



Development Services Department

Advance Planning Division

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Re: Village 13 Resort Village Draft EIR Comments (SCH# 2004101058) on the OTAY RANCH VILLAGE 13 MASTER PLANNED COMMUNITY - RESORT VILLAGE: PDS2004-3800-04-003; PDS2004-3810-04-002; PDS2004-3600-04-009; PDS2004-3100- 5361A & B; LOG NO. PDS2004-04-19005; SCH NO. 2004101058 DEIR

The City of Chula Vista has reviewed the Administrative Draft Environmental Impact Report (DEIR) for the proposed Village 13 Resort Village (Project). Village 13 is a part of the Otay Ranch project that was jointly entitled by the City of Chula Vista and the County of San Diego. The Otay Ranch includes a Biological Preserve that is jointly managed by Chula Vista and the County. The proposed project consists of a general plan amendments (GPA), specific plan, rezone, and tentative maps (TM) for the proposed Project site.. The Project includes the proposed development of 1,881 single-family dwelling units, a mixed-use area with 57 multi-family residences and up to 20,000 square feet of neighborhood commercial uses, and a 17.4-acre resort hotel that would consist of up to 200 guest rooms and up to 20,000 square feet of ancillary commercial/office uses, including meeting rooms, a conference center, offices, shops, and restaurants. The Project also includes an elementary school site, nine park sites, a public safety site that could house a fire station and law enforcement storefront, approximately 1,089 acres of Preserve open space, and approximately 144 acres of other open space.

After our thorough review of the DEIR the City of Chula Vista has concluded that the document contains inaccuracies and that it is inadequate to disclosure the full impacts of the Project. As further discussed below the document does not fully analyze the impacts of the project on the environment nor does it identify adequate mitigation measures to fully mitigate those impacts. We therefore request that the document be revised to address those areas discussed in our comment letter and that the revised document be recirculated for public review.

General Comments

A-4-2 The Notice of Preparation (NOP) was issued 10 years ago and is out of date. Several projects have been entitled and substantial development has occurred in Chula Vista since 1995. These projects will have likely have impacts on and will be impacted by the project. The NOP needs to be updated to include those projects in the baseline of the impact analysis and recirculated.

Mitigation Measures

A-4-3 Many of the mitigation measures in the DEIR do not have monitorable and enforceable (CEQA Guidelines Section 15126.4(a)(2)) components. All mitigation measures should contain enforceable components, timeframes and/or performance standards, and must identify the responsible entities for carrying out and monitoring the mitigation. Here are two examples:

M-GE-2d - When all measures to mitigate rock fall hazards have been provided, a professional opinion from an engineering geologist shall be provided that indicates that the potential risk for rock fall hazards to impact the proposed development would be less than significant with the mitigation measures that were implemented. It should also be stated that with mitigation measures incorporated, the proposed development is considered safe for human occupancy.

M-AE-1 - All grading plans, landscape plans, and improvement plans for the proposed Project shall be evaluated for Project compliance with the aesthetic design mitigation measures of this EIR, the Resort Village Specific Plan (Development Regulations), the Resort Village Design Plan, and the Resort Village Preserve Edge Plan.

M-GE-2 and M-AE-1 are typical of measures throughout the DEIR which improperly defer the identification of necessary mitigation measures as well as the determination of the significance of the impact until after the project is approved, and improperly delegate the significance determination to a consultant. (See *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260.)

Aesthetics and Visual

A-4-4 Section 2.1 lacks an analysis of the impacts of landform changes, such as slopes up to 140 feet, the taking of 70 feet off of the hill for the pad for the resort, and retaining walls that go up to 25 feet in height (see these descriptions in the Project Description on page 1.0-12).

A-4-5 Section 2.1.2.4, Pages 2.1-12 to 2.1-14: The listing of mitigation measures from the PEIR is incomplete. The following are applicable Aesthetics mitigation measures from the PEIR MMRP that are not addressed in this section and must either be incorporated into the DEIR or an explanation provided as to why they are not applicable or necessary:

MM 1, bullet 4 (slopes ratios not exceeding 2:1 shall be utilized on grading plans)

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MM 3 (grading plans shall be prepared by certified engineer and evaluated by planning and engineering departments. Development shall be constructed according to those plans as well as grading policies)

MM4 (slopes exceeding 15 feet shall be identified and special attention shall be placed on grading and design features listed in the mitigation measure)

MM5, bullet 7 (buffers between villages and incompatible uses)

MM5, bullet 9 (this mitigation measure addresses night lighting which is addressed in the analysis; however, it is also a mitigation measure in the PEIR MMRP and should be acknowledged)

MM6 (requirement for design review): Section 2.1.2.4, Page 2.1-12: The first PEIR mitigation measure quoted is different than the 1993 PEIR MMRP. The phrase “or iconic architectural element within the Resort and Mixed-Use land use designations approved pursuant to a Site Plan” is added text. Explain the origin of the added text.

2.1 Aesthetics and Visual Resources

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Page 2.1-22 -- Figure 2.1-1B: *Simulation From Point of View #1* does not reflect Tentative Map A (Figure 1.0-11A, Page 1-57). According to Figure 1.0-11A, residential development will occur at the same and higher elevations as the water tank. Additional residential development will be visible from this vantage point. Page 2.1-32, Figure 2.1-6B *Simulation From Point of View #6* shows Otay Lakes Road realigned. However, page 1.0-25 states: “In addition, because the Project proposes to maintain Otay Lakes Road in its current alignment, the proposed Otay SRP text/policy amendments would delete the grading and landform policies calling for the abandonment and rehabilitation of Otay Lakes Road and its realignment.” Please revise this simulation to reflect the current alignment of Otay Lakes Road.

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Section 2.1.5 -- page 2.1-16: M-AE-1 requires evaluation of grading plans “for Project compliance with the aesthetic design mitigation measures of this EIR, the Resort Village Specific Plan (Development Regulations), the Resort Village Design Plan, and the Resort Village Preserve Edge Plan.” However, a grading permit is being requested now as a discretionary action (see Table 1.0-1 on page 1.0-38). Therefore, grading plans should not be included in this mitigation measure, and the DEIR analysis of the grading plan should demonstrate how it complies with the Plans listed in this mitigation measure.

2.2 Air Quality

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Page 2.2-7: The DEIR indicates the proposed project will involve the crushing of 4,784,960 pounds of rock. However, there is no mention of the source of the rock, the location of the crushing equipment,

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the distance the rock and crushed rock will be transported or the number of truck trips necessary. Additional information should be included in the DEIR and the potential impacts to air quality from the rock crushing operation should be disclosed. If the impacts are determined to be significant, mitigation measures to reduce the impact to less than significant needs to be included in the DEIR.

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Page 2.2-8: The DEIR indicates there will be significant direct impacts to regional air quality as a result of construction and operation of the proposed project. However, the DEIR does not provide any information to correlate the additional tons of daily or annual construction and operation emissions to anticipated adverse health impacts from the emissions. The DEIR needs to identify and analyze the adverse health impacts likely to result from the proposed project's air quality impacts.

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Page 2.2-9 -- Carbon Monoxide: The DEIR provides a qualitative rather than quantitative analysis of potential impacts of construction traffic on sensitive receptors. Elsewhere, the DEIR indicates full build-out of the proposed project will occur in 2025. Please identify the duration of construction—will it be continuous over a ten-year period? Please also identify the number of construction workers anticipated during each phase of construction. Rather than engaging in an improper “ratio” comparison of the number of construction vehicles, please analyze whether the estimated number of construction vehicles will or will not affect the level of service of any roadway or intersection in the project area.

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Page 2.2.10 -- Diesel Particulate Matter: The DEIR does not mention the on-site generator for the rock crushing equipment, conveyor and truck loading equipment. Will the generator be diesel powered? Were emissions from trucks or other construction equipment required to transport rock to and from the rock crusher taken into account?

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The DEIR says that “construction activities would occur at a distance reasonably considered to have an effect on a sensitive receptor would be approximately 1 year.” What facts or other data support this assumption?

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Page 2.2-14: With respect to cumulative impacts from both construction and operations emissions, the DEIR says that the health effects attributed to criteria air pollutants emitted by the proposed project cannot be accurately predicted at this time because of the numerous variables that influence public health. However, the DEIR is required to make a good faith estimate to determine the existing conditions regarding respiratory-related health conditions in the project area and to make reasonable forecasts based on available information regarding whether increased pollutant emissions from the proposed project will result in increased health impacts.

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Page 2.2-17 – Page 2.2-18: Mitigation Measure AQ-1: Please identify the “applicants” who are required to perform this mitigation measure. Since the applicants for approval of a proposed project often use contractors and subcontractors to perform grading and construction activities, please identify the party responsible for ensuring that all of the measures specified in MM AQ-1 will be implemented.

To address fugitive dust from the rock crushing conveyor and loading activities, the third bullet point should be expanded to provide that “Water sprayers shall be installed on the rock crushing equipment, conveyor and haul truck loading equipment to control particulate emissions during crushing operations.”

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To reduce diesel particulate emissions, revise the following measure as indicated: “Minimize simultaneous operation of multiple construction equipment units. During construction, idling time for all construction equipment and vehicles shall be limited to 2 minutes and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. ”

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Table 2.2-4: According to this table the majority of pollutant emissions during construction occur due to blasting activities, yet none of the mitigation requirements listed in MM AQ-1 address blasting emissions. Provide mitigation measures that can avoid, reduce or offset the enormous impacts of proposed blasting activities.

Table 2.2-5, motor vehicle emissions appear to make up a significant portion of the project-related and cumulative emissions from project operations. However, the only mitigation activity proposed in MM AQ-2 which addresses motor vehicle emissions is to “[i]ncorporate pedestrian trails, paths and sidewalks, and bicycle trails to encourage reduction in vehicle usage and trips.” There are a number of other feasible mitigation measures which should be included in MM AQ-2 to reduce VMT and associated emissions. These include, but are not limited to:

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- Encourage low or zero-emission vehicles by designating a certain percentage of parking spaces for low or zero-emission vehicles,
- Promote ride sharing programs; e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).
- Provide public transit incentives, such as free or low-cost monthly transit passes.
- For the resort and commercial spaces, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For schools, recreation areas and public facilities, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking.
- Institute a telecommuter work program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences.

- Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.
- Consider revisions to the design of the proposed project to incorporate innovative design and program solutions to improve the mobility, efficiency, connectivity, and safety of the project transportation system. Innovative design solutions include, but are not limited to, traffic calming devices, roundabouts, traffic circles, curb extensions, separated bicycle infrastructure, pedestrian scramble intersections, high visibility pedestrian treatments and infrastructure, and traffic signal coordination. Innovative program solutions include, but are not limited to, webpages with travel demand and traffic signal management information, car and bike share programs, active transportation campaigns, and intergenerational programs around schools to enhance safe routes to schools. Other innovative solutions include bicycle friendly business districts, electric and solar power energy transportation systems, intelligent transportation systems, semi- or full autonomous vehicles, trams, and shuttles.

Pages 2.2-15 -- Page 2.2-16, Section 2.2.3.2 states: *“Because there is no local CO and TAC guidance within the RAQS, guidance from ARB and the Bay Area Air Quality Management District (BAAQMD) was used to develop buffer zone distances between CO, TAC, and odor sources and sensitive receptors.”* Therefore, the analysis is relying on the BAAQMD guidelines to establish buffer zones to mitigate local CO and TAC impacts.

Then, the text states: *“In the case that construction-related TAC emissions from earth-moving could impact sensitive receptors within the Project site, the BAAQMD has identified that a buffer zone of at least 900 meters would be needed for development of 1,000 to 2,000 dwelling units to be considered a less than significant non-cancer and cancer risk (BAAQMD 2010).”* This statement implies that there may be an onsite impact related to TAC and that the mitigation would be to establish a buffer.

The text goes on to state: *“It is not feasible to implement a buffer zone because of the need to construct the Project in phases and the design of the Project”.* This statement would imply that the applicant has not accepted the mitigation, and the impact is unmitigable.

Lastly, the text states *“however, due to the requirement to implement T-BACT (Tier 2 and Tier 3 equipment) and the transient nature of construction, impacts to residences within the development would not be expected to exceed the impacts predicted for the nearest off-site receptor based on the analysis in the Air Quality Technical Report (SRA 2014). Therefore, this impact would be a less than cumulatively considerable impact.”* The mitigation measures currently only require *“All construction equipment shall be outfitted with best available control technology (BACT) devices”.* However, there is no “requirement” to use Tier 2 and 3 equipment. Please add this requirement to the required mitigation; otherwise, the reason for not accepting the buffer mitigation is not substantiated. In addition, the construction analysis does not analyze a worst case condition where construction is overlapping and ongoing, thereby not transient. Therefore, this reason for not considering a buffer based on the BAAQMD guidelines (on which the analysis relies) is not substantiated. Therefore, the DEIR’s

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A-4-17 Cont. conclusion regarding the cumulative impact from TAC emissions is not supported by the evidence and the impact is significant and unmitigated.

A-4-18 Section 2.2.2.2, Page 2.2-6: Information about blasting operation assumptions is not provided as indicated in the last paragraph.

A-4-19 Section 2.2.2.3, Pages 2.2-9-2.2-10: The analysis of construction traffic as it related to mobile emissions assumes consecutive phases and thereby minimizes the number of construction trips. There is no analysis of a worst case condition where phases are overlapping. For example, grading may be occurring in one area of the site while contractors are installing landscaping or painting homes in another area of the site. The overlapping of construction phasing should be considered in the mobile emissions analysis.

Section 2.2.2.3, Page 2.2-10 states: “*All Project construction equipment shall meet ARB’s most recent certification for off-road heavy-duty diesel engines.*” However, MM AQ-1 does not include this measure. Add this requirement to MM AQ-1.

A-4-20 Section 2.2.2.3, Page 2.2-12: The project analysis concludes that there is no CO impact at the Otay Lakes Road/Wueste Road intersection in 2030 because of mitigation. The analysis should address the Cumulative 2025 condition where the intersection is operating at LOS F and there is no mitigation (the traffic analysis acknowledges on page 2.9-50, Sections 2.9.7.2 and 2.9.7.3) since the DEIR says that improvements to this intersection are within the City of Chula Vista, and until the City concurs with the suggested mitigation of a signal, the impact remains significant and unmitigated.

Global Climate Change

A-4-21 Page 3.8-4: State Action: Please add the Governor’s recent Executive Order B-30-15 to the applicable list of “State Action” measures. Executive Order B-30-15 established a state goal of reducing greenhouse gas (GHG) emissions to 40 percent below 1990 levels by 2030. Was this recent Executive Order taken into account in this section’s analysis of impacts related to GHG emissions? If not, indicate whether and how the proposed project will achieve the targeted reductions.

A-4-22 Page 3.8-10: Local Action: The DEIR does not mention the Climate Action Plan (CAP) adopted by the County as required by Climate Change Mitigation Measure CC-1.2 of the General Plan Program EIR, or the fact that the CAP was held by the courts to be inadequate because it did not meet the requirements of CC-1.2 to provide more detailed GHG emissions reduction targets and deadlines and comprehensive and enforceable GHG emission reduction measures that would achieve the targeted reductions. (See *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152.) The DEIR discloses litigation concerning other agencies’ GHG reduction programs and significance thresholds, such as the lawsuits against SANDAG and BAAQMD. Since the *Sierra Club* lawsuit also set aside the County’s GHG thresholds of significance for GHG emissions, shouldn’t it be disclosed and discussed to provide context for the DEIR’s use of seven other methodologies for evaluating the significance of GHG emissions?

