Final Environmental Impact Report Otay Ranch University Villages Project (EIR 13-01; SCH No. 2013071077)

CEQA Findings of Fact and Statement of Overriding Considerations

Lead Agency

City of Chula Vista
276 Fourth Avenue
Chula Vista, California 91910

NOVEMBER 2014

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1.0 INTRODUCTION

The Final Environmental Impact Report (Final EIR) prepared for the Otay Ranch University Villages Project (proposed project) addresses the potential environmental effects associated with implementation of the project. In addition, the Final EIR evaluates five alternatives to the project. These alternatives include the following: (1) Existing General Plan and General Development Plan Alternative; (2) Reduced Density Alternative; (3) Nuisance Easement Alternative; (4) Otay Subregional Plan Alternative; and (5) No Project Alternative.

The Final EIR represents a second tier EIR, in accordance with California Environmental Quality Act (CEQA) Section 21094, and tiers from the certified City of Chula Vista General Plan Update EIR (SCH No. 2004081066) and the Otay Ranch General Development Plan Program EIR (SCH No. 89010154).

These findings have been prepared in accordance with requirements of CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs. tit. 14, § 15000 et seq.).

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2.0 PROJECT DESCRIPTION

The project proposes 6,897 homes and associated village land uses on approximately 751 acres and approximately 624 acres of Open Space Preserve for a total project area of approximately 1,375 acres. Implementation of the proposed project requires Chula Vista General Plan Amendments (GPA), a Chula Vista Multiple Species Conservation Program (MSCP) Boundary Adjustment, Otay Ranch General Development Plan (GDP) Amendments, and Otay Ranch Resource Management Plan (RMP) Boundary Adjustments. The project also proposes amendments to three Sectional Planning Area (SPA) Plans: Otay Ranch Village Two, Village Three, and a Portion of Village Four SPA Plan, adopted by the Chula Vista City Council on June 4, 2006; Otay Ranch Village Seven SPA Plan, adopted by the Chula Vista City Council on October 4, 2004; and the Otay Ranch Village Nine SPA Plan, adopted by the Chula Vista City Council on June 3, 2014.

Three SPA plans are proposed: (a) an Otay Ranch Village Three North and a Portion of Village Four SPA Plan; (b) Otay Ranch Village Eight East SPA Plan; and (c) Otay Ranch Village Ten SPA Plan. Three Tentative Maps (TMs) are also proposed: (a) Village Three North and a Portion of Village Four; (b) Village Eight East; and (c) Village Ten.

The development program for the proposed project is based on the Chula Vista General Plan and the approved Otay Ranch planning documents (Otay Ranch GDP, Overall Design Plan, and other SPA plans for Otay Ranch), which describe the land use plans and general design characteristics of the Otay Ranch villages. The village design is intended to provide balanced and diverse land uses, focus on transit and pedestrian orientation, and create a sense of place for village residents. The land uses for each village are identified below in Table 1.

Table 1
Proposed Land Uses

Land Use	Gross Acres	Commercial Square Footage	Residential Dwelling Units	Population[a]
Village Three North/Portion of Village Four				
Single-Family Residential	115.2		1,002	3,247
Multi-Family Residential	10.8		515	1,667
Mixed-Use	8.2	20,000	80	259
Industrial	28.6			
Office	5.2			
Parks	25.7			
School	8.3			
Community-Purpose Facilities	4.2			
Private Open Space	2.4			
Open Space	35.4			

Table 1 (Continued)
Proposed Land Uses

Land Use	Gross Area	Commercial Square Footage	Residential Dwelling Units	Population[a]
Village Three North/Portion of Village Four				
Preserve	158.1[b]			
Circulation	33.9			
Subtotal	*436*	*20,000*	*1,597*	*5,174*
Village Eight East				
Single-Family Residential	117.1		943	3,055
Multi-Family Residential	46.2		2,177	7,053
Mixed Use	9.5	20,000	440	1,426
Parks [c]	58.8			
School	10.8			
Community-Purpose Facilities	4.2			
Open Space [d]	33.8			
Preserve	253.6			
Circulation	29.6			
Other (Future Development Areas)	8.1			
Other (SR-125 ROW, Lot 4)	3.6			
Subtotal	*575.3*	*20,000*	*3,560*	*11,534*
Village Ten				
Single-Family Residential	74.8		695	2,252
Multi-Family Residential	21.5		1,045	3,386
Parks	7.6			
School	9.2			
Community-Purpose Facilities	4.3			
Open Space (OS-2)	16.5			
Private Open Space	0.7			
Preserve	212.7			
Circulation	16.1			
Subtotal	*363.4*		*1,740*	*5,638*
Total	**1,374.7**	**40,000**	**6,897**	**22,346**

ROW = right-of-way

[a] Population estimates based on 3.24 persons per residential dwelling unit.

[b] Includes 2.9 acres of roadway, which is located within the Preserve and is an allowable use in the Preserve. This acreage is not accounted for in the Circulation acreage.

[c] Includes 51.5 acres of Village Eight East Community Park (P-2) and 7.3 acres of Neighborhood Park.

[d] Includes 22.6 acres of Active Recreation Area (AR-11) and 11.2 acres of Open Space

2.1 Discretionary Actions

A discretionary action is an action taken by an agency that calls for the exercise of judgment in deciding whether to approve or how to carry out a project. The following discretionary actions are associated with the proposed project and will be considered by the Chula Vista Planning Commission and City Council:

- Certification of a Final EIR, adoption of the Mitigation Monitoring and Reporting Program pursuant to CEQA, and approval of the CEQA Findings of Fact and Statement of Overriding Considerations;
- Approval of the Chula Vista General Plan Amendments (please see discussion in EIR Section 4.2.8);
- Approval of the Otay Ranch GDP Amendments (please see discussion in EIR Section 4.2.8);
- Approval of the Otay Ranch RMP Boundary Modification;
- Approval of amendments to the Villages Two, Three, and a portion of Four SPA Plan; Village Seven SPA Plan and Village Nine SPA Plan;
- Adoption of the Village Three North and a Portion of Village Four SPA Plan (please see discussion in EIR Section 4.2.9);
- Adoption of the Village Eight East SPA Plan (please see discussion in EIR Section 4.2.9);
- Adoption of the Village Ten SPA Plan (please see discussion in EIR Section 4.2.9);
- Approval of three Tentative Maps (TMs): Village Three North and a Portion of Four; Village Eight East; and Village Ten (please see discussion in EIR Section 4.2.6);
- Approval of the Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan Boundary Adjustment (please see discussion in EIR Section 4.2.8);
- Issuance of the Habitat Loss and Incidental Take (HLIT) Ordinance Permit; and
- Approval of the amendments to the Development Agreements in accordance with the Land Offer Agreement provisions.

