



THE CITY OF SAN DIEGO

**DEVELOPMENT SERVICES DEPARTMENT**

**Date of Notice: October 1, 2010**

**PUBLIC NOTICE OF PREPARATION OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT**

**INTERNAL ORDER No. 11001373**

The CITY OF SAN DIEGO (City) as the Lead Agency under the California Environmental Quality Act (CEQA) has determined that preparation of a Program Environmental Impact Report (PEIR) will be required for the **OTAY MESA COMMUNITY PLAN UPDATE**, as described below. A previous Notice of Preparation (NOP) was issued on May 12, 2004 for a Master EIR that described the project as a comprehensive update of the Otay Mesa Community Plan with major revisions focusing on redesignating land uses and describing the primary changes within specific neighborhoods. On September 12, 2006, a second NOP was issued for a Program EIR to evaluate and analyze equally three Land Use Scenarios for the community plan which included a range of land use intensities within the planning area. Based on the work and analysis done to date, the City has determined to revise and narrow the scope to study a single, consensus scenario. At this time, the City has decided to issue a new NOP for a PEIR for the update in order to give interested agencies and members of the public an additional opportunity to participate in the CEQA process. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego web-site at the location noted below on **October 1, 2010**.

**City website:** <http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html>. The City has also determined that a new scoping meeting will not be required for the current activity

**NOTICE OF PREPARATION (NOP) COMMENT PERIOD:** Written comments from responsible and trustee agencies, the public, and interested parties on the scope and content of the draft EIR must be received by Development Services Department no later than 30 days after receipt of this notice (**November 1, 2010**). Please send your written comments to the following address: **Myra Herrmann, Senior Environmental Planner, City of San Diego Development Services Center, 1222 First Avenue, MS 501, San Diego, CA 92101** or **e-mail your comments to [DSDEAS@sandiego.gov](mailto:DSDEAS@sandiego.gov) referencing the Project Name (Otay Mesa Community Plan Update) and Project Number (30330) in the subject line.** A draft Program EIR incorporating public input will then be prepared and distributed for public review and comment in accordance with CEQA.

**RESPONSIBLE AND TRUSTEE AGENCY:** Pursuant to CEQA Section 15082(b), the City requests your input on the scope and content of the environmental information pertaining to your agency's statutory responsibilities in connection with this project. Your agency may need to use this EIR prepared by our agency when considering any permit or other approval for the project.

**GENERAL PROJECT INFORMATION:**

- Project Name/No. **OTAY MESA COMMUNITY PLAN UPDATE/30330**, SCH No. **2004051076**
- Community Plan Area: **OTAY MESA**
- Council District: **8**
- Applicant: **CITY OF SAN DIEGO, CITY PLANNING AND COMMUNITY INVESTMENT DEPARTMENT**



## THE CITY OF SAN DIEGO

**SUBJECT:** CITY COUNCIL APPROVAL of a comprehensive update of the 1981 Otay Mesa Community Plan (Plan), and the Otay Mesa Development District Ordinance zoning regulations. 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 alignment of SR-905) 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.

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 elements: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services and Safety; Recreation; 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 General Plan Final PEIR is available for public review at the City of San Diego Development Services Center, 1222 First Avenue, San Diego, CA 92101, and on the City's website at: <http://www.sandiego.gov/planning/genplan/peir.shtml>.

The Project 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 Project will take into account the approved alignment for SR-905, which is different from that assumed in the existing community plan. A community-serving drainage facility in the southeastern portion of the planning area also would be included for consideration, as well as identification of locations for a variety of public facilities, including schools, parks, a library, fire and police stations.

As depicted in the attached Draft Land Use Map and the Land Use Summary Table below, the project 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 would be the dominant industrial land use in this scenario. Other features of the project 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

### LAND USE SUMMARY TABLE

Land Use Categories	Adopted Community Plan	Proposed Community Plan Update
Residential	1,258 ac	745 ac
Single dwelling unit detached	4,800 dus	4,273 dus
Multiple dwelling unit and attached	7,600 dus	14,501 dus
Residential Areas w/Village Centers	---	716 ac
Commercial	457 ac	320 ac
Industrial	2,885 ac	2,399 ac
Institutional	1,027 ac	1,163 ac
Parks and Open Space	2,594 ac	2,888 ac

SOURCE: City of San Diego City Planning and Community Investment Department, July 10, 2010.

**Alternatives:** Preparation of the DEIR will include an analysis of a reasonable range of alternatives which avoid or mitigate the plan update's significant environmental impacts. These alternatives will be identified and discussed in detail, and address all significant impacts. The alternative's analysis will be conducted in sufficient graphic and narrative detail to clearly assess the relative level of impacts and feasibility. Preceding the detailed alternatives analysis will be a section entitled "Alternatives Considered but Rejected." This section will include a discussion of preliminary alternatives that were considered but not analyzed in detail and the reason for rejection should be explained. The following three alternatives will be considered in the Program EIR:

#### A. THE NO PROJECT ALTERNATIVE

This alternative will analyze a continuation of the existing conditions of Otay Mesa Community Plan at the time the NOP is published, and what would be reasonably expected to occur in the foreseeable future if the Project were not approved (current community plan). This alternative will compare the projected impacts of the change that would result from Project approval against impacts that would occur under the existing plan. Should the No Project Alternative prove to be the environmentally preferred alternative, then CEQA requires that another environmentally preferred alternative be identified for the Project.

