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~~March~~ May 2024

Environmental Review Update Checklist Form For Projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF MAJESTIC OTAY ~~OTAY MAJESTIC 250~~ PROJECT

PDS2022-SPA-22-001, PDS2023-VTM-5651, PDS2023-STP-23-007

May 2024 Update: Subsequent to the Specific Plan Amendment (SPA) public review period that ended on April 22, 2024, the environmental Review Update Checklist Form was revised to: clarify the definition of excess hazardous materials and revise the Project name in the document and technical reports. The revisions are made in ~~strikeout~~underline. These revisions do not affect the environmental analysis of conclusions of the document.

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining what additional environmental documentation, if any, must be completed when a previously certified environmental impact report (EIR) covers the project for which a subsequent discretionary action (or actions) is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action(s).

1. Background on previously certified EIR, Supplemental EIRs, and Addenda pertaining to the Project:

EAST OTAY MESA BUSINESS PARK SPECIFIC PLAN EIR (1994 EIR)

A Final EIR for the East Otay Mesa Business Park Specific Plan (EOMBPSP) (SP 93-004, Log. No. 93-19-06) having State Clearinghouse No. 92101099 was certified by the San Diego County Board of Supervisors on July 17, 1994 ("1994 EIR"). As originally approved, the East Otay Mesa Business Park Specific Plan, which was evaluated by the 1994 EIR, is a mixed-use project

including industrial, commercial, fire/police services, transit, and residential uses on a 3,300-acre area of southern San Diego county. The certified Final 1994 EIR evaluated the East Otay Mesa Business Park Specific Plan that proposed 2,359 acres of industrial uses, 154 acres of commercial uses, fire/police services, road right-of-way, a transit station totaling approximately 32 acres, and 753 acres of hillside residential uses.

The 1994 EIR found effects to Land Use, Landform Alteration/Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services and Utilities, and Population/Housing/ Employment would be significant without mitigation. Mitigation measures were identified to reduce these effects to a level below significance. Additionally, the 1994 EIR found significant and unmitigable impacts to Biological Resources and Noise. A Statement of Overriding Considerations was made in approving the East Otay Mesa Business Park Specific Plan.

In the years since the certification of the original 1994 EIR, two addenda and two Supplemental EIRs have been processed and approved by the County for projects located within the East Otay Mesa Business Park Specific Plan area, including the 253.1 acres that make up the Project site area.

The term "Project" refers to the area subject to the requested entitlements. The Project includes an Amendment to the East Otay Mesa Business Park Specific Plan, Vesting Tentative Map, and Site Plan to allow the development of up to 2,850,000 s.f. of Class A industrial buildings within 12 structures on an approximately 253.1-acre site. A detailed description of the proposed Project is included in the response to question 5 below. It should be noted that as part of this Project, the project evaluated in the 2018 SEIR would be withdrawn and the current Project returns to the previously-approved industrial uses contemplated in all of the CEQA documents prepared before the 2018 SEIR.

Table 1, *Prior Environmental Documents Prepared for the EOMBPSP and Project Site*, provides a list of the various environmental documents that have specific application to the Project evaluated herein as they pertain to the Project site and/or the evaluation of environmental impacts associated with the Project, and are described below.

EAST OTAY MESA SPECIFIC PLAN SUNROAD CENTRUM SUPPLEMENTAL EIR (2000 SEIR)

A Supplemental EIR (SEIR) for the Sunroad Otay Industrial Subdivision (TM 5139-RPL6, Log No. 9101099) having State Clearinghouse No. 92101099 was certified by the San Diego County Planning Commission on December 15, 2000. The project evaluated therein covered proposed implementing development on approximately 250.5 acres in the northwest quadrant of the East Otay Mesa Business Park Specific Plan area. The project included 96 industrial lots with a minimum lot area of one- acre, 22 commercial lots on 34.4 acres, and a 51.7-acre biological open space area north of the future Lone Star Road. The associated traffic study assumed that industrial uses would generate 100 trips per acre and commercial uses would generate 500 trips per acre, for a total of 26,780 average daily trips (ADT). Water was to be provided by the Otay Water District and sewer from the East Otay Mesa (EOM) Sewer Maintenance District. Fire

protection and emergency services to 210.5 acres of the total area were to be provided by the Rural Fire Protection District. The remaining 40 acres were conditioned to provide evidence of adequate fire protection and emergency medical services. Off-site improvements to Otay Mesa Road in the City of San Diego were required as traffic mitigation. The project included a Minor Amendment to the San Diego County Multiple Species Conservation Program and proposed conservation of sensitive vernal pool and coastal sage scrub/native grassland habitats north of Lone Star Road and an isolated wetland/vernal pool on one of the industrial lots south of Lone Star Road. The certified 2000 SEIR found that the project would cause significant impacts to Land Use, Biological Resources, Cultural Resources, Transportation/Circulation, and Air Quality. Impacts to Biological Resources and Cultural Resources were lowered to a level below significance following the implementation of mitigation measures, while impacts to Transportation/Circulation and Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts.

REVISED TENTATIVE MAP TM5319-RPL6R EIR ADDENDUM (2003 ADDENDUM)

On April 11, 2003, an Addendum to the previously certified 1994 EIR and certified 2000 SEIR was approved by the Planning Commission for the Revised Sunroad Otay Project (TM5139-RPL6R, Log No. ER 98-19-013A). The project included a revised subdivision map covering 253.1 acres that reduced the number of industrial lots from 96 to 56 by increasing the size of each lot over the same development footprint previously analyzed. The primary map change involved the incorporation of a revised street network, which was approved as part of the project's East Otay Mesa Business Park Specific Plan Amendment (SPA 00-005; GPA 02-CE1, ER 93-19-006). Grading quantities increased from 1,350,000 to 1,450,000 cubic yards but were expected to balance on the site as previously evaluated. In addition, the project included a subdivision map (Tentative Map; TM5139-RPL6R) that divided the property into six units as opposed to the five units defined in the previously approved version of the project. Minor changes in the proposed elevation of Lone Star Road improved the adequacy of the open space easement required to protect one vernal pool located north of the road and one isolated pool south of the road, with the open space easement south of Lone Star Road increasing in size. The deletion of certain road improvement requirements as part of the project resulted in an increased development potential and increased projected traffic volume. No new significant effects were identified; however, a Minor Amendment to the Multiple Species Conservation Program was processed and approved and biological mitigation measures were modified. All other aspects of the project remained the same. After the approval of the revised Tentative Map, the open space lot was recorded (Map 14733) and dedicated as open space.

SUNROAD OTAY TECH CENTRE (2012 ADDENDUM)

On March 9, 2012, an Addendum to the previously certified 1994 EIR and 2000 SEIR was approved by the Planning Commission for the Sunroad Otay Tech Centre Project, which consisted of a revised subdivision map (Tentative Map; TM5538) covering approximately 253.1 acres. The revised map reduced the number of lots from 56 to 52 lots, with one lot dedicated to stormwater detention, one lot dedicated for a sewer pump station, and one open space lot. The open space lot was 51.3 acres and an additional 0.41-acre open space easement crossed another lot. The industrial lots were assumed to be developed with technology business park uses, which

allows for logistics and e-commerce uses, with 28 acres having a commercial overlay subject to the regulations defined in the Specific Plan. Additionally, the revised Tentative Map divided the site into five units as opposed to the six units previously approved in 2003. The road network for the project was changed to conform with the then-current version of the County's General Plan Circulation Element and the East Otay Mesa Business Park Specific Plan. Grading quantities increased to 1,700,000 cubic yards from 1,450,000 cubic yards but earthwork was expected to balance on the site as was previously evaluated. The associated traffic report assumed that technology park uses would generate 120 trips per acre and commercial uses would generate 700 trips per acre. The project's expected traffic volume was thus calculated to increase to 30,566 ADT from 26,780 ADT. All other aspects of the project remained the same. No new significant environmental effects were identified.

OTAY 250 SUNROAD EAST OTAY MESA BUSINESS PARK GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT (2018 SEIR)

On July 25, 2018, a Supplemental EIR for the Otay 250 Sunroad East Otay Mesa Business Park Specific Plan Amendment (SPA-15-001, Log No. PDS2015-ER-15-98-190-13G) having State Clearinghouse No. 2016031028 was certified by the County Board of Supervisors. The 2018 SEIR evaluated proposed changes to the previously approved Specific Plan, which included the establishment of a new Mixed-Use Village Core area within the Specific Plan area that allowed for the construction of a mix of employment, retail, and residential uses. The project covered the same 253.1 acres previously analyzed in the documents identified above with the addition of an off-site and adjacent sewer line connection improvement. The project included maximum entitlement for 3,158 residential dwelling units, 78,000 square feet (s.f.) of general commercial uses, 765,000 s.f. of employment uses, and 51.3 acres of permanent biological open space conservation. The associated traffic study assumed that residential units would generate 8 trips per unit, that technology park uses would generate 120 trips per acre, that specialty retail would generate 120 trips per acre, and that neighborhood commercial would generate 960 trips per acre, for a total of 34,124 ADT. The certified 2018 SEIR found that the project would cause significant impacts related to Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Paleontological Resources, and Traffic/Transportation. Impacts to Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts, while all other impacts were found to be less than significant following mitigation. It should be noted that on March 24, 2023, a Tentative Map Time Extension (PDS2022-TM-5607RTE) was approved for the Tentative Map associated with the 2018 SEIR project.

The aforementioned documents are on file at the offices of the County Department of Planning & Development Services (PDS).

Table 1 Summary of Prior Environmental Documents Prepared for the EOMBSP and Project Site

Environmental Document	Date Certified/ Approved	Description	Comments
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East Otay Mesa Business Park Specific Plan EIR (SP 93-004)	July 27, 1994	<p>The project covered 3,300 acres and entailed 2,359 acres of industrial uses, 154 acres of commercial uses, fire/police services, road right-of-way, a transit station totaling approximately 32 acres, and 753 acres of hillside residential uses.</p> <p>The certified EIR found significant and mitigated effects to Land Use, Landform Alteration/Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services and Utilities, and Population/Housing/Employment. These effects were determined to be mitigated or avoided to a level below significance. Additionally, the certified EIR found significant and unmitigable impacts to Biological Resources and Noise, requiring a Statement of Overriding Considerations.</p>	<p>Includes analysis and mitigation measures applicable to the Project.</p> <p>The mitigation measures were superseded in 2000 and 2018 by Supplemental EIRs, as well as current policies and standards.</p>
Supplemental EIR for Sunroad Otay Industrial Subdivision (TM 5139RPL)	December 15, 2000	<p>The implementing project covering 250 acres of the Specific Plan area entailed 96 one-acre minimum industrial lots and a 51.7-acre biological open space lot.</p> <p>The 2000 SEIR found that the project would cause significant effects to Land Use, Biological Resources, Cultural Resources, Transportation/Circulation, and Air Quality. Impacts to Traffic and Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts. Off-site improvements to Otay Mesa Road in the City of San Diego were required as traffic mitigation. The other effects were avoided or mitigated to a level below significance.</p>	Includes analysis and mitigation measures applicable to the revised Project.
Addendum to the 1994 EIR and 2000 SEIR for the Sunroad Otay Industrial Subdivision (TM 5139RPL6R)	April 11, 2003	The revised project covering 253.1 acres reduced the number of industrial lots from 96 to 56 lots by increasing the size of each lot over the same development footprint previously approved. The revised project also included a revised street	Includes analysis and revised biological mitigation measures applicable to the revised Project.