Additionally, implementation of the Project may require that the Applicant obtain approval, permits, licenses, certifications, or entitlements from various federal, state, and other local agencies, including but not limited to those listed in Table 2.

Table 2
Future Discretionary Approvals and Permits

Discretionary Approval/Permit	Agency Description	Agency Status	Notes/Explanation
Final "A" Map(s)/Financial Parcel Map(s)	City of Chula Vista	Lead Agency	Mapping to facilitate project financing.
Final "B" Map(s)	City of Chula Vista	Lead Agency	Final mapping to facilitate development.
Construction and Encroachment Permit(s)	City of Chula Vista	Lead Agency	Construction and encroachment permits are required for work performed within the City's road right-of-way.
License, Easement, Entry Permit, Encroachment Permit, Land Sale, Land Exchange, or Other Similar Action	City of San Diego	Responsible Agency	Approval to relocate City of San Diego waterlines through Villages Eight East and Ten from existing alignment into future alignment of Otay Valley Road/La Media Road.
Construction and Encroachment Permit(s)	Caltrans	Responsible Agency	Construction and encroachment permits are required for work performed within Caltrans road right-of-way (SR-125).
Site Plans	City of Chula Vista	Lead Agency	Site plans for single-family residential, mixed-use sites, and park developments.
Village Core Master Precise Plans	City of Chula Vista	Lead Agency	Each SPA Plan includes a requirement to prepare a subsequent Master Precise Plan to better define the village core uses, character and site plan.
Section 401 Water Quality Certification	RWQCB	Responsible Agency	Action required for development projects affecting waters of the United States.
Section 404 Permit – Clean Water Act	ACOE	Responsible Agency	Action required for development projects affecting waters of the United States.
Streambed Alteration Agreement/Memorandum of Understanding	CDFW	Responsible Agency/Trustee Agency	Action required for development projects affecting jurisdictional streams/waters.
Air Quality Permit	SDAPCD	Responsible Agency	Action required for construction and development projects using certain machinery, such as backup or emergency generators.
NPDES Permit; General Construction Activity Storm Water Permit, including the Storm Water Pollution Prevention Plan	RWQCB	Responsible Agency	Action required for development projects.
NPDES General Groundwater Extraction Waste Discharge Permit	RWQCB	Responsible Agency	Permit would be applicable if groundwater disposal is proposed during construction.
General Construction Storm Water Permit	RWQCB	Responsible Agency	Action required for development projects.
Subarea Master Plan(s)	OWD	Responsible Agency	Reporting approval required from OWD for overall water availability, service connection, etc.

Caltrans = California Department of Transportation; RWQCB = Regional Water Quality Control Board; ACOE = U.S. Army Corps of Engineers; CDFW = California Department of Fish and Wildlife; SDAPCD = San Diego Air Pollution Control District; NPDES = National Pollutant Discharge Elimination System; OWD = Otay Water District

2.2 Project Objectives

Section 15124(b) of the CEQA Guidelines requires an EIR to include a statement of objectives sought by the proposed project that outlines the underlying purpose of the project and assists in the development of project alternatives. In addition to more specific objectives for each of the project's components set forth later in this section, the SPA Plans identify the following general objectives of the proposed project:

- Implement the goals, objectives, and policies of the Chula Vista General Plan, the MSCP Subarea Plan, the Otay Ranch GDP, the Otay Ranch Phase 1 and Phase 2 RMP, the Otay Ranch Facility Implementation Plan, the Otay Ranch Village Phasing Plan, and the Otay Ranch Service/Revenue Plan.
- Provide a wide variety of housing options, including affordable housing, to City residents, future students and faculty of the planned 4-year university and employees of the Regional Technology Park, Village Eight West and Village Nine Town Centers and the EUC.
- Implement the City of Chula Vista Growth Management Ordinance to ensure that public facilities are provided in a timely manner and financed by the parties creating the demand for, and benefiting from, the improvements.
- Foster development patterns that promote orderly growth and prevent urban sprawl by comprehensively planning Villages Three North and a Portion of Village Four, Eight East, and Ten simultaneously.
- Add to the creation of a unique Otay Ranch image that differentiates Otay Ranch from other communities.
- Accentuate the relationship of the land use plan with its natural setting and the physical character of the region and promote effective management of natural resources by concentrating development in less sensitive areas while preserving large, contiguous open space areas with sensitive resources.
- Establish multi-use trail linkages to the Chula Vista Greenbelt, consistent with the Chula Vista Greenbelt Master Plan.
- Wisely manage limited natural resources.
- Implement the Otay Valley Regional Park (OVRP) Concept Plan within the SPA boundaries through the planning and provision of portions of, and connections to, the City's Greenbelt trail network.
- Establish land use and facility plans that assure the economic viability of the SPA Plan Areas in consideration of existing and anticipated economic conditions.

2.2.1 Village Three North and a Portion of Village Four

Project Objectives

The objectives of the Village Three North and a Portion of Village Four SPA Plan are as follows:

- Develop a business park that provides a strong employment base for Village Three North residents and the City of Chula Vista, and supports the economic development goals of the Chula Vista General Plan.
- Develop Mixed-Use Office/Commercial uses within a village core area that provide a strong employment base for Village Three North residents and the City of Chula Vista, and meet the commercial/retail needs of the village and surrounding villages.
- Establish a pedestrian-oriented urban village with a village core designed to reduce reliance on the automobile and promote multimodal transportation, including walking and the use of bicycles, buses, and regional transit.
- Promote synergistic uses between Village Three North and the adjacent Village Two by providing pedestrian/trail connections and complementary land uses to balance housing, activities, services, and facilities.

2.2.2 Village Eight East

Project Objectives

The objectives of the Village Eight East SPA Plan are as follows:

- Establish a pedestrian-oriented urban village with a village core designed to reduce reliance on the automobile and promote multimodal transportation, including walking and the use of bicycles, buses, and regional transit.
- Promote synergistic uses between Village Eight East and Village Eight West, the Eastern Urban Center, and the University/Regional Technology Park to balance activities, services, and facilities with employment, housing, transit, and commercial opportunities.
- Develop, maintain, and enhance a sense of community identity that complements the future Village Eight West Town Center and surrounding land uses.
- Designate a portion of Active Recreation Area (AR-11) as a 51.5-acre Community Park (a portion of the park may function as a staging area within the OVRP).
- Establish a community park with amenities such as multipurpose open lawn areas, lighted ball fields, lighted sports courts, lighted picnic shelters, play areas, a community center building, lighted parking areas, and restroom and maintenance buildings.