#### B. REDUCED BIOLOGICAL IMPACTS ALTERNATIVE

This alternative would be fully consistent with the Environmentally Sensitive Lands Regulations and consistent with the encroachment allowances permitted by the Environmentally Sensitive Lands ordinance for steep slopes, wetlands, and sensitive biology and consistent with the Historical Resources Regulations for archaeological sites, without the need for deviations or variances.

### C. REDUCED DEVELOPMENT ALTERNATIVE

This alternative shall consider the impacts of a reduced project which includes a land use plan and policies that reduce significant impacts such as, but not limited to, biological resources, transportation/circulation, air quality, greenhouse gases, historical resources, etc.

**Recommended Finding:** Pursuant to Section 15060(d) of the CEQA Guidelines, the proposed project may result in significant environmental impacts in the following areas: *Land Use, Biological Resources, Transportation/Circulation/Parking, Noise, Historical Resources, Aesthetic/Visual Resources/Community Character, Hydrology/Water Quality, Geology/Soils, Paleontological Resources, Public Services and Facilities (Police, Fire/Life Safety, Libraries, Parks, Recreational Facilities, and Schools), Public Utilities (Water Supply, Wastewater, Storm Water, Solid Waste, and Energy), Air Quality, Greenhouse Gases, Growth Inducement, Health and Safety, Population and Housing, and Cumulative Impacts.*

**Availability in Alternative Format:** This information is ALSO available in alternative formats for persons with disabilities. To request this notice in an alternative format, call (619) 446-5446 or (800) 735-2929 (TEXT TELEPHONE). **Additional Information:** Contact Senior Planner, Myra Herrmann at (619) 446-5372 or [mherrmann@sandiego.gov](mailto:mherrmann@sandiego.gov) for any information regarding the environmental review of this project. For other information regarding the Community Plan Update process or public meetings/hearings on this project contact the Senior Planner, Theresa Millette, at (619) 235-5206 or [tmillette@sandiego.gov](mailto:tmillette@sandiego.gov). The draft OMCPU can be viewed online at: <http://www.sandiego.gov/planning/community/profiles/otaymesa/cpu/>

**Attachments: FIGURE 1:** Otay Mesa Community - Location Map

**FIGURE 2:** Otay Mesa Community Plan Land Use Map

**Distribution:** SEE ATTACHED

Cecilia Gallardo, AICP, Assistant Deputy Director  
Development Services Department



FIGURE 1  
Regional Location



## Otay Mesa Community Plan Land Use Map

DRAFT

### General Land Use Categories

#### Parks, Open Space, and Institutional

- Open Space
- Parks
- Institutional

#### Village Centers

- Neighborhood Village  
15 - 29 du/ac
- Community Village  
30 - 45 du/ac

#### Residential

- Residential - Very Low  
0-4 du/ac
- Residential - Low  
5-9 du/ac
- Residential - Low Medium  
10-14 du/ac
- Residential - Medium  
15-29 du/ac
- Residential - Medium High  
30-44 du/ac

#### Commercial - Residential Prohibited

- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Heavy Commercial
- Visitor Commercial
- Office Commercial - Residential Permitted  
0 - 44 du/ac

#### Industrial - Residential Prohibited

- Business Park - Office Permitted
- Light Industrial
- International Business and Trade
- Heavy Industrial
- Business Park - Residential Permitted  
15 - 60 du/ac

### Overlays

- Potential School Area
- Potential Park Area
- Potential Drainage Facility
- U.S. Government Facility
- Brown Field Boundary
- Community Plan Boundary



### THE CITY OF SAN DIEGO CITY PLANNING & COMMUNITY INVESTMENT

"This land use plan scenario is one of three that has been prepared by the City for further analysis and public input."

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Area 1: 1000  
Area 2: 1000

10

0 500 1000 1500 2000 Feet

N

NOTICE OF PREPARATION PUBLIC REVIEW DISTRIBUTION:

U.S. Government

- Federal Aviation Administration (1)
- Department of Transportation, Region 9 (2)
- Naval Facilities Command, Southwest Division (8/12)
- Environmental Protection Agency (19)
- Border Patrol (22)
- Fish & Wildlife Service (23)
- Army Corps of Engineers (26)
- Department of Agriculture - Natural Resources Conservation Services (25)

State of California

- State Clearinghouse (46A)
- Caltrans Planning, District 11 (31)
- Department of Fish & Game (32)
- Integrated Waste Management Board (35)
- CAL EPA (37A)
- Department of Toxic Substance Control (39)
- Department of Parks & Recreation (40)
- Office of Historic Preservation (41)
- Resources Agency (43)
- Regional Water Quality Control, Region 9 (44)
- Air Resources Board (49)
- Office of the Attorney General (50)
- Caltrans, Division of Aeronautics (51)
- Transportation Commission (51A)
- Native American Heritage Commission (56)
- Highway Patrol (58)
- California Energy Commission (59)

County of San Diego

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

City of San Diego

- Mayor's Office (91)
- Jay Goldstone - Chief Operating Officer (MS 11)
- David Jarrell - Deputy Chief Operating Officer for Public Works (MS 9A)
- Council President Hueso, District 8 (MS 10A)
- Councilmember Lightner, District 1 (MS 10A)
- Councilmember Faulconer, District 2 (MS 10A)
- Councilmember Gloria, District 3 (MS 10A)
- Councilmember Young, District 4 (MS 10A)
- Councilmember DeMaio, District 5 (MS 10A)
- Councilmember Frye, District 6 (MS 10A)
- Councilmember Emerald, District 7 (MS 10A)

City of San Diego (Continued)