A-4-23 | Section 3.8.2.1 -- Page 3.8-13: Appendix G Guidelines: Do the “applicable plan[s], polic[ies] or regulation[s] adopted for the purpose of reducing greenhouse gas emissions” in the second bullet point include Executive Order B-30-15? If not, please include the updated emission reduction targets established in that Executive Order in the DEIR’s impact analysis.

A-4-24 | Section 3.8.2.2 – Page 3.8-14: Emission Sources: Does the DEIR analyze the GHG emissions associated with the energy required to convey potable water to the project site?

A-4-25 | Page 3.8-17: Methodology 1: What are the “project design features” which are taken into account in estimating the proposed project’s GHG emissions? Do they include all of the design features listed in Table 3.8-2 on page 3.8-29? Will all of the design features listed in Table 3.8-2 be required as conditions of approval of the proposed project?

A-4-26 | The analysis is defective because there is no assurance the anticipated GHG emission reductions will occur with respect to some of the proposed design features. For example, the analysis assumes a 30 percent reduction in water consumption as a result of the proposed Water Conservation Plan in Appendix VI. However, the Residential Water Conservation Plan included as Appendix VI of the Resort Village Specific Plan merely provides “strategies” for reducing outdoor water consumption by 30 percent, not enforceable measures. Appendix VI specifically provides that its recommendations are not intended to be prescriptive detailed landscape plans, but instead represent one approach to outdoor water conservation. In other words, there is no requirement that any of the concepts discussed in Appendix VI must be implemented. The water conservation plan in Appendix VI is neither a mandatory design feature of the proposed project nor a required mitigation measure, so the assumption that the project will reduce outdoor water consumption by 30 percent is not supported by the evidence. Merely quantifying the extent of potential reductions is meaningless without evidence showing the likelihood of implementation of proposed emission reduction measures. (See *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152.)

A-4-27 | Similarly, in Table 3.8-2 on page 3.8-32, the project design features assume that incorporating solar panels on project buildings will offset electricity usage by 30 percent. However, Table 3.8-2 does not indicate on what buildings solar panels will be installed, how many panels or buildings will be required to achieve the targeted reduction, whether this design feature will be required as a condition of approval, or any other information to establish whether and to what extent this design feature actually will be implemented.

A-4-28 | Page 3.8-19: Under Methodology 1, with “regulatory reduction and project design features,” the DEIR estimated the proposed project would increase GHG emissions by 31,755 metric tons of CO2e per year at build-out in 2025. Under Methodology 2, with specified “regulatory standards and project design features,” the DEIR estimated the “mitigated” proposed project would increase GHG emissions by 34,692 metric tons of CO2e per year in 2020. Did Methodology 1 and Methodology 2 consider the same regulatory standards and project design features in determining the anticipated emission reductions for each methodology? Did they assume the project design features in Table 3.2-8?

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Page 3.8-21: Methodology 5, County of San Diego General Plan: The DEIR fails to address how the General Plan can be used to determine the significance of GHG emissions impacts when the CAP which was adopted pursuant to the County's General Plan was deemed insufficient by the courts. The Program EIR for the General Plan included a mitigation measure which required the County to adopt a CAP that would provide more detailed GHG emissions reduction targets and deadlines and comprehensive and enforceable GHG emission reduction measures that would achieve the targeted reductions. However, the County adopted a CAP and thresholds for determining the significance of GHG emissions which were found to be inadequate by the trial and appellate courts. How can the proposed project be consistent with the County's General Plan if the County has not yet adopted an adequate CAP, as required by the General Plan Program EIR?

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Page 3.8-22: The DEIR's estimates of GHG emission reductions in 2020, 2025, 2035 and 2050 are based on the same assumptions regarding applicable regulatory standards and project design features. In the lawsuit concerning its CAP, the County acknowledged that State and local measures alone were insufficient to achieve GHG emission reduction targets. (See *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1052.) However, the DEIR does not identify any project specific design features or mitigation measures that are intended to reduce the GHG emissions of the proposed project.

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In addition, the project design features listed in Table 3.8-2 include the assumptions that water consumption and electricity usage will be reduced by 30 percent each through implementation of a water conservation plan and installation of solar panels on buildings. However, the water conservation plan (DEIR, Appendix VI) is neither mandatory or fully formulated and consists of nothing more than one possible, non-mandatory approach to reducing outside water use. And Section 3.8 of the DEIR does not provide any details about the installation of solar panels and does not refer the reader to any other section or appendix in the DEIR where such information can be found. As a result, the assumptions and conclusions regarding GHG emission reductions are not supported by substantial evidence.

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Page 3.8-26: The DEIR's discussion of the proposed project's contribution to potential cumulative impacts due to GHG emissions is deficient in several respects. First, the DEIR does not identify the other past, present and reasonably foreseeable future projects with related impacts that are considered in the cumulative analysis. Second, the analysis appears to be qualitative, with no disclosure or quantitative discussion of the combined amount of GHG emissions that will result from the proposed project and the cumulative projects. Third, the cumulative impacts discussion appears to rely on project design features. If these features are the same as those listed in Table 3.8-2, including features relating to the reduction of water and electricity consumption, they suffer from the same deficiencies identified above.

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The DEIR says the proposed project will increase GHG emissions by 34,692 metric tons of CO2 equivalent in 2020 and 31,755 metric tons by build-out in 2025, but finds this impact will not be significant because the proposed project will comply with applicable laws and regulations and will incorporate certain design features. This conclusion is defective because the project design features for water and electricity usage, which assume a 30 percent reduction in water consumption and an equivalent reduction in electricity usage, have not yet been formulated and are not enforceable. There also are no enforceable provisions in the DEIR to reduce vehicle miles traveled or to increase public

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Cont . transit opportunities, even though transportation activities are the largest single source of GHG emissions.

A-4-34 Section 3.8.2.4, Page 3.8-17: The analysis assumes buildout is 2025, however the traffic section assumes build out is 2030. Therefore, the Climate Change analysis may have underestimated emission and therefore impacts. Please reconcile the differences between the buildout assumptions in the climate change vs. traffic analyses.

A-4-35 Section 3.8.2.4, Page 3.8-18: Methodology 2 defines the unmitigated condition but includes three regulatory mitigating measures. Explain why three mitigating measures are included in the baseline for the “unmitigated” condition. Additional mitigating conditions are added to subsequent methodologies. With so many regulatory mitigation measures assumed in the baseline condition, the analysis of the delta increase in emission could be underestimated. Please explain how the assumed regulatory mitigation measures are enforced and how, by their inclusion, the resulting project’s climate change contribution is not underestimated.

A-4-36 Section 3.8.2.4, Page 3.8-21: The analysis uses 19,266 residential trips for Methodology 6, however total trip generation for the project is 27,191 ADT.. Explain why only residential trips are used in this methodology vs total project trips.

2.3 Biological Resources

A-4-37 General Comment: The GDP and RMP were developed approximately twenty years ago under the premises that there would be one property owner conveying land to a single management entity (ideally a third-party manager). Accordingly, the goals, objects and policies developed for the GDP/RMP were developed around this unified concept. While this was appropriate for the time and [then] existing conditions, there are now multiple property owners/developers, multiple land managers, updated management strategies and monitoring protocols, and a POM entity comprised of two local municipalities operating as a single entity under a JPA. POM staff need time to go through the policies and update as necessary to address these existing conditions under the context of practicality, efficiency, and implementation. Of concern is that the antiquated nature of the document and lack of detail could result in an inefficient use of administrative/steward resources and delayed conveyances.

As this relates to the adequacy of the DEIR, the County should thoroughly examine the RMP (including technical appendices such as the biota monitoring program) to ensure that the document, as a whole and as it is currently written, will still provide adequate mitigation for the take of sensitive biological and cultural resources.

Page 1.0-7, Project Description: Currently approved Chula Vista MSCP Planned Facilities, including facilities within Wolf Canyon, are described in Table 6-1 and Figures 6-1 through 6-3 of the City’s 2003 MSCP Subarea Plan. The DEIR indicates however, that subsequent to the adoption of the SRP/GDP RMP certain facilities were removed from Wolf Canyon. Please substantiate this statement by referencing the documents codifying these changes.

Page 2.3-12: The DEIR states that infrastructure with the Preserve is allowable per the County's MSCP Subarea Plan and Otay Ranch RMP. While Section 1.9 of the County's MSCP Subarea Plan acknowledges that certain facilities are allowed within the Preserve, it does not provide specific avoidance/minimization criteria to ensure that such facilities have been planned and designed to minimize and/or avoid significant impacts to MSCP Covered Species and habitats.

A-4-38 Absent any specific County adopted MSCP siting criteria, the County should adhere to the MSCP Siting Criteria provided in current RMP Policy 6.6(a). As it relates to the adequacy of the DEIR, the DEIR has not demonstrated that Village 13 facilities proposed within the Otay Ranch Preserve have been sited in the least environmentally sensitive areas in accordance with current RMP policies.

Page 2.3-14: With regards to the widening of Otay Lakes Road: the DEIR states: "conveyance per the RMP is not required, and no mitigation is required." Please note that impacts to wetland resources would be considered significant and would require mitigation. In addition, the RMP allocates acreages for "common use areas" by village and for certain arterial roadways (arterials consistent with circulation element of the original GDP). The DEIR should demonstrate that the acreages associated with Otay Lakes Road are within the allocations contemplated within the RMP (in consideration with all other Otay Ranch arterials).

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Page 2.3-16: The DEIR has not adequately demonstrated how trails and utility roads located near the Preserve will be designed, monitored and managed to prevent unauthorized access into adjacent Preserve areas. (See *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260.) Of concern is that the numerous ridges and peaks within the Preserve lands surrounding the development will attract hikers to areas dedicated for natural resource protection. Refer to attached Figure 25 of the Biological Technical Report (Appendix C3) for examples of adjacent Preserve areas that are at risk of habitat degradation without adequate access control.

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Page 2.3-22: The finding that impacts to Golden Eagles are less than significant is questionable given the outdated nature of the survey data. Please note that raptor surveys (including surveys for Golden Eagles) are currently being performed by USGS within portions of Otay Ranch adjacent to the Village 13. Similar to the issues concerning impacts to QCB, final design of Village 13 should take into consideration the findings and recommendations of forthcoming USGS raptor survey.

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This comment is consistent with the project proponent's obligation to fulfill GDP/SRP Mitigation Measure 35. As noted in the City's comments on the RMP Update, the requirement to prepare a raptor management plan was not satisfied by the Otay Raptor Management Study (Ogden 1992) which was prepared in conjunction with the Otay Ranch GDP/SRP PEIR. Please note that the 1992 Ogden study was prepared to assess the potential impacts of the GDP/SRP development on raptors and to "provide recommendations for the preparation of a subsequent long-term management program."

Page 2.3-29: The various references and associated acreages associated with the "on-site Preserve" are confusing and appear to be based on parcel ownership as opposed to GDP Village Boundaries. The Otay Ranch Preserve is not a consortium of individual Preserves areas unique to each Village. Rather the

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Otay Ranch Preserve is a ranch-wide feature that is assembled through the conveyance methodology described in the Phase II RMP. In this regard, the Preserve areas surrounding Village 13 are available to fulfill the conveyance obligations for any Village within the GDP. This should be clarified for those not familiar with the GDP/RMP to avoid unnecessary confusion during project implementation.

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Page 2.3-32: The DEIR states: "The Project is consistent with the requirements of the Otay Ranch RMP. Therefore project would have a less than significant impact related to conformance with the Otay Ranch RMP." Please be advised that the acreages for common use areas (32.8) and net development area (747.2) cited on page 2.3-31 of the EIR are not consistent with the RMP. The acreages for Village 13 as cited in Exhibit 9 of the current RMP include: 783 acres gross development; 14 acres of common use; 770 acres net development; and 914 acres of conveyance. These differences should be addressed in the EIR to justify the finding of less than significant impact.

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Page 2.3-32: Mitigation Measure M-BI-9a requires the project to mitigate for impacts to QCB at ratio of 2:1. Recognizing that the 11,375 acre Otay Ranch Preserve is a "hard-line" preserve with an adopted conveyance mechanism to assemble these lands, the DEIR must evaluate how implementation of this additional mitigation requirement will not presuppose mitigation land within the Otay Ranch Preserve that is needed to fulfill other Otay Ranch developments.

Biological Technical Report (Appendix C3)

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General Comment: References indicating that third-party acquisitions have reduced the amount of development throughout Otay Ranch must be revised to clarify that development potential still exists on these lands until such time as the GDP is amended.

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General Comment: As it relates to the proposed Boundary Adjustment and comparison of Give/Take areas, determinations of equivalency should be based on survey data collected within one year.

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General Comment: The proposed Boundary Adjustment analysis should be revised to include an evaluation discussion demonstrating how the modified Preserve boundaries are consistent with each of the setback criteria listed in RMP Policy 9.8. In addition, setback requirements are also contained in the Otay Ranch General Development Plan (GDP) Program EIR mitigation measures. As such, the Boundary Adjustment analysis will also need to demonstrate the project's consistency with all GDP setbacks requirements.

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Page 77: The project proposes a 10-acre offsite as a potential "give" to the Preserve. Please clarify if this is a current development area. If it is currently designated as a development area, the project should then include appropriate GP/GDP amendments to remove all development potential from this parcel.

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Page 79, Table 8b: In terms of equivalency, the proposed boundary adjustment should, at a minimum, provide equivalent acreage. As proposed, the Preserve would be reduced by approximately 15 acres. In addition, the technical report and EIR should address how the exchange of high quality undisturbed CSS

A-4-49 Cont. | and Chaparral for lower quality disturbed lands/habitat maintains and improves conservation of covered species. In terms of long-term/future management costs, the costs associated with managing disturbed lands and, dCSS will be greater and more labor intensive than managing undisturbed habitat.

A-4-50 | Figures 16 and 18, Wildlife Crossings: If the primary intent of the proposed culverts is to provide for wildlife movement, then the report should substantiate the need to install rip-rap aprons at the entrance.

A-4-51 | Page 95: Otay Lakes Road Crossing No. 1: As stated above, the necessity for rip-rap within wildlife crossing is not clear. Additional explanation is needed to substantiate how the proposed design is adequate for the safe passage of wildlife. This discussion should also address fencing to direct wildlife to appropriate crossing areas and the need for landscape buffers for QCB.

A-4-52 | Page 97: The statement that the primary consideration for this criterion is whether the boundary adjustment areas are within the same general geographic area is not consistent with the MSCP Subregional Plan criterion. Please revise the report to demonstrate how the proposed boundary adjustment maintains topographic and structural diversity and habitat interfaces of the Preserve.

A-4-53 | Page 98: The analysis provides a summary of give/take but does not address whether or not the exchange increases the likelihood that an uncovered species will meet the criteria for listing under either the federal or state Endangered Species Acts.

3.9 Energy Use and Conservation

A-4-54 | CEQA Guidelines, Appendix F, on which the energy analysis in Section 3.9 relies, states that the total energy requirements of the project and the energy supplies that would service the project should be identified. The analysis addresses some of the energy generators, but does not address the energy required at the pump station. It is assumed that pumping water up to the 5 million gallon 980-4 reservoir as well as operation of the three on-site lift stations would be required. Please provide the total energy consumption of the project including all pump and lift stations.