2.2.3 Village Ten

Project Objectives

The objectives of the Village Ten SPA Plan are as follows:

- Establish a pedestrian-oriented urban village within the University Planning Area designed to complement and support the University land uses, reduce reliance on the automobile, and promote multimodal transportation, including walking and the use of bicycles, buses, and regional transit.
- Promote synergistic uses between Village Ten and Village Nine and the University to balance employment, retail, and educational activities, as well as services, housing, and public facilities.
- Develop, maintain, and enhance a sense of community identity that complements the University and Village Nine Town Center.

2.3 Background

Otay Ranch lies within the East Planning Area of the City, as identified in the City's General Plan. The proposed project is a component of the Otay Ranch GDP, which organizes the Otay Ranch into 20 villages and planning areas. The 1,375-acre[1] project area is located within the Otay Valley Parcel of the Otay Ranch. The project area is comprised of Village Three North, a portion of Village Four, Village Eight East, and Village Ten. In addition, the proposed project includes necessary off-site improvements totaling approximately 160 acres.

The boundaries of these villages differ from those identified in the Otay Ranch GDP due to ownership patterns that do not match the Otay Ranch GDP village boundaries and Otay Ranch GDP amendments approved in 2013. The Village Three North component of the proposed project encompasses a portion of Village Three as identified in the Otay Ranch GDP. The portion of Village Four included in the proposed project area is within the Otay Ranch GDP boundaries of Village Four; however, it is limited to 29.7 acres. Village Eight East encompasses the eastern part of Village Eight, adjacent to SR-125, as identified in the Otay Ranch GDP, as well as a portion of Village Seven. The Village Ten component of the proposed project includes the eastern portion of Village Nine and the southern portion of Village Ten as identified in the Otay Ranch GDP.

Implementation of the proposed project requires Chula Vista GPAs, Chula Vista Multiple Species Conservation Plan Boundary Adjustments (MSCPBAs), Otay Ranch General

[1] The current ownership is 1,363 acres; however, as part of the proposed project, approximately 12 acres of land currently within the SR-125 ROW will be "decertified" (removed from the ROW) and exchanged with Caltrans, resulting in a project total of 1,375 acres.

Development Plan Amendments (GDPAs), and Resource Management Plan Boundary Modifications (RMPBAs). The project also proposes amendments to three approved SPA Plans: (1) Otay Ranch Villages Two, Three, and a Portion of Village Four SPA Plan, adopted by the Chula Vista City Council on June 4, 2006; (2) Otay Ranch Village Seven SPA Plan, adopted by the Chula Vista City Council on October 4, 2004; and (3) the Otay Ranch Village Nine SPA Plan, adopted by the Chula Vista City Council on June 3, 2014.

3.0 RECORD OF PROCEEDINGS

For purposes of CEQA and the Findings and Statement of Overriding Considerations set forth below, the administrative record of the City Council decision on the environmental analysis of this project shall consist of the following:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the project;
- The Draft and Final EIR for the project (EIR #13-01, SCH #2013071077), including appendices and technical reports;
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the City's actions on the project;
- All documents, materials, comments, and correspondence submitted by the project applicant and members of the public and public agencies in connection with this project, in addition to comments on the EIR for the project;
- All documents submitted to the City by other public agencies or members of the public in connection with the EIR and the project, up through the close of the public hearing;
- All staff reports and analyses, and legislative details prepared and provided in connection with the EIR and the project;
- Minutes and verbatim transcripts of the scoping meeting, other public meetings, and public hearings held by the City;
- All findings and resolutions adopted by City decision makers in connection with this project and certification of the Final EIR, and all documents cited or referred to therein; and
- Matters of common knowledge to the City which the members of the City Council considered regarding this project, including federal, state, and local laws and regulations, and including but not limited to the following:
    - Chula Vista General Plan;
    - General Plan Update Final EIR (EIR #05-01, SCH #2004081066) and associated Mitigation Monitoring and Reporting Program;
    - Otay Ranch General Development Plan Program Draft and Final EIRs (SCH # 89010154), including all appendices, and technical reports.

- General Plan Amendment/Otay Ranch General Development Plan Amendment and Supplemental EIR (SEIR 09-01, SCH #2004081066);
- Relevant portions of the Zoning Code of the City;
- City of Chula Vista Multiple Species Conservation Program Subarea Plan; and
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The City Council has relied on all of the documents listed above in reaching its decision on the project, as well as the CEQA Findings and Statement of Overriding Considerations, even if every document was not formally presented to the City Council or City staff as part of the City files generated in connection with the project. Without exception, any documents set forth above but not found in the project files fall into two categories. Many of them reflect prior planning or legislative decisions with which the City Council was aware in approving the project (see *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6). Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to the adoption of the project (see Pub. Resources Code, § 21167.6, subd. (e)(10); *Browing-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal. App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155).

The documents and other materials that constitute the record of proceedings on the project and the EIR on which the City's decisions, determinations, findings and approvals are based are located at the City Clerk's offices at 276 4th Avenue, Chula Vista, CA 91910. The custodian for such documents and record of proceedings is Donna Norris, City Clerk. This information is provided in compliance with CEQA Guidelines section 15091(e).

4.0 FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects." (emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." (emphasis added.) Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a)). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines, § 15091, subd. (a)(1)). The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines, § 15091, subd. (a)(2)). The third potential finding is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR" (CEQA Guidelines, § 15091, subd. (a)(3)). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations (see *also Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and core objectives of a project (*see San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18; *see also City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). " '[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (*Ibid.*; *see also California Native Plant*

Soc'y v. County of Santa Cruz (2009) 177 Cal.App.4th957, 1002; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Pub. Resources Code, § 21002).

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-527, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] *or* substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level or has simply been substantially lessened but remains significant.

Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the exclusive jurisdiction and responsibility for modifying the project lies with some other agency (CEQA Guidelines, § 15091, subd. (a), (b), (c)).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines, §§ 15093 and 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b)). The California Supreme Court has stated that, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced" (*Goleta*, *supra*, 52 Cal.3d at p. 576; *see also Cherry Valley Pass Acres Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357-359).

Recirculation Not Required. The City has independently reviewed and considered the comments, responses to comments, and revisions made to the Draft EIR since circulation for public review. In its review, the City took into account whether any of those comments, responses to comments, or changes or revisions to the Draft EIR give rise to significant new information, as defined under CEQA, requiring recirculation. Under CEQA, significant new information requiring recirculation includes a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or,
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, 15088.5, subsection (a).)

Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (CEQA Guidelines, 15088.5, subsection (b).)

In this case, the comments, responses to comments, and revisions to the Draft EIR do not evidence new significant environmental impacts that would result from the project or from a new mitigation measure proposed to be implemented. Additionally, there is no substantial increase in

the severity of an environmental impact, nor is there a feasible alternative or feasible mitigation measure that would clearly lessen the significant environmental effects of the project that the project's proponents have declined to adopt. The Draft EIR is adequate in every respect and did not preclude meaningful public review and comment. Any new information that has been added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

As such, based on the Draft EIR, comments and responses to comments, and revisions to the Draft EIR, the City finds that substantial evidence supports the determination that recirculation of the EIR is not required.

