPU area. The CPU contains a land use plan and includes the following nine elements: Land Use; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; and Historic Preservation, along with a chapter pertaining to Implementation.

The CPU would refine and implement the general vision and goals as expressed in the General Plan for the CPU area. The CPU would provide detailed neighborhood-specific land use, development design guidelines, policies, and numerous other mobility and local guidelines, incentives, and programs in accordance with the goals stated in the General Plan.

In conjunction with the CPU, a rezone would rescind the existing Otay Mesa Development District (OMDD), and make development regulations consistent with citywide zoning classifications. Amendments to the City's LDC also would be necessary to create new and revised implementing zones, including two new Community Plan Implementation Overlay Zones (CPIOZs). The CPU would additionally serve as the basis for guiding a variety of other actions, such as parkland acquisitions, transportation improvements, and public facilities.

The City's Community Plan Preparation Manual indicates that the EIR for each community plan may tier off the EIR prepared for the General Plan (City of San Diego 2008a). Therefore, it was determined that this EIR would be prepared as a PEIR and

incorporate by reference the Final PEIR for the General Plan (State Clearinghouse No. 2006091032) in its entirety. The Final General Plan PEIR is available for review at the City's Development Services Department, located at 1222 First Avenue, San Diego, California 92101.

## **1.1 Discretionary Actions Required to Implement the Plan**

Discretionary actions required to implement the CPU, and included as part of the project for purposes of this PEIR, include: adoption of the CPU, approval of a General Plan Amendment, rescission of the OMDD and adoption of a rezone ordinance to replace the OMDD with citywide zoning, adoption of the PFFP, and amendments to the City's LDC to create new and revised implementing zones, including two new Community Plan Implementation Overlay Zones (CPIOZs), a new International Business Trade (IBT) zone to implement the IBT land use category and a new Business Park Residential Permitted (BPRP) zone (the IP-3-1) to implement the new BPRP land use designation. The CPU would also serve as the basis for guiding a variety of other future actions, such as parkland acquisitions, transportation improvements, and design and construction of required public facilities. Certification of the PEIR at a noticed public hearing (Process 5) and adoption of the MMRP would be required in conjunction with adoption of the CPU and associated actions.

## **1.2 EIR Legal Authority**

### **1.2.1 Lead Agency**

The City of San Diego is the Lead Agency for the CPU pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The Lead Agency, as defined by CEQA Guidelines Section 15367, is the public agency which has the principal responsibility for carrying out or approving a project. As Lead Agency, the City of San Diego's Development Services Department Environmental Analysis Section conducted an environmental review of the CPU and determined that a PEIR was required. The analysis and findings in this document reflect the independent judgment of the City.

### **1.2.2 Responsible and Trustee Agencies**

Implementation of the CPU may require subsequent actions involving responsible and trustee agencies. Responsible agencies, as defined pursuant to CEQA Guidelines Section 15381, are public agencies that may have discretionary approval authority for a project, and include, but are not limited to the United States Army Corps of Engineers

(USACE), United States Fish and Wildlife Service (USFWS), California Department of Transportation (Caltrans), San Diego Air Pollution Control District (APCD), San Diego County Regional Airport Authority, and San Diego Regional Water Quality Control Board (RWQCB).

Trustee agencies are defined in Section 15386 of the CEQA Guidelines as state agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California, including the California Department of Fish and Wildlife (CDFW). Discretionary approvals that may be required by these or other agencies are listed in Section 3.4.5.6 Future Actions.

A brief description of some of the primary responsible or trustee agencies that may have an interest in the CPU is provided below.

**U.S. Army Corps of Engineers:** The USACE has jurisdiction over development in or affecting the navigable waters of the United States, pursuant to two federal laws: The Rivers and Harbors Act of 1889 and the Clean Water Act, as amended. A “navigable water” is generally defined by a blue line as plotted on a United States Geological Survey (USGS) quadrangle map. Projects that include potential dredge or fill impacts to waters of the U.S. are subject to Section 404 of the Clean Water Act. Aggregate impacts to waters of the U.S. (defined as direct fill or indirect effects of fill) greater than one-half acre require a permit. All permits issued by the USACE are subject to consultation and/or review by the USFWS and the United States Environmental Protection Agency (U.S. EPA).

**U.S. Fish and Wildlife Service:** Acting under the federal Endangered Species Act (ESA), the USFWS is responsible for ensuring that any action authorized, funded, or carried out by a federal agency (such as the USACE) is not likely to jeopardize the continued existence of listed species or modify their critical habitat. Accordingly, the USFWS would provide input to the USACE as part of the Section 404 process.

Within areas covered by the City of San Diego’s MSCP Subarea Plan, the role of the USFWS is limited with respect to species covered under the Subarea Plan. For species covered by the Subarea Plan, the USFWS has granted take authorization to the City for listed species in accordance with the requirements of the MSCP Implementing Agreement, executed between the City, the USFWS, and the CDFW in 1997. However, the City does not have “take” authority for any wetland species. In April 2010, the City relinquished coverage of seven vernal pool species under the City’s Endangered Species Act, Section 10 Incidental Take Permit (ITP). The seven covered vernal pool species are: San Diego and Riverside fairy shrimp, Otay mesa mint, California Orcutt grass, San Diego button celery, San Diego mesa mint, and spreading navarettia. For future projects that are consistent with the City’s MSCP, the City, therefore, has authority to grant permits for take of covered species and a separate permit is not required from the wildlife agencies. For listed species not included on the MSCP covered species list,

## 1.0 Introduction

the wildlife agencies retain permit authority. In addition, the USFWS along with CDFW must approve MHPA boundary line adjustments.

**California Department of Fish and Wildlife:** The CDFW has the authority to reach an agreement with an agency or private party proposing to alter the bed, banks, or floor of any watercourse/stream, pursuant to Section 1600 et seq. of the State Fish and Game Code. The CDFW generally evaluates information gathered during preparation of the environmental documentation, and attempts to satisfy their permit concerns in these documents. Where state listed threatened or endangered species not covered by the City's MSCP occur on a project site, the CDFW would be responsible for the issuance of a Memorandum of Understanding (MOU) to ensure the conservation, enhancement, protection, and restoration of state listed threatened or endangered species and their habitats. Along with the USFWS, the CDFW must approve any MHPA boundary line adjustments.

**California Department of Transportation:** The CPU area is bisected by two major freeway routes (i.e., State Route 905 [SR-905] and SR-125). Caltrans approval would be required for any encroachments into Caltrans right-of-way by future projects.

**San Diego Air Pollution Control District:** The County Board of Supervisors sits as the Board of the APCD, which is an agency that regulates sources of air pollution within the county. This is accomplished through an integrated monitoring, engineering, and compliance operation, each of which is a separate division and each is designed to protect the public from the adverse impacts of polluted air. The APCD would be responsible for issuing permits for construction and operation of future projects.

**San Diego County Regional Airport Authority:** The San Diego County Regional Airport Authority (SDRAA) operates the airports and plans for the region's air transportation needs. The Airport Authority also serves as San Diego County's Airport Land Use Commission, responsible for land use planning concerning public safety surrounding airports. The Airport Authority updated the Brown Field Airport Land Use Compatibility Plan (ALUCP) in December 2010. As a responsible agency, the Airport Authority will review future development proposals within the CPU area and make "consistency determinations" with the provisions and policies with the ALUCP for Brown Field. Section 132.1550 of the City's Municipal Code provides further guidance regarding reviews within the purview of the SDRAA.

**San Diego Regional Water Quality Control Board:** The San Diego Regional Water Quality Control Board regulates water quality through the Section 401 certification process and oversees the National Pollutant Discharge Elimination System (NPDES) Permit No. CA 0108758, which consists of wastewater discharge requirements.