2.5 Geology and Soils

A-4-55 | Section 2.5.5, Page 2.5-14: Mitigation Measure M-GE-2d requires an engineer's "opinion" that the risk from rock falls is less than significant and the area is suitable for human occupancy when all mitigation measures are in place for rock falls. Explain who is to receive the "opinion", and the "opinion" should be tied to certificate of occupancy. In addition, M-GE-2 improperly defers the identification of necessary mitigation measures as well as the determination of the significance of the impact until after the project is approved, and improperly delegates the significance determination to a consultant.

2.6 Hazards and Hazardous Materials

A-4-56 Section 2.6, Page 2.6-1: This section states that PEIR mitigation measures were identified to reduce impacts to hazardous resources but these measures are not incorporated by reference, similar to other sections. Please identify the PEIR mitigation measures which are necessary and applicable and clearly state the timing and entity responsible for their implementation.

A-4-57 Section 2.6.2.2, Page 2.6-15 states: “To address this potentially significant impact, the existing regulations outlined in the California Education Code and the requirements of the California Department of Toxic Substances Control (DTSC) would be carried out by the Chula Vista school district prior to development of a school.” A determination of less than significant relies on this action. The potential impact should be clearly identified and a mitigation should be prepared that directly addresses the impact. Absent this information, the proposed measure improperly defers the formulation of necessary mitigation and is inadequate.

Section 2.6.2.3: CEQA requires that a project be looked at according to its impact on the existing environment. Relative to the private airstrip, the analysis needs to add

- A-4-58 a. CEQA analysis for the following issues when the runway is within one mile of the project: *“For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?”* and *“Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?”* Also, page 4 of the County Airport Guidelines states *“ALUCPs and CLUPs utilize State and Federal safety standards to regulate development intensity and obstructions near airports. These standards are applicable to airports whether or not an ALUCP or CLUP has been adopted.”*

A-4-59 Section 2.6.2.5, Page 2.6-21: The discussion concludes that a 100-foot buffer zone is planned as offense for wildland fires. If Chula Vista’s fire protection services are assumed, the analysis should address a 150 foot buffer.

A-4-60 Sections 2.6.2 and 2.6.3: There is no analysis of or referral to Chula Vista providing Fire Protection Service. Chula Vista will have the shortest response time other than the onsite fire station.

3.2 Hydrology and Water Quality

A-4-61 Page 3.2-7 references compliance with San Diego Regional Water Board Order R9-2007-0001 for hydromodification analysis. Reference should be made to San Diego Regional Water Board Order R9-2013-0001 as this permit will go into effect December, 2015.

A-4-62 | Impacts to water quality were not adequately addressed in that no reference was made as to how this project will comply with the 2013 NPDES Permit requirement to retain (i.e. intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of storm water runoff produced from a 24-hour 85th percentile storm event. Therefore, the DEIR is not adequate because it does not completely address all the requirements of the NPDES Permit.

A-4-63 | This section did not anticipate (Appendix C14, page 14, Table 7, characterized Total Dissolved Solids as “Potential”) or evaluate the non-storm water discharges into the Otay Lake associated with the ground water seepage referenced in Appendix C07, page 6: “*It is not uncommon for seepage conditions to develop where none previously existed*” Canyon drains are typically high in Total Dissolved and Suspended Solids. This impact should be identified as significant and the DEIR should identify the necessary mitigation and monitoring of TMDL’s to safeguard impacts to water quality.

A-4-64 | Appendix C15, page 15 recommends Filterra units as a BMP for roadways where higher efficiency BMP’s such as sand filters could be used. Further, since the DEIR correctly states in Appendix C12, page 70, “*the County cannot assure that the City will permit implementation of the improvements*”. As it relates to the construction of the proposed Filterra units proposed within Otay Lakes Road, within the City of Chula Vista, this creates an impact to water quality that is significant and unmitigated. Further, if the (not) BMP Filterra units were constructed, there is no provision for the perpetual extraterritorial jurisdictional maintenance of the units and, without maintenance, the recommended mitigation will be ineffective and thereby result in another significant and unmitigated impact.

A-4-65 | Appendix C15, is dated on the cover “September 2014” but the footer says August 2012. Many changes have occurred in water quality regulation since August 2012. Specifically, the project should anticipate the 2015 requirements for bioinfiltration. Please clarify the date of the report and explain whether and how the report was updated to reflect current regulatory requirements.

A-4-66 | Page 61 of the PFFP states, “*However, in an effort to optimize storm drain efficiency, and to avoid double, parallel storm drain systems in many streets of the proposed development, some runoff from natural areas will mix with runoff from developed areas.*” The 85th percentile for these “mixed flows” should therefore be based on the volume of the combined areas.

A-4-67 | Page 70 of the PFFP – Bioretention Swales are not considered high efficiency BMP’s.

3.3 Land Use and Planning

A-4-68 | Page 3.3-7: The DEIR provides an inadequate discussion regarding the Baldwin Letter and needs to outline the relationship and impact it had on other Otay Ranch villages located in the City and the County.

A-4-69 | Page 3.3.-7: The DEIR provides an inadequate discussion and needs to provide a more thorough explanation for the conclusion that the revisions to the Village 13 land plan results in the elimination of 135-acres of development areas.

A-4-70 | Page 3.3-8: The DEIR provides an inadequate discussion regarding the Chula Vista MSCP and the open space acreages located outside of the City and within the villages located in the Proctor Valley and San Ysidro Parcels of the Otay Ranch.

A-4-71 | Page 3.3-17: The DEIR provides an inadequate discussion regarding the proposed project changes from the 1993 Otay SRP. For example, the explanation points for the massive increase in single-family units and the near elimination of multi-family units is not supported by the proposed map/tables changes to Villages 14, 15 and Planning Area 16. In addition, there is no assurance that the acreage acquired by conservation entities for conservation purposes will not be developed in Village 14 or that Village 15 has been eliminated from potential large lot single family development.

A-4-72 | Page 3.3-17 – 3.3.18: The DEIR provides an inadequate discussion for explaining why there was an Otay SRP Amendment that eliminated the 500-ft. buffer around the Lower Otay Reservoir. The DEIR must provide the findings and the rationale for why the 500-ft. buffer was eliminated and why the proposed encroachment upon the reservoir management level and the use of BMPs will adequately protect the reservoir.

A-4-73 | Page 3.3-18: The DEIR provides an inadequate discussion to explain why the fire station and elementary school in Village 15 need to be eliminated as part of this project. It is too early to assume that these facilities will not be needed in Village 15.

A-4-74 | Page 3.3-18: The DEIR provides an inadequate open space discussion regarding recent changes to the open space system and these changes are not reflected on the proposed Otay SRP open space system for land acreages acquired for open space preserve in Villages 14 and 15.

A-4-75 | Page 3.3-21: The DEIR provides an inadequate discussion regarding the proposed Service/Revenue Plan, since this plan includes a Public Facilities Financing Plan (PFFP) and a Fiscal Impact Analysis (FIA) that does not adequately evaluate cost scenarios for each of the potential city services that may be contracted with Chula Vista.

A-4-76 | Page 3.3-23: The DEIR provides an inadequate evaluation of the provision of sewer service through the Salt Creek interceptor through a flow transportation agreement with the Chula Vista. There needs to be a discussion of the Municipal Service Review (MSR) process and the Sphere Of Influence amendment with the City of Chula Vista, including a Service Area Plan and Pre-Annexation application to LAFCO for sewer service from Chula Vista. Per the City's response to the 2004 Notice of Preparation (NOP), the analysis in the DEIR must consider that it is infeasible for sewer service to be provided to the project without annexation into the City of Chula Vista.

A-4-77 | Page 3.3-23: The DEIR provides an inadequate discussion of the project alternatives for contract services for the project. For example, there is a discussion regarding annexation to the Spring Valley sewer interceptor as an alternative. The alternative discussion needs to include the potential for fire, emergency, public safety, and library services coming from the City of Chula Vista, as well as the project being annexed to the City of Chula as an alternative.

A-4-
78

Page 3.3-27: The DEIR provides an inaccurate and inadequate conclusion in that it does not acknowledge that the proposed project requires amendments to the visual, aesthetic, and setting description, as well as the character, parks, open space, and village policies for the resort village as currently outlined in the Otay SRP. For example, public access and park recreational uses along the lakefront are no longer available. There should also be a discussion regarding the adequacy of the water quality basins adjacent to Otay Lakes Road and the Lower Otay Reservoir, and if these basins will comply with a Reservoir Protection Plan to be provided to the City of San Diego.

3.4 Mineral Resource

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79

Page 3.4-9 states “*implementation of the proposed Project would not impact mineral resources designated by the CDMG, though it would provide material for export during the site grading*”. However, page 1.0-12 indicates the cut and fill operation would be balanced onsite. Please explain the discrepancy between these statements, and if there is export of material, the analysis of such export should be addressed in applicable environmental issue analyses, primarily traffic, air quality, noise adjacent to export routes, etc.

3.5 Population and Housing

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80

Section 3.5.1.1 -- pg. 3.5-2: the text notes that the Project’s proposed change in residential mix results from a series of “changed circumstances” since the Otay SRP was originally adopted, and concludes by indicating that the Project’s proposed conversion of multi-family to single-family units adjusts for the reduction of single-family homes resulting from changes in Village 15. What the text does not note, but should, is that the reduction of units in Village 15 (as well as Village 13) were directly related to implementing terms of the Otay Ranch MSCP Subarea Plan Agreement (aka the “Baldwin Letter”) which called for the reductions in development acreage and units counts in Village 15 and 13, in concert with increases in development yield (a form of transfer) within the Otay Valley Parcel in Chula Vista, which increases were processed and approved by the City in 1998. It is not accurate for the DEIR to suggest that the Project replaces lost single family housing that was in fact already replaced within the City of Chula Vista per the Baldwin Letter.

A-4-
81

It is also our understanding that while the text acknowledges reductions in the noted Villages due to Agency acquisitions, there has to-date been no corresponding changes to the County General Plan or Otay SRP to change land use designations or otherwise formally remove said development capacity. The EIR should clarify if the Project’s associated GPA & SRPA change any of these areas to open space, or contain any provisions that acknowledge or indicate that the noted former development areas no longer have development capacity.

A-4-
82

Section 3.5.1.1 -- pg. 3.5-2: the last sentence of the third paragraph states that the Village 13 Project would “ameliorate the impact of the reduction of single family homes” in other Villages. Similar to the above, this statement should qualify this is provided that the other areas noted have land use or other amendments to remove the referenced unit capacity.

A-4-
83

Section 3.5.1.1 -- pg. 3.5-2: it is inappropriate for the text to simply state in the fourth paragraph that the Project's reduction of MF homes is effectively "offset" by Otay Ranch Plan amendments within the City of Chula Vista. Those amendments were based on a variety of smart growth, housing supply diversification, and other considerations not associated with underpinning the County's ability to support future reductions of MF housing within its portions of Otay Ranch. The EIR should address the original reasons for the predominance of MF housing in Village 13 plans both in the 1993 SRP and the 2001 amendments, and discuss why the basis for that has changed within the unincorporated area, and what relationship that bears to the County Housing Element, whereby Village 13 was clearly intended to meet the goals of providing more diverse housing supply to meet the needs of varying households and incomes; hence the 73% MF orientation in the adopted plan.

A-4-
84

Section 3.5.1.1, pg. 3.5-3: based on the numbers presented, the proposed Project would result in an additional 2,105 persons beyond the 4,942 persons disclosed with the 2001 amendments; a 40.8% increase. How is that not considered to be significant, particularly when as noted in the above comments that the "reductions" in units in Village 13 and 15 via the 2001 amendments were actually satisfaction of requirements associated with MSCP approvals (re the Baldwin Letter), and those in other Villages were never assessed through formal evaluations and associated plan amendments?

A-4-
85

Section 3.5.1.2, -- pg 3.5-3: the text in the 2nd paragraph should clarify if the noted SANDAG projections use the contemporary population coefficient of 3.59 persons / household, and if they include the Project's projected 6,957 persons.

A-4-
86

Section 3.5.2 -- pg. 3.5-4: the analysis in the second paragraph, states that the Project is consistent with growth planned for the area and analyzed in the prior PEIR. This is inconsistent with the information in Section 3.5.1.1 that indicates that the Project's population has increased by 40.8% (+2,015 persons) over that analyzed in the prior PEIR.

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87

Absent formal changes to the County GP or Otay SRP, how can the claim be made that the Agency acquisition of property constitutes an adequate basis for reaching conclusions about the adequacy of infrastructure, and the effective reduction or removal of previously planned infrastructure to serve areas east of the project? We understand that not all development potential in areas to the east of the Project site has been eliminated.

A-4-
88

The conclusion that the increase in population and associated changes in infrastructure would not facilitate growth beyond that planned for the area is not correct, as the text does not disclose that some of the surrounding unit reductions that are essentially "credited" in the analysis, in fact were transferred and manifested in Chula Vista pursuant to the Baldwin Letter. Impacts associated with those units did occur in Chula Vista, and as such are not "available" for supporting the Project's proposed switch in unit types and population as the analysis suggests.

A-4-
89

The text should reconcile the concluding statement that this EIR finds impacts to be less than those contemplated in the prior PEIR, when Section 3.5 states twice that the PEIR did not address population and housing as a direct or cumulative impact.

- A-4-90 | Section 3.5.2 -- pg. 3.5-4: the statement in the third paragraph that the proposed SRP amendments would adjust the SF/MF ratio closer to that originally approved is irrelevant, given that the approval was already changed via the 2001 amendments and the Baldwin Letter.
- A-4-91 | Section 3.5.2 -- pg. 3.5-4: the text in the last paragraph should define what the term “substantial” means. The Project would induce population growth over what was previously planned, as it’s increasing the population by +2015 persons (or 40.8%) over that disclosed with the 2001 amendments.
- A-4-92 | Section 3.5.2 -- pg. 3.5-5: the statement that the SRP assumes that infrastructure and utilities needed to serve areas to the east of the Project are no longer applicable due to Agency land acquisitions appears flawed. We understand that some development capacity does remain in some areas in Proctor Valley east of the Project, and as such the EIR should indicate how those properties are now assumed to be adequately served.
- A-4-93 | Section 3.5.2 -- pg. 3.5-5: the statement in the third paragraph that no additional planned developments would connect to area infrastructure in the future (due effectively to Agency acquisitions) is flawed, as it changes prior PEIR assumptions without apparent due analysis. There are other components of the Otay SRP that address infrastructure extensions, etc. to other eastern areas whose revision does not appear to be included as part of the EIR scope.
- A-4-94 | Section 3.5.2 pg. 3.5-5: the text notes in the last paragraph that the population, housing and employment projections from SANDAG were based on the Otay Ranch GDP/SRP. The text should clarify if those projections include the Project, or are based on the current SRP which had less population and more multifamily.
- A-4-95 | Section 3.5.2 -- pg. 3.5-6: the text should clarify if the inclusion of approximately 73% MF units in the current approvals of Village 13 bore any relationship to meeting the stated goals of the County Housing Element.
- A-4-96 | Section 3.5.2 -- pg. 3.5-6: the analysis suggests that Chula Vista was the intended area for the County Housing Element to fulfill its goals for housing diversity. Typically, a jurisdiction’s Housing Element must meet its goals within its area of jurisdiction, unless two or more jurisdictions have entered into an agreement to share responsibilities. The analysis should accordingly address why Village 13 was originally planned with a substantial amount of MF housing (even with the 2001 amendments) in relation to the provisions of the County Housing Element. At first look, it would appear that the MF clearly had some purpose other than “executive housing” which it is not.
- A-4-97 | Section 3.5.5 -- pg. 3.5-7: the statement that the Project would not exceed the level of growth planned for and analyzed in the prior PEIR is not accurate. The Project would increase population over that previously analyzed in the 2001 amendments.
- A-4-98 | Section 3.5.6 -- pg. 3.5-8; the statement that the Project is “consistent with existing local and regional plans...” is not correct, and is contradicted by the fact the Project requires GP and SRP amendments as

A-4-98 Cont. | stated in the project description in Section 1.4. Section 1.6 refers to specific inconsistencies that are noted.