4.1 Legal Effects of Findings

To the extent that these findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself and any other responsible parties, including the applicant and its successors in interest (hereinafter referred to as "project applicant"), to implement those measures. These findings, in other words, are not merely informational or hortatory, but constitute a binding set of obligations that will come into effect when the City adopts the resolution(s) approving the project.

The adopted mitigation measures are express conditions of approval. Other requirements are referenced in the Mitigation Monitoring Reporting Program (MMRP) adopted concurrently with these findings and will be effectuated both through the process of constructing and implementing the project.

The mitigation measures referenced in the MMRP are adopted concurrently with these findings, and will be effectuated both through the process of implementing the SPA Plans and through the process of constructing and implementing the project.

4.2 Procedural Findings

The City Council finds as follows:

Based on the nature and scope of the Otay Ranch University Villages Project, SCH #2013071077, the City determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an environmental impact report (EIR) for the project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code Sections 2100 et seq. (CEQA) and the CEQA Guidelines (14 California Code of Regulations Sections 1500 et. seq.), as follows:

A. A Notice of Preparation (NOP) of the Draft EIR was filed with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from July 23, 2013 to August 31, 2013. The NOP was also sent to

all interested groups, organizations and individuals who previously had submitted written requests to the City to be provided copies of the NOP, as well as to all residents within 500 feet of the Project boundaries. In addition, the NOP was filed with the County of San Diego on July 18, 2013, and was published in the Star News on July 19, 2013. The NOP provided notice of a public scoping meeting to be held on August 7, 2013.

B. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on August 5, 2014, to those public agencies that have jurisdiction by law with respect to the project, or which exercise authority over resources that may be affected by the project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought. The City sought input on the Draft EIR between August 5, 2014 and September 18, 2014.

C. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on August 5, 2014 and September 18, 2014.

D. A Notice of Availability (NOA) of the Draft EIR was mailed on August 5, 2014 to all interested groups, organizations, and individuals who had previously requested notice in writing, as well as to all residents within 500 feet of the Project boundaries. The NOA stated that the City has completed the Draft EIR and that copies were available at the City's website at www.chulavistaca.gov, at the Chula Vista Development Services Department, 276 Fourth Avenue, Chula Vista, CA, and at the Chula Vista Public Library located at 365 F Street.

E. The NOA also was posted at the County of San Diego on August 4, 2014, and was published in the Star News on August 5, 2014, which notices stated that the Draft EIR was available for public review and comment.

F. On November 7, 2014, the City published notice in the Star News about the City Planning Commission hearing on the Final EIR for the Project, and the availability of related documents to be reviewed at the City's Development Services Department. The Final EIR included copies of all comments submitted on the Draft EIR, responses to those comments in accordance with CEQA Guidelines section 15088, and the information set forth in CEQA Guidelines sections 15089 and 15132. The City has reviewed and edited as necessary the submitted drafts and certified that the Final EIR reflects its own independent judgment and analysis under CEQA Guideline Section 15090(a)(3) and Public Resources Code Section 21082.1(a)-(c).

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5.0 MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code Section 21081.6, Subdivision (a)(1), the City, in adopting these findings, also concurrently adopts an MMRP. The program is designed to ensure that during project implementation, the applicant and any other responsible parties comply with the feasible mitigation measures identified below. The program is described in the document entitled *Otay Ranch University Villages Project Mitigation Monitoring Reporting Program*. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will be available for the public to review by request during the mitigation compliance period, which is on-going following project approval through buildout of the project.

The monitoring program will serve the dual purpose of verifying completion of the mitigation measures for the project and generating information on the effectiveness of the mitigation measures to guide future decisions. The program includes monitoring team qualifications, specific monitoring activities, a reporting system, and criteria for evaluating the success of the mitigation measures.

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6.0 SUMMARY OF IMPACTS

The Final EIR identified a number of direct and indirect significant environmental effects (or "impacts") resulting from the project. Some of these significant effects can be reduced to a less than significant level through the adoption of feasible mitigation measures. Others cannot be mitigated to a less than significant level by the adoption of feasible mitigation measures or feasible environmentally superior alternatives. However, these effects are outweighed by overriding considerations set forth in Section 9.0 below. This Section presents in greater detail the City Council's findings with respect to the environmental effects of the project.

The project would result in direct and/or indirect potentially significant environmental changes with regard to the following issues: land use, landforms and aesthetics, transportation and traffic, air quality, noise, cultural resources, paleontological resources, biological resources, agricultural resources, water quality and hydrology, geology and soils, public services, utilities, climate change, and hazards and risk of upset. These potentially significant environmental impacts are discussed in the Final EIR in Chapter 1 Table 1-3 and in Chapter 5. No significant effects were identified for housing and population or mineral resources.

The project would mitigate, avoid, or substantially lessen to below a level of significance direct and/or indirect significant environmental changes with regard to the following issues: land use, certain landforms and aesthetics; certain transportation, circulation and access, certain air quality, noise, certain cultural resources, paleontological resources, biological resources, water quality and hydrology, geology and soils, public services, certain utilities, and hazards and risk of upset. The project would result significant unmitigable direct or indirect environmental changes with regard to the following issues: certain landforms and aesthetics, certain transportation and traffic, certain air quality, agricultural resources, certain utilities, and climate change.

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7.0 FINDINGS REGARDING POTENTIALLY SIGNIFICANT DIRECT, INDIRECT, AND CUMULATIVE EFFECTS AND MITIGATION MEASURES

7.1 Impacts Mitigated to Less-Than-Significant Levels

7.1.1 Land Use, Planning, and Zoning

Thresholds of significance – Land Use Compatibility

Impacts to land use, planning, and zoning would be significant if the proposed project would:

- Physically divide an established community or be incompatible with adjacent and surrounding uses.

Impact

Village Eight East and Village Ten

If relocation of the City of San Diego water transmission pipelines does not occur prior to construction of the proposed development, a conflict with the existing City of San Diego waterline easements would occur. Therefore, impacts to land use compatibility is considered potentially significant.

Explanation

Several water transmission lines traverse the project site that are owned, operated, and maintained by the City of San Diego. These pipelines would not provide water to the project, but the SPA Plan and TM would construct development above ground of where these pipelines are currently located. Construction of the proposed development would impede the availability of access to these pipeline easements. The project proposes to relocate these pipelines into the future public rights of way within Otay Valley Road. If relocation of these water transmission pipelines does not occur prior to construction of the proposed development, a conflict with the existing City of San Diego waterline easements would occur. Therefore, impacts to land use compatibility is considered potentially significant.