Development Services Department

Kelly Broughton, Director  
Cecilia Gallardo, Assistant Deputy Director  
John Fisher - Project Manager  
Victoria Huffman – Transportation Review  
Gary Geiler - Planning Review  
Ron Carter – Fire Plans Officer (MS 401)  
Patrick Thomas – Geology Review  
Martha Blake – EAS Senior  
Anna McPherson – EAS Senior

City Planning and Community Investment Department

William Anderson - Director  
Theresa Millette - Long Range Planning (MS 4A)  
Tait Galloway - Airport Review (MS 4A)  
Jeanne Krosch - MSCP (MS 5A)  
Jeff Harkness - Open Space Parks Review (MS 5A)  
Kelley Stanco - Plan Historic (MS 5A)  
Deborah Sharpe – (MS 5A)

Fire and Life Safety (79)

Jose Lopez - Assistant Fire Marshal (MS 603)  
Frankie Murphy - Deputy Fire Chief (MS 603)

Charles Dunnigan – Police Department (MS 733)

Steve Fontana - ESD (80)

Library Department – Gov't Documents (81)

Environmental Services Library (81J)

Otay Mesa-Nestor Branch Library (81W)

San Ysidro Branch Library (81EE)

Real Estate Assets Department (85)

James Barwick – Director (MS 51A)  
Michael Tussey – Airports Division (MS 14)  
Christian Anderson – Airports Division (MS 14)  
Roy Nail – (MS 34)

Engineering & Capitol Projects Department (86)

Linda Marabian – (MS 608)

Public Utilities Department

Water Review (86A)  
Wastewater Review (86B)  
Nicole McGinnis (MS 906)  
Ann Sasaki (MS 901)

Historical Resources Board (87)

Park and Recreation – Open Space Division (89)

Wetland Advisory Board (91A/MS 908A)

General Services Department (92)

Environmental Services Department (93A)

Tom Tomlinson - Facilities Financing (93B)

Office of the City Attorney (93C)

Transportation Department (MS 609)

Other Individuals or Groups

City of Chula Vista (94)  
SANDAG (108)  
San Diego County Regional Airport Authority (110)  
San Diego Transit (112)  
San Diego Gas & Electric (114)

MTS (115)  
 Chula Vista School District (118)  
 San Diego Unified School District (125)  
 San Ysidro School District (127)  
 San Diego City Schools (132)  
 San Diego Community College District (133)  
 University of California San Diego Library (134)  
 San Diego Daily Transcript (135)  
 Union-Tribune City Desk (140)  
 Metro News (141)  
 San Diego Chamber of Commerce (157)  
 Building Industry Federation (158)  
 San Diego Convention & Visitors Bureau (159)  
 Back Country against Dumps (162)  
 Sierra Club, San Diego Chapter (165)  
 Neighborhood Canyon Creek & Park Groups (165A)  
 San Diego Natural History Museum (166)  
 San Diego Audubon Society (167/167A)  
 Environmental Health Coalition (169)  
 California Native Plant Society (170)  
 San Diego Baykeeper (173)  
 Ellen Bauder (175)  
 Citizen's Coordinate for Century III (179)  
 EC Allison Research Center (181)  
 Endangered Habitats League (182/182A)  
 Vernal Pool Society (185)  
 Local 30 (191)  
 League of Women Voters (192)  
 Community Planners Committee (194)  
 Carmen Lucas (206)  
 South Coastal Information Center (210)  
 San Diego Historical Society (211)  
 San Diego Archaeological Center (212)  
 Save Our Heritage Organisation (214)  
 Ron Christman (215)  
 Louie Guassac (215A)  
 Clint Linton (215B)  
 San Diego County Archaeological Society (218)  
 Kumeyaay Cultural Repatriation Committee (225)  
 Native American Distribution – Public Notice + Map (225A-R)  
     Barona Group of Capitan Grande Band of Mission Indians  
     Campo Band of Mission Indians  
     Ewiiapaayp Tribal Office  
     Inaja and Cosmit Band of Mission Indians  
     Jamul Band of Mission Indians  
     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  
     Santa Ysabel Band of Diegueño Indians  
     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 Mission Indians  
Los Coyotes Band of Mission Indians  
Kumeyaay Cultural Heritage Preservation  
Industrial Environmental Association – Patti Krebs  
Southwestern College  
Otay Water District – Robert Scholl  
Otay Valley Regional Park CAC (227)  
Otay Mesa Nestor Planning Committee (228)  
Theresa Acerro (230)  
Otay Mesa Chamber of Commerce (231A)  
Janay Kruger (233)  
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  
Kaiser Permanente  
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  
California Transportation Ventures (CTV)  
Jimmy Ayala, Pardee Homes  
Mark Rowson, Land Development Strategies  
Richard Sax, Metro Airpark, LLC  
Nici Boon, Metro Airpark, LLC  
S. Wayne Rosenbaum, Attorney  
Jack Gorzeman, ESA  
Bobbie Herdes, RECON (Environmental Consultant)

John E. Ponder  
Writer's Direct Line: 619-338-6646  
[jponder@sheppardmullin.com](mailto:jponder@sheppardmullin.com)

November 1, 2010

Our File Number: 15BK-151316

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

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

Theresa Millette  
Senior Planner  
City of San Diego Planning and Community  
Investment Department  
202 C Street, MS 5A,  
San Diego, CA 92101

Re: Notice of Preparation for the Draft Programmatic Environmental Impact Report for the Otay Mesa Community Plan Update (Project No. 30330)

Dear Ms. Herrman and Millette:

On behalf of our client, Western Alliance Bancorporation, owner of the La Media property ("La Media"), an approximately 51.1-acre undeveloped site located at the southeastern corner of Otay Mesa Road and La Media Road in the Otay Mesa Community Planning Area at 8420 Airway Road (APN 646-121-3200), we appreciate the opportunity to provide input on the scope and content of the proposed Program Environmental Impact Report ("PEIR") for the Otay Mesa Community Plan Update (Project No. 30330) ("OMCPU" or "Project"). Western Alliance Bancorporation is affiliated with San Diego's local financial institution, Torrey Pines Bank. The Notice of Preparation ("NOP") announces that the City of San Diego will be the lead agency for preparation of a PEIR in connection with major revisions to the land use designations for what allegedly has developed among the City staff as a "consensus scenario" for the OMCPU.