2.8 Solid Waste

A-4-99 | Page 2.8.2 -- Organic Material Processing Facilities: The State of California recently passed AB 1826 mandating that all commercial businesses (within specific escalating criteria) must recycle organic waste (green waste, food waste and food soiled paper) and not dispose of it in a landfill, beginning April 1, 2016. The purpose of this law is to reduce the methane gas generation at landfills (one of the most potent of GHG). Businesses within the project must be made aware of the mandate and subscribe to organic recycling services.

A-4-100 | Page 2.8-1.1 -- Existing Regulations and Programs: Current programs need to include reference to the HHW drop-off facility on Saturdays only for County residents.

A-4-101 | Page 2.8-3 -- County Recycling Programs: second paragraph, needs to include a household hazardous waste program which includes south County residents' access to the South Bay Regional HHW drop off facility at the Chula Vista public works yard on Saturdays only.

A-4-102 | Page 2.8-5: New Homebuyer Package needs to include information about how to divert HHW from the landfill and properly dispose of it at the South Bay Regional HHW drop-off facility.

2.9 Transportation and Traffic

A-4-103 | The Traffic Study assumed unbuilt roads to be built and proposes no funding mechanism for these off site, necessary facilities. These facilities include the Interchange of SR-125 & Main St and the interchange of SR125 & Otay Valley Road.

A-4-104 | The City of Chula Vista typically utilizes Equivalent Dwelling Units (EDU's) for the determination of impacts and mitigation trigger points. In other words, the study describes all impacts and mitigations in terms of building permits which leads the reader to believe that the number is exclusive to residential units when in fact there are non-residential land uses generating traffic that needs to be accounted for

A-4-105 | There is no mention of the original Otay Ranch Mitigation Monitoring Program FEIR 4.9.11.c, Appendix B, most notably paragraph 2, participation in impact fee programs, especially the city's Eastern Transportation Development Impact Fee Program. This discussion needs to be added to the Transportation and Traffic Section of the DEIR.

Traffic Technical Report

A-4-106 | Page A: describe the operation limits of Otay Lakes Road between Lake Crest Drive and the city/county boundary line which is incorrectly identified as Wueste Road in the DEIR.

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Page D: The addition of 1,500 EDUs before a traffic signal is required at Wueste Road does not seem reasonable. The DEIR should include a signal warrant monitoring and bond program instituted by project in order to determine provide for or install the signal when it is required. In addition, the DEIR should include timing requirements for the Otay Lakes Road improvements from Lake Crest Drive to the east and the Wueste Road intersection improvements which shall include signal poles, underground signal conduit and the like for ultimate improvements.

A-4-
108

The warrants indicate that the analysis was prepared for the Year 2025 scenario, but the issue is that the warrants could be met sooner than 2025 however there is no analysis for an earlier year. Please include the discussion in Appendix AA (Traffic Technical Report).

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Ten northbound left turns, based on today's movements may be a gross under estimation of volumes with the University. There is no viable way of determining left turn volume at this time. Mitigation measures should include provisions for future warrant analysis to be conducted and paid for by the project proponent in the future.

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110

Page 2: Include a figure with cross sections of the impacted and then mitigated roadways within the city and county.

A-4-
111

Page 3, needs a figure title and number.

A-4-
112

Page 5 needs to be revised. The description of #7 is confusing. The Study does not mention the Series 11 model. Was the scenario of existing plus cumulative projects plus project done manually or is it based on the Series 11 model. The report should describe the Series 11 model with confirmation that cumulative projects for 2025 have been accounted for in the model.

A-4-
113

Page 6, provide a figure of study area.

A-4-
114

Page 32, when is opening day? Section should be titled as shown but add "Project Phasing". Why did you choose Year 2025 to be the first year of project related analysis? What about existing conditions and Year 2020? Is that closer to opening day? There is no discussion on this item. Absent any information to the contrary, there could be a number of years prior to 2025 when the project is on line but no analysis has been conducted. Your analysis of Existing Plus Phase I misses background traffic in Chula Vista.

A-4-
115

Page 33, Table 4.1, add a column to include Equivalent Dwelling Units, (EDU's). The analysis needs to include non-residential trips also and show the impacts and mitigations by EDU triggers.

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116

Page 36, state the original land uses from Village 17. Explain why the trips are being redistributed. Clarify if the land use intensity was reduced and by how much?

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117

Page 37, paragraph 5.1.doesn't match the assumptions made on page 51. Label the "middle driveway" with an appropriate intersection number.

A-4-118 | Page 38, table 5.1 doesn't show any impact at any of the county driveways. Clarify if intersection #2 is a project feature. If there are no impacts, what is the justification for requiring intersection number #2 be constructed? It appears to be mitigation with no impact identified.

A-4-119 | Page 51, how was it determined that the 728th residential unit is the trigger? State in the report the trigger as EDUs rather than residential units even though there are no non-residential units yet.

A-4-120 | Page 51, Provide a discussion regarding how the project "round—about" will be constructed.

A-4-121 | Page 51, The Otay Lakes Road east of Lake Crest Drive is incomplete. It needs to at a minimum include the missing limits of impacts.

A-4-122 | Page 53, This is the first mention of the project driveways. Does that mean the project waits for buildout before improvements are made?

A-4-123 | Page 75, figure 7-1B is misplaced and shows up within the Figure 8 sequence.

A-4-124 | Page 76, first bullet, report states "buildout of project". The project is not buildout by 2025. The report is unclear on how project driveways 42, 43, and 44 get constructed in the Year 2025.

A-4-125 | Page 87, The report needs to be revised to clearly show that Otay Lakes Road between Wueste Road and the city boundary is a direct impact.

A-4-126 | Page 93, Appendix AA -- how was it determined that the 1500th residential unit is the trigger?

A-4-127 | Page 94, how was it determined that the 910th residential unit is the trigger?

A-4-128 | Page 95, add a comment that it is not practical to widen a roadway at 728 EDU and come back by the 910 EDU as a separate phase of construction. Comment should be added that the roadway is built out by the 728 EDU's, and then build an adjacent segment at 910 EDU's.

A-4-129 | Page 96, top of page, break out Otay Lakes Road segments by jurisdiction. Otay Lakes Road is in Chula Vista and not likely to be listed in the County TIF.

A-4-130 | Page 99, your discussion on TDIF needs to be expanded to include the payment of City of Chula Vista TDIF fees by the project. The discussion should include that the value will be calculated by utilizing all project land uses converted to EDU's. The traffic study mitigates Otay Lakes Road from Lake Crest Drive to City boundary from 2 to 4 lanes in the Year 2025 scenario. In the Year 2030 analysis, Otay Lakes Road is considered a 6 Lane Prime in the same corridor because of the City's General Plan. The project needs to contribute to the City's TDIF program or provide some other form of payment for the construction of the improvements.

A-4-131 | Page 139, Chapter 9.7 needs an expanded discussion of when and how the project driveways are constructed.

A-4-132 | Page 144, the discussion of the County's TIF program should include a discussion on the City of Chula Vista's TDIF program.

A-4-133 | Include a land use inventory in appendices on next submittal.

Geology and Soils

A-4-134 | The project contains metavolcanic bedrock and will require blasting. Blasting will open new fracture patterns and dry weather seepage will occur. The subdrain outlets contain no mitigation for these dry weather flows. (Appendix C07, Part 10, Figure 15).

A-4-135 | Appendix C06, Page 6 "*Slope drains may be necessary to intercept potential seepage on cut slopes created by landscape irrigation.*" Slope drains that drain to the lake should be treated.

A-4-136 | Appendix C06 Page 7 "*we did encounter seepage conditions within localized layers of the formational units and surficial deposits especially during the rainy season. It is not uncommon for seepage conditions to develop where none previously existed.*" All subdrains should be treated prior to discharge into the lakes.

A-4-137 | Appendix C06, Page 12 "*Because of the potential presence of adverse geologic structures, the geologic structure of permanent cut slopes composed of Metavolcanic Rock should be analyzed in detail by an engineering geologist during the grading operations.*" There should be a mitigation measure for this requirement.

A-4-138 | Appendix C08, page 8, section 5.5 states "*We expect several inches of settlement could occur due to hydroconsolidation if water infiltrates the undocumented fill.*" Please provide mitigation to address this settlement issue.

A-4-139 | Appendix C08, page 21, the pavement recommendations for required roads within the City of Chula Vista should be constructed of reinforced concrete as there is no provision for maintenance thereof. (Gas taxes are not adequate to maintain existing City roads)

A-4-140 | Appendix C08, page 24, section 6.12.4 "*If detention basins, bioswales, retention basins, or water infiltration devices are being considered, Geocon Incorporated should be retained to provide recommendations pertaining to the geotechnical aspects of possible impacts and design. **Distress may be caused to planned improvements and properties located hydrologically downstream.** The distress depends on the amount of water to be detained, its residence time, soil permeability, and other factors. We have not performed a hydrogeology study at the site. Downstream properties may be subjected to seeps, springs, slope instability, raised groundwater, movement of foundations and slabs, or other impacts as a result of water infiltration.* Water quality basins are being proposed next to roadways therefore a hydrogeology study of the site should be prepared and if necessary mitigation measures should be included in the DEIR to address the potential impacts downstream. CEQA does not allow

A-4-140 Cont. future studies to be used for determining impacts and mitigation measures. The level of impact must be disclosed in the DEIR as well as the mitigation measures and the level of impact with mitigation.

Hazards and Hazardous Materials

A-4-141 Page 2.6-27 *“The analysis in this chapter determined that the Project’s impact associated with handling of hazardous materials, on-site contamination, airfield operations, emergency response plans, and exposure to wildland fires would be either less than significant or no impact.”* There is factual evidence within the DEIR refuting this claim, specifically:

Section 2.6.1.9 -- page 2.6-9: Aeronautical Uses - John Nichol’s Field.

A-4-142 Obstructions to air operations – there was no analysis of impacts to flight operations due to dust, during construction (including rock crushing) or mitigation measures to limit heights for newly constructed structures (up to 75’ tall, Appendix C21, page 10), and fill slopes of up to 75 feet (Appendix C06, page 3), for a total possible height of up to 150’ above current grades. Indeed, the recommended Handbook for safety zones in Appendix C20 were modified to layout to the south, away from the Village, even though there are known accidents in the area.

A-4-143 The DEIR only analyzed east to west air operations. In the fall, the County routinely experiences Santa Ana winds from the east. When winds are from the east, airport take offs and landings must be from west to east. Even if a small percentage of operations occur during easterly winds, the analysis should be included in the DEIR to adequately disclose impacts. See the County guidance on private airports: (http://www.sandiegocounty.gov/dplu/docs/Airport_Guidelines.pdf) requiring a CEQA analysis for the following issues when the runway is within one mile of the project: *“For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?”* and *“Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?”*

A-4-144 Page 4 of the County Airport Guidelines states *“ALUCPs and CLUPs utilize State and Federal safety standards to regulate development intensity and obstructions near airports. These standards are applicable to airports whether or not an ALUCP or CLUP has been adopted.*

A-4-145 The EIR erroneously considers this airstrip temporary: Appendix C07, page 2: *“A temporary ultra-light gliding and parachuting airport is located at the eastern end of Lower Otay Lake.”*

Public Services

Fire and Emergency Services

A-4-146 As discussed below there are significant impacts to the provision of Fire and Emergency Services. The DEIR has not adequately addressed the DEIR provision of Fire and Emergency Services. It needs to analyze and clarify why the Chula Vista Fire Department is not the fire/emergency medical provider when they have the capability to cover the referenced 6,500 feet of travel distance in two minutes and

A-4-146 Cont. | six seconds using a travel time formula of 35 mph. The DEIR states that a significant impact to public services will occur if the Project, *“requires or results in the construction or expansion of fire and emergency service facilities in order to maintain acceptable service ratios, response time or other performance standards, the construction of which could cause significant environmental effects.”*

A-4-147 | As further discussed below, the DEIR assumes that the San Diego Rural Fire Protection District (“RFPD”) will provide structural fire protection and emergency medical response services to the Project, but the DEIR and Fire Protection Plan (DEIR Appendix C-21) fail to mention and address the June 26, 2014 LAFCO application filed by RFPD for the dissolution of RFPD. The application proposes an effective date of June 30, 2015 for the dissolution. The dissolution application complies with a June 20, 2013 agreement between RFPD and the County of San Diego requiring RFPD to file the dissolution application or otherwise forfeit \$3.2 million in annual funding to fund California Department of Forestry and Fire Protection (“CAL FIRE”) fire protection, prevention, and emergency response services at four RFPD stations. CAL FIRE supplementary services are necessary for RFPD to adequately serve its service territory, including the Project site. The DEIR needs to analyze and clarify why the proposed Fire and Emergency Services to the project site is proposed to be from RFPD and not the Chula Vista Fire Department.

A-4-148 | The dissolution of RFPD implements Step III of the County’s “Hybrid Plan Proposal” to consolidate fire protection services for unincorporated County territories under the San Diego County Fire Authority (“SDCFA”), in coordination with CAL FIRE. Step I of the Hybrid Plan involved the activation of County Service Area 135’s “latent power”¹ to provide fire protection and emergency medical response services within a specified subarea of County Service Area 135 (“CSA 135”). As part of Step III, the County filed an application with LAFCO on November 7, 2014 to activate CSA 135’s latent power to provide fire protection and emergency medical response services to additional subareas, including RFPD and Pine Valley Fire Protection District service territories.

A-4-149 | The proposed project will increase response times and other performance standards. Due to the proximity of development to the wildland-urban interface and the threat of wildfires, the project should have access to additional primary evacuation routes. The DEIR contemplates one route, with one east and one west travel lane. One 2-lane route is insufficient. Due to the population proposed for the project and it’s proximately to wildlands, the DEIR should include a mitigation measure to require expanded roads, with additional lanes, to afford easy evacuation.

A-4-150 | The stated defensible space provided for Village 13 is 100 feet. The City of Chula Vista’s requirement is 150 feet of defensible space. Due to the proximity of the project site in relation to the boundaries of the City of Chula Vista, the reduced defensible space will have an impact on the Fire Department’s ability to provide services and therefore a mitigation measure should be included in the DEIR that requires a minimum of 150 feet of defensible space.

¹ “‘Latent service or power’ means those services, facilities, functions, or powers authorized by the principal act under which the district is formed, but that are not being exercised, as determined by [LAFCO] pursuant to subdivision (i) of Section 56425” (CKH Act §56050.5).