Mitigation

MM LU-1 Prior to approval of the mass grading permit for Village Eight East and Village Ten, the mass grading plans shall include the relocation of the City of San Diego waterlines to the satisfaction of the City of San Diego and the City of Chula Vista.

MM LU-2 Prior to approval of the first Final Map in Village Eight East, the Applicant shall provide evidence satisfactory to the Development Services Director (or their designee) that the:

1. Applicant has entered into an agreement with the City of San Diego to relocate the City of San Diego waterlines within Village Eight East within the right-of-way of future Otay Valley Road, as approved by both the City of San Diego and the City of Chula Vista. The pipeline relocation work contemplated by said agreement shall be secured with the City of Chula Vista listed as a third party beneficiary of the bonds.
2. The City of San Diego has abandoned, or is required to abandon, any water main easements not needed as a consequence of the relocation of the City of San Diego waterlines within Village Eight East and entered into a Joint Use agreement for the new location of the facility within the City of Chula Vista right-of-way of future Otay Valley Road.

Prior to the Final Map approving the 1,200th Residential Dwelling Unit (Single-Family and/or Multi-Family Residential) for Village Eight East, the new water line shall be constructed.

MM LU-3 Prior to approval of the first Final Map in Village Ten, the Applicant shall provide evidence satisfactory to the Development Services Director (or their designee) that the:

1. Applicant has entered into an agreement with the City of San Diego to relocate the City of San Diego waterlines within Village Ten within the right-of-way of future Otay Valley Road, as approved by both the City of San Diego and the City of Chula Vista. The pipeline relocation work contemplated by said agreement shall be secured with the City of Chula Vista listed as a third party beneficiary of the bonds.
2. The City of San Diego has abandoned, or is required to abandon, any water main easements not needed as a consequence of the relocation of the City of San Diego waterlines within Village Ten and entered into a Joint Use agreement for the new location of the facility within the City of Chula Vista right-of-way of future Otay Valley Road.

Prior to the Final Map approving the 580th Residential Dwelling Unit (Single-Family and/or Multi-Family Residential) for Village Ten, the new water line shall be constructed.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Mitigation measures MM LU-1 through MM LU-3 are feasible and shall be required as a condition of approval and made binding on the Applicant. Implementation of these mitigation measures will reduce potentially significant direct impacts related to the City of San Diego waterlines to a less-than-significant level.

Reference

EIR Section 5.1 Land Use, Planning, and Zoning

Thresholds of Significance - Conflict with Land Use Plan, Policy, or Regulation

Impacts to land use planning and zoning would be potentially significant if the project would:

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Impact

Village Three North and a Portion of Village Four

Impacts as to inconsistency of the proposed project with General Plan Policy E 6.4 (as corrected) and the Amended and Restated Otay Landfill Expansion Agreement are potentially significant.

Explanation

General Plan Policy E 6.4 calls for not placing sensitive receptors, such as a residential land use, within 1,000 feet of a major toxic emitter. In the case of proposed Village Three North land uses, planned residential land uses are considered sensitive receptors and the landfill to the north of Village Three is considered a major toxic emitter. The proposed project would locate residential units approximately 450[2] feet from the property boundary of the landfill and 700[3] feet or more

[2] Since the approval of the Amended and Restated Otay Landfill Agreement, and public review of the Draft EIR, the distance from the southern boundary of the landfill property to planned residential uses in Village Three North has increased to 477 feet.

from the current active solid waste disposal operation areas of the landfill. The proposed project would not be consistent with the intent under General Plan Policy E 6.4 (as corrected) to not site residential land uses within 1,000 of a major toxic air emitter. Therefore, a potentially significant impact related to consistency with the General Plan would occur.

The Amended and Restated Otay Landfill Expansion Agreement, at Section 2.5, prevents the City from allowing the construction of residential units within 1,000 feet of the active solid waste disposal areas of the Otay Landfill, which active areas may change over time. Also under Section 2.5, the Landfill operator is prohibited from moving or opening new active solid waste disposal areas within 1,000 feet of already developed residential units. Further, both the City and the Landfill operator will confer from time to time, as appropriate, to coordinate regarding the implementation of their obligations under Section 2.5 of the Amended and Restated Otay Landfill Expansion Agreement. While the active solid waste disposal areas of the landfill will change over time and could move further away from the location of residential units as proposed by the project, the project proposes to site residential units within 1,000 feet of the currently active solid waste disposal areas at the landfill. Accordingly, an impact related to consistency with the Amended and Restated Otay Landfill Expansion Agreement would occur.

Mitigation

MM LU-4 Prior to approval of each residential building permit in Village Three North and a Portion of Village Four, the applicant shall provide evidence satisfactory to the Development Services Director (or their designee) that each proposed residential unit to be constructed shall be located at least 1,000 feet away from the then active solid waste disposal areas of the Otay Landfill as required by General Plan Policy E 6.4 (as corrected) and by Section 2.5 of the Amended and Restated Otay Landfill Expansion Agreement.

The City shall deny any building permit application regarding any residential lot or parcel that does not comply with this Mitigation Measure.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM LU-4 is feasible and shall be required as a condition of approval and made binding on the applicant.

[3] Since the approval of the Amended and Restated Otay Landfill Agreement, and public review of the Draft EIR, the distance from the active portion of the landfill to planned residential uses in Village Three North has increased to 916 feet.

Implementation of this mitigation measure will reduce significant direct impacts related to consistency with General Plan Policy E 6.4 and the Amended and Restated Otay Landfill Expansion Agreement to a less-than-significant level.

Reference

EIR Section 5.1 Land Use, Planning, and Zoning

7.1.2 Landform Alteration/Aesthetics

Thresholds of Significance – Lighting and Glare

Impacts regarding aesthetics and landform alteration would be significant if the project would:

- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Impacts

Future lighting and shade and shadow impacts cannot be determined at this time because the location, size, and orientation of future buildings are not yet known. Therefore, these impacts are considered potentially significant prior to mitigation.

Explanation

New lighting installed at parks, mixed-use residential and commercial buildings, multi-family residential, and Community-Purpose Facility (CPF) uses may be incompatible with surrounding development and inconsistent with applicable regulations.

Mitigation

MM AES-2 Concurrent with the preparation of site-specific plan(s) for park sites and prior to issuance of a building permit for any park, the Applicant shall prepare, or in the case of the City being the lead on the preparation of the site specific plan, the Applicant shall fund the preparation of a lighting plan and photometric analysis. The plan shall be prepared to the satisfaction of the Development Services Director (or their designee) and demonstrate that the proposed height, location, and intensity of all exterior lighting complies with the City's performance standards for light, and glare (Chula Vista Municipal Code, § 19.66.100).