## **1.3 Purpose and Use of Program Environmental Impact Report (PEIR)**

### **1.3.1 PEIR Purpose**

The purpose of this PEIR is to:

- Inform governmental decision-makers and the public about the potential significant environmental effects of proposed activities;
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, unavoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved a project in the manner the agency chose if significant environmental effects are involved.

### **1.3.2 Intended Uses of the PEIR**

#### **1.3.2.1 Inform and Disclose**

As Lead Agency, the City has determined that a PEIR shall be prepared for the CPU pursuant to the CEQA Guidelines (Section 15168). This PEIR provides decision-makers, public agencies, and the public with detailed information about the potential significant adverse environmental impacts of the CPU. By recognizing the environmental impacts of the CPU, decision-makers will have a better understanding of the physical and environmental changes that would accompany the approval of the CPU. The PEIR includes recommended mitigation measures which, when implemented, would lessen impacts and provide the Lead Agency with ways to substantially lessen or avoid significant effects of the CPU on the environment, whenever feasible. Alternatives to the CPU are presented to evaluate alternative development scenarios that can further reduce or avoid significant impacts associated with the CPU.

#### **1.3.2.2 Environmental Review for Future Actions**

In accordance with CEQA Guidelines, a PEIR may serve as the EIR for subsequent activities or implementing actions, including future development of public and private projects, to the extent it contemplates and adequately analyzes the potential environmental impacts of those subsequent projects.

## 1.0 Introduction

Subsequent implementing actions associated with the CPU may include, but are not limited to, amendments to the PFFP, rezoning, subdivision maps, specific plans, planned development permits, site development permits, development agreements, Multi-Habitat Planning Area (MHPA) boundary line adjustments, establishment of public facilities financing mechanisms, formation of community facilities districts, and infrastructure improvement plans.

In accordance with State CEQA Guidelines Section 15168(c), when subsequent activities within the CPU area are proposed, the Lead Agency will examine those activities to determine whether the effects have been adequately addressed in the PEIR. If the Lead Agency determines that the activity is within the scope of the program examined in the PEIR, that no effects not already examined in the PEIR could occur, and that no new information shows that new mitigation measures or alternatives are required, the agency may approve the activity as being within the scope of the PEIR, and no additional environmental documentation would be required [14 CCR 15168(c)(1)-(2)]. If the subsequent activities would have effects not analyzed in the PEIR, then further environmental review would be required pursuant to the CEQA Statutes and Guidelines. The determination of the appropriate type of environmental documentation would be made by the Lead Agency. The PEIR may be used as a basis for future Initial Studies to evaluate potential impacts of future activities. In addition, it may be used as a first-tier EIR for later environmental documents, thereby focusing later review of projects on specific environmental effects of those projects that were not fully evaluated in the PEIR. It may also serve as a database for the environmental setting, cumulative impacts, project alternatives, and other sections of later, project-specific environmental documents. In this way, the PEIR will streamline and focus future project-specific environmental documents on just those impacts that were not previously analyzed.

Community Plan implementation would require subsequent approval of public or private development proposals (referred to as “future development” in this PEIR) to carry out the land use plan and demonstrate compliance with policies presented in the CPU. The process for accomplishing environmental review for individual future development projects would include submittal of additional information in accordance with the supplemental regulations of CPIOZ Type A to determine if biological, archaeological, or paleontological resources are present on a project site, or if a specific use exceeds the traffic generation threshold. If not, the project can proceed through the ministerial process. If a future action does not meet the CPIOZ Type A, then the project would be processed under CPIOZ Type B application, which requires preparation of an initial study in accordance with CEQA to screen for consistency with the development regulations and the CPU, and to determine whether the potential impacts of the development were anticipated in the PEIR analysis. Depending on the conclusions of the initial study, a determination would be made as to whether the project is consistent and can rely on the PEIR or if a Negative Declaration, Mitigated Negative Declaration; or Addendum, Supplemental or Focused EIR would be required for the project.

Pursuant to State CEQA Guidelines Section 15168(c), the certified PEIR would satisfy CEQA requirements for subsequent activities if the following conditions can be met:

- Pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required (Section 15168(c)(2)); and
- All feasible mitigation measures or alternatives identified in the Program EIR will be incorporated (Section 15168(c)(3)).

Section 15162(a) of the State CEQA Guidelines allows a previous EIR to be used in approving a subsequent activity addressed in the previous EIR, as long as none of the following conditions apply:

- Substantial changes are proposed to the project which will require major revisions to the EIR due to the involvement of new significant impacts or a substantial increase in the severity of previously identified significant impacts (Section 15162(a)(1));
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions to the previous EIR due to the involvement of new significant impacts or a substantial increase in the severity of previously identified significant impacts (Section 15162(a)(2)); or
- New information of substantial importance is identified, which was not known and could not have been known at the time the original EIR was certified, and that information shows any of the following (Section 15162(a)(3)):
  - Project will have one or more significant effects not discussed in the original EIR (Section 15162(a)(3)(A));
  - Significant effects previously identified will be substantially more severe than identified in the previous EIR (Section 15162(a)(3)(B));
  - Mitigation measures or alternatives determined to be infeasible in the previous EIR would now be feasible, and the applicant declines to implement them (Section 15162(a)(3)(C)); or
  - Mitigation measures or alternatives, which are considerably different from those identified in the previous EIR, would substantially reduce one or more significant effects, and the applicant declines to implement them (Section 15162(a)(3)(D)).

Preparation of project-level technical studies may be required when certain conditions apply to project-specific activities under the CPU, as described in this PEIR and Mitigation Framework within Section 11, Mitigation Monitoring and Reporting Program (MMRP). Any required project-specific technical studies would be used to determine whether such activity is within the scope of the PEIR and whether the PEIR adequately describes the activity for CEQA purposes.



## **1.4 PEIR Review Process**

The PEIR review process occurs in two basic stages. The first stage is the Draft PEIR, which offers the public the opportunity to comment on the document, while the second stage is the Final PEIR.

### **1.4.1 Draft PEIR**

The Draft PEIR is distributed for review to the public and interested and affected agencies for a review period for the purpose of providing comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (Section 15204, CEQA Guidelines). In accordance with Sections 15085 and 15087 (a) (1) of the CEQA Guidelines, upon completion of the Draft PEIR a Notice of Completion is filed with the State Office of Planning and Research and Notice of Availability of the Draft PEIR is issued in a newspaper of general circulation in the area.

### **1.4.2 Final PEIR**

Following the end of the public review period, the City will provide written responses to comments received on the Draft PEIR per CEQA Guidelines Section 15088 and will consider all comments in making its decision. Detailed responses to the comments received during public review, a MMRP, Findings of Fact, and a Statement of Overriding Considerations for impacts identified in the Draft PEIR as significant and unavoidable will be prepared and compiled as part of the PEIR finalization process. The Final PEIR will be made available for public review at least 14 days prior to the first public hearing in order to provide the public and those that commented on the DEIR the opportunity to review the written responses to their comment letters. The culmination of this process is a public hearing where the City Council will determine whether to certify the Final PEIR, and adopt the MMRP, Findings of Fact and Statement of Overriding Consideration as being complete and in accordance with CEQA.

## **1.5 Scope, Content, and Organization**

### **1.5.1 PEIR Scope and Content**

The scope of analysis for this PEIR was determined by the City of San Diego as a result of scoping meetings during a public outreach process that began in 2002, and responses to the third Notice of Preparation (NOP) dated October 1, 2010. The NOP, associated responses, and comments made during the scoping meeting are included as

Appendix A of this PEIR. Through these scoping activities, the CPU was determined to have the potential to result in the following significant environmental impacts:

- Land Use
- Visual Effects and Neighborhood Character
- Air Quality/Odor
- Biological Resources
- Historical Resources
- Human Health/Public Safety/Hazardous Materials
- Hydrology/Water Quality
- Geology/Soils
- Energy Conservation
- Noise
- Paleontological Resources
- Transportation/Circulation
- Public Services
- Utilities
- Water Supply
- Population and Housing
- Agricultural/Natural Resources
- Greenhouse Gas Emissions

The intent of the analysis section of this PEIR is to determine whether implementation of the CPU would have a significant effect on the environment through analysis of the issues identified during the scoping process. A significant effect on the environment is defined as a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (CEQA Guidelines Section 15382).