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Section 3.6, page 3.6-2 –The DEIR states the following: *“In addition, City of Chula Vista Fire Station No. 8 is located at the intersection of Otay Lakes Road and Woods Drive, approximately 1.5 miles from the Project site’s nearest entrance. It houses a staffed engine company and a reserve engine. The closest ladder truck is housed at Chula Vista Fire Station No. 7 on La Media Drive and Santa Venetia, approximately 7 road miles west of the Project site, exceeding the Insurance Services Office 2.5 mile standard. The closest Interface engine (Type II) is located at Chula Vista Fire Station No. 2 at 80 East J Street, approximately 10.7 miles from the Project site. An automatic aid agreement is in place between SDRFPD and City of Chula Vista Fire Department (personal communication with Chula Vista Fire Department Fire Marshal, November 15, 2010). Other fire companies are available as needed per County and State mutual aid response agreements.”*

Although an agreement is in place with San Diego Rural Fire Protection District, the agreement was signed in 1993. At the time, the agreement provided for the response of type 3 fire engines and water tank trucks from the Rural Fire District to wildland fires within the City in exchange for Chula Vista Fire units responding to District emergency incidents in close proximity to the City. Both agencies would respond to all jurisdictional borderline emergencies. Chula Vista FS 8 is 6,500 feet from the project’s nearest entrance and can reach this location in two minutes and six seconds using the Village 8 Resort Village Fire Protection Plan (FPP) travel time formula of 35 mph.

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The FPP is out of date and therefore the EIR does not adequately address the impact of the project to Chula Vista Fire Department operations. The area indicated in the agreement included a majority of open space area as well as Otay Lakes Road heading east to approximately the 7.5 mile marker near the Air Sports Center. The FPP estimated the number of residents and guests totaling 7,807, the automatic aid agreement will exceed its scope and the agreement does not cover the proposed project. The analysis of the availability of Fire and Emergency Services is provided in FPP. Chula Vista FS 8 is located within the San Diego County General Plan travel time standard of five minutes; however as previously stated, the aid agreement in place was not signed with the intent of providing service to a densely populated urban community development and therefore would no longer be accurate or adhered to. Because the County does not control whether or not an updated agreement for Fire and Emergency Services can be reached with the City of Chula Vista, the DEIR must analyze this uncertainty and discuss alternative sources of Fire and Emergency Services to serve the project.

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Section 3.5 -- Page 20: The Plan states the following: *“The San Diego County General Plan Safety Element includes Travel Time Standards from the “Closest Fire Station” (San Diego County General Plan 2011). Travel time does not represent total response time, which is calculated by adding the travel time to the call processing time and to the turnout/reflex time. Generally, the call processing and turnout/reflex time would add between two to three minutes to the travel time. Table S-1 from the County General Plan establishes a service level standard, not a requirement, for fire and first responder emergency medical services that is appropriate to the area where a development is located. Standards are intended to (1) help ensure development occurs in areas with adequate fire protection and/or (2) help improve fire service in areas with inadequate coverage by requiring mitigation for service-level improvements as part of project approval.”*

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Section 3.5 -- Page 20: The Plan states the following: *“The San Diego County General Plan Safety Element includes Travel Time Standards from the “Closest Fire Station” (San Diego County General Plan 2011). Travel time does not represent total response time, which is calculated by adding the travel time to the call processing time and to the turnout/reflex time. Generally, the call processing and turnout/reflex time would add between two to three minutes to the travel time. Table S-1 from the County General Plan establishes a service level standard, not a requirement, for fire and first responder emergency medical services that is appropriate to the area where a development is located. Standards are intended to (1) help ensure development occurs in areas with adequate fire protection and/or (2) help improve fire service in areas with inadequate coverage by requiring mitigation for service-level improvements as part of project approval.”*

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Section 3.6.1.1: Page 3.6-2 – San Diego RFPD Station 36 has three full time professional firefighters assigned to staff four pieces of equipment. With this staffing model, the four different response capabilities cannot be provided simultaneously. Additionally, industry standards and/or best practices call for a minimum of two personnel per each function or capability. At best, one of the four response vehicles at FS 36 would be deployable with professional firefighters that meet the intent of mutual or automatic aid agreements.

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If dissolution of RFPD is approved and CSA 135 is designated the successor agency, an automatic aid agreement between the City and the County would be necessary to ensure Chula Vista Fire Department (“CVFD”) Station #8, located approximately 6,500 feet west of the Project’s nearest entrance, and other CVFD stations, are available to provide aid to the Project. The analysis contained in DEIR Section 3.6.2.1 refers to a 2.1-acre “Public Safety Site” which could house a fire station and County Sheriff law enforcement storefront. While the Public Facilities Financing Plan (“PFFP”) discusses the capital costs to construct and equip the facility, recurring operational costs to staff and operate the new station, whether under RFPD or CSA 135, are significant, estimated in the PFFP at \$1.4 million annually. RFPD’s share of the 1% ad valorem property tax base levy is 1.8989%. The PFFP estimates that the Project will generate \$289,505 in annual property tax revenues for RFPD operations. It is unclear how the \$1.1 million funding gap will be addressed, particularly since the \$3.2 million in County funding for CAL FIRE services support RFPD’s existing four fire stations and does not account for the new station on the 2.1-acre Public Safety Site.

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The financial ability of RFPD or CSA 135 to adequately serve the Project is of utmost importance to the City to ensure that automatic aid services from CVFD stations do not degrade the level of services from those stations to residents, businesses, and properties within City boundaries. The DEIR should be revised and recirculated in order to adequately address: (1) the impact that the potential dissolution of RFPD would have on fire and emergency medical service levels and costs to the Project and to the City; and (2) the sufficiency of revenues to fund ongoing staffing and operations costs of the proposed fire station.

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Many incident types require a multiple response units to mitigate the call for service. These incident types may be low in frequency; however, they are of high consequence to the public and to first responders. The next closest San Diego RFPD resources are located in Dulzura FS 35 and Deerhorn Valley FS 37 that would be in excess of 30 minutes travel time. National Fire Protection Association

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Cont.

(NFPA) standards (1710) and fire service best practices call for a minimum of four firefighters to be on scene within 4 minutes of travel time to establish an Initial Attack Force and 14 professional firefighters to be on scene within eight minutes of travel time to establish an Effective Fire Force to make entry into an Immediately Dangerous to Life and Health (IDLH) as determined by OSHA, i.e. a structure fire.

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The DEIR needs to provide an exhibit that shows the exact location of all Chula Vista Fire Stations in proximity to the project including FS 6, FS 7, and FS 8. The exhibits should verify the location of the stations in proximity to the project site's nearest entrance. It should be noted in the DEIR analysis that FS 8 no longer has a reserve engine company at that station and the FS 7 ladder truck is approximately 3.0 from the project site..

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The DEIR states that Brush 56 which is a Type III engine company is located at FS2. It is actually located at 605 Mt. Miguel Rd and is approximately 3.6 miles from the west entrance to the project. This is the closest Type III engine company to the project and therefore the EIR should address how Wildland fires will be responded to if FS6 is unavailable. In addition, the DEIR should analyze the impact to the availability of fire services in the City of Chula Vista if this engine company is needed to response to an incident in Village 13.

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The travel times included in the DEIR are not correct. The document states that SDRFPD can travel 10 miles in 11 to 12 minutes; however, it states that the CVFD FS 8 can travel 1.2 miles (6,500 feet) in 3 to 4 minutes. The DEIR needs to be corrected to show accurate response/travel times for all responders as well as the average dispatch processing time and average turnout time for San Diego RFPD.

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The DEIR needs to clarify what the definition of "project site" is as used in the Fire and Emergency Services Section. Clarify if it refers to the west entrance to the project site, east entrance and the most remote portion of the site. The DEIR also needs to include the threshold for dispatch time requirements and turnout time requirements for the SDRFPD.

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Section 3.6.2.1 -- Page 3.6-6: The Plan states the following: "*The Otay Ranch PEIR identified the need for additional fire and emergency services and identified two new fire station locations: one in Rancho del Rey and one in the eastern territories of Otay Ranch. Mitigation measures in the PEIR required the following:*

- *The preparation of a fire master plan to demonstrate that facilities would achieve emergency response times of 7.0 to 10 minutes to 85 percent of the residences.*
- *Preparation of a Public Facilities Financing Plan (PFFP).*
- *Fire protection service facilities to be provided concurrent with need.*

The fire and emergency response times of 7.0 to 10 minutes would not be consistent with current County emergency travel time requirements. The requirements for preparation of a PFFP and to provide fire protection facilities concurrent with need would still be applicable to proposed Project."

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Section 3.5 -- Page 20: The Plan states: "*The San Diego County General Plan Safety Element includes Travel Time Standards from the "Closest Fire Station" (San Diego County General Plan 2011). Table*

S-1 in the County General Plan indicates that standards are not deemed as requirements. The threshold must be requirements or the impact is not adequately mitigated. When not codified as requirements, there is no legitimate basis for meeting the standards. This will then have a detrimental effort on the City of Chula Vista Fire Department and will result in a significant impact to Fire and Emergency Services.

Travel time does not represent total response time, which is calculated by adding the travel time to the call processing time and to the turnout/reflex time. Generally, the call processing and turnout/reflex time would add between two to three minutes to the travel time. Table S-1 from the County General Plan establishes a service level standard, not a requirement, for fire and first responder emergency medical services that is appropriate to the area where a development is located. Standards are intended to (1) help ensure development occurs in areas with adequate fire protection and/or (2) help improve fire service in areas with inadequate coverage by requiring mitigation for service-level improvements as part of project approval.”

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Cont.

Chula Vista FS 4 in Rancho del Rey is referenced; however, this is not one of the two closest FS to the project site. Chula Vista FS 6 in Rolling Hills Ranch along with FS 8 in the Woods are the two closest Fire Stations. Additionally, the reference to a 7 to 10 minute response time within 85%; does not meet the San Diego County General Plan Travel Time standard of 5 minutes. The 7 to 10 minutes reference is actually referring to total response time that includes dispatch processing, crew turnout and travel time. The 7 minutes in this reference is one minute dispatch process, one minute crew turnout and five minute travel time; which is within the standard of the San Diego County General Plan Travel Time standard. The 10 minutes in this reference is for an Effective Fire Force (EFF) of 14 personnel to be on-scene within one minute dispatch process, one minute crew turnout and eight minute travel time to make entry into an Immediately Dangerous to Life and Health (IDLH) as determined by OSHA, i.e. a structure fire.

Emergency Medical incidents will make up a majority of incidents for this project site. Transportation of patients will create and extend unavailable time for Emergency Operational Area ambulances. With overlapping incidents, this will create extended response times and unavailable times.

The DEIR needs to clarify if the threshold is the San Diego County General Plan Travel Time standard required for 100% of the calls for service for the project area? If this is not the threshold, the DEIR needs to include what the threshold is. Further the DEIR must justify the deviation from the standard threshold.

The DEIR analysis regarding the provision of Fire and Emergency should include the response plan and standard travel times for all unit types for multi-unit responses for the following incident types:

1. Commercial Structure Fire First Alarm
2. Commercial Structure Fire Second Alarm
3. Residential Structure Fire First Alarm
4. Residential Structure Fire Second Alarm
5. Vegetation Fire

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Cont.

6. Vehicle Fire
7. Mass-Casualty/Multi-Patient Incident
8. Vehicle vs. Structure
9. Natural Gas Leak
10. Technical Rescue
11. Vehicle Rescue
12. Water Rescue

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The DEIR needs to provide information regarding the type of staffing that will be provided by San Diego RFPD at the proposed Village 13 FS. The following are questions regarding fire and emergency services that the DEIR must address. The level of staffing and equipment potentially impact San Diego RFPD's ability to provide adequate fire and emergency services to the entire project.

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- Will the station be staffed by professional firefighters who are San Diego RFPD employees?
- Will the Village 13 FS be unstaffed for prolonged incidents and/or remote training? Unstaffed period(s) of greater than four hours will have a significant impact on the City of Chula Vista Fire Department's response models and ability to provide the necessary services.

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- The DEIR needs to consider if the Village 13 engine company will participate on strike team responses and if so how long will the FS be allowed to be unstaffed? Unstaffed period(s) of the Village 13 FS of greater than four hours will have a significant impact on the City of Chula Vista Fire Department's response models.

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- Does San Diego RFP have a reserve fleet for engine companies to accommodate fire apparatus maintenance and repairs of the Village 13 FS engine company?

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- Will the Village 13 FS have emergency medical transport capability? If so, where will the backup unit come from for incidents requiring transport simultaneously?

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- Does the DEIR assume there will be an agreement established regarding the impact of Village 13 EOA and the EOA the City of Chula Vista belongs to regarding transport units providing aid? If so, what is the basis for this assumption?

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Section 3.5: -- Page 22: The Plan states the following: *"To avoid potential degradation of services, meet the anticipated increased demand in accordance with County emergency travel times in compliance with Fire District requirements, and respond to the on-site risks, including the resort, the Project will be required to provide additional firefighting capabilities. The additional resources required to serve the Project are outlined in Section 5.0 of the FPP including options for temporary fire service, land for a public safety site, fair share funding for a permanent fire station, staffing, and equipment, and the phasing of the development and the firefighting resources necessary to meet the demand for fire and emergency medical services generated by the Project."*

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Cont.

- The above states that a finite level of detail is provided in Section 5.0 of this FPP; however, such detail wasn't provided. Is it assumed that the City of Chula Vista Fire Department resources will be part of said "additional resources" Provide the detail as stated herein.

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Section 3.6.2.1 -- Page 3.6-7: The Plan states the following: "...in fact, CVFD call volumes suggest as many as 97.5 percent of all calls are not fire related."

The DEIR needs to provide the data to substantiate this assertion.

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Section 3.5 -- Page 20: The Plan states the following: "*The San Diego County General Plan Safety Element includes Travel Time Standards from the "Closest Fire Station" (San Diego County General Plan 2011). Travel time does not represent total response time, which is calculated by adding the travel time to the call processing time and to the turnout/reflex time. Generally, the call processing and turnout/reflex time would add between two to three minutes to the travel time. Table S-1 from the County General Plan establishes a service level standard, not a requirement, for fire and first responder emergency medical services that is appropriate to the area where a development is located. Standards are intended to (1) help ensure development occurs in areas with adequate fire protection and/or (2) help improve fire service in areas with inadequate coverage by requiring mitigation for service-level improvements as part of project approval.*"

- Table S-1 indicates standards only that aren't deemed as requirements. The threshold should be requirements. When not codified as requirements, there is no legitimate basis for meeting the standards. This will then have a negative impact of the City of Chula Vista Fire Department.

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- What are the dispatch time requirements for the SDRFPD?

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- What are the turnout time requirements for the SDRFPD?

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- What are the respective actual average times over the last five years?

Section 3.5: Page 21: The Plan states the following: "*Response travel speed for this analysis was held constant at 35 mph, consistent with the Insurance Services Office (ISO) Public Protection Classification Program's Response Time Standard.*"

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Although consistent with the ISO's response time standard, was their formula used in calculating response time or just the mile per hour constant? The formula has been provided below. Show exact details for all response times, for every County and City fire facility, identified throughout this Plan.

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Law Enforcement – Other Observations: Section 3.6.1.2, Page 3.6-3 and Section 3.6.2.2, Page 3.6-8: Explain why 2008 response time data is used in this analysis rather than more up-to-date data. Also, page 3.6.8 indicates that the project would require 6 additional patrols. Therefore, existing law enforcement services cannot serve the site adequately. Contrary to the current conclusions, the analysis should conclude that a direct and cumulative law enforcement impact would result from the project.

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Mitigation measures that provide for the additional law enforcement facilities, personnel and equipment are required to mitigate this impact to below significance. Also, it is not stated when the police storefront will be needed.

Schools

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Section 3.6.2.3, Page 3.6-10: There is no information about the projected capacity of the schools that would be affected by the proposed project. A conclusion of insignificance is not substantiated without this information.