MM AES-3 Concurrent with design review and prior to the issuance of building permits for mixed-use residential, commercial, Community Purpose Facility and multi-family

residential, the Applicant shall prepare a lighting plan and photometric analysis. The plan shall be prepared to the satisfaction of the Development Services Director (or their designee) and demonstrate that the proposed height, location, and intensity of all exterior lighting complies with the City's performance standards for light, and glare (Chula Vista Municipal Code, § 19.66.100).

MM AES-4 Prior to design review approval for any structure three stories and above, the Applicant shall prepare to the satisfaction of the Development Services Director (or their designee), a shadow analysis demonstrating that adjacent shadow-sensitive uses are not permanently shadowed, and/or any other approved city-standard in place at the time the shadow analysis is performed.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM AES-2 through MM AES-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant direct impacts related to lighting, glare and shadows to a less-than-significant level.

Reference

EIR Section 5.2 Landform Alteration/Aesthetics

Thresholds of Significance – Landform Alteration

Impacts regarding aesthetics and landform alteration would be significant if the project would:

- Alter areas of sensitive landforms and grade steep slopes that may be visible from future development and roadways that negatively detract from aesthetic character of the site or surrounding area.

Impacts

Landform alterations and the visibility of these alterations from future development and roadways are considered potentially significant prior to mitigation.

Explanation

Development of the proposed project would create a substantial change in the topography of the Otay Ranch area. The landform alteration and the visibility of these alterations would be significant even when manufactured slopes are contour graded to avoid detracting from the topographic change.

Mitigation

MM AES-1 Prior to issuance of the first Final Maps for Village Three North, Village Eight East, and Village Ten, the Applicant shall prepare to the satisfaction of the Development Services Director (or their designee), a Landscape Master Plan. The Landscape Master Plan shall demonstrate compliance with Otay Ranch GDP Policies pertaining to softening manufactured slopes, particularly on visible manufactured slopes greater than 25 feet in height, through plant selection, placement, and density, etc. The Landscape Master Plan shall also demonstrate compliance with Otay Ranch GDP Policies pertaining to blending development harmoniously with natural features of the land including the OVRP and its major canyons.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM AES-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to landform alteration to a less-than-significant level.

Reference

EIR Section 5.2 Landform Alteration/Aesthetics

7.1.3 Transportation, Circulation, and Access

Thresholds of Significance – Conflict with Applicable Plan, Ordinance, or Policy

Impacts to traffic, circulation, and access would be considered significant if the proposed project would:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant

components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Short-term (0-4 years)

Impact – Growth Management Ordinance Compliance

In the short-term (0-4 years), a significant impact could occur on Olympic Parkway between Heritage Road and Oleander Avenue during the AM peak hour if the 2,463rd building permit for units east of the I-805 is issued.

Explanation

Based on the LLG study, the segment of westbound Olympic Parkway between Heritage Road and Oleander Avenue during AM peak hours would be the first to fall below Growth Management Ordinance (GMO) traffic threshold standards as traffic volumes increase over time with this project and other projects east of I-805. However, the analysis also demonstrated that GMO thresholds would not be reached along Olympic Parkway until building permits for 2,463 dwelling units have been issued for projects east of I-805. The projected 2,463rd dwelling unit (DU) threshold is used by the City to determine when cumulative impacts may occur along the corridor. Therefore, in the short-term (0-4 years), a significant impact could occur on Olympic Parkway between Heritage Road and Oleander Avenue during the AM peak hour if the 2,463rd building permit for units east of the I-805 is issued.

To reduce vehicle-generated trips to the extent feasible, the Project Applicant proposes implementation of a Transportation Demand Management (TDM) program to reduce vehicle trips in favor of alternative modes of transportation. The TDM program will facilitate increased opportunities for transit, bicycling, and pedestrian travel.

Mitigation

MM TCA-1 Prior to the issuance of the building permit for the 2,463rd DU for development east of I-805 commencing from April 4, 2011, the Applicant may:

a. Prepare a traffic study that demonstrates, to the satisfaction of the City Engineer, that the circulation system has additional capacity without exceeding the GMO traffic threshold standards. The City's determination regarding the adequacy of the circulation system shall be based on whether the quality of life threshold standards for traffic set forth in the City of Chula Vista GMO (Chapter 19.09 of the Chula Vista Municipal Code) are met. The current traffic threshold is to maintain LOC "C" or better as measures by

observed average travel speed on all signalized arterial segments, except, that during peak hours a LOS "D" can occur for no more than two hours; or

b. Demonstrate that other improvements are constructed which provide the additional necessary capacity to comply with the GMO traffic threshold to the satisfaction of the City Engineer; or;

c. Agree to the City Engineer's selection of an alternative method of maintaining GMO traffic threshold compliance. The City's determination regarding the scope and timing of the alternative method shall be based on demonstrated compliance GMO traffic thresholds; or;

d. Enter into agreement, approved by the City, with other Otay Ranch developers that alleviates congestion and achieves GMO traffic threshold compliance for Olympic Parkway. The agreement will identify the deficiencies in transportation infrastructure that will need to be constructed, the parties that will construct said needed infrastructure, and a timeline for such construction, as well as providing assurances for construction, in accordance with the City's customary requirements, for said infrastructure.

If GMO compliance cannot be achieved through 1a, 1b, 1c, or 1d, then the City shall stop issuing new building permits within the project area, after building permits for 2,463 DU have been issued for any development east of I-805 after April 4, 2011, until such time that GMO traffic threshold standard compliance can be assured to the satisfaction of the City Manager.

These measures shall constitute full compliance with growth management objectives and policies in accordance with the requirements of the General Plan, Chapter 10, and with regard to traffic thresholds set forth in the GMO.

MM TCA-15 The Project Applicant shall incorporate the following measures as part of the project design and development, consistent with the identified triggers, to the satisfaction of the Development Services Director:

- Implement pedestrian circulation improvements to improve the internal pedestrian circulation and encourage the usage of public transportation (concurrent with the approval of improvement plans for each village).
- Implement bicycle circulation improvements to improve internal bicycle circulation and encourage the usage of bicycles (concurrent with the approval of improvement plans for each village).
- Participate in car sharing and bike sharing programs through HOA noticing, should such programs become available.