Pursuant to CEQA Guidelines Section 15126, all components of the CPU are considered in this PEIR when evaluating its potential impacts on the environment. Impacts are identified as direct or indirect, short-term or long-term, and assessed on a plan-to-ground basis. The plan-to-ground analysis addresses the changes or impacts that would result from implementation of the CPU compared to existing ground conditions.

## **1.5.2 Type of EIR**

This Program EIR contains a programmatic level analysis of the CPU described in Section 3.0, Project Description. Pursuant to Section 15168 of the State CEQA Guidelines, a Program EIR is prepared on a series of actions that can be characterized as one large project and related either:

## 1.0 Introduction

- Geographically,
- As logical parts in the chain of contemplated actions,
- In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

In accordance with CEQA, this PEIR examines the environmental impacts of the CPU, which entails a series of actions. The combined actions that would result from implementation of the plan can be characterized as one large project for the purpose of this study and will be used, to the extent feasible, to avoid duplicative review. Consequently, the PEIR focuses primarily on the physical changes in the environment that would result from implementation of the CPU, including all phases of planning, as well as anticipated general impacts that could result during future construction and operational activities.

### 1.5.3 PEIR Organization

#### 1.5.3.1 Chapter Summary

The chapter organization and content of this PEIR follow the direction in the City's EIR Guidelines. A brief overview of the various sections of this PEIR is provided below:

- **Executive Summary.** Provides a summary of the PEIR, a brief description of the CPU, identification of areas of controversy, and inclusion of a summary table identifying significant impacts, proposed mitigation measures, and impact rating after mitigation. A summary of the analyzed alternatives and comparison of the potential impacts of the alternatives with those of the CPU is also provided.
- **Section 1.0, Introduction.** Contains an overview of the legal authority, purpose, and intended uses of the PEIR, as well as its scope and content. It also provides a discussion of the CEQA environmental review process, including public involvement.
- **Section 2.0, Environmental Setting.** Provides a description of the regional context, location, and existing physical characteristics and land use at the CPU. Available public infrastructure and services, as well as relationship to relevant plans, is also provided in this section.
- **Section 3.0, Project Description.** Provides a detailed discussion of the CPU, including background, objectives, key features, and environmental design

considerations. The discretionary actions required to implement the CPU, and a chronicle of project changes, are also included.

- **Section 4.0, History of Project Changes.** Describes the physical changes that have been made to the CPU in response to environmental concerns raised during review of the project.
- **Section 5.0, Environmental Analysis.** Provides a detailed evaluation of potential environmental impacts for several environmental and land use issues. Section 5.0 begins with the issue of land use, followed by the remaining issues. Each environmental issue area includes: a description of the existing conditions and regulations relevant to each environmental topic; presentation of threshold(s) of significance for the particular issue area under evaluation, based on the City's 2011 Significance Determination Thresholds; identification of an issue statement; an assessment of any impacts associated with implementation of the CPU; a summary of the significance of any project impacts; mitigation measures to avoid or reduce potentially significant adverse environmental impacts; and a conclusion of significance after mitigation for each significant issue area.
- **Section 6.0, Cumulative Impacts.** Identifies the impact of the CPU in combination with other planned future development in the region.
- **Section 7.0, Growth Inducement.** Evaluates the potential influence the CPU may have on economic or population growth within the CPU area as well as the region, either directly or indirectly.
- **Section 8.0, Effects Found Not to Be Significant.** Identifies all of the issues determined in the scoping and preliminary environmental review process to be not significant, and briefly summarizes the basis for these determinations.
- **Section 9.0, Significant Unavoidable Environmental Effects/Significant Irreversible Environmental Changes.** Discusses any significant unavoidable impacts of the CPU, which would remain significant and unavoidable even after project mitigation. This section also describes the potentially significant irreversible changes that may be expected with development of the CPU and addresses the use of nonrenewable resources during its construction and operational life.
- **Section 10.0, Alternatives.** Section 10.0 includes a discussion of alternatives which could avoid or reduce potentially significant environmental impacts associated with implementation of the CPU. Alternatives addressed in the EIR include a No Project Alternative, a Reduced Biological Impacts Alternative, and a Reduced Density Alternative. Pursuant to the CEQA Guidelines, the adopted 1981 community plan (as amended to reflect implementation of Precise Plans

and the MSCP) represents the No Project Alternative. These alternatives provide the range of alternatives, which will enable the decision makers to select any one of the alternatives or a hybrid of them.

- **Section 11.0, Mitigation Monitoring and Reporting Program.** Documents all the mitigation measures identified in the PEIR and required as part of the CPU.
- **Section 12.0, References Cited.** Lists all of the reference materials cited in the PEIR.
- **Section 13.0, Individuals and Agencies Consulted.** Identifies all of the individuals and agencies contacted during preparation of the PEIR.
- **Section 14.0, Certification Page.** Identifies all of the agencies, organizations, and individuals responsible for the preparation of the PEIR.

### 1.5.3.2 Technical Appendices

Technical reports, used as a basis for much of the environmental analysis in the PEIR, have been summarized in the PEIR, and are included as appendices to this PEIR. The technical reports and their location in the PEIR are listed in the table of contents.

### 1.5.3.3 Incorporation by Reference

An extensive base of environmental review is relevant to the PEIR for the CPU. These documents are listed below. They are hereby incorporated by reference in their entirety and are available for review at the City of San Diego's Development Services Department, 1222 First Avenue, San Diego, CA 92101.

- City of San Diego General Plan (2008) and Strategic Framework Element (2002)
- Final Program EIR for the City of San Diego General Plan (2008) (SCH #2006091032)
- Strategic Framework Plan Final EIR (SCH #2001061069)
- Housing Element (FY 2013-2020)
- Otay Mesa Community Plan and Final PEIR (April 1981)
- MSCP Subarea Plan (1997)
- State Route 905 Final EIS/EIR (SCH # 95031031)
- Otay Mesa Trunk Sewer Final EIR (SCH #2004071167)
- Otay Valley Regional Park Trails Project MND (SCH #2006041064)

- Program EIR for the Otay Water District Water Resources Master Plan Update (SCH #2008101127)
- Precise Plans (California Terraces, Dennery Ranch, Hidden Trails, Riviera Del Sol, Remington Hills, Robin Ridge, Santee Investments, Otay International Center)

***THIS PAGE IS INTENTIONALLY BLANK.***

## 2.0 Environmental Setting

### 2.1 Regional Context

The CPU area encompasses approximately 9,302~~00~~ acres located in the southeastern portion of the City of San Diego just north of the United States International Border with Mexico (Figure 2-1). Multiple jurisdictions govern land surrounding Otay Mesa, including but not limited to City of San Diego, City of Chula Vista, County of San Diego, and City of Tijuana, Baja California, Mexico. Additionally, federal and state facilities exist within and adjacent to the CPU area (Figure 2-2). As described below, the topography, land use, transportation, and infrastructure are entwined among these jurisdictions.

### 2.2 Project Location

The CPU area is bounded by the Otay River Valley and the City of Chula Vista on the north; an unincorporated area of San Diego County to the east; the U.S. International Border and the City of Tijuana on the south; and Interstate 805 (I-805) on the west. The communities of San Ysidro, Otay Mesa-Nestor, and the Tijuana River Valley in the City of San Diego are located west of the CPU area (see Figure 2-2). In addition, the Nakano property, which is located in the most northwestern corner of Otay Mesa, south of the Otay River Valley is directly adjacent to, but not a part of the CPU. This property is within the City of Chula Vista's land use authority, but-and is only shown on figures throughout within this chapter of the PEIR for context and ~~is~~-delineated with dashed lines.