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Section 3.6.2.3, Pages 3.6-9 and 3.6-10: The analysis of schools identifies the following two alternative mitigation programs: "The proposed Project would either pay school fees as stated above or the Project applicants would enter into an agreement with CVESD to mitigate the Project impact in lieu of the statutory school fees. These measures imply that there is a school impact. However, the analysis concludes that there is no significant impact and no mitigation is listed in Section 3.6.5. The analysis and conclusions need to be reconciled.

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Section 3.6.2.3, Page 3.6-10 states "For new development projects, CVESD's standard practice is to either construct a school on the reserved site to accommodate 800 students, or the district will install additional relocatable classrooms at existing elementary schools based on net baseline eligibility and available funding." Please address the suitability of the school sites in question to handle relocatable classrooms.

Mineral Resources

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There is an inconsistency in the EIR as Appendix 15, Page 1 states: "*metavolcanic rock deposits that underlie the site are of low quality and would not be suitable for use as construction materials.*" while the Geotechnical Report states that the rock meets quality minimums for a construction material: (Appendix C06, page 28),

"We performed laboratory testing on samples of the on-site rock and cobble materials to evaluate the suitability for reuse as construction materials including aggregate base and crushed rock. We performed laboratory testing including Apparent Specific Gravity, Absorption, and Density (ASTM C128); Durability Index (California Test 229); and L.A. Abrasion (ASTM C131) on samples of Metavolcanic Rock (KJmv) and cobble with the Fanglomerate Deposits. The results of our laboratory tests are presented on Table IX in Appendix F and indicate that the tested rock materials generally meet the Standard Specifications for Public Works Construction (Greenbook) or Standard Specifications for the State of California Department of Transportation (Caltrans) criteria for aggregate quality."

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Noise

A-4-186 Cont. | Section 2.7.2.1, Page 2.7-9 and Table 2.7-6: The segment of Otay Lakes Road from Wueste Road to Driveway #1 is shown and analyzed as in the County. A portion of this segment should be identified as in the City of CV and the City's noise standards should be used for the segment within the City.

A-4-187 | Section 2.7.2.1, Page 2.7-10. The noise analysis needs to address the potential nuisance of low flying, slow aircraft. A notification of the proximity of the Nichols Airfield should be recorded on all residential and school parcels.

A-4-188 | Section 2.7.2.1, Page 2.7-10: CEQA requires that a project be looked at according to its impact on the existing environment. Relative to the private airstrip, the analysis needs to address how or if airport operations would be altered in any way due to the addition of the residential and resort uses nearby.

A-4-189 | Per the Caltrans Airport Landuse Planning Handbook, noise from air operations should have been studied for the proposed residential and school land uses.
Public Facilities / PFFP / Public Services/Energy Use

A-4-190 | The EIR does not evaluate the extreme energy requirements for the Village given its geography. For example, every gallon of water used needs to be pumped in with multiple water pump stations from an elevation of 624' up to an elevation of 980' and pumped out with multiple sewer pump stations: The DEIR states on page 3.7-6: "*The proposed Project would be served by the 980 Zone within OWD's Central Service Area. The 980 Zone accesses water from the SDCWA aqueduct by Otay Flow Control Facilities Numbers 10 and 12, which fill 624 Pressure Zone reservoirs. Water is then distributed within the 624 Zone and pumped to the 711 and 980 Zone storage and distribution systems. There are two pump stations in the 980 Zone: the 980-1 and 908-2 pump stations. The energy necessary for up to 4 sewer pump stations to pump sewage for a mile to the west is extreme and not factored into the energy or fiscal analysis. Further, the particulates associated with the emergency generators necessary for this sewer pumping operation were not analyzed.*"

Wastewater/Sewer

A-4-191 | The DEIR assumes that wastewater collection and transmission for the Project will be provided through a transportation agreement between San Diego County Sanitation District ("SDCSD") and the City. Under such an agreement, wastewater would be transported to the Metropolitan Sewerage Sub-System ("Metro") for treatment and disposal via the City's Salt Creek Interceptor located in City boundaries. While the City and the County have held prior discussions about an agreement, no agreement has been executed and discussions have not moved forward. The DEIR Project Description and Utilities and Service Systems Section should not assume wastewater transmission through the Salt Creek Interceptor. As of the date of this letter, the Salt Creek Interceptor alignment is not a feasible alternative for the Project given the absence of a transportation agreement. Instead, the Project should be redefined to assume that wastewater will be transported to Metro via SDCSD's Spring Valley Interceptor, with the Salt Creek Interceptor as a project alternative.

A-4-192 | If the City and County come to terms on a agreement for transporting wastewater to Metro the project will be required to annex to the City in accordance with City's Policy Number 570-02 (see attached) or execute a municipal service agreement. The applicant will be conditioned to acquire treatment capacity through a purchase/transfer agreement with one of the other participating agencies in the Metro system and the project will be required to submit and obtain approval of an updated Salt Creek DIF to the satisfaction of the Director of Public Works.

A-4-193 | Page 3.7-16 states "Based on the analysis, the provision of sewer service to the Project site through the Salt Creek Interceptor would be less than significant" however, the use of the Salt Creek Sewer is not under County jurisdiction. The DEIR did not adequately disclose impacts from the project because a non-Salt Creek alternative was never analyzed.

A-4-194 | The 2004 NOP identified 4 options for sewer service. The LAFCO letter in response to the NOP identified 10 sewer options. Many of LAFCO's options were not addressed nor were they dismissed. The feasibility of sewer options needs to be addressed in the event that the preferred sewage conveyance option is not approved. (See *Napa Citizens for Honest Government v. Bd. of Supervisors* (2001) 91 Cal.App.4th 342.)

A-4-195 | Section 3.7.2.2: Revise this section as needed to reflect the fact that the sewer system including force mains located within City limits shall meet the City's design criteria.

A-4-196 | An updated cumulative impact sewer study will be needed based on updated land use projections and sewage generation factors. The October 2010 PBS&J Study evaluated the cumulative buildout development scenarios, which is using outdated sewage generation duty factors and land use/flow projections. An updated study will be needed to demonstrate that the Salt Creek Interceptor has been sized to accommodate ultimate development in the service area, including the project.

A-4-197 | Page 3.7-16: This paragraph addresses Section 3.7.5.2, however it was not found in the body of the report.

A-4-198 | The sewage generation factors used for the project shall also be analyzed utilizing the 2014 City's Wastewater Master Plan duty factors (see attached).

A-4-199 | The population peak factors shall also be analyzed utilizing the City's design standards (see attached).

A-4-200 | An updated Salt Creek DIF study will be needed to determine a fee funding program for future improvements to the Salt Creek Interceptor. The Salt Creek development impact fees shown in Table 5-2 are based on the 2004 Salt Creek DIF study, which is using outdated sewage generation duty factors and land use/flow projections.

A-4-201 | The sewer system including force mains located within City limits shall meet the City's design criteria. Lift stations located in the proximity of City limits will be required to line five sewer manholes in the gravity flow system from the point the forced main daylight to gravity flow, utilizing lining method currently approved by the City of Chula Vista for sewer manhole lining.

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Page 3.7-15 states *“It should be noted that, while lift station would ultimately pump all flows and as such have the largest capacity, in terms of overflow storage, only the amount of gravity flows is considered.”* There are multiple failure scenarios that need to be planned for with pumping sewage in series, adjacent to a lake, with high exposure to wildfires. For example if Station 1 failed and Station 2’s overflow was nearing capacity, then having more than just emergency overflow capacity for gravity flows should be provided for at Station 1. When designing complex public works such as this, there should be thought given to not only the chance of failure but also the consequence of failure. As such, larger overflow basins, larger gas tanks for emergency generators and mitigation to fireproof the generators for a wildfire event.

Water Supply Availability

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Page 3.7-3: The DEIR states that “MWD's reliability assessment showed that MWD can maintain reliable water supplies to meet projected demands through the year 2035.” However, this conclusion is based on circumstances which existed prior to November 2010, when the MWD adopted its Regional UWMP. Since then, California has experienced, and continues to experience, one of the worst droughts in history. Recent information from the MWD indicates that water supplies from the MWD will be curtailed and MWD reserves may be exhausted within the coming year. The DEIR’s assumption that MWD can maintain reliable water supplies to meet projected demands through 2035 is not supported by substantial evidence because it is based on outdated information that fails to take into account the significant change in circumstances which has occurred over the past four years.

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Page 3.7-4: The DEIR says SDCWA receives approximately 46 percent of its supply from MWD. However, Appendix C-17 (Overview of Water Service) says the MWD provides 71 percent of SDCWA’s supply. Please reconcile this apparent discrepancy.

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The DEIR discusses the SDCWA’s drought alert. However, it does not specifically acknowledge that, due to several years of below-average precipitation, the SDCWA Board of Directors declared implementation of Stage 2, Supply Enhancement stage, of the SDCWA’s Water Shortage and Drought Response Plan and approved notification to the member agencies of a Regional Drought Response Level 2 on July 14, 2014. A drought Response Level 2 requires up to 20 percent mandatory conservation. Has the OWD and/or the County adopted the SDCWA’ model ordinance, which would require implementation of a water shortage and drought response plan within the project area?

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The DEIR does not mention that, if the current drought conditions continue, the SDCWA may implement Levels 3 and 4 of the authority’s Model Drought Response Ordinance to ensure sufficient water supplies are available to meet anticipated demand. Level 3 (drought critical) requires member agencies to implement mandatory water use reduction up to 40 percent; Level 3 restrictions also include prohibition new potable water service and issuance of new temporary and permanent water meters. Level 4 (drought emergency) declares a water shortage emergency and requires a water demand reduction of more than 40 percent; Level 4 includes all water use restrictions of the previous levels, as well as prohibits landscape irrigation. As a member agency of the SDCWA, would the OWD be required to comply with and implement the SDCWA’s drought response requirements in the project

A-4-206 | area, including a prohibition on the issuance of new water meters? If so, how would this affect
Cont. | implementation of the proposed project?

A-4-207 | The DEIR also states that “[b]ased on SDCWA's water supply reliability assessment, SDCWA
| concluded that water supplies would be sufficient through 2035.” However, this conclusion is based on
| circumstances which existed prior to 2010, when the SDCWA adopted its UWMP. Since then,
| California has experienced, and continues to experience, one of the worst droughts in history. Recent
| information from the SDCWA indicates that water supplies from the MWD will be curtailed and MWD
| reserves may be exhausted within the coming year. The DEIR’s assumption that water supplies will be
| sufficient to meet projected demands through 2035 is not supported by substantial evidence because it is
| based on outdated information that fails to take into account the significant change in circumstances
| which has occurred over the past four years.

A-4-208 | Page 3.7-5: The DEIR states that “water usage in the San Diego region decreased by 29 percent in
| December 2014 compared to the same month a year earlier [which] highlights the region’s long-term
| commitment to water conservation, particularly during drought conditions.” However, this assertion
| appears to be extremely misleading. Outside water use increases in dry periods and decreases in wet
| periods. December 2014 experienced the highest monthly amount of rainfall of the year (4.50”), over
| ten times more than the rainfall in the preceding six months combined (0.45”) and more than ten times
| the amount of the month before, November 2014 (0.42”) or the month after, January 2015 (0.37”).
| Please provide information regarding the monthly amount of water usage for the six months before and
| after December 2014 to provide a more accurate indication of the extent of water conservation.

A-4-209 | Page 3.7-6: The DEIR states that “OWD currently relies on MWD and SDCWA for its potable supply”
| and “the SWP allocation of water will be severely reduced if dry conditions persist, and the latest SWP
| allocation, as of January 15, 2015, is set at 15 percent of most SWP contractors’ requests for SWP Table
| A water.” Please explain what effect the reduced SWP allocation will have on the amount of water the
| OWD actually receives in comparison to the amount of water it received one year ago.

A-4-210 | Page 3.7-6: The DEIR correctly identifies drought conditions but offers no project features to or
| mitigation measures to fully mitigate. For example, reclaimed water could be used for landscaping,
| especially if the City of San Diego is moves forward with Project Pure Water (filling the lake with
| reclaimed water). The use of potable water for parks and open spaces is unsustainable and will
| necessarily leave less potable water for life sustaining operations in the rest of the Otay Water District
| and the City of Chula Vista.

A-4-211 | Page 3.7-7: The DEIR states that “the regional water supply agencies, MWD and SDCWA, along with
| OWD have adapted effectively to the changing circumstances with careful planning and the
| implementation of reliable long-term solutions that ensure sufficient, reliable supplies to meet the
| demands of both existing users and planned future growth.” Please explain whether and to what extent
| the “long-term solutions that ensure sufficient, reliable supplies” are affected by Governor Brown’s
| recent executive order to reduce potable water use throughout the state by 25 percent. Please also
| explain how the “long-term solutions” will be affected by the State Water Resources Control Board’s

A-4-211 Cont. | impending emergency regulations that are anticipated to take effect on June 1, 2015 and will impose mandatory cutbacks on urban water suppliers such as SDCWA and OWD.

A-4-212 | Page 3.7-11: The DEIR states that construction of necessary water facilities, including a new five million gallon reservoir, is planned pursuant to the OWD Capital Improvement Program, and the potential environmental impacts of the construction and operation of such facilities were analyzed “at the program level of detail” in the FEIR for OWD’s Water Resources Master Plan, dated July 20, 2009 (OWD 2009). The DEIR also states that the OWD’s FEIR is incorporated by reference in this EIR and available for review upon request to OWD. However, CEQA requires information which is required in an EIR to be provided in the EIR itself, not in appendices or referenced documents available elsewhere. Further, CEQA requires that, where an EIR uses incorporation by reference, “the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized.” (CEQA Guidelines § 15150(c).) Please summarize the analysis in the OWD’s FEIR of the potential environmental impacts associated with the proposed construction of the new reservoir and other water facilities required for proposed project and identify any significant impacts and necessary mitigation measures. Please also provide project-level information by disclosing the duration of the construction period, the size of the areas affected, the amount of grading, excavation and other earth movement required, the number of construction workers and vehicles, the anticipated number and types of construction equipment required and other information relevant to the construction of the reservoir and water delivery facilities.

A-4-213 | The DEIR also refers to impacts relating to “grading” and “project implementation (such as noise and air quality).” This reference is ambiguous and does not make clear whether the DEIR evaluated the potential impacts of construction of necessary water facilities on traffic, air quality, noise and other resources. Please also disclose who will construct the new water facilities—the project applicant or OWD contractors?

A-4-214 | The DEIR states that OWD and SDCWA have included the anticipated supply and demand requirements for the proposed project in their water supply and demand projections detailed in their 2010 UWMPs. However, the Project site is not currently within the OWD service area or within the OWD sphere of influence. Please identify the chapter and page numbers in the OWD and SDCWA 2010 UWMPs which contain the anticipated supply and demand requirements for the proposed project.

A-4-215 | The DEIR states that the proposed project includes a Residential Water Conservation Plan included as Appendix VI of the Resort Village Specific Plan that provides “strategies” which will reduce outdoor water consumption by 30 percent. Appendix VI specifically provides that its recommendations are not intended to be prescriptive detailed landscape plans, but only represent one method of achieving water conservation. In other words, there is no requirement that any of the concepts discussed in Appendix VI are required to be implemented. The water conservation plan in Appendix VI is neither a mandatory design feature of the proposed project nor a required mitigation measure, so the assumption that the project will reduce outdoor water consumption by 30 percent is not supported by any evidence. Merely quantifying the extent of potential reductions is meaningless without evidence that the proposed reduction measures actually will be implemented. (See *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152.) Is this the same plan as Appendix VI to the Specific Plan? If not, the detailed water

A-4-
215
Cont. | conservation plan referred to in Appendix C-17 must be prepared now, must be included as part of the DEIR and must be made available for public review. The failure to do so results in a lack of substantial evidence to support the DEIR's conclusion that outdoor water consumption will be reduced by 30 percent and an improper deferral of necessary mitigation. Further, Appendix C-17 (Table 5-1) assumes a 30-41 percent reduction in outdoor water use, but does not support this assumption by identifying the mandatory reduction measures which the developer shall implement to achieve the assumed reductions.