		<p>network, revised grading quantities, revised biological mitigation measures, and revised subdivision map.</p> <p>No new significant effects were identified; however, a Minor Amendment to the Multiple Species Conservation Program was processed and approved.</p>	
Addendum to the 1994 EIR and 2000 SEIR for the Sunroad Otay Tech Centre Project (TM5538).	March 9, 2012	<p>The revised project covering 253.1 acres reduced the number of industrial lots from 56 to 52 lots, with one lot dedicated to stormwater detention, one lot dedicated for a sewer pump station, and one open space lot. Open space was defined in a 51.3-acre open space lot and 0.41-acre open space easement. The revised project also revised the road network, revised grading quantities, and revised the expected traffic volume to 30,566 ADT from 26,780 ADT.</p> <p>No new significant environmental effects were identified.</p>	No new impacts or mitigation measures were identified.
Supplemental EIR for the Otay 250 Sunroad East Otay Mesa Business Park Specific Plan Amendment (SPA-15-001)	July 25, 2018	<p>The revised project covering 251.3 acres amended the East Otay Mesa Business Park Specific Plan to include a new Mixed-Use Village Core area allowing 3,158 residential dwelling units, 78,000 s.f. of general commercial uses, 765,000 s.f. of employment uses, and 51.3 acres of permanent biological open space conservation.</p> <p>The 2018 SEIR found that the project would cause significant impacts to Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Paleontological Resources, and Traffic/Transportation. Impacts to Air Quality required a Statement of Overriding Considerations for significant and unmitigable impacts, while all other impacts were found to</p>	Includes analysis and mitigation measures applicable to the revised Project.

		be less than significant following mitigation.	
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APPLICABILITY OF PREVIOUS DOCUMENTS IN THIS EIR ADDNEDUM

This EIR Addendum relies on the analysis from the above-listed 1994 EIR, 2000 SEIR, 2003 and 2012 EIR Addenda, and 2018 SEIR. The Project entails a proposal to implement light industrial land uses on the portions of the site designated for development and consistent with the light industrial land use designation previously approved for the site in the East Otay Mesa Business Park Specific Plan and evaluated in the 1994 EIR, 2000 SEIR, 2003 EIR Addendum, and 2012 EIR Addendum. Thus, for the discussion and comparative analysis of environmental impacts related to the topics of land use and operation of the land uses, this Addendum primarily tiers from the original 1994 EIR, 2000 SEIR, 2003 Addendum, and 2012 Addendum. The most recent evaluations of on-site physical conditions and impacts occurred as part of the 2018 SEIR which evaluated the site for development of mixed-use development within the same (and greater) physical impact footprint as the Project. Thus, it is appropriate for the discussion and analysis in this EIR Addendum to primarily tier from the 2018 SEIR for the evaluation of physical ground-disturbing impacts (the Project would physically disturb approximately 8.0 fewer on-site acres than the approved project analyzed in the 2018 SEIR and add an off-site sewer connection, resulting in a net reduction in physical disturbance area.) Each environmental topic evaluated in this Addendum discloses the appropriate previous CEQA compliance document(s) for comparative analysis and provides a summary of the conclusions in the previously approved CEQA document(s) as appropriate. A summary of the mitigation measures from the previously approved CEQA documents that are applicable to the Project is included as Attachment E. The 1994 EIR, 2000 SEIR, 2003 and 2012 EIR Addenda and 2018 SEIR are incorporated by reference to this document.

2. Lead Agency Name and Address

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5510 Overland Avenue
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- a. Contact: Greg Mattson, AICP, Project Manager (Contract Planner)
- b. Phone Number: (619) 895-7177
- c. E-mail: Gregory.Mattson@sdcounty.ca.gov

3. Project Applicant's name and address

Sunroad Otay Partners, L.P.
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8620 Spectrum Center Blvd., Suite 1100
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- a. Contact: Tom Simmons
- b. Phone Number: (562) 948-4347
- c. E-Mail: tsimmons@majesticrealty.com

4. Summary of the activities authorized by present permit/entitlement applications

The most recent entitlement for the Project site, approved in 2018, established a mixed-use land use designation for the approximately 253.1-acre Project site within the larger East Otay Mesa Business Park Specific Plan Area. The most recent entitlement designates seven planning areas: four mixed-use planning areas, two technology business park planning areas, and one open space planning area. The mixed-use designation permits civic and commercial uses, including light industrial uses, as well as residential uses. This most recent entitlement allows for up to 3,158 residential dwelling units, 78,000 s.f. of commercial space, and 765,000 s.f. of employment uses.

Prior to 2018, the previously approved entitlement for the site, approved in 2012 (TM5538), allowed for development of the Project site with 52 industrial lots with 27.3 acres of those lots having a commercial overlay, with one lot dedicated to stormwater detention, one lot dedicated for a sewer pump station, and one open space lot consisting of 51.3 acres north of the future Lone Star Road.

5. Does the Project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

The Project entails a proposed Amendment to the East Otay Mesa Business Park Specific Plan to remove the most recent, previously-approved "Mixed-Use-Residential Emphasis" land use designation on the Project site and replace it with a "Light Industrial" land use designation.

As shown in Attachment A, Regional Location Map, the Project site consists of approximately 253.1 gross acres in the East Otay Mesa area of San Diego county and is currently undeveloped. The Project site was designated for light industrial development and open space conservation from 1994 to 2018 and redesignated for mixed use development with a residential emphasis and open space conservation from 2018 to present day. Approval of the Project would retain the approved 51.3-acre open space conservation area but change the mixed-use land use designation for the developable portion of the site back to light industrial, as it was designated from 1994 to 2018.

Approval of the Project would allow for up to 2,850,000 s.f. of Class A industrial buildings (Parcels 1 to 12) and roads spread out over five phases. The Project would include approximately 51.3 acres of permanently conserved biological open space at the northeastern corner of the site (Parcel D) northeast of Lone Star Road, and a combination of permanently conserved open space and manufactured slope on 13.1 acres (Parcels A, B, and C) southwest of the future intersection of Lone Star Road and Zinser Road. Compared to the prior 2018 entitlement, natural open space conservation on the site would increase by approximately 8.0 acres. The Project's internal street pattern would match the existing grid pattern of the surrounding area. The Project would require the extension of utility lines including water, sewer, electric, and gas. Water would be provided by Otay Water District, sewer by San Diego County Sanitation District, and gas and electric service would be provided by San Diego Gas & Electric. Police protection services would be provided by the County of San Diego Sheriff's Department and fire protection services would be provided by the San Diego County Fire Protection District which works in collaboration with the California Department of Forestry and Fire Protection (CalFire).

The Project would require land use and zoning changes to the approved East Otay Mesa Business Park Specific Plan, as shown in Attachment B, Project Specific Plan Amendment. The Project's Specific Plan Amendment (SPA) would designate the majority of the site for "Light Industrial" land uses, which would replace the current land use designation of "Mixed Use – Residential Emphasis." The "Conservation/Limited Use" designation for open space conservation purposes would not change. Additionally, the SPA proposes a grid-oriented street pattern that differs from the curvilinear street pattern approved as part of the previous 2018 entitlements.

The Project also includes site-specific development applications to allow for the development of buildings and associated improvements on the portions of the site designated for light industrial development, in addition to an off-site sewer connection. Thus, the Project includes a Vesting Tentative Map (No. 5156), shown in Attachment C, Project Vesting Tentative Map, to subdivide the site into 12 numbered parcels and four lettered parcels (16 total parcels) and a Site Plan, shown in Attachment D, Project Site Plan, for the proposed development of 12 buildings ranging in size from approximately 145,607 s.f. to 291,020 s.f. Based on the design characteristics of the buildings, they are reasonably expected to be occupied by general warehousing and high-cube transload and short-term warehouse uses, consistent with the Specific Plan's light industrial land use designation, to be used in part, as part of international goods movement given the site's close proximity to the U.S./Mexico border.

6. SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> NONE | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Utilities and Service Systems | | |

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major

revisions to the previous EIR or MND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However, all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

 Signature

 Date

 Printed Name

 Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified or a ND has been adopted for a project, no Subsequent or Supplemental EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred. If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW CHECKLIST UPDATE

- I. **AESTHETICS** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES NO

The 1994 EIR includes an analysis of landform alteration impacts as they relate to visual quality. In addressing landform alteration and visual quality impacts, the 1994 EIR relied on County polices in effect at that time for determining significance, including the Hillside Review Policy (I-73) and the Resource Protection Ordinance. Additionally, the 1994 EIR referenced the County’s Resources Conservation Area (RCA) program for developing policies to preserve resources in the East Otay Mesa area, and the County Scenic Highway Element for scenic highway designation.

Based on the 1994 EIR, buildout of the Specific Plan area would result in developing the flatter portions of the Specific Plan area to accommodate construction of the planned industrial and commercial uses, as well as two major highways and a network of surface streets. The 1994 EIR identified a number of potential impacts to landform alteration/visual quality for projects located within the Specific Plan Area as a whole and concluded that, for the most part, no significant landform alteration impacts would occur for areas of the Specific Plan where industrial uses are planned. However, where industrial development is planned in the vicinity of Johnson Canyon that could involve placing fill within the canyon, significant landform alteration impacts were identified to occur. Additionally, the 1994 EIR concluded significant landform alteration impacts associated with residential development in the Hillside Residential areas of the Specific Plan. The 1994 EIR included aesthetics mitigation measures that applied to residential development.

Relative to visual resources, the 1994 EIR identified sensitive visual receptors for development areas within the Specific Plan area as existing residents, future residents, and travelers on proposed scenic routes (i.e., SR-125 and SR-905). The 1994 EIR concluded that impacts to residents would be considered less than significant, because the Otay Mesa area is already developing with industrial and institutional uses in the area, and the East Otay Mesa Business Park Specific Plan, which allowed building heights of up to 150 feet, would be consistent with on-going development. For the major scenic resources of the area – the Otay River Valley and the San Ysidro Mountains – the 1994 EIR evaluated the potential for development within the Specific Plan area to affect views but determined that planned development within the East Otay Mesa Business Park Specific Plan area would not detract from the aesthetic qualities and dominance that the San Ysidro Mountains provide for the area. Relative to scenic highways, no officially designated State scenic highways were located in the area at the time the 1994 EIR was certified, and no State scenic highway is currently designated in the area. The 1994 EIR determined that routes in the area could be designated in the future and that sufficient measures were provided

in the Specific Plan's requirements to ensure that impacts to scenic highways would not be anticipated.

The environmental initial study prepared for the certified 2000 SEIR, which evaluated the Sunroad Otay Industrial Subdivision project, as well as the associated 2003 and 2012 Addenda, found that impacts to aesthetics resulting from implementing industrial development and the conservation of 51.3 acres of open space on the 253.1-acre Project site would be less than significant, which is the same conclusion reached by the 1994 EIR. The 2000 SEIR and its associated 2003 and 2012 Addenda did not note any changes to the existing on-site conditions, impacts, or mitigation measures different from those evaluated in the 1994 EIR.

Similarly, the 2018 SEIR concluded that although the 2018 entitlements introduced a residential use type to the Specific Plan area, site planning standards relative to intensity and bulk regulations would remain consistent with what was previously approved, including maximum building heights allowed for uses within the mixed-use village core up to 75 feet tall. The 2018 SEIR found that the previously approved project to be consistent with the less-than-significant finding disclosed in the 1994 EIR.