### 2.3 Existing Physical Characteristics

The environmental setting of the CPU area is briefly described below. Section 5.0 of this PEIR provides additional, more specific information relating to Otay Mesa's current environmental and regulatory setting pertaining to agriculture, mineral resources, air quality, biological resources, historical resources, land use, transportation, visual and neighborhood character, geology/soils, hazards, hydrology, noise, paleontological resources, population and housing, public services and facilities, utilities, water supply, and water quality.

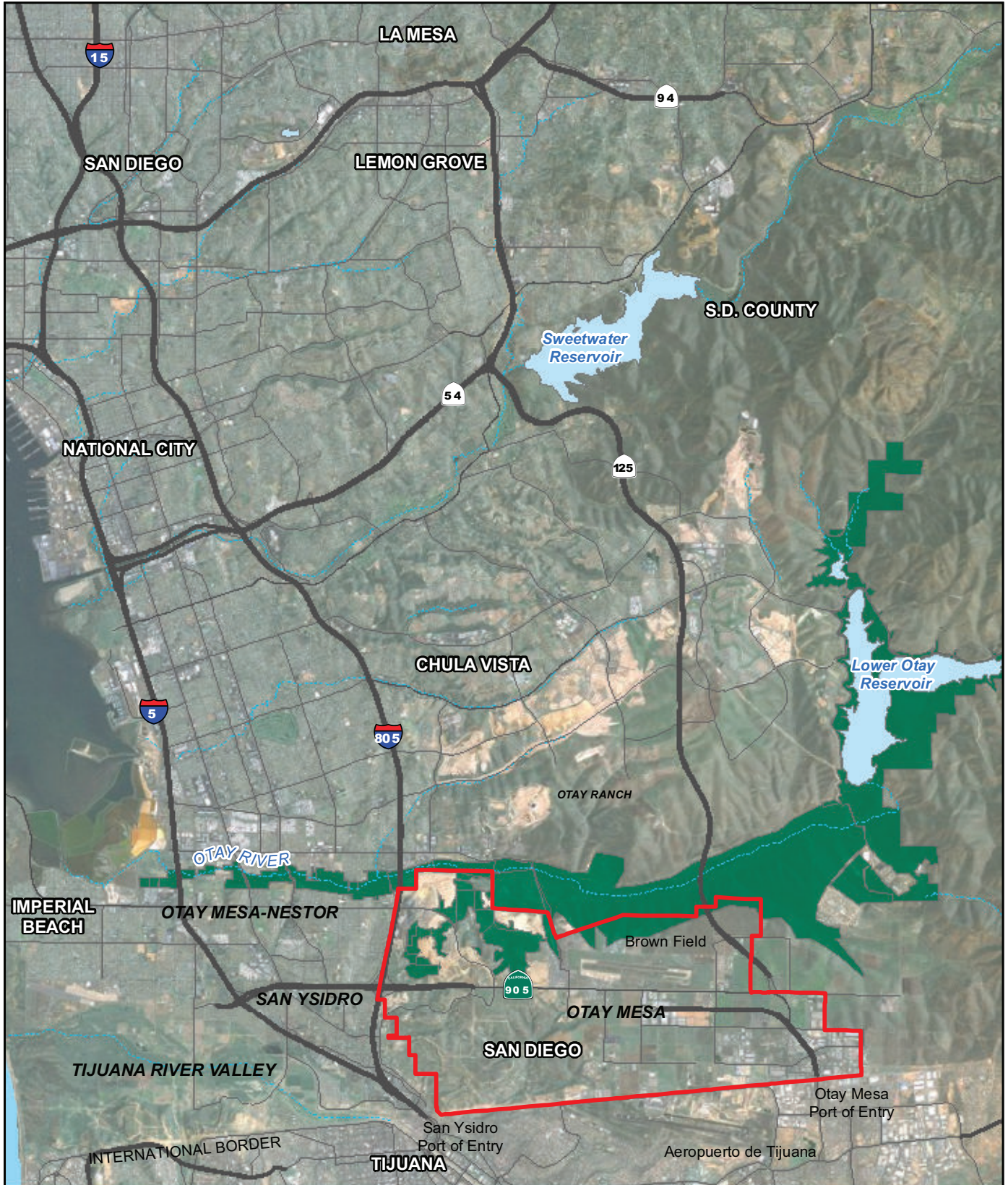






Otay Mesa Community Plan Boundary

**FIGURE 2-1**  
Regional Location of Otay Mesa  
Community Plan Area





-  Otay Mesa Community Plan Boundary
-  Otay Valley Regional Park (Approximate Boundary)

**FIGURE 2-2**  
Regional Context of  
Otay Mesa Community Plan Area

## **2.3.1 Geography/Topography**

Otay Mesa is characterized as a flat mesa or “tableland” broken by irregular bluffs and canyons, along with smaller finger canyons that drain north into the Otay River Valley and south to the Tijuana River. The Otay River flows from the San Miguel Mountains to the west through Upper and Lower Otay reservoirs and empties into the San Diego Bay. The Otay River floodplain is located just north of the CPU area (Figure 2-3). The moderate slopes of the Otay River Valley become steep bluffs near the mesa inside the CPU area. Several major canyons, such as O’Neal, Johnson, and Dennery, drain into the Otay River. Moody Canyon and Spring Canyon serve as the major drainage system into the Tijuana River to the southwest. The Tijuana River flows mainly through Mexico, crosses the border into the City of San Diego, and empties into the Pacific Ocean in an estuary in the City of Imperial Beach. The Tijuana River Watershed Urban Runoff Management Program (County of San Diego 2008) and San Diego Bay Watershed Urban Runoff Management Program (San Diego Unified Port District 2008) addressed threats to water quality and beneficial uses. (See Section 5.7 for further discussion of hydrology and water quality and an exhibit of the watersheds.)

As described above, Otay Mesa is characterized by flat terrain cut by canyons that drain either north to the Otay River or south to the Tijuana River. The CPU area gradually increases in elevation from approximately 330 feet above mean sea level (AMSL) at the west side to more than 600 feet AMSL at the east side. Steeply sloping canyons rim the mesa on the north (O’Neal, Johnson, and Dennery) and west (Moody, Spring). In addition, several finger canyons are offshoots to these major canyons and further dissect this area. The eastern portion of the CPU area is characterized by low gently rolling hills that increase in elevation (Figure 2-4).

## **2.3.2 Land Use**

### **2.3.2.1 On-site Land Use**

Existing land uses in the CPU area include residential communities in the northwest portion of the CPU area and a few dispersed residences throughout the CPU area. Brown Field, a general aviation airport operated by the City of San Diego, is situated in the central portion of the CPU area north of Otay Mesa Road and SR-905. Industrial/commercial uses and automobile salvage yards are concentrated in an area west of Brown Field. The International Border with Mexico and Otay Mesa Point of Entry (POE) are located in the southeast portion of the CPU area. Other institutional uses include the San Ysidro High School and elementary and middle schools in the northwestern portion of the CPU area. Southwestern College operates a new Higher Education Center in the southeast portion of the CPU area.