- Promote Carpool/Vanpool programs by providing preferential parking for carpools and vanpools (concurrent with the approval of site plans for each village core).
- Promote available websites providing transportation options for residents and businesses (concurrent with issuance of certificate of occupancy).
- Create and distribute a "new resident" information packet addressing alternative modes of transportation (concurrent with issuance of certificate of occupancy).
- Promote programs to encourage workplace peak hour trip reduction, including staggered work hours, regional ride-matching services, and telecommuting (concurrent with issuance of certificate of occupancy).
- Orient buildings to the main street or activity area, such that they are not separated from the street by vast parking areas or fences, thereby encouraging pedestrian traffic (concurrent with the approval of site plans for each village core).
- Where transit is available on-site, participate in providing the necessary transit facilities, such as bus pads, shelters, signs, lighting, and trash receptacles (concurrent with the approval of improvement plans for each village).
- Coordinate with the MPO as to the future siting of transit stops/stations within the project site (concurrent with the approval of improvement plans, and/or site plans, for each village).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM TCA-1 and MM TCA-15 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to compliance with the GMO to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Access and Frontage

A potentially significant impact would occur if access and frontage improvements are not provided concurrent with development.

Explanation

According to Section 12.24 of the City's Municipal Code, access related impacts would occur if access and frontage improvements are not provided concurrent with development.

Mitigation

To ensure the access and frontage improvements assumed as part of the traffic analysis are constructed concurrent with development, the following mitigation measure is provided:

MM TCA-2 Project Applicant shall construct the access and frontage improvements consistent with the triggers identified in Table 5.3-56 of the Final EIR to the satisfaction of the Development Services Director and the City Engineer.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-2 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to access and frontage to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Year 2015 Conditions

Impact – Access and Frontage

A potentially significant impact would occur if access and frontage improvements are not provided concurrent with development.

Roadway improvements to be constructed by the project for access and frontage:

- Heritage Road along the frontage of Village Three North, between Santa Picacho and Main Street.
- Santa Picacho @ Heritage Road (Int #62).
- Santa Maya @ Heritage Road (Int #63).

Explanation

- Heritage Road along the frontage of Village Three North, between Santa Picacho and Main Street – This facility is included as a Six-Lane Prime Arterial providing frontage and access for Village Three North (project access and frontage and the Public Facilities Financing Plan (PFFP) discussions are provided in EIR Appendix M).
- Santa Picacho @ Heritage Road (Int #62) – All-way stop controlled T-intersection (will provide necessary access to Village Three North, which will be partially developed by Year 2015).
- Santa Maya @ Heritage Road (Int #63) – All-way stop controlled T-intersection (will provide necessary access to Village Three North, which will be partially developed by Year 2015).

According to section 12.24 of the City's Municipal Code, access related impacts would occur if access and frontage improvements are not provided concurrent with development.

Mitigation

See MM TCA-2 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-2 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to access and frontage to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Circulation System Assumptions

If the assumed roadway improvements are not in place prior to each traffic scenario as assumed, additional traffic impacts would occur resulting in a potentially significant impact.

Roadway improvements to be constructed by others:

- I-805, between Home Avenue and East Palomar Street
- Heritage Road, south of Main Street to Chula Vista city limit

Explanation

- I-805, between Home Avenue and East Palomar Street – The I-805 South Project area is roughly 11 miles, between East Palomar Street in Chula Vista and the I-805/SR-15 interchange in San Diego. The project includes the addition of HOV/Express Lanes within the freeway median. As originally approved, the I-805 South Project would be constructed in two major phases:
    - Phase 1 (2012–2014) – Phase 1, currently under construction, includes building one HOV lane in each direction and the construction of a direct access ramp, and a transit station and park & ride at East Palomar Street in Chula Vista.
    - Phase 2 (2015–2020) – The second phase of the I-805 South Project would have further expanded transportation choices by building out the HOV lanes into Express Lanes for a total of 4 lanes, 2 in each direction. Phase 2 also included the addition of in-line transit stations and freeway-to-freeway direct connectors.

  However, on December 16th, 2011, the SANDAG Board of Directors gave final approval to buy the lease to operate the SR-125 toll road from South Bay Expressway. SANDAG reported that following completion of the transaction, it expected to begin a process to lower tolls on SR-125 by 40% to 50% of the current rates, and that the reduced tolls are expected to attract more traffic to SR-125, relieving congestion on I-805 and reducing the need for certain planned improvements. Specifically, SANDAG reported that the acquisition of SR-125 will make it unnecessary to add the two additional carpool lanes that would have been constructed as part of Phase 2 of the I-805 South Project.

  In support of the Board's action, an Addendum to SANDAG's 2030 Research Technology Park (RTP) EIR (State of California Clearinghouse #2002071059) was prepared pursuant to CEQA. The Addendum addressed the amendment to the TransNet Extension Ordinance that would consist of a swap of the two planned HOV lanes on I-805 between SR-54 and SR-905 (Phase 2 of the I-805 South Project discussed above) for a portion of the SR-125 toll road assets acquisition costs. Specific to future traffic conditions, the Addendum determined that while the reduction in tolls would result in a shift of traffic from I-805 to SR-125, freeway operations on both facilities would remain acceptable.

  The Series 11 model included 4-HOV lanes on I-805, consistent with SANDAG's 2030 RTP (the 2050 RTP was not prepared until after the SANDAG Series 11 model was developed). No manual adjustments were made to the model outputs on I-805 or SR-125 because it was determined that it would be speculative to estimate the number of trips which would shift from I-805 to SR-125 due to: (1) the loss of two HOV lanes on I-805; and (2) the SR-125 reduced toll amount.

Because SANDAG subsequently decided to use the funding previously identified to build two of these I-805 HOV lanes instead to purchase the SR-125 lease, the TIA analyzed potential impacts to I-805 with only 2-HOV lanes (because there is only identified funding for two HOV lanes due to the SR-125 purchase). Thus, the TIA conservatively estimates (over-estimates) potential impacts on I-805 because the modeling attracts more cars (due to the 4-HOV lanes scenario), but the analysis uses fewer lanes/less capacity (only 2-HOV lanes). Then, the TIA analysis relies on the SANDAG Addendum to the 2030 RTP EIR, which concluded that there would be no additional, un-analyzed impacts on SR-125 due to the corresponding reduction in tolls.

For additional information in regard to the I-805 South Project as well as SANDAG's 2030 RTP EIR Addendum, see EIR Appendix M.

- Heritage Road, south of Main Street to Chula Vista city limit – This facility is included as a Four-Lane Major Road in 2015. As indicated in the City's currently adopted General Plan Circulation Element, the ultimate classification designation for Heritage Road south of Main Street is a Six-Lane Prime Arterial. This improvement project (STM364 – Heritage Road Bridge Replacement) is included in the Chula Vista adopted FY 2012–13 through FY 2016–17 Capital Improvement Program (CIP) and will be funded by a mix of the Highway Bridge Program, Traffic Development Impact Fees (TDIFs), and other miscellaneous transportation grants. For additional information, see EIR Appendix M.