The PEIR is intended to satisfy the requirements of the California Environmental Quality Act ("CEQA"). CEQA Guidelines § 15083 encourages the lead agency through the scoping process to consult directly with any person or organization it believes will be concerned with the environmental effects of a project because "many public agencies have found that early consultation solves many potential problems that would arise in more serious forms later in the review process." (14 Cal. Code Regs. § 15083.) In addition, "Scoping has been helpful to agencies identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important. Scoping has been found to be an effective way to bring together and resolve

concerns of ...the proponent of the action, and other interested persons including those who might not be in accord on environmental grounds." (14 Cal. Code Regs. 15083(a),(b).)

Our foremost goal is to ensure that Otay Mesa grows into a comprehensively planned community with a high quality of life. To that end, we have been monitoring the Project closely for years and in the spirit of avoiding potential problems that can arise later in the review process, we submit this letter offering constructive comments that could be used to improve the PEIR.

## **I. General Comments**

### **A. Project Description**

Our primary concern is that the OMCPU project description should describe the La Media property with a commercial land use designation for public policy, fiscal, and fairness and legal reasons.

From a fairness and legal perspective, the La Media project has been in the City's regulatory pipeline for nearly a year with investor funds and City staff working towards the requirements for a project approval under the assumption that commercial use would predominate the project site. The site has been designated for commercial use 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 ("IBT") uses on the southern portion of the property. Yet, the NOP's "consensus scenario" project description now eliminates all commercial and Village Community and proposes IBT for the entire property. The City deemed the La Media project complete on December 21, 2009. For fairness and legal reasons, after the project application is deemed complete, the City typically does not change the development rules, regulation and policies for projects, including land use designations, in the regulatory pipeline unless it would place residents in a condition dangerous to their health or safety. The Government Code allows the City to apply new rules when, at the time of the application, the City (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 notice procedures that contains *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)). In this case, while the fact of a pending OMCPU has generally been known to developers in Otay Mesa, it cannot be said that developers had any notice that the nature of the OMCPU's description of the La Media property would be to eliminate all commercial uses that had existed since the 1981 Otay Mesa Community Plan and remained the predominate use in the April 2009 3B and 4B scenarios. Whether on legal or simply fairness grounds, we urge the City to adopt a project description that restores the La Media project's commercial land use designation.

There are also policy reasons to correct the project description. Per our previous discussions with the City, we are aware of the City's concerns regarding traffic conditions on Otay Mesa Road. However, retaining the La Media site as commercial will not change the proposed OMCPU's level of service on Otay Mesa Road and would not appear to trigger significant delays. The site will have access from Otay Mesa Road and Caltrans has conditionally approved access from La Media Road. Therefore, the site is convenient for shoppers and supports transit development.

From a fiscal perspective, the benefits to the City of restoring the La Media project's commercial designation are supported by the City's past studies. The adopted community plan proposes 457 acres of commercial, but the consensus scenario only proposes 320 acres of commercial. The *Fiscal Impact Analysis of Otay Mesa Community Plan Update* (ERA 2007) analyzed the net fiscal impacts of three OMCPU scenarios. 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. As ERA explains, "Scenario 1's anticipated sales tax, property tax, and transient occupancy tax receipts help to generate the highest revenues of all the scenarios." (ERA at p. 7) "With the greatest proportion of residential and office development, Scenario 2 generates the most property taxes at buildout, but also the highest expenditures. Though the greatest number of new residents is anticipated in Scenario 2, this alternative has *substantially lower retail space than the other scenarios and produces less sales tax.*" (ERA at p. 7.) In other words, if the City had increased adopted commercial acres from 457 to 512, the City would net higher annual revenues. The loss of sales taxes from reducing the commercial acres from 457 to 400 acres reduces the City's net revenues by \$1.6 million. Yet the consensus scenario proposes to do more fiscal harm to the City by further reducing commercial acres to 320. Therefore, restoring the commercial use to the La Media project would appear to be wise fiscal policy for the City, particularly where the project would not cause significant new delays on Otay Mesa Road or La Media beyond which is currently anticipated under the existing Otay Mesa Community Plan or the proposed OMCPU consensus scenario.

#### B. Alternatives Analysis – Avoiding Leapfrog Patterns Along I-905 Corridor

The alternatives analysis must fulfill CEQA's mandate to examine a "reasonable range" of alternatives aimed at avoiding or reducing the significant impacts of the proposed project.<sup>1</sup> Please ensure that the PEIR does not improperly constrain the range of alternatives by eliminating options that would provide substantial reductions in the impacts of the Project or better achieve a consensus for landuse designations within the Otay Mesa Community Planning Area. For example, the PEIR should consider alternatives that would provide better locations for

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<sup>1</sup> 14 Cal. Code Regs. § 15126.6.

the OMCPU's commercial land use designations, which would substantially lessen the Project's impacts.<sup>2</sup>

Even if the City is intent on reducing commercial acres in Otay Mesa, the distribution of commercial acres does not reflect the community input the City sought. The consensus 3B scenario upzones industrial property to add commercial acres farther to east rather than retaining commercial acres, such as the La Media project ideally located at the 905 / LaMedia interchange. With the supporting residential base for Otay Mesa's commercial uses in the western part of Otay Mesa, moving commercial farther to the industrialized eastern part of Otay Mesa seems a misallocation of land uses, especially when the industrialize eastern part of Otay Mesa are already scheduled to be served by the commercial core at the port of entry.