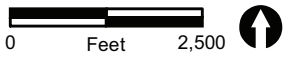
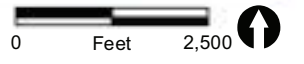
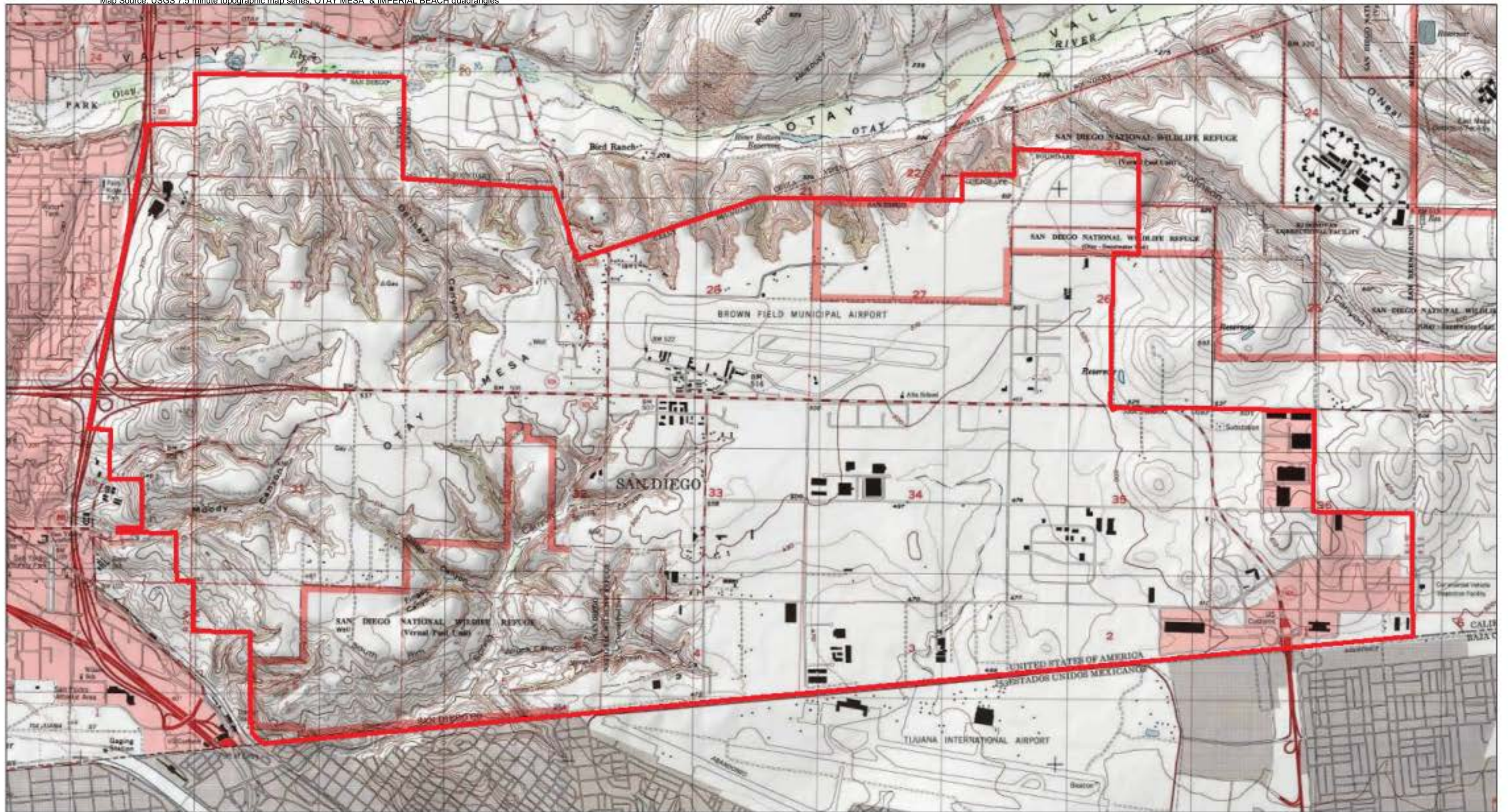


FIGURE 2-3  
Aerial Photograph



***THIS PAGE IS INTENTIONALLY BLANK.***







-  Otay Mesa Community Plan Boundary
-  San Diego National Wildlife Refuge Boundary

FIGURE 2-4  
Otay Mesa Community Plan Area Location on USGS Map



***THIS PAGE IS INTENTIONALLY BLANK.***

Historically, Otay Mesa was used for agriculture and livestock grazing purposes. However, developments such as the maquiladora program in the 1960s and opening of the POE in 1985 have contributed toward the changing land use in Otay Mesa over the past few decades. The maquiladora program allows manufacturing plants in Mexico to import raw material and parts from the U.S. and then export products, relying on lower-cost Mexican labor for assembly and manufacturing of goods (subsequently further influenced by the North American Free Trade Agreement (NAFTA) ratification and implementation). Businesses in the United States serve as a base of operations for maquiladora industries. This has contributed to the economic development of the San Diego-Tijuana region.

A significant number of the industrial establishments provide critical support to more than 700 production-sharing companies in Tijuana, including electronic, automotive, furniture, and medical supplies. In addition, some non-Mexico-related manufacturers and distributors have begun relocating to Otay Mesa from other parts of southern California because of the comparatively lower land costs and industrial lease rates. Recent examples include Factory-2-U, Crower Cams & Equipment, Coast Citrus, Trepcos West, Golden Oak Furniture, and NASSCO.

The opening of the Otay Mesa POE in 1985 further enhanced trade in Otay Mesa when northbound commercial traffic was directed to the Otay Mesa POE. After the Mexican government decided in 1994 to move all southbound commercial cargo to the Otay Mesa POE, the Otay Mesa POE became the largest commercial land crossing between California and Mexico and handles the third largest volume of trucks with more than 1.4 million truck crossings per year along the United States–Mexico border. The Otay Mesa POE is the twenty-fifth busiest port in the United States. This movement of goods and truck traffic has an important influence on the development of industry and transportation patterns in the area.

To help meet future growth in the area, a new Otay Mesa East POE and SR-11 freeway link are planned to be located in the unincorporated area of the county about 2 miles to the east of the Otay Mesa POE. With an anticipated opening in 2015, this new POE will provide an alternate entry for commercial traffic that currently is limited to the Otay Mesa POE.

There are two airports of regional importance in the Otay Mesa area: Brown Field in the City and General Abelardo L. Rodriguez International Airport in Tijuana. Brown Field is a general aviation airport and serves as a POE for private aircraft entering the U.S., as well as a base for Customs and Border Protection aerial patrols of the border. Brown Field is owned and operated by the City of San Diego and is located in the CPU area. General Abelardo L. Rodriguez International Airport, operated by a private Mexico-based company, is a passenger and cargo airport located just south of the International Border in Mexico.