Similar to the previously approved 1994, 2000, 2003, and 2012 entitlements for the Project site, the Project site is proposed to be designated for light industrial and open space conservation land uses. The Project's physical impact footprint is approximately 8.0 acres less than analyzed for the previously approved projects for the site and the Project would not result in any significant and adverse impacts to scenic landforms or visual resources. Additionally, developing 12 buildings on the Project site ranging from approximately 145,607 s.f. to 291,020 s.f. would not result in any new or greater impacts to aesthetics than previously analyzed. The proposed grading concept and building heights are substantially the same as previously assumed and evaluated in the 1994 EIR, 2000 SEIR, 2002 and 2012 Addenda, and 2018 SEIR other than a reduction in impact footprint of approximately 8.0 acres. Also, the 1994 EIR, 2000 SEIR, and 2002 and 2012 Addenda concluded that industrial uses would be consistent with surrounding development. No substantial changes in the immediately surrounding area have occurred since that time in terms of existing or planned land uses. Consistent with the land uses allowed by the EOMBPSP, light industrial development is under construction west of the Project site, west of Harvest Road and east of the Project site on Vann Centre Boulevard.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to aesthetics. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that cause would one or more significant effects to aesthetics.

II. **AGRICULTURAL RESOURCES** –Since the previous EIR was certified are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, conflict with existing zoning for, or cause rezoning of, of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public

Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)), result in the loss of forest land or conversion of forest land to non-forest use, or involve other changes in the existing environment which could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

YES NO

The 1994 EIR found that the loss of important farmland (Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance) to be less than significant, as there was limited area with these classifications and agricultural use could continue in the Specific Plan area as an interim use prior to project build-out. Additionally, active agricultural activities were not substantially present at the time of certification of the 1994 EIR.

The 2018 SEIR disclosed that the Project site is designated as Farmland of Local Importance and contains soil types classified as Prime Agricultural Soils. However, the Project site was not under a Williamson Act contract at the time of certification of the 2018 SEIR. The 2018 SEIR found that the Project site had not been used for agricultural purposes since 1996, and there were no active agricultural operations in the Project site's vicinity at the time of the 2018 SEIR's certification. As stated in the 2018 SEIR, the Project site is within the East Otay Mesa Business Park Specific Plan and had been approved for urban development and grading under the Specific Plan and previously approved Tentative Maps for the site, respectively, since 1994. Additionally, the 2018 SEIR stated that the Project site does not contain forest lands or timberland; thus, the project was found to not conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland production zones. No impact regarding agricultural resources was found to occur.

Similar to the analysis conclusions that were made for the previously approved 1994, 2000, 2003, 2012 and 2018 entitlements for the Project site, although the Project site contains land designated as Farmland of Local Importance, the Project site is not currently under a Williamson Act contract and there are no active agricultural operations on the Project site or in the Project site's immediate vicinity. The Project site also does not contain forest lands or timberland and is not zoned for timberland production. The Project site is approved for urban development and open space conservation under the East Otay Mesa Business Park Specific Plan.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to agricultural resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to agricultural resources.

III. **AIR QUALITY** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively

considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES NO

The 1994 EIR included an analysis of air quality regulations and legislation pertinent at the time of its preparation, as well as existing conditions and impacts related to the East Otay Mesa Business Park Specific Plan project. The 1994 EIR identified the following air quality impacts as significant: construction impacts, vehicular impacts, stationary source impacts, and total emissions. The 1994 EIR included air quality mitigation measures that relate to construction, facilities to promote the use of alternative transportation methods, and transportation. The 1994 EIR mitigation measures applicable to the Project can be found in Attachment E to this document.

The 2000 SEIR addressed air quality impacts from proposed light industrial development on the Project site and presented the mitigation measures from the 1994 EIR, determining that the measures were sufficient and that no additional measures were required. The 2000 SEIR mitigation measures applicable to the Project can be found in Attachment E to this document. The 2003 and 2012 Addenda similarly found that that the proposed light industrial development on the Project site would fall below the pollutant emission levels disclosed in the 1994 EIR.

Development of the Project would physically disturb slightly less land area than analyzed for the site under the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR, and a similar amount of building space. Thus, the short-term construction emissions would be similar as previously disclosed, and incrementally reduced due to more restrictive federal, state, and local regulations pertaining to construction equipment fleets than were in place in the prior analysis years. For example, short-term construction emissions are anticipated to be less than the emissions disclosed and analyzed in the 1994 EIR, 2000 SEIR, and 2018 SEIR due to the implementation of newer and cleaner off-road equipment that has been developed since those documents were prepared. The Project applicant would be required to implement the applicable mitigation measures imposed by the 1994 EIR, 2000 SEIR, and 2018 SEIR and would also be subject to the same or more stringent regulatory requirements, as such requirements have become stricter since the time the 1994 EIR, 2000 SEIR, and 2018 SEIR were certified (thereby reducing a greater amount of fugitive dust and other emissions). The mitigation measures applicable to the Project can be found in Attachment E to this document.

Table 2, *Construction Emissions Summary*, summarizes the anticipated criteria pollutant emissions during Project construction activity.

Table 2 Construction Emissions Summary

Year	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer (lbs/day)						
2025	4.11	37.20	32.40	0.09	4.60	2.48
2026	46.10	17.70	35.30	0.05	4.10	1.36
2027	3.81	32.00	31.00	0.09	4.38	2.28
2028	39.32	50.10	67.00	0.15	7.74	3.46
2029	19.50	14.70	24.70	0.05	2.12	0.79
2030	3.53	26.70	30.00	0.09	4.18	2.09
2031	38.55	43.20	63.80	0.15	7.47	3.19
2032	21.40	13.30	24.00	0.05	2.17	0.76
Winter (lbs/day)						
2025	4.10	37.20	32.30	0.09	4.60	2.48
2026	51.13	56.65	71.24	0.15	8.86	3.93
2027	3.81	32.10	30.90	0.09	4.38	2.28
2028	38.32	46.20	59.30	0.14	7.50	3.29
2029	23.81	47.20	60.40	0.15	6.58	3.08
2030	3.52	26.70	29.90	0.09	4.18	2.09
2031	37.64	39.40	56.40	0.14	7.25	3.05
2032	22.20	23.70	29.60	0.09	4.07	2.00
Total Maximum Daily Emissions	51.13	56.65	71.24	0.15	8.86	3.93
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

As shown above in Table 3, based on the estimated daily construction emissions, the Project would result in less than significant construction criteria pollutant emissions. A Mobile Source Health Risk Assessment was prepared for the currently proposed Project (*Appendix A.2*) to evaluate potential health risk impacts to sensitive receptors. As detailed in the Mobile Source Health Risk Assessment the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity.

Operationally, the Project would result in approximately the same amount of developed acreage and approximately the same amount of traffic generation as previously analyzed in the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR but would also be subject to updated federal, state, and local regulations that are more protective of the environment when compared to the regulations that existed when the prior analyses were conducted. For example, vehicle emissions requirements are stricter and building code provisions under the California Building Standards Code (CALGreen) as implemented by the County of San Diego require a greater level of energy efficiency than prior versions of the building code. The emissions reductions provided by stricter regulations would not, however, be sufficient to avoid the significant and unavoidable air pollutant impacts that were disclosed in the previously certified 1994 EIR, 2000 SEIR, and 2018 SEIR. Therefore, although the Project would result in fewer operational air pollutants as compared to the impacts disclosed for the previously approved project, impacts would remain significant and unavoidable.

Table 3, *Criteria Pollutant Emissions Summary*, summarizes the anticipated criteria pollutant emissions under the Project's existing approved 2018 entitlement and under the proposed Project relying on both the Institute of Transportation Engineers (ITE) and San Diego Association of Governments (SANDAG) trip rate scenarios. An Air Quality Technical Memorandum was prepared for the Project (*Appendix A.1*) for supporting analysis. As further discussed under Section XVII, *Transportation*, the Project's trip generation is based on ITE rates; however, a comparison to SANDAG trip rate scenarios is also provided for informational purposes.

Table 3 Criteria Pollutant Emissions Summary

Scenario	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer (lbs/day)						
Approved Entitlement ¹	211.08	155.89	1,046.32	3.23	218.04	63.89
ITE	105.21	114.11	345.53	1.13	61.22	17.16
SANDAG	165.38	73.92	858.08	1.88	165.37	43.22
Winter (lbs/day)						
Approved Entitlement ¹	215.59	164.55	1,086.17	3.08	218.05	63.90
ITE	84.73	118.10	207.12	1.10	61.06	16.94
SANDAG	143.63	79.59	676.13	1.79	165.21	42.99

¹ Source: Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment SCH No. 2016031028 Final Supplemental EIR (March 2018), Table 2.1-6.

As shown above in Table 3, based on the estimated daily operational emissions, the Project would result in lower criteria pollutant emissions as compared to the previously approved project under both the ITE and SANDAG trip rate scenarios. Furthermore, as detailed in the Mobile Source Health Risk Assessment (*Appendix A.2*), the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project operational activity.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant air quality impacts. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more air quality impacts.

IV. **BIOLOGICAL RESOURCES** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan,

Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES NO

The 2018 SEIR determined that the previously approved project's development impact footprint would result in significant direct and indirect impacts to San Diego button-celery (**Impact BI-1**), San Diego fairy shrimp (**Impact BI-2**), and Riverside fairy shrimp (**Impact BI-3**). Additionally, the 2018 SEIR found that the project's development impact footprint would result in significant direct impacts to variegated dudleya (**Impact BI-4**), burrowing owl habitat (**Impacts BI-5 and BI-13**), loggerhead shrike foraging and nesting habitat (**Impact BI-9**), black-tailed jackrabbit foraging and breeding habitat (**Impact BI-10**), raptor foraging habitat (**Impact BI-11**), and disturbed wetland habitat (**Impact BI-14**). The 2018 SEIR also found that the project's development impact footprint would result in significant indirect impacts to Biological Open Space (**Impact BI-12**). Significant impacts to special status wildlife species include turkey vulture foraging habitat (**Impact BI-6**), northern harrier breeding and foraging habitat (**Impact BI-7**), and white-tailed kites (**Impacts BI-8**). The 2018 SEIR noted that if impacted disturbed wetlands are considered to be Waters of the U.S., the approved project's development's impact footprint also would result in direct impacts to Federally-protected wetlands (**Impact BI-15**). Mitigation Measures **M-BI-1** through **M-BI-15** were included in the 2018 SEIR for impacts to biological resources. The 2018 SEIR found that all potential significant impacts to biological resources would be mitigated to less-than-significant levels with the incorporation of Mitigation Measures **M-BI-1** through **M-BI-15**. The 2018 SEIR mitigation measures applicable to the Project can be found in Attachment E to this document.

A Biological Resources Technical Memorandum was prepared for the Project (*Appendix B.1*). Additionally, a Species Assessment Memorandum to evaluate the potential for occurrence for the western spadefoot toad and Crotch's bumblebee was also prepared for the Project (*Appendix B.2*). The development footprint of the Project is the same as for the previously approved projects on the site. A slight increase of the native grassland area in the eastern corner of the Project site was noted during field surveys conducted in 2023; otherwise, the other habitat types and aquatic resources are the same as previously mapped. As explained below, the Project would not result in any significant biological impacts different from, or more severe than, those analyzed and disclosed in 2018 SEIR for the previously approved project.

A site visit to verify vegetation mapping and assess the Project site for the potential to support sensitive species was made on February 8, 2023. Habitat assessments of sensitive species included the plant species variegated dudleya (*Dudleya variegata*), prostrate navarretia (*Navarretia prostrata*), and San Diego button-celery (*Eryngium aristulatum* var. *parishii*); and the sensitive wildlife species Quino checkerspot butterfly (*Euphydryas Editha quino*). A site visit to survey a proposed off-site utility alignment and continuation of the habitat assessment for sensitive plant species was made on May 8, 2023.