This shifting of commercial to the east is also antithetical to the NOP's stated project feature to designate a corridor of Business Park industrial uses along SR-905. Under the consensus 3B scenario, this is achieved for most of the SR-905 until La Media road, where the scenario shifts to a leapfrog of industrial and commercial use pattern that leaves the La Media project an island of industrial within the linear corridor surrounded by commercial on either side, instead of a true commercial core. This island land use designation is typically discouraged as a form of spot zoning.

As such, if the City does not change the project description to include the La Media property with a commercial designation, we respectfully submit that a reasonable range of alternatives for the PEIR must include a "non-leapfrog alternative" identical to the proposed consensus 3B scenario with the La Media project retaining its commercial designation.

C. Alternatives Analysis – No Project Alternative Fails to Disclose Impacts.

The City correctly notes that the No Project Alternative is required by CEQA. It often serves to aid the decision-maker in understanding the environmental impacts of not moving forward with the project and what impacts may occur if development proceeds under exiting plans (ie. The 1981 Otay Mesa Community Plan).

The No Project Alternative would analyze a continuation of existing conditions including the La Media property as a commercial land use. However, in order to comply with CEQA's goal of providing information to decision-makers and the public concerning the potential environmental effects of proposed activities (14 Cal. Code Regs. 15002(a)(2)-(3)), the continued commercial use of La Media property must be analyzed in conjunction with the other

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<sup>2</sup> Pub. Res. Code § 21001(g); see also *See Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 403 (noting that EIR, which stated that no feasible alternative sites were available for relocation of university facilities other than site it owned, did not assess possibility of expanding or remodeling other facilities or possibility of purchasing or leasing other facilities).

proposed uses depicted in the consensus scenario. Failure to do so will not fairly disclose the potential effects and benefits of continuing the commercial use on the site.

D. The PEIR Must Fully Address Cumulative Impacts of the Project

The PEIR must analyze both the Project's direct and cumulative impacts.<sup>3</sup> Failing to do so would constitute a form of "piecemealing" which would violate CEQA.<sup>4</sup> "Under CEQA, the agency must consider the cumulative environmental effects of its action before a project gains irreversible momentum."<sup>5</sup> The cumulative impacts analysis should also consider the impacts of past projects.<sup>6</sup>

E. The PEIR Should Fully Analyze the Project's Indirect and Displacement Impacts

CEQA requires lead agencies to consider indirect impacts from a project.<sup>7</sup> "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."<sup>8</sup> An indirect environmental impact is a change in the physical environment that is not immediately related to the project but that is caused indirectly by the project, occurs later in time, or is farther removed in distance than direct effects.<sup>9</sup> Additionally, CEQA requires analysis of whether a lead agency's action results in the displacement of development to other areas.<sup>10</sup>

F. The PEIR Should Not Improperly Defer Analysis of Environmental Impacts

Moreover, to satisfy the informational requirements of CEQA,<sup>11</sup> the PEIR must analyze all reasonably foreseeable impacts.<sup>12</sup> Failing to analyze reasonable foreseeable impacts

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<sup>3</sup> 14 Cal. Code Regs. §§ 15126.2(a), 15130.

<sup>4</sup> See *Orinda Ass'n v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171; see also *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306.

<sup>5</sup> *City of Antioch v. City Counsel* (1986) 187 Cal.App.3d 1325, 1333.

<sup>6</sup> See *Environmental Protection & Information Center v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 523.

<sup>7</sup> *Stanislaus Audubon Soc'y, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 (EIR required for golf course project because adverse impacts would result indirectly from later residential development that might be attracted to area by development of golf course).

<sup>8</sup> 14 Cal Code Regs § 15126.2(a).

<sup>9</sup> 14 Cal Code Regs §§ 15064(d)(2), 15358(a)(2).

<sup>10</sup> *Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372, 383.

<sup>11</sup> It is noteworthy that when the informational requirements of CEQA are not complied with, an agency fails to proceed in a "manner required by law," and has therefore abused its discretion. (Pub. Resources Code, § 21168.5; see also *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 1428.)

eviscerates one of CEQA's prime purposes, to have, "at the earliest feasible time, project sponsors . . . incorporate environmental considerations into project conceptualization, design, and planning."<sup>13</sup>

Moreover, analysis of indirect and displacement impacts should not be deferred. If the PEIR does not consider the potentially significant impacts induced by, or indirectly caused by, approval of the Project, the PEIR would impermissibly segment the whole of the project.<sup>14</sup>

#### G. Land Use

The PEIR's land use analysis should also consider the "transformation" impacts caused by the Project.<sup>15</sup> This analysis must address the direct, indirect, and cumulative impacts caused by adding commercial to areas currently designated industrial. Because the Project would eliminate the current industrial designation on certain parcels, the General Plan requires an analysis of whether the property could still feasibly support industrial uses.<sup>16</sup> There are potentially significant land use and other environmental impacts resulting from the Project's transformational aspects that should be evaluated in the PEIR.