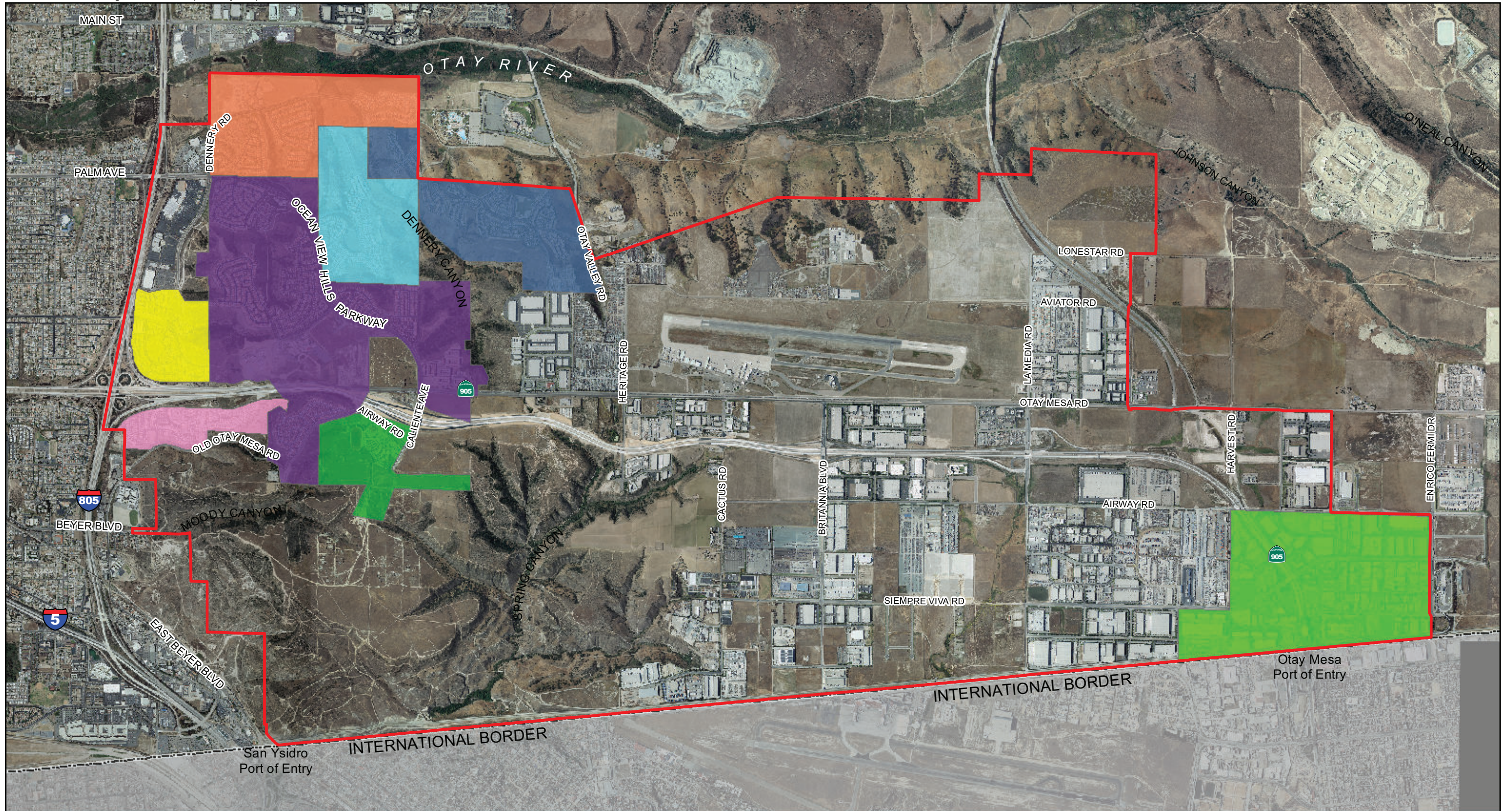


## 2.0 Environmental Setting

Although Otay Mesa has primarily been associated with the POE and industrial businesses (as described above) that comprise much of the central and eastern portion of the community, Otay Mesa has also seen a significant growth in its residential population within the last decade. From 2000 to 2010, the total residential population of Otay Mesa increased from 1,740 to 13,446 and now comprises approximately one percent of the City's population of 1.3 million residents. This significant population increase has been the result primarily of single-family residential development in the western portion of the community. The developments in the western portion of the CPU area have been implemented via seven precise plans and one Planned Residential Development Permit (approved since 1981), as illustrated on Figure 2-5, and described below:

- **California Terraces** Precise Plan comprises approximately 665 acres within the northwest portion of Otay Mesa. At buildout, California Terraces will contain 4,002 residential dwelling units and approximately 20 acres of commercial development.
- **Dennery Ranch** is the northern-most precise plan within Otay Mesa. The approximately 268-acre site is located east of I-805 and north of Palm Avenue. The plan allows for the development of 509 single-family and 820 multi-family residential dwelling units.
- The **Hidden Trails** Precise Plan area is comprised of approximately 208 acres that is bounded by the Dennery Ranch Precise Plan area to the north, the Robinhood Ridge Precise Plan area to the east, and the California Terraces Precise Plan area to the south and west. The plan allows for the development of 205 single-family and 224 multi-family dwelling units.
- The **Riviera Del Sol** Precise Plan is located to the west of California Terraces and south of the Palm Plaza Walmart, totaling 103.6 acres of development. There are 123 single-family and 630 multi-family residential dwelling units in Riviera Del Sol developed across 79 acres. The Precise Plan also designates 3 acres for industrial use, which is occupied by a self-storage facility along the plan's western edge. The remaining acreage is dedicated for parks and open space.
- **Remington Hills** is located south of Riviera Del Sol and south of SR-905. Through a Planned Residential Development Permit, the approximately 100-acre area is developed with 252 single-family residential dwelling units.



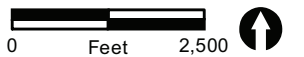


Otay Mesa Community Plan Boundary

**Adopted Precise Plan Areas**

- California Terraces
- Dennery Ranch
- Hidden Trails

- Otay International Center
- Remington Hills
- Riviera Del Sol
- Robinhood Ridge
- Santee Investments



**FIGURE 2-5**  
Adopted Precise Plan Areas



***THIS PAGE IS INTENTIONALLY BLANK.***

- The **Robinhood Ridge** Precise Plan area comprises 278 acres located directly north of the Otay Corporate Center. The plan includes 486 single-family and 433 multi-family residential dwelling units, as well as a 6-acre park site, approximately 3 acres of commercial land, and approximately 5 acres of industrial lands.
- The **Santee Investments** Precise Plan area is located south of the SR-905 and encompasses approximately 130 acres. The residential and commercial components of the plan have not been developed, while the approximately 47-acre site for the senior high school is developed and operating as San Ysidro High School.
- The **Otay International Center** Precise Plan located in the POE area surrounds the Otay Mesa International Border crossing station. The Otay International Center consists of industrial and commercial development on approximately 470 acres situated adjacent to the Mexico border in the south-central portion of the CPU.

While development has been occurring in the CPU area, many parcels still remain vacant. The pace and sequence of development envisioned by the adopted community plan has not been realized, as industrial uses have been slower to develop with many interim uses occurring. Residential development in the western portion of the CPU area has increased more rapidly in recent years. Overall, land use in the CPU area consists of a mixture of business, industrial, warehousing, manufacturing, residential, open space, agriculture, and public facilities. Existing land uses are described in Section 5.1, Land Use, illustrated on Figure 5.1-1 and enumerated in Table 5.1-1. Prior to adoption of the MSCP, projections in the adopted community plan estimated 18,200 housing units and 40,000 industrial-related jobs (City of San Diego 1981). The MSCP reduced the estimated units to approximately 12,400. According to current estimates (2012), the CPU area contained a resident population of 15,323 with 2,745 single dwelling units and 1,468 multiple dwelling units (San Diego Association of Governments [SANDAG] 2012b).

Most of the undeveloped areas within the CPU area designated for development are currently zoned for agricultural uses (A-1-10) with the exception of Brown Field, which is unzoned. Small areas are zoned for residential use (R-1-5) and various commercially zoned areas are located in the western portion of the CPU area.

### **2.3.2.2 Surrounding Land Use**

The communities of Otay Mesa-Nestor and San Ysidro are adjacent to the CPU area's western border. Much of the development in proximity to the CPU is single-family residential.

## 2.0 Environmental Setting

Much of the CPU area's northern border is located in the Otay Valley Regional Park (OVRP). The OVRP extends about 13 miles inland from the southeastern edge of the salt ponds at the mouth of the Otay River, through the Otay River Valley, to the land surrounding both Lower and Upper Otay lakes. The City of Chula Vista lies beyond the OVRP to the north of the CPU.

Land to the east of the CPU area is within the unincorporated area of San Diego County and is mostly undeveloped. Located on 780 acres of unincorporated land northeast of the CPU area, in the County of San Diego, is the Richard J. Donovan Correctional Facility, a state-operated medium-high security facility. Also located in the vicinity is a County-operated detention facility.

To the south of the CPU area is the International Border and the City of Tijuana, Baja California, Mexico.