Sensitive Plant and Wildlife Species

No variegated dudleya were observed during the 2023 Project site visit, and no individuals of this species were observed on-site where the species was previously documented or in surrounding

areas. Variegated dudleya was last documented on the Project site in 2006 and was not documented during surveys conducted in 2015 or 2016 and 2020 or 2021. Thus, given the current habitat conditions on the Project site, there is a low probability that the species occurs on the Project site.

No individuals of either prostrate navarretia or San Diego button-celery were observed during the 2023 site visit. Each of the known vernal pools along with other low-lying areas on the site was searched for evidence of these species. The quality of the vernal pools on-site have been degraded somewhat by the invasion of non-native grasses, which may affect the distribution of vernal pool species through displacement due to competition for space and resources. Additionally, off-road vehicle activity has affected some of the vernal pools on-site. Prostrate navarretia was last documented on the Project site in 1993 and San Diego button-celery was last observed on-site in 2004. Neither species was observed in surveys conducted in 2015 or 2016 and 2020. Due to current site conditions, there is a low probability that the aforementioned species occur on the Project site.

Other than the sensitive plant communities analyzed above, there were no other sensitive species observed during the 2023 habitat assessments conducted on the Project site. Therefore, impacts to sensitive plant communities would be reduced under the Project as compared to the previously approved project, due to the current absence and unlikely reoccupation of the site with sensitive plant species that were previously mapped and reduction in the Project's impact footprint by approximately 8.0 acres compared to the previously analyzed impact footprint.

No Quino checkerspot butterfly or larvae were observed during the 2023 site visit. None of the preferred host, larval, or nectar plants were observed on the Project site. A habitat assessment on the Project site in 2020 concluded that the on-site habitat conditions were not conducive for the Quino checkerspot butterfly. Given the site's existing conditions and the lack of observation of any host or larval plants during the 2020 and 2023 site visits, there is a low probability for the Quino checkerspot butterfly to occur on-site.

The Species Assessment Memorandum evaluated the potential for occurrence for the western spadefoot toad and Crotch's bumblebee on-site. There is a moderate potential for the western spadefoot toad to occur on the Project site. There are vernal pools present on-site and disturbed wetlands comprised of two agricultural ponds and a depressional feature along the base of an existing berm. These features can hold water during a normal or above normal wet season sufficient to support the life cycle of this toad species. Historic occurrences of western spadefoot toad are recorded within a half mile to the north in vernal pools and wetlands associated with Johnson Canyon. The Project would avoid direct impacts to the vernal pools and other disturbed wetlands on-site. Furthermore, the wetland areas include setback buffers to limit any indirect impacts and would be preserved in dedicated open space easements. Therefore, no impacts are anticipated to occur to the western spadefoot toad, if present.

There is a low potential for Crotch's bumble bee to forage or nest on the Project site. Much of the Project site supports dense non-native grassland with few natural openings to support the preferred nectar plants for the species. In addition, portions of the Project site have been historically used for agricultural purposes and the eastern part of the site has been subject to on-

going illegal off-road-vehicle activity. These disturbances have affected the overall habitat quality of the area. One historic occurrence of Crotch's bumble bee was recorded in 1998 to the southeast of the Project site. Most of the area where this occurrence was recorded has now been developed and any remaining suitable habitat now occurs further to the east and separated from the Project site by development.

There were no other sensitive wildlife species observed during the habitat assessments conducted on the Project site. Therefore, impacts to sensitive wildlife communities would be reduced under the Project as compared to the previously approved project, due to the current absence and unlikely reoccupation of the site with Quino checkerspot butterfly that was previously mapped, avoidance of impact to the western spadefoot toad, the current absence and unlikely reoccupation of the site with Crotch's bumblebee, and reduction in the Project's impact footprint by approximately 8.0 acres compared to the previously analyzed impact footprint.

As explained in the 2018 SEIR for the previously approved project, qualified biologists performed focused surveys for a number of highly sensitive species and the resources on which they rely. These surveys included: (i) general surveys in 2015 and 2016 to confirm or update documentation of biological resources on-site since the previously certified 2000 SEIR; (ii) focused surveys for rare plants; (iii) focused surveys for vernal pools; (iv) focused surveys for fairy shrimp; (v) focused surveys for wetlands; (vi) focused surveys for Quino checkerspot butterfly; and (vii) focused surveys for burrowing owl. All other biological resources identified in the 2018 SEIR were found to be no longer present on the Project site.

Based on surveys and other available data, the 2018 SEIR concluded that the approved project's development impact footprint would have significant impacts on the following: San Diego button-celery (**Impact BI-1**), San Diego fairy shrimp (**Impact BI-2**), Riverside fairy shrimp (**Impact BI-3**), variegated dudleya (**Impact BI-4**), burrowing owl habitat (**Impacts BI-5 and BI-13**), loggerhead shrike foraging and nesting habitat (**Impact BI-9**), black-tailed jackrabbit foraging and breeding habitat (**Impact BI-10**), raptor foraging habitat (**Impact BI-11**), disturbed wetland habitat (**Impact BI-14**), Biological Open Space (**Impact BI-12**). Significant impacts to special status wildlife species include turkey vulture foraging habitat (**Impact BI-6**), northern harrier breeding and foraging habitat (**Impact BI-7**), and white-tailed kites (**Impacts BI-8**). The 2018 SEIR recommended various mitigation measures which, if adopted and implemented, would reduce these impacts to less-than-significant levels.

As compared to the previously approved project, the Project would have substantially the same development impact footprint but would result in fewer impacts to sensitive plant and wildlife species because some of the previously-documented species are no longer present on the site and have no reasonable potential to reoccupy the site and 8.0 fewer acres of on-site impacts would occur. As stated above, there is a low probability that variegated dudleya, prostrate navarretia, San Diego button-celery, and Quino checkerspot butterfly individuals would occur on the Project site. Other than the aforementioned species, there were no other sensitive species observed during habitat assessments conducted on the Project site. Therefore, the Project would result in fewer impacts to sensitive plant and wildlife species as compared to the impacts disclosed for the previously approved project.

Sensitive Vegetation Communities

The 2018 SEIR found that the previously-approved project's development impact footprint would result in significant impacts associated with the permanent removal of approximately 195.99 acres of naturalized non-native grassland habitat and approximately 0.11-acre of disturbed wetlands. These impacts were found to be significant and required mitigation, which was completed as of the date of certification of the 2018 SEIR.

The limits of disturbance of the Project would result in less impacts to on-site biological resources than under the previously approved project. As compared to the previously approved project, the Project would result in the reduction of on-site impacts to an estimated 8.0 acres of on-site non-native grassland.

The biological survey conducted for the Project included a survey of an off-site sewer connection that was not included in the 2018 SEIR for the previously approved project. However, the off-site sewer connection is proposed within a planned County roadway right-of-way. The off-site sewer connection construction activity would impact approximately 0.65-acre of non-native grassland and 0.08-acre of disturbed habitat off-site. However, the reduction of on-site impacts to approximately 8.0 acres of non-native grassland would more than compensate for the impacts associated with the off-site sewer connection. Therefore, impacts would be reduced overall as compared to the previously approved project and no additional mitigation is required.

Jurisdictional Aquatic Resources

The 2018 SEIR for the previously approved project found that the Project site supports three wetland/riparian habitats: disturbed wetlands, non-native riparian, and vernal pools. The disturbed wetland areas within the agricultural stock pond and man-made swale on-site were identified as County of San Diego Resource Protection Ordinance (RPO) wetlands. Therefore, the 2018 SEIR found that the loss of disturbed wetlands would result in a significant impact (**Impact BI-14**). Additionally, the 2018 SEIR identified non-native riparian habitat in the northeastern corner of the site as an RPO wetland and the drainage within the habitat was also identified as USACE- and CDFW-jurisdictional as Waters of the U.S. and streambed, respectively (**Impact BI-15**). However, because the non-native riparian habitat would be protected in the Open Space Easement approved and designated as part of the previously approved project, the 2018 SEIR found that impacts to this resource would be less than significant.

The 2018 SEIR found that no federally-protected wetlands would be impacted because on-site vernal pools were not USACE-jurisdictional wetlands at the time of the 2018 SEIR's preparation. Additionally, the 2018 SEIR found that the federally-protected Waters of the U.S. within Johnson Canyon in the northeastern portion of the site would be protected in the Open Space Easement; thus, no Federally-protected wetlands potentially requiring a buffer would be impacted by the project evaluated in the 2018 SEIR. Therefore, the 2018 SEIR concluded that there would be less-than-significant impacts to jurisdictional aquatic resources.

The Biological Resources Technical Memorandum (*Appendix B.1*) prepared for the Project found that the limits of physical disturbance for the Project would be less physically impactful to on-site biological resources than under the previously approved project evaluated in the 2018 SEIR.

Particularly, the proposed grading limits would avoid direct impacts to aquatic resources that include the disturbed wetlands associated with the abandoned agricultural pond and those that occur adjacent to a berm. Further, the Project also contains an Open Space Easement that would protect the federally-protected Waters of the U.S. within Johnson Canyon. Thus, the Project would result in similar or decreased impacts to jurisdictional aquatic resources as compared to the previously approved project and all impacts would be reduced to less than significant with mitigation.

Wildlife Corridors

As found in the 2018 SEIR for the previously approved project, the Project site supports poor habitat for wildlife movement and is bordered by Otay Mesa Road and industrial development to the south and I-215 to the west. The only part of the Project site that is likely to serve as a wildlife corridor is Johnson Canyon along the northeastern edge of the site. As stated in the 2018 SEIR, development would be concentrated in the southern portion of the site and Johnson Canyon would be protected in an Open Space Easement.

Similar to the previously approved project, the Project's proposed development impact footprint is concentrated in the southern portion of the site and an Open Space Easement would be included in the northern portion of the site. Therefore, the Project would have similar less than significant impacts to wildlife corridors as compared to the previously approved project.

Consistency with Plans, Policies, and Ordinances

The 2018 SEIR disclosed that the Project site is located within the Multiple Species Conservation Plan (MSCP) and development activities on the site would be required to comply with MSCP requirements, including Wildlife Agency consultation pertaining to previously approved Minor and Major Amendment areas. In sum, the 2018 SEIR found that the previously approved project would not interfere with the Natural Communities Conservation Planning Process (NCCP). The 2018 SEIR found that all conditions associated with Conditional Concurrence for the Minor Amendment to the MSCP County Subarea Plan would be met by the project evaluated in the 2018 SEIR, and the project would be required to comply with the Conservation Measures included in the USFWS Biological Opinion for the Sunroad Centrum project. Thus, the 2018 SEIR found that the previously approved project would not preclude or prevent the preparation of the subregional NCCP, and impacts would be less than significant. Additionally, the previously approved project was found to not impact any coastal sage scrub and would conform to the goals and requirements of the MSCP, Major and Minor Amendment Areas, and the East Otay Mesa Business Park Specific Plan. The 2018 SEIR found that a portion of the Project site is located within a Biological Resource Core Area (BRCA). The previously approved project design was designed to minimize impacts to the BRCA; thus, impacts related to the BRCA were found by the 2018 SEIR to be less than significant and no mitigation was required.

The 2018 SEIR found that the previously approved project would impact RPO wetlands and sensitive habitat lands. The 2018 SEIR noted that the mima mound depression along Lone Star Road that contained 30 San Diego button-celery individuals in 2004 was considered to be sensitive habitat land. The 2018 SEIR found that the previously approved project's impacts to

sensitive habitat lands and RPO wetlands would be significant (**Impact BI-14**) and mitigation was required.