A-4-
216 | The water supply analysis is based on SANDAG population data for 2030. Is this the most recent data available from SANDAG? Hasn't SANDAG developed updated population forecasts for 2050 that should be used in the DEIR?

A-4-
217 | Page 3.7-11 – 3.7.13: The DEIR concludes that the proposed project will have a less than significant impact on water supply. However, this conclusion is based on the UWMPs adopted by MWD, SDCWA and OWD in 2010, which do not take into account the drought conditions which presently exist and the reductions in allocation of actual water supplies that are and will be implemented. The DEIR's assumption that there will be sufficient, reliable water supply to accommodate the proposed project is contrary to the substantial evidence which shows a significant change in circumstances has occurred, and will continue to occur in the foreseeable future, due to the four-year drought that began after the MWD, SDCWA and OWD adopted their 2010 UWMPs. The OWD's UWMP says that additional water supply will be provided by the SDCWA, which presumably can only come from MWD. However, the DEIR does not discuss what the SDCWA will do if it can't get the additional water needed from MWD. The MWD has received only a fraction of its allocation from the SWP and there is no evidence that additional water actually available for purchase. If the MWD uses its remaining reserves (1.2 million acre feet) at the same rate in 2015 as it did in 2014 (1.1 million acre feet), MWD reserves will be nearly completely depleted in 2015, including the reserves set aside for emergencies. CEQA requires an EIR to identify future water supplies and to discuss whether uncertainty exists with respect to future supplies and what alternative sources are available, as well as any potential impacts and mitigation measures associated with alternative sources. (See *Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434.) In light of the severity of the drought and its actual impact on water supply, the DEIR must disclose the most recent water supply data, governor's executive order and State Water Resources Control Board emergency regulations for urban water suppliers and discuss their effect on the reliability of water supplies for the proposed project and the alternative sources of water that will be available, if any, to serve the proposed project.

A-4-
218 | The DEIR concludes that the proposed project will have a less than significant impact on water supply. However, this conclusion is based, in part, on the statement that “[a]n offset program has been established that would likely be required as part of the Project annexation process to ensure that no new or expanded entitlements from SDCWA or MWD are needed to supply water to meet the demands of the water district.” Where in the DEIR is this “offset program” described? When and by whom was it established? Is it required or not? The conclusion of a less than significant impact depends, at least in part, on the implementation of this program. Accordingly, it appears the impacts on water supply will be significant unless the offset program is implemented and the offset program is required to reduce impacts below significance. Please revise the conclusion to acknowledge the impacts on water supply

A-4-218 Cont. | will be significant and identify the offset program as a mitigation measure that must be implemented by the project applicant.

Water Quality

A-4-219 | An alternative for the irrigation of parks and slopes with reclaimed water (with BMP's to prevent lake contamination) is missing, this in the face of a critical draught. The missing alternative for reclaimed water seems to stem from an aversion to irrigating with reclaimed in Otay Lake's source water but the City of San Diego has already proposed piping reclaimed into Otay Lake with their Project Pure Water <http://www.sandiego.gov/water/pdf/purewater/2012/recycledfinaldraft120510.pdf>

Parks and Trails

A-4-220 | The Otay Ranch Preserve and Resort DSEIR page 3.6.1.4 - references the mitigation measures in the PEIR that mitigate the park impacts. It then goes on to describe local existing park facilities in the area. Add a sentence that states that the parks described, that are all located in the City of Chula Vista, are not part of the park provision for Village 13 and are not counted in the park acreage provision for Village 13. Village 13 park requirements are calculated according to the County Parkland Dedication Ordinance. Village 13 is required to meet its park provision independently of the City of Chula Vista. It may even be appropriate to delete the paragraph referencing existing local facilities located in Chula Vista.

The DEIR must include a discussion of all proposed trails and how trails proposed as part of this project will interface with the Preserve, OVRP trails, and City of San Diego Cornerstone lands with the OVRP. The analysis must include proposed public access controls and potential off-site impacts.

Cultural Resources

A-4-221 | Section 2.4.2, Page 2.4-4: This section does not state what guidelines have been used to determine significance. Please provide the reference of the governing document that provides the guidelines used for determining significance in this section (i.e. County of San Diego Guidelines for Determining Historic Significance).

A-4-222 | Section 5.5, Native American Consultation: SB-18 requires that local governments consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process, however this section states that Tribal Consultation occurred in 2007 and no further consultation is shown in the methodology provided in the report "Otay Ranch Resort Village Archaeological/Historical Study", revised 2014. The DEIR cannot avoid compliance with SB-18 by relying on a ten-year old NOP.

A-4-223 | Section 2.4.2.5, Page 2.4-12: This section states that preservation of 53% of the significant sites within the dedicated Preserve area will ensure that examples of these types of resources will remain as part of the archaeological resource base. Provide the governing document that sets what the threshold for level of impact to historical resources within a project area (i.e the project impact to 47% of significant resources is below a level of significance). Also, provide the impact mitigation reference information

A-4-223 Cont. (i.e. Appendix and page number) for the proposed data recovery program that is mentioned in this section.

Alternatives

A-4-224 Page 4.0-2: CEQA requires an EIR to describe the rationale for selecting the alternatives to be discussed. (CEQA Guidelines § 15126.6.6(c).) The DEIR evaluates six development alternatives with a dizzying array of features, including different total residential unit counts, different numbers of single-family and multi-family units, and different resort and public facilities. However, the DEIR does not explain why these development alternatives were selected for consideration or how their varying sizes and features would avoid or lessen any of the proposed project's significant environmental effects.

A-4-225 In addition, we find that there are significant impacts that have not been identified in the DEIR. For example impacts related to Fire and Emergency Services are significant. The provision of sewer services is reliant on an out-of-agency agreement and approval by LAFCO. Therefore, the conveyance of sewer flow through the Salt Creek Interceptor may be infeasible resulting in a significant impact. The DEIR should include alternatives that mitigate the impacts to Fire and Emergency Services. Please explain why each of the development alternatives was selected for detailed evaluation and how the features specific to each alternative contributes to the alternative's ability to avoid or reduce the proposed project's significant impacts.

A-4-226 The DEIR is currently written with the connection to Metro via the Spring Valley Interceptor as a project alternative, rather than the Project itself. Moreover, DEIR Section 4.0 (Project Alternatives) rejects the Spring Valley Interceptor alignment alternative from further study because "it is not an alternative that would substantially lessen the significant effects of the proposed Project in regards to the installation of sewer infrastructure." The DEIR therefore lacks sufficient analysis of the only feasible alignment for wastewater flow. Any such analysis should not only evaluate the direct environmental impacts from the construction and operation of new transmission lines to connect to the Spring Valley Interceptor, but also the cumulative growth inducing impacts of extending new backbone infrastructure into previously un-served, unincorporated territories.

A-4-227 Additionally there are no alternatives that address the provision of municipal services from Chula Vista. Given the impacts related to Sewer Service and Fire and Emergency Services, at least one alternative should have included annexation of the Project Site to the City of Chula Vista.

A-4-228 In addition, the EIR's identification of the alternatives with only a letter designation (e.g., Alternative A, etc.) makes it extremely difficult for the reader to make any meaningful comparison of the relative merits of each alternative without constantly having to turn back to the descriptions of the alternatives. Please consider renaming the six development alternatives and adding additional alternatives with descriptive titles that assist the reader in understanding and remembering why each alternative is being considered (e.g., No Project Alternative, Reduced Density Alternative, etc.)

A-4-229 Page 4.0-26: The comparisons of the impacts of the proposed project and the other alternatives appear to evaluate impacts with mitigation. However, the comparison of air quality impacts from operation of

A-4-229 Cont. Alternative G considers this alternative's emissions without mitigation. Please revise Table 4.0-2 to provide information showing Alternative G's operations impacts with the same mitigation measures as recommended for the proposed project.

A-4-230 Page 4.0-29: CEQA prohibits a lead agency from approving a project as proposed if there are feasible alternatives which may substantially lessen the significant impacts of the project. (Public Resources Code § 21002.) Table 4.0-1 indicates that, except for Alternative B, every alternative evaluated in the DEIR will have the same or lesser impacts than the proposed project. More specifically: Alternatives A and C through G will lessen the significant impacts of the proposed project on aesthetics; Alternatives A and C, F and G will lessen the significant impacts of the proposed project on air quality; Alternatives A and C through G will lessen the significant impacts of the proposed project on biological resources; Alternatives A and C through G will lessen the significant impacts of the proposed project on cultural resources; Alternatives A and G will lessen the significant impacts of the proposed project on geology and soils; Alternatives A and G will lessen the significant impacts of the proposed project on hazards and hazardous materials; Alternatives A, C, E and G will lessen the significant impacts of the proposed project on noise; Alternatives A and G will lessen the significant impacts of the proposed project on solid waste; and Alternatives A, C, E and G will lessen the significant impacts of the proposed project on traffic and transportation. Since the DEIR selected these alternatives for detailed consideration, they are presumed to be able to attain most of the basic project objectives, are feasible, and can avoid significant environmental impacts of the project. (CEQA Guidelines § 15126.6.6(c), (f).) The DEIR does not provide any evidence that any of these alternatives are infeasible, so the Board of Supervisors will be required to select one of the alternatives if it wishes to proceed with development of the project site. Based on the information in the DEIR, the most appropriate choice would be Alternative C, Alternative E or Alternative G, all of which would substantially lessen the significant impacts of the proposed project on, among other resources, air quality, biological resources, noise and traffic/transportation.

Wastewater/Sewer:

A-4-231 Viable alternatives are missing such as gravity sewer alignment in lieu of pumping sewage for up to mile should have been analyzed.

A-4-232 Impacts to water quality were not adequately addressed in that no reference was made as to how this project will comply with the 2013 NPDES Permit requirement to retain (i.e. intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of storm water runoff produced from a 24-hour 85th percentile storm event. Therefore, the DEIR is not adequate because it does not completely address all the requirements of the NPDES Permit.

A-4-233 Impacts to water quality were not adequately addressed in that no reference was made as to how this project will comply with the 2013 NPDES Permit requirement to retain (i.e. intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of storm water runoff produced from a 24-hour 85th percentile storm event. Therefore, the DEIR is not adequate because it does not completely address all the requirements of the NPDES Permit.

A-4-234 | Section 3.7.1.2 -- Existing Chula Vista Sewer Facilities: An updated cumulative impact sewer study will be needed to demonstrate that the Salt Creek Interceptor has been sized to accommodate ultimate development in the service area, including the project.

A-4-235 | Salt Creek Interceptor-Cumulative Impacts, page 5-8. An updated cumulative impact sewer study will be needed based on updated land use projections and sewage generation factors. The October 2010 PBS&J Study evaluated the cumulative buildout development scenarios, which is using outdated sewage generation duty factors and land use/flow projections.

A-4-236 | An updated cumulative impact sewer study will be needed based on updated land use projections and sewage generation factors. The October 2010 PBS&J Study evaluated the cumulative buildout development scenarios, which is using outdated sewage generation duty factors and land use/flow projections.

Water Quality:

A-4-237 | Page 3.2-7: This section references compliance with San Diego Regional Water Board Order R9-2007-0001 for hydromodification analysis. Reference should be made to San Diego Regional Water Board Order R9-2013-0001 as this permit will go into effect December, 2015.

Transportation and Traffic

A-4-238 | Page 1.0-33 to 1.0-35, Table 1.0-6, *List of Projects Included in Cumulative Traffic Analysis* should include City of Chula Vista projects assumed in the traffic model.

A-4-239 | Section 2.9.3.4, Page 2.9-23: The cumulative analysis is based on the traffic model used for the Village Two Comprehensive SPA Amendment. Describe the cumulative projects assumed in Chula Vista that were included in the traffic model since none are listed in Table 1.0-6, *List of Projects Included in Cumulative Traffic Analysis* or Table 2.9-38 *Approved / Pending Projects in East Otay Mesa*.

A-4-240 | Page 2.9.110, Table 2.9-41 *Roadway Segment Level of Service Results Cumulative (Year 2025) Traffic Conditions (County of San Diego)* shows Otay Lakes Road from City/County boundary to driveway #1 and driveway #1 to driveway #2 as 2 lanes in the cumulative scenario (2025). Please explain why these segments were not analyzed as 4-lanes since M-TR-2 and M-TR-3 (page 2.9-46) require the widening of these segments to 4 lanes as mitigation for the Existing Plus Project Phase I scenario.

A-4-241 | Page 1.0-33 to 1.0-35, Table 1.0-6, *List of Projects Included in Cumulative Traffic Analysis* should include City of Chula Vista projects assumed in the traffic model.

A-4-242 | Section 2.9.3.4, Page 2.9-23: The cumulative analysis is based on the traffic model used for the Village Two Comprehensive SPA Amendment. Describe the cumulative projects assumed in Chula Vista that

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Cont. | were included in the traffic model since none are listed in Table 1.0-6, *List of Projects Included in Cumulative Traffic Analysis* or Table 2.9-38 *Approved / Pending Projects in East Otay Mesa*.

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243 | Page 2.9.110, Table 2.9-41 *Roadway Segment Level of Service Results Cumulative (Year 2025) Traffic Conditions (County of San Diego)* shows Otay Lakes Road from City/County boundary to driveway #1 and driveway #1 to driveway #2 as 2 lanes in the cumulative scenario (2025). Please explain why these segments were not analyzed as 4-lanes since M-TR-2 and M-TR-3 (page 2.9-46) require the widening of these segments to 4 lanes as mitigation for the Existing Plus Project Phase I scenario.

Agriculture

A-4-
244 | The conclusions of the report differ in methodology from the City's. The City acknowledges the significant and unmitigable loss of agricultural land due to urbanization of Otay Ranch project sites that were in agricultural operation at one point. City prepared EIRs conclude that Otay Ranch projects would cumulatively contribute to the loss of the agricultural land and this would be significant and unmitigable consistent with the PEIR. The County acknowledges that the PEIR concluded significant cumulative agriculture impacts, but concludes with substantial evidence that the site is not suitable of agriculture based on climate and soils and therefore at a project level and cumulatively, it is not significant.

Aesthetics and Visual Resources

A-4-
245 | Section 2.1.3, Page 2.1-15 states that the FEIR for the County GPU had mitigation measures that reduced cumulative impacts to scenic vistas and scenic resources to below significance. Such mitigation measures from the FEIR should have been explored and adopted to reduce (although not to below significance) this project's significant cumulative impact. At a minimum the FEIR's mitigation measures should be incorporated by reference into this DEIR and its MMRP if the conclusion of no significance relies on the measures.

Solid Waste

A-4-
246 | Section 2.8.3, Page 2.8-6. The analysis identifies the Village Two Comprehensive SPA Plan Amendment and the University Villages projects as "pending". Both projects were approved in 2014. Please make the correction. The cumulative analysis does not mention the University project. The University project's NOP was distributed for public review and therefore is a reasonably foreseeable project. Therefore, this project should be considered in the cumulative solid waste analysis.