### **2.3.3 Transportation**

#### **2.3.3.1 Freeways and Regional Access**

Three highways provide regional access to the CPU area, along with a fourth highway, currently being planned. Currently, I-805 on the western border of the CPU area provides access in a north/south direction to Otay Mesa. The South Bay Expressway is an extension of SR-125 from SR-54 in Spring Valley to SR-905 in Otay Mesa. The South Bay Expressway operates as a toll road under SANDAG. SR-905 connects the Otay Mesa POE with regional freeways I-5 and I-805. In concert with the future Otay Mesa East POE, Caltrans is planning for SR-11, a four-lane freeway which would connect the future Otay Mesa East POE with SR-905 and SR-125. In Mexico, this corridor would connect the new POE to the Tijuana-Tecate and Tijuana-Ensenada free and toll roads. The new POE and 3-mile four-lane segment of SR-11, which connects the U.S./Mexico border to SR-905, is scheduled to be completed in 2015.

#### **2.3.3.2 Roadways**

The CPU area's basic grid system consists of several major corridors that provide transit, connect activity centers, and service the Otay Mesa POE. The major north-south corridors include Britannia Boulevard and La Media Road, which are designated truck routes that service the international industries and the POE on a daily basis. The east-west major corridors include Otay Mesa Road, Airway Road, and Siempre Viva Road. Airway Road is considered the spine of the community, currently providing two discontinuous east-west segments for Otay Mesa that incorporate transit and bike routes to service the residential and workforce population of Otay Mesa. Otay Mesa Road is a busy six-lane street that parallels SR-905. Beyond the major corridor system, the existing network follows a development pattern that incorporated pocketed

neighborhoods throughout the canyon systems in the northwestern portion of the CPU area.

### **2.3.3.3 Alternative Transportation**

Otay Mesa is currently served by Metropolitan Transit System (MTS) local bus service routes 933/934 in the northwestern CPU area and 905/905A along Otay Mesa Road, Britannia Boulevard, Airway Road, and Siempre Viva Road. MTS also provides trolley service along I-5 to the west of the CPU area.

In addition to MTS service, bikeways and pedestrian sidewalks exist within CPU area. There are existing bikeways along Old Otay Mesa Road, portions of SR-905, Dennerly Road, Ocean View Hills Parkway, Del Sol Boulevard, portions of Siempre Viva Road, Heinrick Hertz, Paseo de las Americas, a portion of Enrico Fermi Drive, and Roll Drive within the CPU area. Sidewalks exist within the residential developments in the western CPU area, and are located along some commercial and industrial property frontages. Informal trails exist throughout the CPU area; however, these trails are not designated and often are on private property.

### **2.3.4 Historical Resources**

Habitation sites, temporary camps, lithic scatters, quarry, shell middens, and non-sites are resource types defined for the CPU. Three of these site types dominate the CPU area: habitation sites, artifact scatters/temporary camps, and lithic scatters. There are a total of 262 historic and prehistoric sites/structures recorded within the CPU area boundaries. Seven of the 262 recorded structures/sites within the CPU have been designated as Historical Landmarks by the City of San Diego Historical Resources Board (HRB). In addition, there are 56 isolates filed at the South Coast Information Center (SCIC). These isolates consist of one or two prehistoric artifacts. There is no evidence of a sacred site or burial within the CPU area and there are no known human remains in the CPU area.

### **2.3.5 Biological Resources**

Undeveloped portions of the CPU area are part of a diverse biological area containing habitats of limited distribution, supporting endangered and threatened plant and animal species. There are 13 vegetation communities and land cover types present in the CPU area: riparian scrub, freshwater marsh, vernal pool, basin with fairy shrimp, coastal sage scrub, native grassland, maritime succulent scrub, non-native grassland, southern mixed chaparral, developed/ornamental, disturbed, agriculture, and eucalyptus woodland. Vernal pools, which are highly specialized habitat that support sensitive species, are found in portions of the CPU area. The canyon areas contain maritime succulent scrub and coastal sage scrub vegetation communities which are also of limited distribution in

the region. These canyons serve as wildlife corridors that form a network extending to the Otay River Valley, a biological resource of regional importance. For the most part, the canyons are part of the City's MHPA. Sensitive resources in the CPU area are described in Section 5.4.

### 2.3.6 Geology and Paleontology

Based on review of published geologic documents and geotechnical reports, and soil and geologic features observed during the field reconnaissance, the CPU area is underlain by three surficial soil deposits and three geologic formations. The geologic formations include Pleistocene Very Old Paralic Deposits (formerly the Lindavista Formation), Upper Pliocene San Diego Formation, and Pliocene Otay Formation. The surficial soils include artificial fill (unmapped), topsoil/colluvium (unmapped), and alluvium.

Large complex landslide deposits have been mapped along the southwest, west, and northwest edges of Otay Mesa, and on both sides of the International Border with Mexico. Suspected landslides, inferred from topography, along canyon sidewalls were also mapped during field reconnaissance. The Very Old Paralic Deposits geologic formation has moderate paleontological resource sensitivity. Both the San Diego and Otay formations have high paleontological resource sensitivity. Other soils found in the CPU area (undocumented fills, topsoil, slopewash, and alluvium) are considered to have a low potential for paleontological resources.

### 2.3.7 Drainage

Most of the CPU area drains to the south across the border with Mexico and eventually into the Tijuana River. A small portion flows north into the Otay River, and the far western part of the CPU area flows to the west through San Ysidro and then into the Tijuana River. The three drainage areas found in the Otay Mesa Study Area are Otay Valley, San Ysidro, and Water Tanks. Otay Valley covers north of Otay Mesa around the Otay River, San Ysidro covers west of Otay Mesa, and Water Tanks covers south of Otay Mesa. Otay Valley and Water Tanks are subdivided into east and west areas, respectively. The CPU area is subdivided into five drainage areas, which includes all of the CPU area except for the far northwest portion, which is fully developed. The drainage area boundaries are not well defined because much of the CPU area is very flat. There are very few defined natural drainage paths, with much of the runoff sheet flowing across the CPU area. The five drainage areas which comprise the CPU area, and their approximate acreages, are listed below:

- Otay Valley East (827.5)
- Otay Valley West (1,378.4)
- San Ysidro (1,226.1)



- Water Tanks East (3,380.2)
- Water Tanks West (2,488)
- ~~West Perimeter Drainage Area (258 acres)~~
- ~~West Drainage Area (2,190 acres)~~
- ~~North Perimeter Drainage Area (590 acres)~~
- ~~East Drainage Area (3,864 acres)~~
- ~~Border Crossing Drainage area (223 acres)~~

The existing drainage system throughout the CPU area comprises a combination of storm drains, improved channels, and detention basins, which in many areas discharge to natural drainages.

### **2.3.8 Water Quality**

According to the 2010 State Impaired Water Bodies 303(d) List of Water Quality Limited Segments, several impaired water bodies exist with the CPU area. The Tijuana River Basin 911.1 is listed as an impaired water body for eutrophic, indicator bacteria, low dissolved oxygen, pesticides, phosphorus, sedimentation/siltation, selenium, surfactants, solids, synthetic organics, total nitrogen, toxicity, trace elements, and trash. The Otay River Basin 910.2 is listed as an impaired water body for chloride, sulfates, total dissolved solids, selenium, and toxicity.

### **2.3.9 Air Quality/Climate**

The CPU area is located in the San Diego Air Basin (SDAB) about 6 miles east of the Pacific Ocean. The CPU area, like the rest of San Diego County's coastal areas, has a Mediterranean climate characterized by warm, dry summers and mild, wet winters. The dominant meteorological feature affecting the region is the Pacific High Pressure Zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that which occurs at the base of the coastal mountain range.

The CPU area is currently a source of anthropogenic greenhouse gases, with emissions generated by vehicular traffic and by the energy use, water use and solid waste disposal practices of the existing buildings.

## **2.4 Infrastructure and Public Services**

### **2.4.1 Water and Sewer Infrastructure**

The primary wholesale water supplier to the southern California metropolitan area is the Metropolitan Water District (MWD) of Southern California. Within San Diego County, the San Diego County Water Authority (SDCWA) is the regional wholesaler to the various retail water agencies, including the City of San Diego and Otay Water Districts. The City of San Diego Public Utilities Department (PUD) provides water to the western portion of the CPU area. The eastern section of the CPU area is served by the Otay Water District (OWD), which also supplies water in the unincorporated areas of the County and in the City of Chula Vista. (See Sections 5.14 and 5.15, Utilities and Water Supply, respectively, for additional information and exhibit of service areas.)