Similar to the previously approved project, the Project would be required to comply with MSCP requirements and the Project would be required to comply with the Conservation Measures included in the USFWS Biological Opinion for the Sunroad Centrum Project. Furthermore, the Project would continue to be required to mitigate impacts to sensitive habitat lands and RPO wetlands. Therefore, the Project would have similar impacts related to consistency with plans, policies, and ordinances as compared to the previously approved project.

As compared to the previously approved project, the Project would result in fewer or similar impacts to biological resources. The limits of disturbance for the Project would impact less on-site biological resources than under the previously approved project. Specifically, the Project would avoid direct impacts to aquatic resources that include disturbed wetlands. Furthermore, impacts to non-native grassland in the area adjacent to these disturbed wetlands would also be reduced. Off-site impacts associated with the sewer connection west of the Project site were not addressed in previous biological resource studies; however, installation of the off-site sewer connection would impact approximately 0.7-acre of non-native grassland and approximately 0.1-acre of disturbed habitat off-site west of Zinser Road which would be more than compensated for by the Project's reduced on-site impact footprint of an estimated 8.0 acres of non-native grassland as compared to the previously approved project evaluated in the 2018 SEIR. Furthermore, the Project would not adversely affect wildlife corridors, which is the same conclusion found in the 2018 SEIR for the previously approved project. In summary, the Project would result in fewer impacts to biological resources compared to those identified in the 2018 SEIR and no additional mitigation would be required.

V. **CULTURAL RESOURCES** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES NO

The 2018 SEIR determined that ground-disturbing construction activities in the previously approved project's development impact footprint would result in potentially significant direct impacts to subsurface deposits should cultural resources be encountered during construction (**Impact CR-1**). Mitigation measure **M-CR-1** recommended by the 2018 SEIR would reduce these impacts to less-than-significant levels. Mitigation measure **M-CR-1** can be found in Attachment E to this document.

A Cultural Resources Survey Memo was completed by ASM Affiliates for the Project (*Appendix C*), which summarizes a 2016 cultural resources survey and evaluation by ASM Affiliates and a

2023 survey of the proposed off-site sewer connection. Four cultural resources were identified on the Project site. An additional fifth resource was previously recorded on the Project site, but was confirmed to no longer be present. The search identified three prehistoric cultural resources (SDI-9975, SDI-12337, AND SDI-12730). SDI-12337 consists of seven total sites that were combined into one large site due to their overlapping boundaries and/or close proximity to each other. The fourth resource is a historic segment of P-37-31491, an old alignment of Otay Mesa Road. SDI-9975 is considered to be not significant under CEQA and SDI-12730 is considered to be significant under CEQA; however, all archaeological sites are considered important under County guidelines. Both SDI-9975 and SDI-12730 are located outside of the area of potential effect within the Open Space Easement and would not be affected by the Project.

The 2018 SEIR for the previously approved project and the Cultural Resources Memo for the Project found no evidence of human remains, including those interred outside of formal cemeteries; no evidence was discovered during the records search, literature, review, field survey, or site testing and evaluation.

Within the Project's physical impact footprint, there is a potential for significant impacts to subsurface cultural resource deposits should resources be encountered during ground-disturbing construction activities. Similar to the previously approved project, impacts to subsurface deposits by the Project would be mitigated to less-than-significant levels through the implementation of an archaeological monitoring program.

As with the previously approved project, the Project would avoid impacts to SDI-9975 and SDI 12730 through their location within the Open Space Easement. Impacts to subsurface deposits within the Project footprint area (**Impact CR-1**) should they be encountered during ground-disturbing construction activities were found to be mitigated to less than significant through the implementation of an archaeological monitoring program (**M-CR-1**). Similarly, the mitigation measure will apply to address the Project's potential impacts and impacts would be reduced to less-than-significant levels through grading monitoring by a qualified archaeologist and Native American Monitor and the curation discovered artifacts.

No new mitigation measures beyond those included in the 2018 SEIR for the previously approved project are necessary for the Project. The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified impacts to cultural resources. The Project's physical disturbance impact would be substantially the same as the previous project although reduced by approximately 8.0 acres on-site. There are no changes in circumstances and/or "new information of substantial importance" that would cause one or more effects to cultural resources.

VI. **ENERGY** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to energy including: resulting in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, and/or conflicts with or obstruct a state or local plan for renewable energy or energy efficiency?

YES NO

Energy use was not specifically analyzed within the 1994 EIR, 2000 SEIR, or 2018 SEIR as a separate issue area under CEQA. At the time, Energy Use was contained within Appendix F of the CEQA Guidelines and since then has been moved to the issue areas within Appendix G of the CEQA Guidelines. However, the issue of energy use in general was discussed within the previous CEQA compliance documents. The 1994 EIR, 2000 SEIR, and 2018 SEIR contained enough information about energy use as part of projected air quality emissions associated with buildout of the EOMBPSP and Project site, respectively, that with the exercise of reasonable diligence, information about potential effects due to energy use was readily available to the public. No mitigation measures related to energy use were required.

Energy demands of the Project site under both construction and operation would be similar to or less what was anticipated for the site by the 1994 EIR and 2000 SEIR.

Development of the Project would fall within the development impact footprint of the previously approved projects, the exceptions being that approximately 8.0 fewer acres would be disturbed on-site and an off-site sewer improvement would occur off-site. The light industrial land use proposed by the Project is the same land use type evaluated in the 1994 EIR, 2000 SEIR and 2003 and 2012 Addenda. Since the EIR was certified in 1994 and SEIR was certified in 2000, federal, State, and local regulations have become more stringent, thereby resulting in increased energy efficiency for construction vehicles and equipment as compared to what was assumed by the previously approved projects. For example, energy consumption of construction equipment is anticipated to be less than assumed in the 1994 EIR and 2000 SEIR due to the implementation of newer and more energy efficient off-road equipment that has been developed since those documents were prepared.

Operationally, the Project would result in approximately the same amount of developable area and approximately the same amount of traffic generation as previously analyzed in the 1994 EIR, 2000 SEIR, and 2003 and 2012 Addenda but would also be subject to updated federal, State, and local regulations that are more protective of the environment when compared to the regulations that existed when the prior analyses were conducted. For example, buildings constructed to the current California Building Standards Code (CALGreen) as implemented by the County of San Diego operate more efficiently than older buildings and modern vehicles also are more energy efficient and transitioning away from fossil fuels and toward electric power.

Therefore, the Project would result in reduced energy consumption for operational activities compared to what was assumed for the previously approved projects. The Project would be required to comply with all current and applicable energy conservation plans and regulations. Impacts relative to energy would be less than significant and no mitigation is required.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant energy impacts. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more energy impacts.

VII. **GEOLOGY AND SOILS** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES NO

The 1994 EIR for the previously approved project found that development within the Specific Plan area would result in significant impacts due to the potential for ground acceleration/shaking from regional seismic activity, liquefaction and seismically-induced settlement, flooding of open reservoirs on-site due to seismic events, ground failure, and soil-related hazards such as erosion, expansion, or settlement. The 1994 EIR included mitigation measures relative to Geology and Soils; however, these mitigation measures are superseded by current building codes and recommendations included within the Project’s Updated Geotechnical Investigation required as a County regulatory requirement. Therefore, these mitigation measures are not applicable to the Project.

The 2018 SEIR for the previously approved project found that the Project site contains weak and highly expansive claystones and potentially compressive fill soils, topsoils, and deposits that would require special consideration during grading operations. However, remedial grading recommendations presented in the 2018 SEIR geotechnical investigation were to be followed, and no impacts were anticipated with compliance with grading requirements.

An Updated Geotechnical Investigation was prepared for the Project site (*Appendix D*). Impacts associated with seismic ground ruptures are considered less than significant. The Project site is not located within an established Alquist-Priolo Earthquake Fault Zone. The potential impacts associated with seismic ground shaking has not changed between the previous 1994 EIR or 2018 SEIR; however, the CBC has been updated to require more resilient buildings. The design of structures built as part of the Project would be built in accordance with the California Building Code (CBC) currently adopted by the County.

The Updated Geotechnical Investigation concluded that, due to the proposed Project’s grading plan and fill and the soil makeup of the Project site, potential impacts associated with liquefaction hazard at the Project site is low. The Project site is not located within a Tsunami Hazard Zone, and the risk associated with inundation hazard due to tsunamis is less than significant. Further, since the Project site is not located downstream from any large bodies of water, the risk associated with inundation due to seiches is less than significant. The Project site is not located

within a Special Flood Hazard Area, and the risk associated with inundation due to flooding is less than significant.

No evidence of landslide was observed as part of the Updated Geotechnical Investigation. The risk associated with ground movement hazard due to landslide is thus less than significant. Additionally, based on the subsurface conditions of the Project site, the risk associated with ground subsidence or seismic settlement hazard is low.

The Project does not propose any changes that would cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects to geologic resources. There are no changes in circumstances under which the Project is being undertaken and/or “new information of substantial importance” that would cause one or more effects to geologic resources.

VIII. GREENHOUSE GAS EMISSIONS – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in one or more new significant effects or a substantial increase in the severity of previously identified significant effects associated with greenhouse gas emissions or compliance with applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES NO

The 1994 EIR and 2000 SEIR did not include an analysis of greenhouse gas emissions as it was not required by CEQA at the time; however, the Air Quality sections included an analysis of short-term construction impacts and operational impacts to air quality. The 1994 EIR and 2000 SEIR contained enough information about projected air quality emissions associated with buildout of the East Otay Mesa Business Park Specific Plan and light industrial uses on the Project site, respectively, that with the exercise of reasonable diligence, information about potential effects due to greenhouse gas (GHG) emissions was readily available to the public. See *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515 where the court found the potential impact of GHGs on climate change alone did not require preparation of a supplemental EIR since such information has been available since before the original EIR had been certified. The 2012 Addendum, however, did rely on a technical global climate change evaluation that disclosed the previously approved project’s GHG generation as 33,061 CO₂ equivalent emissions per year, reduced to 32,956 metric tons of CO₂ equivalent emissions per year with mitigation consisting of Statewide standards and project design features. While the 2012 Addendum estimated GHG emissions at 33,061 MT CO₂e, the 2018 SEIR reevaluated the estimated emissions from the 2012 Addendum, providing a revised estimate of 28,411 MT CO₂e for the project’s emissions evaluated in the 2012 Addendum.

The 2018 SEIR also included an evaluation of GHG emissions, concluding that the previously approved project would emit 37,554 metric tons of CO₂ equivalent emissions per year, reduced to 32,786 metric tons of CO₂ equivalent emissions per year with mitigation consisting of project design features, which is approximately the same annual quantity of GHG emissions calculated

for the previously approved project in the 2012 Addendum. The GHG emissions reported in the 2018 SEIR was 28,411 MT CO₂e.

The 2018 SEIR evaluated impacts to GHG emissions based on if the project would increase GHG emissions compared to the existing environmental setting. The threshold of significance for GHG emissions was net zero, utilizing carbon offsets as one mitigation measure to achieve net zero. The 2018 SEIR concluded impacts would be less than significant with implementation of mitigation.

The analysis of the Project is based on a comparison of emissions from the Project to previously-approved entitlements for industrial uses on the Project site. Therefore, the Project's analysis compares the revised estimate of 28,411 MT CO₂e for the project's emissions inclusive of emission reductions achieved from project design features evaluated in the 2012 Addendum that studied industrial uses to the emissions anticipated by the Project.

The Project includes several Project Design Features (PDFs) that would result in the reduction of GHG emissions. The PDFs are summarized below. The PDFs are incorporated into the Project design and would be implemented with approval of the Project.