A-4-247 | Section 2.8.3, Page 2.8-6: The analysis assumes that the Otay Landfill will take the solid waste generated by the project. No other alternative solid waste disposal option (alternative) is explored by the analysis or in the alternatives section.

Air Quality

A-4-248 | Section 2.2.3, Page 2.2-14: Please define the geographic scope of the cumulative air quality analysis.

A-4-249 | Section 2.2.3.2, Page 2.2-15: As noted also for the project specific analysis (see b. below), the cumulative impact conclusion for the Otay Lakes Road/Wueste Road intersection for CO relies on the 2030 buildout scenario with the signal in place (mitigation TR-7). However, the intersection operates at LOS F in the Cumulative 2025 condition and there is no mitigation until the City of Chula Vista concurs with the mitigation (page 2.9-50). Therefore, the analysis of CO should have focused on the worst case condition which is 2025 cumulative and concluded that there would be a significant impact at this intersection. See also b. below.

Biological Resources

A-4-250 | Section 2.3.3, Page 2.3-34 states: "The overall Otay Ranch Project area, including the Project site, is achieving a 97.8% conservation ratio for vernal pools." The "overall Otay Ranch Project area" should be explained.

A-4-251 | Page 2.3-121, Figure 2.3-17, *Location of Cumulative Projects*: The undeveloped eastern Otay Ranch area is located between the project site and the Otay Mesa projects shown south of Chula Vista. Because of the inherent connectivity, this figure should identify the undeveloped land in eastern Otay Ranch within the City of Chula Vista as part of the cumulative project area for biological resources.

Geology and Soils

A-4-252 | Section 2.5.3, Page 2.5-12 and 2.5-15: The conclusion of less than significant direct and cumulative impacts relies on the fact that "The Project would conform to all recommendations and requirements included in the Geotechnical Reports". However, there is no mitigation measure or guarantee that all recommendations will be incorporated. The recommendations and requirements of the technical reports should be summarized in the text. Since the conclusion relies on these recommendations and requirements, the EIR should add a mitigation measure that requires the applicant to demonstrate the recommendations of the geotechnical report have been incorporated into project plans.

A-4-253 | Section 2.6.4, Page 2.6.27: The significance of impact conclusions conflict with the preceding analysis of cumulative impacts in Section 2.6.3. No cumulative impacts were identified in the analysis.

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Section 2.6.4, Page 2.6-27: The analysis of cumulative impacts does not adequately address fire protection needs in the event of a wildland fire. Clearly, fire protection services would be required of other jurisdictions, such as Chula Vista, that may be responding to events in other parts of the City. The cumulative analysis needs to address what resources would be needed to assist the County in such an event and what the impact would be on City services.

Law Enforcement

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255

Section 3.6.3.2: The project specific analysis demonstrates that 6 new law enforcement personnel would be required. The cumulative discussion focuses on the construction of a new storefront safety center. It does not address what additional law enforcement demand would occur under cumulative conditions.

Utilities - Energy and Energy Use and Conservation

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256

Section 3.7.3.4, Page 3.7-22 refers the reader to the cumulative projects in Table 1.0-7. The correct reference is Table 1.0-6. As identified in previous comments, this table does not include any City of Chula Vista projects. The cumulative provision of energy to the site along with the cumulative projects listed in Table 1.0-6 and projects in the City of Chula Vista needs to be provided. There is no evidence provided that there is long term supply of energy. Therefore, a comprehensive analysis of regional energy supply has not been adequately addressed.

Water Supplies

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Page 3.7-20: The water supply cumulative impact analysis is based on SANDAG population data for 2030. Is this the most recent data available from SANDAG? Hasn't SANDAG developed updated population forecasts for 2050 that should be used in the DEIR?

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The DEIR states the SDCWA 2010 UWMP concluded that if water supplies are developed as planned, no water shortages are anticipated within the SDCWA service area under average, single-dry, and multiple-dry years through 2035. What water supplies are planned for development? What is the likelihood that these proposed water supplies will be developed and available when needed? The likelihood of implementation is a critical part of CEQA's requirements for an adequate impact analysis. (See *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152.) The DEIR's The UMWP was adopted in 2010, before the onset of the current drought. Has the 2010 plan for these water supplies been updated to reflect the current four-year drought, or the Governor's recent executive order requiring 25% reductions in urban water use, or the State Water Resources Control Board regulations which are to take effect in June 2015?

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The DEIR again states an "offset program" has been established that would likely be required as part of the Project annexation process to ensure that no new or expanded entitlements from SDCWA or MWD are needed to supply water to meet the demands of the water district. Please provide a detailed description of the offset program and include a copy of the program as an appendix to the DEIR. Please

A-4-259 Cont. | also revise the conclusion regarding the significance of the proposed project's cumulative impacts on water supply to reflect that fact that the impacts will be significant and (apparently) can be mitigated below significance by implementation of the offset program.

A-4-260 | What past, present and future projects are considered in the cumulative impacts analysis? Assuming the SDCWA's UWMP considered only the increased growth anticipated in member cities' General Plans in 2010, were all of the cumulative projects included in the DEIR's analysis accounted for in 2010? Where is the information concerning the amount of water needed to serve the reasonably foreseeable future projects included in the DEIR's cumulative impact analysis?

A-4-261 | The DEIR states that "[a]ny potential cumulative impact related to construction of new water lines and facilities has been addressed in other Chapters of this EIR (2.2, 2.3, 2.4, and 2.7) and no additional impacts or mitigation measures have been identified in this chapter." This conclusion is inadequate for several reasons. First it fails to state whether the project will cause or contribute to a significant cumulative impact related to the construction of the new water lines and reservoir. Second, the analyses of cumulative impacts in the other chapters of the EIR (2.2, 2.3, 2.4, and 2.7) do not even mention the impacts related to the construction of the new water lines and reservoir and do not provide any information about the scope, extent or duration of those impacts. Third, the other chapters referred to do not include Chapter 2.9, Transportation and Traffic, which suggests the DEIR did not analyze the potential impacts on traffic relating to construction worker vehicle trips, potential lane or road closures and similar impacts.

LAFCO Actions

A-4-262 | This project relies on numerous approvals from LAFCO. There is no alternative that addresses the project without LAFCO approvals or the viability of the project without LAFCO approvals. The alternatives analysis does not address all the alternatives that LAFCO included in their NOP letter relative to sewer. The DEIR needs to be updated accordingly.

LAFCO Regulatory & Policy Setting

A-4-263 | The Legislature's findings and declarations contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended ("CKH Act") (Government Code §§56000 et seq.) promote "the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible" (Government Code §56001). The CKH Act carries forward this policy through several means. First, before territory can be annexed to a city or special district, the territory must be included in that city's or special district's sphere of influence, as determined by the Local Agency Formation Commission ("LAFCO") pursuant to Section 56425 of the CKH Act.

A-4-264 | Second, to ensure that spheres of influence are established by LAFCO based on sound data and information, the CKH Act requires LAFCO to conduct a municipal service review ("MSR") in order to

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Cont. prepare and update spheres of influence (CKH Act §56430(a)). LAFCO must make seven written determinations when considering MSRs, including a determination on the “accountability for community service needs, including governmental structure and operational efficiencies” (CKH Act §56430(a)(6)). LAFCO may also “assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence” (CKH §56430(b)).

Third, to ensure that infrastructure and municipal services are extended in a logical and cost-effective manner consistent with agencies’ spheres of influence and jurisdictional boundaries, as determined by LAFCO, the CKH Act provides that “a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests written approval from [LAFCO]” (CKH Act §56133(a)). LAFCO may approve out-of-agency service agreements under two scenarios:

1. The service territory is outside of the agency’s jurisdictional boundaries but within its sphere of influence, and is anticipated to be annexed in the foreseeable future; or
2. The service territory is outside of the agency’s jurisdictional boundaries and outside of its sphere of influence, and the extension of services is in response to an existing or impending threat to the public health or safety of the residents of the affected territory.

In accordance with CKH Act Section 56133(e), interagency contracts for extraterritorial services between two or more public agencies are exempt from LAFCO approval “where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.”

The CKH Act’s provisions governing out-of-agency service agreements is directly relevant to the Project given the fact that the Project site is located outside of the jurisdictional boundaries and sphere of influence boundaries of the City, Otay Water District (“OWD”), and San Diego County Sanitation District (“SDCSD”).

It is also important to note that, in order for the City and SDCSD to enter into a transportation agreement, the following LAFCO approvals are required:

- SDCSD’s sphere of influence would need to be amended to include the Project site;
- A focused MSR would need to be conducted addressing, among other technical areas, public “accountability for community service needs, including governmental structure and operational efficiencies” (CKH Act §56430(a)(6));
- The Project site would need to be annexed to SDCSD; and
- The City’s sphere of influence would need to be amended to include the Project site.

Since there is no existing wastewater service provider for the Project site, the transportation agreement does not meet the requirements of CKH Act Section 56133(e) as an interagency contract that is exempt from LAFCO approval for an out-of-agency service arrangement. Since the extraterritorial extension of

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wastewater services by the City to the Project is also not required to “respond to an existing or impending threat to the public health or safety or the residents of the affected territory,” LAFCO cannot authorize the City to extend wastewater transmission services outside of the City’s sphere of influence. Therefore, LAFCO may only authorize the City “to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization” (CKH Act §56133(b)). In order for LAFCO to approve a wastewater transportation agreement between SDCSD and the City, the Project site would first need to be in the City’s sphere of influence. LAFCO may also evaluate whether the extension of services by the City is “in anticipation of a later change of organization,” namely annexation of the Project territory to the City.

Municipal Service Review (MSR)

Additionally, the Project site is also located outside of SDCSD’s sphere of influence and jurisdictional boundaries. While SDCSD is administered by the County, SDCSD is a separate legal entity from the County and functions as a “dependent special district,” as defined by CKH Act Section 56032.5. In fact, treatment capacity in Metro is owned by SDCSD (formerly owned by Spring Valley Sanitation District prior to consolidation under SDCSD) and not the County. As such, whether the Project is served through the Salt Creek Interceptor or Spring Valley Interceptor, a sphere of influence amendment and annexation of the Project site to SDCSD is first required. This is consistent with the “Overview of Sewer Service for the Otay Ranch Resort Village” report (DEIR Appendix C-16) prepared by Dexter Wilson Engineering, Inc. It is also consistent with the conditions of sewer facility availability attached to the County’s will-serve letter and included in the Overview of Sewer Service Appendices contained in DEIR Appendix C-16.

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Based on City staff’s past discussions with the property owners, it is the City’s understanding that LAFCO would require, as a prerequisite to any application for annexation of the Project site to OWD or SDCSD, the preparation of a focused MSR for the Project site with an emphasis on analyzing alternative governance structures and service delivery methods for water, wastewater, and fire and emergency medical response services. As stated earlier, as part of the MSR process, LAFCO may “assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence” (CKH §56430(b)). The MSR would therefore need to comparatively analyze the impacts of the alternative service delivery methods to future ratepayers, including levels of service and costs. This is consistent with past MSRs prepared by LAFCO.

The 2004 Southern San Diego County Sewer Service MSR concluded that “the City of Chula Vista, Otay WD, and Spring Valley SD should pursue strategies for cost avoidance when planning for extension of services to the Otay Ranch [Villages] 13 and 14.” The 2007 SDCSD MSR also concluded that Village 13 was outside Spring Valley Sanitation District’s (SDCSD’s predecessor for southern San Diego County) sphere of influence and could be most efficiently served by the City via the Salt Creek Interceptor, subject to a cost and feasibility analysis and sphere of influence review. A cost and feasibility analysis has yet to be conducted. As discussed above, the cost analysis would not only need to address the cost to construct new facilities, but the ultimate recurring costs to future end-users, including annual assessments to repay debt issued by a community facilities district for construction of capital facilities, and ongoing sewer fees to pay for the operations and maintenance of the system.

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It should be noted that LAFCO is required to consider “the ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change” (CKH Act §56668(k)). For applications involving the activation of latent powers, LAFCO is also required to review an expanded plan of services that addresses, among other things, “a plan for financing the establishment of the new or different function or class of services within the special district’s jurisdictional boundaries” (CKH Act §56824.12(a)(5)). LAFCO is prohibited from approving a proposal to activate latent powers “unless the commission determines that the special district will have sufficient revenues to carry out the proposed new or different functions of class of services” (CKH Act §56824.14(a)).

Public Facilities Finance Plan (PFFP) Fiscal Impact Analysis (FIA)

Costs and expenses are estimated using average County costs and derived per-capita multipliers that measure base on a regional service delivery standard that is probably below what residents of Village 13 would expect to receive given the home sale prices that are assumed for development.

The derivation of costs from a County fiscal impact that is based on a regional service delivery perspective does not capture the true demand for municipal services that would be required from the type of upscale community proposed for Village 13. Residents would probably go elsewhere to seek these services i.e. the City of Chula Vista which would be impacted as a result. The fiscal analysis is based on residents using County services and facilities that are regional in nature. All County residents support these services through their taxes already if they live in incorporated areas.

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Costs are based on the per/capita unit multipliers derived from the 2008-09 budget and probably does not capture any real growth in costs since then. As a result, costs may be understated in some areas and overstated others. This could not be confirmed because there was no access to the Appendices of the fiscal impact report demonstrating the derivation of these factors.

There seems to be an inconsistency between the derivation of operational costs and what would probably result in terms of the actual allocation of costs as portrayed in the model. For example, the model estimates that there will be an additional \$225,000 of annual costs related to General Government and Finance services like Treasurer-Tax Collector, Assessor-Recorder-County Clerk, Auditor and Controller and Human resources. These costs should be more or less fixed and not be impacted at the estimated level of \$225,000 as a result of this development. The same can perhaps be stated for the Finance-Other sector of the budget that is projected to generate an additional \$200,378 of additional costs at build-out when it contains items such as contingency reserve, community enhancement, community projects and countywide general expenses. Now on the other hand the sectors that provide more direct services to residents such as Land Use and Environmental and Community Services are only estimated to generate costs of \$88,113 and \$38,491 respectively. The Land Use and Environmental sector provides: Public Works, Parks and Recreation, Planning and Land Use, Environmental Health and Agriculture Weights and Measure Services. The Community Services Sector includes Animal Services,

Registrar of Voters, Housing and Community Development, County Executive and Purchasing services.
(Library Services not captured or specifically stated).

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Public Safety costs are estimated to be at \$7.5 million without Fire Protection. This may be enough if the resources are allocated to services within the development that are actually required to serve the development.

Overall, the fiscal analysis yields an estimated positive fiscal impact of \$4.5 million at build-out and generates and estimated \$12.7 million in new revenues for the County. However this result is based on a County level of regional service delivery that may fall short of what is required by this type of community.

Conclusion

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As a result of the City of Chula Vista's review of the Project DEIR we find that there are numerous errors throughout the document and that the DEIR fails to adequately analyze and disclose all of the impacts of the proposed Project and to identify effective and enforceable mitigation measures for those impacts. We request that the document be revised to address those areas discussed in our comment letter and that the revised document be recirculated for public review. Please contact me at (619)585-5707 if you have any questions regarding this matter. Please include me on the mailing/circulation list for all information concerning the proposed project and notify me of any and all public meetings on the proposed project. I request to be notified of all public meetings related to the Project at mponseggi@chulavistaca.gov.

Sincerely



Marilyn R. F. Ponceggi
Principal Planner

Cc: Gary Halbert, City Manager
Kelly Broughton, Development Services Director
Ed Batchelder, Planning Manager
Glen Googins, City Attorney
Michael Shirey, Deputy City Attorney