Please address all impacts of the Project on the General Plan including addressing section EP-L-2, which states: "Prepare a Community and Economic Benefit Assessment (CEBA) process focusing on economic and fiscal impact information for significant community plan amendments involving land use or intensity revisions. A determination of whether a CEBA is required for community plan amendments will be made when the community plan is initiated."<sup>17</sup> The Project is a significant land use and intensity revision as defined in the General Plan, requiring preparation of a CEBA. The City's preparation of a CEBA in 2007 analyzed different scenarios that the proposed consensus 3B scenario. As discussed above, the consensus 3B scenario appears to dramatically depart from the commercial acreage levels in the 2007 CEBA that would maximize net annual revenues for the City. As such, a revised CEBA based on the consensus 3B scenario and a reasonable range of alternatives that includes an increase in commercial acres would seem to be in order, if not required by the General Plan.

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<sup>12</sup> 14 Cal. Code Regs. § 15064(d); see also *City of Antioch, supra*, 187 Cal.App.3d 1325.

<sup>13</sup> 14 Cal. Code Regs. § 15004(b)(1).

<sup>14</sup> See *Laurel Heights Improvement Assoc. v. Regents of the Univ. of California* (1988) 47 Cal.3d 376, 391 fn. 2.

<sup>15</sup> 14 Cal. Code Regs. § 15355(b); see also *Environmental Protection Center v. Johnson* (1985) 170 Cal.App.3d 604, 624-25.

<sup>16</sup> General Plan, at p. EP-8 to EP-9.

<sup>17</sup> *Id.* at p. EP-36.

Additionally, the Land Use section of the NOP fails to mention whether the PEIR will analyze conformity with California's landmark planning law, SB 375.<sup>18</sup> It requires that SANDAG prepare a "Sustainable Communities Strategy," which must encourage development that reduces GHG emissions. Please ensure that the PEIR fully analyzes the Project's consistency with the Sustainable Communities Strategy and fully complies with SB 375.

## **II. Request for Special Notice and Copy of NOP**

In order to facilitate a prompt exchange of information as the OMCPU moves forward, please accept this letter as my written request for Special Notice of any actions related to the OMCPU including, but not limited to, all decisions, meetings, hearings, and/or workshops concerning the Project, and the distribution of any other documents prepared in accordance with CEQA for the Project which are available for public review and comment. Although the City did not elect to provide a copy of its initial study with the NOP, in the event an initial study was prepared, I respectfully request a copy. If necessary, please accept this letter as a Public Records Act request for the initial study. Copies of documents and Special Notice can be provided to the following address:

John E. Ponder, Esq.  
Sheppard, Mullin, Richter & Hampton LLP  
501 West Broadway, Suite 1900  
San Diego, CA 92101  
Tel: 619.338.6500  
Fax: 619.234.3815  
E-mail: [jponder@sheppardmullin.com](mailto:jponder@sheppardmullin.com)

With a copy to:

Ann Marie Berg  
Senior Vice President, Director of Corporate Facilities  
Western Alliance Bancorporation  
2700 West Sahara Avenue  
Las Vegas, NV 89102  
[aberg@torreypinesbank.com](mailto:aberg@torreypinesbank.com)  
(702) 856-7219

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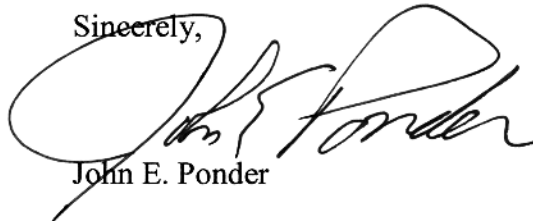
<sup>18</sup> NOP at p. 6-7.

### **III. Conclusion**

Thank you for the opportunity to comment on the NOP. We respectfully request that you review each of these concerns in the PEIR and ensure that the Project's impacts do not degrade Otay Mesa's high quality of life and distinctive community character. Western Alliance Bancorporation plans to stay involved throughout the Project's planning process to ensure the impacts to the community are thoroughly analyzed and the concerns discussed in this letter are addressed.

On behalf of Western Alliance Bancorporation, 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.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Ponder", is written over the word "Sincerely,".

John E. Ponder

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:8JWF1\403036970.4

cc: Elizabeth Maland, City Clerk, City of San Diego  
William Anderson, Director, Department of City Planning and Community Investment  
Mary Wright, Deputy Director, Department of City Planning and Community Investment  
Anne Marie Berg, Senior Vice President, Western Alliance Bancorporation



## Development Services Department

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November 1, 2010

Myra Herrmann, Senior Environmental Planner  
City of San Diego  
Development Services Center  
1222 First Avenue, MS501  
San Diego, CA 92101

Re: Otay Mesa Community Plan Update Revised Notice of Preparation (NOP)

Thank you for providing the City of Chula Vista the opportunity to comment on the Revised Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for the proposed Otay Mesa Community Plan Update.

As we understand the proposed project, it is an update of the Otay Mesa Community Plan. Among other things, the intent of the update is to carry forward desired changes in land use types, densities and intensities envisioned through your City of Villages General Plan Framework Element. The EIR project description has been revised since the first NOP was circulated for the Otay Mesa Community Plan Update EIR.

Previously three land use scenarios were to be analyzed in the EIR. We now understand that only one scenario will be analyzed at the full project level in the EIR. The proposed scenario decreases the total acreage for residential development, reduces the number of single-family dwellings while increasing the number of multiple-family dwellings and creates a new designation of "Residential Areas w/Village Centers"; all of which result in an increase of 7,617 residential units beyond what is in the currently adopted Community Plan. The proposed scenario reduces the commercial acreage by 137 acres, increases the Industrial acreage by 486 acres, increases the institutional acreage by 136 acres and adds 294 acres to Parks and Open Space.