- No chilled, cold, or freezer warehouse space inside the facilities that would attract tractor trailers with transport refrigeration units
- Installation of electric vehicle charging infrastructure for passenger vehicles
- Installation of sidewalk and bikeway improvements from the County's Active Transportation Plan
- No natural gas to serve the buildings
- Utilization of renewable energy and installation of energy-efficient features in compliance with CALGreen Title 24 requirements
- Utilization of water efficiency and conservation requirements and installation of water-efficient features in compliance with CALGreen Title 24 requirements
- Planting of 3,316 trees on-site
- Cargo handling equipment would be electric
- All vehicle operators are required to comply with CARB Rule 2485 and CARB Rule 2449, which limits nonessential idling of diesel-fueled commercial vehicle engines and diesel-powered off-road equipment to five minutes or less. Prior to issuance of occupancy permits for buildings with loading dock areas, the County shall verify that signs are posted in these areas that inform vehicle and equipment operators about the requirements of these Rules except that such signs shall post a 3-minute idling restriction (instead of the 5-minutes required by CARB).

The Project would reduce the amount of traffic generated by development of the site as compared to what was evaluated for the Project site in the 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR. Specifically, and as documented in the Project's Traffic Analysis (*Appendix H*), the Project would generate approximately 20,211 fewer average daily vehicular trips as compared to the previously approved project evaluated by the 2000 SEIR and 2003 and 2012 Addenda and 27,555 fewer average daily trips as compared to the previously approved project evaluated by the 2018 SEIR. Because the majority of GHG emissions associated with light industrial developments is

the result of vehicular traffic, the Project's level of GHG emissions would be reduced in comparison to the previously approved projects evaluated by the 2000 SEIR, 2003 and 2012 EIR Addenda, and the 2018 SEIR. Additionally, there have been numerous regulations adopted since the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR were certified that would result in reduced Project-related GHG emissions compared to the previously approved projects, including AB 1493, which specifies fuel efficiency standards, and the California Building Standards Code Title 24 energy efficiency requirements (CALGreen), which impose more stringent energy efficiency requirements as compared to what was in effect when the previously approved projects were approved.

The Project's GHG emissions were compared to the existing approved entitlements evaluated in the 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR and included evaluation of traffic using both the ITE and SANDAG methodologies. As further discussed under Section XVII, *Transportation*, the Project's trip generation is based on ITE rates; however, a comparison to SANDAG trip rate scenarios is also provided for informational purposes. Table 3, *GHG Emissions Summary*, summarizes the anticipated GHG pollutant emissions for the Project, which falls below the total amount of GHG emissions that were disclosed in the 2012 Addendum and the 2018 SEIR.

Table 4 GHG Emissions Summary

Scenario	Total CO2E (MT/yr)
2012 EIR Addendum Emissions ^{1,2}	28,411
2018 SEIR Emissions ¹	32,786
Proposed Project with ITE Trip Generation Rates	17,067
Proposed Project with SANDAG Trip Generation Rates	24,888

1. Source: Otay 250 Sunroad – East Otay Mesa Business Park Specific Plan Amendment SCH No. 2016031028 Final Supplemental EIR (March 2018), Table 2.4-9.

2. While the 2012 Addendum estimated GHG emissions at 33,061 MT CO₂e, the 2018 SEIR reevaluated the estimated emissions from the 2012 Addendum, providing a revised estimate of 28,411 MT CO₂e.

(Urban Crossroads, 2023a)

As shown above in Table 4, both the ITE and SANDAG trip rate scenarios would result in lower GHG emissions than under the existing approved entitlement. Accordingly, the Project would not generate GHG emissions that may have a significant impact on the environment and would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to GHG emissions. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to GHG emissions.

IX. **HAZARDS AND HAZARDOUS MATERIALS** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more

effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES NO

The 1994 EIR contained an analysis of health and safety impacts related to buildout of the Otay Mesa Business Park Specific Plan area. The 1994 EIR found that development could result in potential impacts relative to exposure of people living or working within the Specific Plan area to hazardous substances due to potential use of hazardous materials and potential exposure of people to hazardous substances due to the transport of hazardous materials. The 1994 EIR found that no hazardous materials or petroleum products were located on-site, and no evidence was found of a release of hazardous materials in the Otay Mesa Business Park Specific Plan area.

The 2018 SEIR found that the previously approved project's commercial and light industrial land uses would increase the number of facilities that transport, use, store, and dispose of hazardous materials; however, the previously approved project would be subject to applicable rules, policies, and regulations and would not result in direct impacts related to the routine transport, use, storage, or disposal of hazardous materials. Additionally, the 2018 SEIR found that because there were no existing or planned schools located within one-quarter mile of the Project site, the previously approved project would result in less-than-significant impacts regarding potential hazardous emissions or materials within one-quarter mile of an existing or proposed school. Further, the Project site was determined to not be listed as a Cortese Site.

The 2018 SEIR disclosed that the Project site is located approximately one mile east of Brown Field Municipal Airport. The Project site is located within Review Area 1 of Brown Field Municipal Airport, and the western portion of the Project site is located within three safety zones for Brown Field. The Brown Field ALUCP provides restrictions regarding residential development within the safety zones. The 2018 SEIR found that, with adherence to the regulations of the Brown Field ALUCP and 2011 General Plan goals/policies related to airport hazards, impacts would be less than significant, and no mitigation would be required. There were no private airstrips located in the Project site's vicinity. The 2018 SEIR also found that the previously approved project would

not result in significant impacts associated with wildland fires and emergency response, and mitigation would not be required.

The 2018 SEIR found that the San Diego County Fire District was in the process of implementing full-time fire and emergency services in the East Otay Mesa Business Park Specific Plan at the time the 2018 SEIR was certified. The previously approved project was conditioned to fund the additional increment related to residential uses for the construction, equipment, and ongoing operations and maintenance of the new fire station. The Fire Protection Plan (FPP) prepared for the previously approved project determined that project would potentially increase the number of people exposed to wildfire risks, but the previously approved project was found to be designed to minimize wildfire exposure risks. The previously approved project was conditioned to implement design considerations and maintain the property in accordance with San Diego County Building and Fire Codes. Impacts were determined to be less than significant.

The Project site is vacant land and does not contain on-site hazardous waste contamination. The Project does not propose land uses that would use hazardous substances in excess of the threshold quantities as defined in Chapter 6.95 of the California Health and Safety Code. Similar to the previously approved project evaluated in the 1994 EIR and 2000 SEIR, the Project's commercial and industrial land uses would increase the number of facilities that transport, use, and dispose of hazardous materials in the Project area. However, the Project would be subject to applicable rules, regulations, and policies that would not result in direct impacts related to the routine transport, use, storage, or disposal of hazardous materials, and impacts would be less than significant.

As with the previously approved project, the Project site is located within Review Area 1 of Brown Field Municipal Airport. However, since the Project does not propose residential uses, potential impacts relative to airport hazards would be less compared to those of the previously approved project evaluated in the 2018 SEIR. There are no private airstrips within the Project vicinity. Additionally, the Project would be subject to the Brown Field ALUCP and General Plan goals/policies relative to airport hazards, and impacts would be less than significant.

A Fire Protection Plan (FPP) prepared for the Project (*Appendix J*) indicated that the closest fire station to the Project site is San Diego Fire/Rescue Department Station #43, located at 1590 La Media Road, approximately 2.1 miles from the southwestern portion of the Project site. The response time from this fire station is compliant with the 5-minute response time goal included in the San Diego County General Plan, as shown in Table 5.

As shown in Table 6, using San Diego County Fire agencies calculated 155 annual calls per 1,000 population, the Project's estimated 2,333 on-site employees associated with the Project would generate up to 361 calls per year. Most of these calls are expected to be medical-related. Therefore, the Project is not expected to cause a decline in emergency response times by adding an average of one call per day, and impacts would be less than significant.

Table 5 Closest Responding Fire Station Summary

Station No.	Location	Equipment	Staffing	Maximum Travel Distance ^{1,2}	Travel Time ²
City of San Diego Station #43	Otay Station 1590 La Media Road	<ul style="list-style-type: none"> ▪ Type 1 Engine ▪ Truck ▪ Brush Unit ▪ Crash Unit ▪ Ladder Truck ▪ Brush Engine 	1 SDFD Engine Company (3 full time firefighters) 1 CAL FIRE/ San Diego County Fire Authority Engine Company (3 full time firefighters)	2.10 mi.	4 minutes, 13 seconds

1 Distance measured to farthest portion of Project site

2 Assumes travel at 35 mph travel speed and does not include donning turnout gear and fire dispatch time. Actual travel speeds are likely to be closer to 45 mph speed limits.

Source: (Dudek, 2023)

Table 6 Calculated Call Volume Associated with the Project

Emergency Calls per 1,000 (County Data)	Number of Staff	Avg. No. Calls per Year (2,333\1,000 x 155)	Avg. No. Calls Per Day (361\365)
155	2,333	361	1

Source: (Dudek, 2023)

The Project would be required as a required design feature to implement the proposed Fuel Management Zones (FMZs) as included in the Project-specific FPP, as well as fully comply with the San Diego County Fire Code requirements. Like the previously proposed projects, the Project would not interfere with an adopted emergency response plan or emergency evacuation plan. Further, while the project evaluated in the 2018 SEIR planned to add residents to the Project site, the Project includes industrial development which would result in fewer people being on the Project site and thus a reduced risk of exposing people to a significant risk of wildland fires. The Project would not result in the exposure of people or structures to a significant risk involving wildland fires. Impacts would be less than significant.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects associated with hazards and hazardous materials. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to hazards and hazardous materials.

X. **HYDROLOGY AND WATER QUALITY** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;

substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES NO

The 1994 EIR found that implementation of the East Otay Mesa Business Park Specific Plan would result in significant sedimentation and increased runoff. With the implementation of mitigation measures, impacts were reduced to less-than-significant levels. The 2018 SEIR for the previously approved project found that no impacts to water quality, groundwater resources, or drainage would occur. The 2018 SEIR also noted that no impacts relative to inundation or seiche would occur, and risks associated with flooding would be less than significant.

A Preliminary Drainage Study (*Appendix F1*) and a Stormwater Quality Management Plan (SWQMP) (*Appendix F2*) were prepared for the Project. With implementation of site design and low-impact design features, Best Management Practices (BMPs), and compliance with applicable standards and guidelines, construction of the Project would result in less-than-significant impacts associated with drainage pattern or hydrology alterations. The Project would not result in peak-flow increases that would exceed the capacity of stormwater drainage systems or result in substantial erosion or siltation. All stormwater runoff would be conveyed to biofiltration detention basins on-site that are designed to attenuate the 100 year peak flows; thus, operational impacts would be less than significant.

The Project does not propose the use of groundwater for any purpose and would not affect off-site groundwater usage. As stated in the Project-specific Preliminary Drainage Study (*Appendix F1*), groundwater was not encountered within 18 feet below the lowest proposed surface and is not expected to be a constraint to the Project's development. Therefore, impacts to groundwater would be less than significant. The Project site is located outside of any FEMA floodplain boundaries. Therefore, impacts to hydrology and water quality would be less than significant and no mitigation would be required.

XI. **LAND USE AND PLANNING** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES NO

The 1994 EIR found that implementation of the East Otay Mesa Business Park Specific Plan would replace presently undeveloped areas with a mix of industrial, residential, and supporting commercial uses, with the dominant uses being industrial. The 1994 EIR determined that implementation of the Specific Plan (including the project) would result in land use compatibility impacts between residential, commercial, and industrial uses. Additionally, the 1994 EIR noted that the previously approved project would result in impacts to existing residential uses due to lighting and noise impacts from commercial and industrial land uses within the Specific Plan area. With the implementation of mitigation measures, the 1994 EIR concluded that the previously approved project would result in less than significant impacts relative to land use.