The OWD Water Resources Master Plan (WRMP) outlines a comprehensive program for the orderly and phased development of potable and recycled water supply, storage, transmission, and distribution through ultimate buildout of the land within the OWD, according to local land use approvals and planning. The improvement identified in the WRMP consist mostly of pipelines, reservoirs, and pump stations that are needed based on population projections, OWD criteria for the adequacy of facilities, and specific development plans in the OWD's service area. The OWD water model was updated in November 2010 as part of the 2010 WRMP Update to include increased potable water demands from the CPU. The WRMP Update determined that the increased potable water demands associated with the CPU would not warrant transmission main upgrades above those previously identified for the forecasted growth in the area.

The City PUD is responsible for wastewater service within the CPU area. Wastewater service to the CPU area is currently provided through the Otay Mesa sewer collection system via the Otay Mesa Trunk Sewer, the Otay Valley Trunk Sewer (OVTS) system, and Metropolitan Sewerage System (Metro). The Metro facilities include the San Ysidro Interceptor, the South Metro Interceptor, and the City's wastewater treatment facilities. The Otay Mesa Trunk Sewer has been planned for expansion to accommodate growth in the CPU area.

The wastewater from the eastern portion of the Otay Mesa Drainage Basin is currently collected via sewer pipelines ranging from 6 to 33 inches and conveyed to a 30-inch main in Siempre Viva Road. The 7.3-mile-long OVTS conveys flows from Heritage Road, along Otay Valley Road, to I-805, along local roads to the South Metro Receptor. The OVTS bottleneck in Heritage Road has a capacity of 4.3 million gallons per day (mgd) and is nearing capacity.

The Otay Mesa Trunk Sewer (OMTS) has been partially constructed to relieve the OVTS capacity. Currently the OMTS includes the 27- and 30-inch gravity sewer in Siempre

Viva Road that is pumped to the OVTS on an interim basis via Pump Station 23T. In addition, a 42-inch gravity sewer in Old Otay Mesa Road connects to a 10-inch main in Old Otay Mesa Road on an interim basis. SR-905 includes pipeline sleeves at Cactus Road to allow for future upgrades of this system.

## **2.4.2 Public Services**

Existing public facilities, including parks, recreation centers, libraries, schools, fire, and police, serve the project area. The following provides a brief discussion of the existing and planned services and facilities that serve the community. The locations and capacity of these facilities are discussed in more detail in Section 5.13, Public Services and Facilities.

### **2.4.2.1 Fire Protection Services**

Fire protection services for the CPU area are provided by the City of San Diego Fire-Rescue Department (SDFD). SDFD Fire Station Number (No.) 43, located on the eastern end of Brown Field at 1590 La Media Road, serves the eastern portion of the plan area. As of 2011, the western portion of the community, north of I-905, is served by Fire Station No. 6, located in the adjacent Otay Mesa-Nestor community planning area. The remaining portion of the CPU area, south of I-905, is served by Fire Station No. 29, located in the San Ysidro community planning area. In addition, the CPU identifies the planned construction of Fire Station No. 49, which would provide emergency response coverage to the west end of the CPU area. Each fire station is equipped with at least one engine and four firefighters per day, per shift. In addition, Emergency Medical Services of the SDFD has ambulances, paramedics, and emergency medical technicians who respond to emergency calls.

A fire services deployment planning study was prepared for the City to further refine the findings of the Regional Fire Service Deployment Study conducted for the County of San Diego, analyze whether the SDFD performance measures are appropriate and achievable given the risks, topography and special hazards to be protected in the City, and review existing SDFD deployment staffing models for efficiency and effectiveness and determine how and where alternative deployment and staffing models could be beneficial to address current and projected needs (Citygate Associates LLC 2011).

### **2.4.2.2 Police Protection Services**

Police services for the CPU area are provided by the City of San Diego Police Department (SDPD). The CPU area is within Beat 713 of the Southern Division. The Southern Division is located at 1120 27<sup>th</sup> Street and serves the neighborhoods of Otay Mesa, Otay Mesa West, Tijuana River Valley, San Ysidro, Border, Egger Highlands, Nestor, Palm City, and Ocean Crest. There are 84 sworn personnel at the Southern

## 2.0 Environmental Setting

Division and 1 civilian employee. The current patrol strength is 79 uniformed officers. The SDPD does not staff individual stations based on population ratios. The current citywide staffing goal and budgeted staffing ratio for police officers to population is 1.48 officers per 1,000 residents.

### **2.4.2.3 Schools**

Three school districts serve the CPU area: the Sweetwater Union High School District, the San Ysidro School District, and the Chula Vista Elementary School District. As of 2013, there are four schools operating within the CPU area: Ocean View Hills School (K-8), Vista Del Mar Elementary School (opened in 2012, K-5), San Ysidro High School (grades 9-12), and Southwestern Community College Higher Education Center. San Ysidro Middle School (grades 6-8) and Beyer Elementary School (K-5) are located outside of the CPU area to the west, but those living in the CPU area may attend these schools.

### **2.4.2.4 Library Services**

The City operates a central library located in downtown San Diego and 34 branch libraries in neighborhoods throughout the City. There are currently no branch libraries within the CPU area. Primary library service is provided by the Otay Mesa-Nestor Branch Library located at 3003 Coronado Avenue, west of I-805. This library is 15,000 square feet. Library service is also provided by the San Ysidro Branch Library, located at 101 W. San Ysidro Boulevard.

### **2.4.2.5 Parks and Recreation**

The City's Park and Recreation Department maintains more than 40,000 acres of developed and undeveloped open space and parkland categorized as population-based parks, resource-based parks, and open space. As of 2012, there are 2,678 acres combined of parkland and open space (98 and 2,580 acres, respectively) within the CPU area. This acreage is comprised of neighborhood, community, and resource-based parks, as well as open space lands which provide recreation opportunities, as discussed below.

Currently, there are two existing neighborhood parks within the CPU area: Vista Pacifica and Ocean View Hills. Vista Pacifica is a 6.9-acre park located in the Robinhood Ridge Precise Plan area of the CPU. Ocean View Hills is a 5.1-acre park located on Ocean View Hills Parkway. As discussed in Section 5.13, the adopted PFFP identifies three neighborhood parks within the northwestern portion of the CPU area that are planned for construction: Dennery Ranch, Riviera del Sol, and Hidden Trails (City of San Diego 2006a).

There is one recently developed community park in the CPU area. The approximately 15-acre Pacific Breezes Community Park is located adjacent to the 5-acre joint use area within the Ocean View Hills School, north of SR-905, and consists of a 17,000-square-foot recreational building, skate park, comfort station, and swimming complex. In addition, there is one community park planned for future construction in the CPU area. Beyer Community Park is scheduled for completion in 2018 and will provide 7.5 usable acres of recreation. Although the Beyer Community Park would be located in the adjacent San Ysidro community, it would serve both the communities of Otay Mesa and San Ysidro.

The Ocean View Hills School (K-8) site contains a 5-acre joint use recreation facility which includes turf, multipurpose sports fields. This facility is available for community use pursuant to a 25-year Joint Use Agreement, which expires in 2030, with the San Ysidro School District.

OVRP is an important resource-based park located in the northwest portion of the CPU area. Approximately 206 acres of OVRP are within the CPU area. OVRP provides recreational opportunities ranging from playing fields and picnic areas to hiking, biking, and horse trails. At the same time, the park protects open space, wildlife, historic, agricultural, and archaeological resources. There are plans for multi-use areas and an extensive trail system within the park's boundaries.

***THIS PAGE IS INTENTIONALLY BLANK.***