The proposed scenario also includes changes to the Circulation Element involving 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).

The City of Chula Vista submitted comments on the first Otay Mesa Community Plan Update EIR NOP dated November 17, 2006 (attached). Those comments remain valid and the issues addressed in that comment letter should be addressed in the DEIR. In addition, certain circumstances have changed since the original NOP that should also be addressed in the DEIR.


The City of Chula Vista adopted two Land Offer Agreements (LOAs) in 2008 between the City of Chula Vista and the Otay Land Company LLC; and the City of Chula Vista and JJJ&K Investments Myra Herrmann, Senior Environmental Planner

Two, LLC; OV Three Two, LLC; and RR Quarry, LLC, respectively. The LOAs contemplate changes to the City's adopted General Plan. The changes include increases in residential density, modification of the University site and location of a Regional Technology Park (RTP) within the University site.

Chula Vista staff has been meeting with San Diego staff to discuss traffic modeling for both the University Villages General Plan Update and the Otay Mesa Community Plan Update. We recognize that our two Cities are working together to create a variety of traffic models that analyze traffic impacts throughout the study area with a variety of land use and circulation assumptions. We look forward to this on-going effort.

Thank you for the opportunity to comment on the NOP. We look forward to reviewing the Draft EIR. Please feel free to contact me if you have any questions on this.

Sincerely,



Marilyn R.F. Pongeggi  
Principal Planner

Attach: NOP Comment Letter dated November 17, 2006

Cc: Gary Halbert, Assistant City Manager/Development Services Director  
Dave Kaplan, Transportation Engineer



**PLANNING & BUILDING DEPARTMENT**

November 17, 2006

Myra Herrmann, Senior Environmental Planner  
City of San Diego  
Development Services Center  
1222 First Avenue, MS501  
San Diego, CA 92101

Re: Otay Mesa Community Plan Update Notice of Preparation (NOP)

Thank you for providing the City of Chula Vista the opportunity to comment on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for the proposed Otay Mesa Community Plan Update.

As we understand the proposed project, it is an update of the Otay Mesa Community Plan. Among other things, the intent of the update is to carry forward desired changes in land use types, densities and intensities envisioned through your City of Villages General Plan Framework Element. Three land use scenarios will be analyzed in the EIR. All three of the scenarios would re-designate land uses to increase the number of allowed residential units and reduce the acreage for industrial uses. Two of the scenarios would increase the amount of commercial land uses over the existing community plan. Circulation changes to various roadways including Heritage Road, La Media Road and Otay Valley Road are also proposed as well as the designation of various sites for public facilities such as a drainage facility, schools, parks, libraries, etc.

The City of Chula Vista has a particular interest in the proposed Otay Mesa Community Plan Update given the subject area's proximity to the City of Chula Vista, the interrelationship of the County and the City of San Diego with Chula Vista, and the potential impacts of the proposed Otay Mesa land use designations on the City of Chula Vista. As you may be aware, land use decisions made through joint planning efforts for the adjoining Otay Ranch project were in consideration of the currently adopted land use patterns on the Otay Mesa. In order to ensure that any proposed changes appropriately address these mutual considerations, the following issues should be addressed in the EIR:

Jobs/Housing Balance

All of the scenarios to be analyzed reduce industrial acreage and increase residential units to some extent. A jobs/housing imbalance and the results it creates in regional commuting patterns

and roadway/freeway congestion is an issue of concern, particularly in the South Bay subregion. The need for retaining and expanding the capacity for higher-value jobs is clear. Chula Vista's recently adopted General Plan Update acknowledged this issue, and expanded industrial/tech park employment designation acreage in eastern Chula Vista in response to the need for wages to keep pace with rising housing costs, and to lessen burdens on regional commuting. This was in recognition of, and in addition to the industrial lands currently designated on Otay Mesa. In fact, the original planning of the strong residential base in the Otay Ranch plan was the result of joint understandings that the Otay Mesa would provide a higher-value jobs base.

Absent retention of sufficient jobs on the Otay Mesa, the regional commuting and traffic pattern assumptions associated with the original Otay Ranch planning, and the recently adopted Chula Vista General Plan, could be fundamentally altered, and generate systemic affects to the planned transportation and transit networks. The EIR should analyze the impact that the proposed reductions in higher-value industrial job base, and the simultaneous increase in residential units would have on the jobs/housing balance for the larger South Bay subregion as well as the regional transportation network.

#### Traffic Analysis Methodology

The EIR will need to address potentially significant impacts due to increased traffic demand. The subsequent Traffic Impact Analysis should assess the direct and cumulative impacts to the City of Chula Vista's circulation system in terms that correspond to the methodologies that have been used to date throughout the City of Chula Vista. In particular, the City's Growth Management thresholds of significance and City of Chula Vista Roadway Capacity Standards should be used for the analysis of the City's intersection and arterial segments that will be impacted by the project. All traffic models should use the most up to date current and proposed land uses within the City of Chula Vista and be consistent with assumptions used in the transportation analysis for the City's recently completed General Plan Update.

#### Infrastructure

The EIR should identify impacts to public infrastructure based on the proposed changes to the land uses within the Community Plan area as well as currently adopted land uses within the surrounding communities. In accordance with CEQA, mitigation measures must identify all public facilities necessary to mitigate impacts including facilities that are not within the limits of the project area or jurisdiction. Such improvements would include major roads, sewers, and potential bridge structures (such as bridges over the Otay River along La Media Road and Heritage Road), which may be required to accommodate the anticipated growth.