The 2000 SEIR that evaluated light industrial development within the Project site and found that, since the County designated the previously approved project area as a Minor Amendment Area of the Multiple Species Conservation Program (MSCP) Subarea Plan, land uses were to be reevaluated for consistency with the MSCP Subarea Plan. The 2000 SEIR identified significant impacts associated with incompatible land uses between designated residential units off-site and the proposed industrial and commercial uses, as well as the proposed uses near Johnson Canyon within the Specific Plan area. With the implementation of mitigation measures, impacts were found to be less than significant. Additionally, the 2000 SEIR determined that the previously approved project would have a significant impact on the goals and policies of the MSCP Subarea Plan; however, with agency-approval of the Minor Amendment and Resource Conservation Plan, the 2000 SEIR determined that impacts would be reduced to less-than-significant levels.

The Project site is currently undeveloped, and no existing established community surrounding the Project site would be physically divided by construction or operation of the Project. The 1994 EIR and 2000 SEIR evaluated buildout with industrial and commercial uses, and the Project's industrial land uses would be consistent with the land uses evaluated for the Project site as part of prior EIRs. Additionally, as part of the review of the Project, the County of San Diego evaluated the Project for consistency with applicable General Plan and East Otay Mesa Business Park Specific Plan policies and concluded that the Project would not conflict with existing land use plans, policies, and regulations. The Project also does not conflict with the previously approved Minor Amendment and MSCP Subarea Plan as discussed in Section IV, Biological Resources.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to land use and planning. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that cause would one or more effects to land use and planning.

XII. **MINERAL RESOURCES** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES NO

The issue of mineral resources was not included for analysis within the 1994 EIR, 2000 SEIR, or 2003 or 2012 Addenda. The 2018 SEIR for the previously approved project determined that the Project site had been classified as an area of "Potential Mineral Resource Significance" (MRZ-2). The 2018 SEIR noted, however, that the Project site was approved by the East Otay Mesa Business Park Specific Plan for industrial development that precluded mining, was surrounded by undeveloped lands, industrial/business park uses, and single-family homes, and was not identified for future extraction of mineral resources at the time of the 2018 SEIR's certification. Additionally, no active or abandoned mines or quarries were located in the Project site's vicinity. Therefore, the Project site was determined to not be suitable for mining and the previously approved project would not result in the significant loss of availability of a known mineral resource, and no mitigation was required.

Geologic conditions across the Project area are essentially the same as described in the 2018 SEIR and the Project site is precluded from mining by the East Otay Mesa Business Park Specific Plan. The Project's proposed development areas fall within the physical impact footprint of the previously approved project, the exception of a proposed off-site sewer improvement. Although the off-site sewer improvement for the Project was not studied in the 2018 SEIR, the improvement is located within a planned roadway right-of-way that would preclude the extraction of mineral resources. Impacts relative to mineral resources would be less than significant, and no mitigation is required.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to mineral resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to mineral resources.

XIII. **NOISE** – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport

or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES NO

The 2000 SEIR for the previously approved project determined that planned noise sensitive uses within 1,260 feet north of the centerline of Lone Star Road that would exceed the County's noise standard of 60 dBA Leq for residential uses; however, no homes existed in the area at the time. The 2000 SEIR found that because the previously approved project entailed commercial and industrial land uses, it did not propose any noise sensitive uses. Further, the 2000 SEIR found that wildlife species expected to occur within areas that are subjected to traffic-related noise were not considered to be noise sensitive. Therefore, the 2000 SEIR found that no significant noise related impacts were expected to occur.

A Noise Memorandum (*Appendix G*) was prepared for the Project. The primary noise source under the Project would be vehicle traffic along Otay Mesa Road. The Project would be subject to the County Noise Element, but the proposed light industrial uses are not considered to be noise sensitive. The Noise Memorandum determined that the allowable noise levels would not be exceeded at any location and impacts would be less than significant with no mitigation required.

The Noise Memorandum (*Appendix G*) determined that general construction activities would not cause any significant noise impacts to surrounding sensitive receptors and impacts would be less than significant and with no mitigation required.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant noise impacts. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more noise impacts.

XIV. PALEONTOLOGICAL RESOURCES – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with activities that could directly or indirectly damage a unique paleontological resource or site?

YES NO

The 1994 EIR, the 2000 SEIR, and 2003 and 2012 Addenda did not address the topic of paleontological resources, but the topic was analyzed in the 2018 SEIR for the previously approved project. The 2018 SEIR disclosed that The Project site is located within a "High" paleontological sensitive area of the county. The previously approved Project's grading plan was expected to reach the subsurface Otay Formation, with the potential to yield fossils. Because the previously approved project's earthwork would exceed the County's threshold of 2,500 c.y. in areas of high or moderate paleontological sensitivity, impacts were determined to be potentially

significant (**Impact PR-1**) and mitigation measure **M-PR-1** was included to require monitoring of excavation activities during grading and salvage, identification, and curation of fossil remains if found. Mitigation measure **M-PR-1** can be found in Attachment E to this document.

The Project would likewise have the potential to encounter the subsurface Otay Formation during its grading operation and **M-PR-1** would apply to mitigate impacts to less than significant. The Project's on-site grading footprint is 8.0 acres less than the previously approved project but includes trenching for an off-site sewer line that was not discussed in the 2018 SEIR. Off-site impacts associated with the sewer connection west of the Project site were not addressed in previous studies; however, installation of the off-site sewer connection would impact approximately 0.8-acre of area within the planned right-of-way for Zinser Road. Therefore, the Project's potential to encounter fossil remains is substantially the same as was found in the 2018 SEIR.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to paleontological resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more significant effects to paleontological resources.

XV. POPULATION AND HOUSING – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES NO

The 1994 EIR that evaluated the East Otay Mesa Business Park Specific Plan determined that impacts related to population, housing, and employment would be less than significant. The 2018 SEIR that introduced planned mixed use development with a residential emphasis to the site found that although the potential population and housing effects could occur from the introduction of up to 3,158 residential units from stimulated off-site growth, that planned employment use growth was already anticipated in the General Plans and Community Plan for the surrounding areas of the City of Chula Vista and the Otay Mesa Community Plan Area in the City of San Diego. Therefore, the 2018 SEIR concluded that the previously approved project would result in less-than-significant impacts in regard to stimulated growth. The 2018 SEIR also found that the Project site did not contain existing housing, and therefore the previously approved project would not result in the displacement of housing units.

The Project does not include any residential development. Thus, the Project would result in less population growth as compared to the previously approved project evaluated in the 2018 SEIR. While the Project would increase employment opportunities in the area, it is expected that jobs would be filled by residents in the surrounding area. Similar to the previously approved projects, the Project would not displace any existing housing or substantial numbers of people because

the Project site is currently vacant. Therefore, the Project would result in less than or similar less-than-significant impacts as compared to the previously approved project.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to population and housing. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more significant effects to population and housing.

XVI. PUBLIC SERVICES – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES NO

The 1994 EIR for the East Otay Mesa Business Park Specific Plan concluded that implementation of the Specific Plan would not result in significant impacts in regard to fire protection and emergency services, police protection, parks and recreation, water service, and gas and electricity services. In regard to schools, the 1994 EIR found that although Specific Plan buildout would have an impact on schools, payment of required schools facilities fee would mitigate impacts to less-than-significant levels.

The 2018 SEIR for the previously approved project noted that the previously approved project would be conditioned to provide funding for the construction, equipping, and ongoing operations and maintenance of a new fire station and thus would result in less-than-significant impacts relative to fire protection and emergency services. The 2018 SEIR found that the previously approved project would result in the need for additional law enforcement personnel. With the payment of fair share contribution of the cost to develop the future Sheriff's station and incorporation of crime prevention through environmental design (CPTED) principles, the previously approved project was found to result in less-than-significant impacts relative to police protection.

The 2018 SEIR noted that the previously approved project would be served by Sweetwater Union High School District and San Ysidro Elementary School District. The previously approved project was conditioned to pay school fees prior to the issuance of building permits and, with the payment of school facilities fees, impacts relative to schools would be less than significant. The 2018 SEIR concluded that the previously approved project provided public services that would be adequate to meet the needs of its residents, and no significant impacts would result.

Similar to the 2018 SEIR, the Project Applicant would continue to be conditioned to contribute fair-share funding for fire and sheriff services. Furthermore, although the Project includes industrial uses and would not require school facilities, the Project would nonetheless be required to pay school impact fees. Therefore, the Project would result in less than or similar less-than-significant impacts as compared to the previously approved project.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to public services. Further, because residential uses are not proposed there would be a reduced impact on schools compared to the previously approved project. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to public services.

XVII. RECREATION – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES NO

The 1994 EIR concluded that no significant impacts to parks, trails, or library facilities would occur as a result of the East Otay Mesa Business Park Specific Plan, and no mitigation was necessary. The 2018 SEIR for the previously approved project found that the previously approved project would not require the construction of new park area, since the previously approved project contained planned parks and a trail segment to serve the residential uses. Thus, the 2018 SEIR concluded that no significant impacts to recreation would result, and no mitigation was required.

In contrast to the previously approved project, the Project does not contain residential uses. As such, the Project would not result in a direct demand for resident-generated recreational resources and would not directly require the construction or expansion of recreational facilities on-site. The Project does not propose land uses that would cause the deterioration of recreational facilities and would not require the expansion or construction of recreational facilities. Thus, the Project would result in lesser impacts in comparison to the previously approved project.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to recreation. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to recreation.

XVIII. TRANSPORTATION – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an

increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES NO

Analysis Methodology

Senate Bill 743 (SB 743) was passed in 2013, which required that by July 1, 2020, a project's transportation impacts be evaluated based on a Vehicle Miles Traveled (VMT) measure, instead of evaluating impacts based on Level of Service (LOS) criteria. The Natural Resources Agency finalized updates to the CEQA Guidelines in January 2019 that were approved by the Office of Administrative Law and are currently in effect. CEQA Guidelines § 15064.3(b) now includes specific considerations for evaluating a project's transportation impacts using a VMT measure, instead of evaluating impacts based on LOS criteria, as required by SB 743. However, the appropriate methodology for analyzing the Project evaluated herein remains LOS, for the following reasons.

LOS was used as the basis for determining the significance of traffic impacts as standard practice in CEQA documents for decades, including at the time the East Otay Mesa Business Park Specific Plan EIR was certified in 1994 and its 2000 EIR and 2018 SEIR were prepared and certified. Although as of July 1, 2020, LOS can no longer be the basis for determining an environmental effect under CEQA, CEQA Guidelines § 15064.3(c) is clear that "[t]he provisions of [§ 15064.3] shall apply prospectively as described in [CEQA Guidelines] section 15007." CEQA Guidelines § 15007(c) specifically states: "[i]f a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved." As noted above, the Guidelines changes with respect to VMT took effect on July 1, 2020, while the East Otay Mesa Business Park Specific Plan EIR was certified in 1994 and its two Supplemental EIRs and various Addenda were approved through 2018. As such, and in accordance with CEQA Guidelines §§ 15064.3(c) and 15007(c), revisions to the previously certified EIR are not required under CEQA in order to conform to the new requirements established by CEQA Guidelines § 15064.3. See *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1801. Furthermore, potential effects associated with VMT were known or should have been known at the time the EIR and its Supplemental EIRs were prepared and certified, and the adoption of the requirement to analyze VMT does not constitute significant new information requiring preparation of a subsequent or supplemental EIR. See *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320. Because the CEQA compliance document for the Project is an EIR Addendum, LOS remains the appropriate analysis metric.

The SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region was published in April 2002 and provides a limited amount of information regarding industrial and warehouse uses. In fact, SANDAG's publication does not specify a percentage of trucks or trip length associated with the overall trip rate identified. The latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) was released in September 2021 and includes more current and detailed survey data associated with industrial and warehouse land use types. The ITE Trip Generation Manual includes additional information associated with truck trips from industrial and warehouse land uses, including percentage of trucks, types of trucks, and different trip lengths based on land use type.

The County of San Diego Transportation Study Guidelines, published in September 2022 (page 11), acknowledge the use of ITE's Trip Generation Manual as a valid source for the evaluation of traffic. As such, it is most appropriate for the Project to be analyzed using the latest published information from ITE for purposes of trip estimating. For the reasons stated above, for purposes of analysis and evaluation of impacts as compared to the original 1994 EIR and 2000 SEIR, the ITE rates are utilized.

Analysis

The 1994 EIR included an analysis of transportation regulations pertinent at the time of the EIR's certification, as well as existing conditions and impacts related to the East Otay Mesa Business Park Specific Plan project. The 1994 EIR identified interjurisdictional inconsistencies in future roadway designations as an impact. Mitigation for transportation impacts was general and required interjurisdictional coordination for future roadway designations. Due to the general nature of these mitigation measures and the fact that all applicable interjurisdictional roadways have since been constructed, the mitigation measures included in the 1994 EIR are not applicable to the Project.

The 2000 SEIR also addressed transportation/traffic and contained new mitigation for new impacts (due to the extension of Otay Mesa Road to SR-905), in addition to carrying over previous mitigation that remained applicable to the previously approved project for the site. That mitigation no longer applies based on the results of the Project's Traffic Analysis (*Appendix H*). The 2000 SEIR mitigation measures are located on pages 2-62 through 2-66 of the 2000 SEIR.

A Traffic Analysis (*Appendix H*) was prepared for the Project to determine whether the Project would have new or substantially more severe transportation impacts as compared to the previously approved projects. Table 7, *Project Average Daily Trips*, indicates the Project would generate 6,569 average daily trips (ADT). In comparison, the previously approved project analyzed in the 2000 SEIR for light industrial and commercial uses would generate 26,780 ADT; thus, the Project would reduce trips by 20,211 ADT. Similarly, the previously approved project analyzed in the 2018 SEIR for mixed uses would generate 34,124 ADT; thus, the Project would reduce trips by 27,555 ADT.

Table 7 Project Average Daily Trips

Land Use	Size (X)	PCE Factor ^b	Daily Trip Ends (ADTs)		AM Peak Hour					PM Peak Hour				
					Formula	In:Out Split ^a	Volume			Formula	In:Out Split	Volume		
			In	Out			Total	In	Out			Total		
			Formula	Volume										
Warehousing^c														
Passenger Vehicles	1,553.25 KSF	1.0	1.58(X)+38.29	2,492	0.12(X)+23.62	77:23	162	48	210	0.12(X)+26.48	28:72	60	153	213
Heavy Trucks (w/ PCE) ^e		2.0	0.54(X)+7.47	1,692	0.02(X)	52:48	32	30	62	0.03(X)	52:48	48	45	93
High-Cube Transload and Short-Term Storage Warehouse^d														
Passenger Vehicles	1,296.75 KSF	1.0	1.4(X)	1,815	0.08(X)	77:23	80	24	104	0.1(X)	28:72	36	94	130
Heavy Trucks (w/ PCE) ^e		2.0	0.22(X)	570	0.02(X)	49:51	25	27	52	0.01(X)	47:53	12	14	26
Total Trips				6,569			299	129	428			156	306	462

Footnotes:

- a. Rates are based on Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th edition.
- b. PCE = Passenger Car Equivalent
- c. Land Use 150 – Warehousing (ITE)
- d. Land Use 154 – High-Cube Transload and Short-Term Storage Warehouse (ITE)
- e. Heavy Vehicle Rate

(LLG, 2024)

The Project would generate substantially less traffic volume as compared to the previously approved projects. Additionally, the Traffic Analysis (*Appendix H*) determined that the Project is not calculated to result in any significant LOS-related impacts to any study area intersection and no mitigation measures are required. Thus, impacts would be less than significant.

The Project would consist of a number of roadways within the Project site to facilitate internal circulation. All on-site roadways would either be designed and constructed per County of San Diego Public Road Standards or have been subject to a design review and approval by the County of San Diego Public Works Division. In addition, all classified Mobility Element roadways within the Project site would be constructed to conform to the roadway classifications outlined in the EOMBSP Circulation Element. Because the Project's roadways are either consistent with County of San Diego Public Road Standards or have been reviewed and approved by the County Public Works Division, the Project would not result in a substantial increase in hazards due to a roadway design feature. Additionally, because of this compliance with standards and regulations, the Project would not result in inadequate emergency access. Impacts would be less than significant.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to transportation. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to transportation.

XIX. TRIBAL CULTURAL RESOURCES – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code § 21074?

YES NO

The 2018 SEIR for the previously approved project addressed resources important to Native American Tribes under the subject area of Cultural Resources. Native American consultation or communication did not reveal any culturally or spiritually significant sites known to be located on the Project site. No Traditional Cultural properties that served religious or community practices were found on the site, and no Tribal Cultural Resources were identified or reported from the Native American contacts. Thus, the 2018 SEIR found that impacts to tribal cultural resources were less than significant.

Based on the analysis of the currently proposed Project's Cultural Resources Survey Memo (*Appendix C*), it was determined that known tribal cultural resources are not present within the Project site. However, as concluded in the Cultural Resources section, the potential exists to discover such resources during ground-disturbing construction activities on the Project site, in the same manner as encompassed for archaeological resources. As such, with the implementation of the Project, there would be no greater potential for impacts to significant tribal cultural resources than disclosed in the Cultural Resources section of the 2018 SEIR. Impacts would be potentially significant (**Impact CR-1**) and mitigation measure **M-CR-1** recommended by the 2018 SEIR would reduce these potential impacts to less-than-significant levels.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to tribal cultural resources. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more effects to tribal cultural resources.

XX. UTILITIES AND SERVICE SYSTEMS – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES NO

The 1994 EIR prepared for the East Otay Mesa Business Park Specific Plan found that the Specific Plan would result in significant impacts relative to solid waste, since a landfill for solid waste disposal may not be available after the Otay Landfill was closed; however, impacts were found to be mitigated to less-than-significant levels with a goodwill serve letter from the County Public Works, Solid Waste Division. Additionally, the 1994 EIR concluded that the Specific Plan only established wastewater disposal for the first 400 net acres of industrial or commercial development, and development beyond this amount could result in potentially significant impacts on wastewater service. Thus, the 1994 EIR concluded that mitigation required that no development be allowed until all necessary infrastructure and treatment plants were constructed and operable.

Based on the findings from the Otay Water District's 2015 Urban Water Management Plan (UWMP) and the Water Authority's 2010 UWMP, the 2018 SEIR for the previously approved project concluded that the previously approved project evaluated in the 2018 SEIR would not result in unanticipated demands and no significant impacts relative to water services would occur. The 2018 SEIR found that the previously approved project was consistent with the wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB) and would not require construction of new or expanded water or wastewater treatment facilities. Thus, the previously approved project was found to not result in significant impacts relative to wastewater. The 2018 SEIR noted that the previously approved project required relocation of gas lines. However, all utility relocated would occur within the previously approved project development area, and no impacts relative to gas and electricity beyond those assumed as part of construction would occur. The 2018 SEIR also found that there was sufficient existing solid waste capacity to accommodate the previously approved project's solid waste disposal needs, and impacts associated with solid waste were found to be less than significant.

The Project would not create any greater demand on utilities and service systems compared to what was analyzed for the previously approved project in the 2018 SEIR. Otay Water District released its 2020 Urban Water Management Plan in June 2021, which shows adequate supplies

based on planned land uses and that considered the previously approved project. Furthermore, the light industrial land uses proposed by the Project would demand much less water and generate much less wastewater requiring treatment than the technology center, commercial, and residential land uses previously approved. As discussed under the topic of Energy, the Project also would be more energy efficient and consume less energy than the previously approved projects. Similarly, the Project would not generate any greater amount of solid waste requiring landfill disposal than assumed for the previously approved projects. Service availability letters for the Project are contained in *Appendix I*.

The Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to utilities and service systems. There are no changes in circumstances under which the Project is being undertaken and/or "new information of substantial importance" that would cause one or more utilities or service systems effects.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

YES NO

As described in this Checklist, there are no changes in the Project, changes in circumstances under which the Project is undertaken and/or "new information of substantial importance" that result in any of the mandatory findings of significance.

The Project's Biological Technical Memorandum (see Appendix B.1) included cumulative impact analyses for biological resources. Off-site impacts associated with the sewer connection west of the Project site were not addressed in previous biological resource studies; however, installation of the off-site sewer connection would impact approximately 0.7-acre of non-native grassland and approximately 0.1-acre of disturbed habitat off-site west of Zinser Road. This technical memorandum determined that the Project, including off-site sewer connection, would reduce the

overall acreage of impacts to biological resources by approximately 8.0 acres on site compared to the previously approved project.

The Project would result in potentially significant impacts to biological resources, including direct and indirect impacts to sensitive vegetation communities, and special status plant and wildlife species; however, impacts would be mitigated to less than significant and the Project's contribution is less than cumulatively considerable. Refer to Section IV, Biological Resources of this checklist for mitigation measures.

The Project's contribution to cumulative impacts have been analyzed and disclosed throughout this EIR Addendum and in Appendices A through J. The Project includes the same development impact footprint as the previously approved project other than the on-site reduction of 8.0 acres of impact and the addition of an off-site sewer connection located within an existing planned right-of-way; therefore, cumulative impacts related to physical impact area (i.e., biological resources, cultural resources, geology and soils, and tribal cultural resources) would not increase impacts as compared to the previously approved project. Furthermore, the Project would generate less traffic and result in a concomitant reduction in air quality, GHG, and noise impacts compared to the previous projects; therefore, the cumulative impacts of the Project would also be reduced. Thus, the Project would not cause new or significantly greater contributions to cumulative impacts previously analyzed and disclosed in the 1994 EIR, 2000 SEIR, 2003 and 2012 Addenda, and 2018 SEIR prepared for previously approved projects on the Project site.

The Project would not have environmental effects that will cause substantial adverse effects on human beings. Refer to Section III, Air Quality (Sensitive Receptors), Section VII, Geology and Soils (rupture or faults), Section IX, Hazards and Hazardous Materials (wildfire hazard and emergency evacuations), and Section XV Public Services (fire protection and law enforcement services).

7. Attachments

- A. Regional Location Map
- B. Project Specific Plan Amendment
- C. Project Vesting Tentative Map
- D. Project Site Plan
- E. Summary of Mitigation Measures

8. Appendices

- A1. Air Quality and Greenhouse Gas Technical Memorandum
- A2. Health Risk Assessment
- B1. Biological Resources Technical Memorandum
- B2. Species Assessment Memorandum
- C. Cultural Resources Technical Memorandum
- D. Geotechnical Technical Memorandum
- E. Phase I Environmental Site Assessment
- F1. Drainage Study

- F2. Stormwater Quality Management Plan
- G. Noise Technical Memorandum
- H. Traffic Technical Memorandum
- I. Service Availability Letters
- J. Fire Protection Plan

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