We appreciate the opportunity to comment on this NOP and looks forward to working with you during the preparation of the EIR and to reviewing the completed document. The City of Chula Vista requests notification prior to any and all scheduled public meetings, hearings, and workshops, and availability of draft documents related to the proposed project. Please send

Page 3  
Herrmann/NOP  
November 17, 2006

notices to my attention. If you have any questions regarding the above comments, please contact me at (619) 585-5707.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn R.F. Pongeggi". The signature is fluid and cursive, with the first name "Marilyn" being more prominent.

Marilyn R.F. Pongeggi  
Environmental Special Projects Manager

cc: Jim Sandoval, Director of Planning & Building  
Ed Batchelder, Advanced Planning Manager  
Jim Newton, Acting Principal Engineer – Traffic Division



# DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

November 4, 2010

**VIA EMAIL: [DSDEAS@SanDiego.gov](mailto:DSDEAS@SanDiego.gov)**

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

Subject: Otay Mesa Community Plan Update, Project Number 30330  
- SCH# 2004051076

Dear Ms. Herrmann:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a DEIR for the Otay Mesa Community Plan Update. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

**Project Description:**

The Otay Mesa Community Plan (project) would provide a long-range, comprehensive policy framework for growth and development in the Otay Mesa community over the next 20 to 30 years. Guided by citywide policy direction contained within the City of San Diego's General Plan, the updated Otay Mesa plan will identify a land use strategy with new land use designations to create villages, activity centers and industrial/employment centers along major transportation corridors.

The Department of Conservation's Farmland Mapping & Monitoring Program's San Diego County Important Farmland map designates the Otay Mesa area as Urban Built-Up Land, Farmland of Local Importance, Unique Farmland, and Farmland of Statewide Importance.

Ms. Myra Herrmann  
November 4, 2010  
Page 2 of 3



### **Division Comments:**

The Division recommends that the DEIR address the following items in order to provide a comprehensive discussion of potential impacts of the Community Plan Update on agricultural land and activities:

#### **Agricultural Setting of the Project**

- Location and extent of Farmland of Statewide Importance, Unique Farmland, and other types of farmland in and adjacent to the project area.
- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

To help describe the full agricultural resource value of the soils of the area, the Department recommends the use of economic multipliers to assess the total contribution of the area's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

#### **Project Impacts on Agricultural Land**

When determining the agricultural value of the land, it's important to recognize that the value of a property may have been reduced over the years due to inactivity, but it does not mean that there is no longer any agricultural value. The inability to farm the land, rather than the choice not to do so, is what could constitute a reduced agricultural value. The Division recommends the following discussion under the Agricultural Resources section of the Draft EIR:

- Type, amount, and location of potential farmland conversion resulting directly and indirectly from project implementation (i.e., rezoning) and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely specific projects in the future.

#### **Mitigation Measures**

Although direct conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, mitigation measures must be

Ms. Myra Herrmann  
November 4, 2010  
Page 3 of 3

considered. The adoption of a Statement of Overriding Consideration does not absolve an agency of the requirement to implement feasible mitigation that lessens a project's impacts. A principal purpose of an EIR is to present a discussion of mitigation measures in order to fully inform decision-makers and the public about ways to lessen a project's impacts. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline §15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact.

Mitigation can be accomplished by incorporating a program or policy into the Otay Mesa Community Plan Update which would require mitigation for any specific future projects permitted within the Community Plan boundaries that would impact agricultural resources .

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number at the conclusion of this letter.

Thank you for giving us the opportunity to comment on the Otay Mesa Community Plan Update. Please provide this Department with the date of any hearings for this particular action, a copy of the DEIR, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis  
Program Manager  
Williamson Act Program

cc: State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
4050 TAYLOR STREET, MS 240  
SAN DIEGO, CA 92110  
PHONE (619) 688-6960  
FAX (619) 688-4299  
TTY 711



*Flex your power!  
Be energy efficient!*

November 8, 2010

11-SD-905  
DEIR NOP

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

Otay Mesa Community Plan Update  
SCH 2004051076

Dear Ms. Herrman:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Notice of Preparation (NOP) for a draft Environmental Impact Report (EIR) for the Otay Mesa Community Plan Update. The Otay Mesa Community is located within the southern region of the City. It is 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 State Route 905 (SR-905), State Route 125 (SR-125) and the proposed State Route (SR-11). Caltrans would like to submit the following comments:

Caltrans recommends early coordination in the update of the mobility element of the Otay Mesa Community Plan.

A traffic impact study is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures. The study should use as a guideline the *Caltrans Guide for the Preparation of Traffic Impact Studies*. Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide.

The Level of Service (LOS) for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing

noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.

All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

The data used in the TIS should not be more than 2 years old.

Caltrans endeavors that 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) and National Environmental Policy Act (NEPA) standards.

Mitigation measures to State facilities should be included in the traffic impact analysis. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

The lead agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable LOS. Should the LOS reach unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.

Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

Caltrans recognizes that there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both total vehicle miles traveled and the number of trips. Caltrans encourages local agencies to work towards a safe, functional, interconnected, multi-modal system.

Caltrans supports the concept of a local circulation system which is pedestrian, bicycle, and

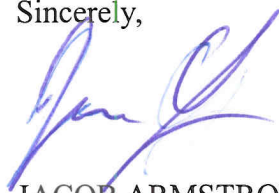
*"Caltrans improves mobility across California"*

Ms. Myra Herrman  
November 8, 2010  
Page 3

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 continued coordination with City staff and community representatives on this community plan update. If you have any questions, please contact Anthony Aguirre, of the Development Review Branch, at (619) 688-3161.

Sincerely,



JACOB ARMSTRONG, Chief  
Development Review Branch