The traffic analysis assumed certain roadway improvements to be in place prior to commencement of each study scenario. These assumed roadways were taken into account due to other Otay Ranch communities' planned improvements or City of Chula Vista and City of San Diego Circulation Element funded improvements in the project study area. If the assumed roadway improvements are not in place as modeled for the Year 2015 scenario, additional traffic impacts could occur. Therefore, a potentially significant impact could occur if assumed improvements are not developed as prescribed in the traffic impact analysis. If the assumed roadway improvements are not constructed by others and in place as modeled for the Year 2015 scenario, the Project Applicant and the City will take those steps necessary to either construct the subject facilities or implement substitute measures to ensure adequate infrastructure as modeled is in place, as detailed in TCA-2 and TCA-3.

Mitigation

In addition to MM TCA-3 below, see MM TCA-2 identified above.

To ensure the circulation system improvements assumed in the University Villages Traffic Impact Analysis, dated July 31, 2014, are constructed and operational, the following mitigation measure is provided:

MM TCA-3 The year 2015 scenario assumes the following intersection and roadway improvements are in place:

- Phase 1 of the I-805 South Project, including improvements to I-805 between Home Avenue and East Palomar Street
- Heritage Road, south of Main Street to the Chula Vista city limit as a 4-lane Major Road with Raised Median

If the first final map containing the 611th EDU is submitted for approval prior to these improvements being constructed and open to traffic, then one of the following steps shall be taken, each to the satisfaction of the City Engineer:

i. Development in Village Three and the Portion of Village Four shall stop until those assumed future roadways are constructed by others as presently planned; or

ii. City and the Applicant shall meet to determine the need for the incomplete roadway segments. Because a number of factors, including changes to the tolling structure at SR-125, may affect future traffic patterns in Otay Ranch, the Applicant shall submit to the City additional traffic analysis of the roadway network and levels of service at that time to determine: (i) if such improvements in fact are necessary; and (ii) the scope and timing of additional circulation improvements, if any. The City's determination of whether such improvements are necessary, or the scope and timing of additional improvements, shall be based on whether the City's traffic quality of life threshold standards are met, consistent with the performance standards set forth in the City of Chula Vista Growth Management Ordinance (GMO) (Chapter 19.09 of the Chula Vista Municipal Code). The current traffic threshold is to maintain LOS "C" or better as measured by observed average travel speed on all signalized arterial segments; except, that during peak hours, a LOS "D" can occur for no more than two hours; or

iii. Applicant shall construct the missing roadway links and receive a transportation development impact fee credit for those improvements as applicable; or

iv. An alternative measure is selected by the City that is demonstrated to ensure the applicable GMO quality of life thresholds are met for traffic.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM TCA-2 and MM TCA-3 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to circulation system assumptions to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Year 2020 Conditions

Impact – Intersections

- I-805 NB Ramps / Olympic Parkway
- Brandywine Avenue / Olympic Parkway (all-way stop controlled)
- Heritage Road / Main Street (all-way stop controlled)
- La Media Road (SB) / Main Street (WB) (all-way stop controlled)
- La Media Road (NB) / Main Street (WB) (all-way stop controlled)
- La Media Road (SB) / Main Street (EB) (all-way stop controlled)
- La Media Road (NB) / Main Street (EB) (all-way stop controlled)
- Magdalena Avenue / Main Street (one-way stop controlled)

Explanation

- I-805 NB Ramps / Olympic Parkway – LOS E during the AM peak hour and LOS F during the PM peak hour. The 2020 project traffic would comprise approximately 11.1% of the total intersection-entering volume in both the AM and PM peak hours. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.
- Brandywine Avenue / Olympic Parkway (all-way stop controlled) – LOS F during both the AM and PM peak hours. The 2020 project traffic would comprise approximately 11.1% and 11.8% of the total intersection-entering volume in the AM and PM peak hours, respectively. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.

- Heritage Road / Main Street (all-way stop controlled) – LOS F during the AM peak hour and LOS F during the PM peak hour. The 2020 project traffic would comprise approximately 61.3% and 60.7% of the total intersection-entering volume in the AM and PM peak hours, respectively. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.
- La Media Road (SB) / Main Street (WB) (all-way stop controlled) – LOS E during the PM peak hour. The 2020 project traffic would comprise approximately 52.3% of the total intersection-entering volume in the PM peak hour. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.
- La Media Road (NB) / Main Street (WB) (all-way stop controlled) – LOS E during the AM peak hour. The 2020 project traffic would comprise approximately 41.4% of the total intersection-entering volume in the AM peak hour. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.
- La Media Road (SB) / Main Street (EB) (all-way stop controlled) – LOS E during the PM peak hour. The 2020 project traffic would comprise approximately 59.0% of the total intersection-entering volume in the PM peak hour. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.
- La Media Road (NB) / Main Street (EB) (all-way stop controlled) – LOS E during the PM peak hour. The 2020 project traffic would comprise approximately 44.1% of the total intersection-entering volume in the PM peak hour. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.
- Magdalena Avenue / Main Street (one-way stop controlled) – LOS E during the PM peak hour. The 2020 project traffic would comprise approximately 90.2% of the total intersection-entering volume in the PM peak hours. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.

Impact – Roadways

The following roadway segments in the City of Chula Vista would be significantly impacted by the proposed project traffic under the Year 2020 conditions (impacts are identified as direct or cumulative):

- Olympic Parkway, between I-805 SB Ramps and I-805 NB Ramps (direct)
- Olympic Parkway, between I-805 NB Ramps and Oleander Avenue (direct)
- Olympic Parkway, between Oleander Avenue and Brandywine Avenue (direct)
- Olympic Parkway, between Brandywine Avenue and Heritage Road (direct)

Explanation

- Olympic Parkway, between I-805 SB Ramps and I-805 NB Ramps (LOS F) – The proposed 2020 project traffic would comprise approximately 6.6% (more than 5%) of the total segment volume and would add 4,200 Average Daily Trips (ADT) (more than 800 ADT). In addition, both ramps and intersections along this segment would operate at substandard LOS E/F during the AM/PM peak hours. Therefore, the project traffic would result in a significant direct impact at this location.
- Olympic Parkway, between I-805 NB Ramps and Oleander Avenue (LOS F) – The proposed 2020 project traffic would comprise approximately 11.3% (more than 5%) of the total segment volume and would add 8,000 ADT (more than 800 ADT). In addition, one of the intersections (I-805 NB Ramps / Olympic Parkway) along this segment would operate at substandard LOS E/F during the AM/PM peak hours. Therefore, the project traffic would result in a significant direct impact at this location.
- Olympic Parkway, between Oleander Avenue and Brandywine Avenue (LOS F) – The proposed 2020 project traffic would comprise approximately 12.4% (more than 5%) of the total segment volume and would add 8,100 ADT (more than 800 ADT). In addition, one of the intersections (Brandywine Avenue / Olympic Parkway) along this segment would operate at substandard LOS E during both peak hours. Therefore, the project traffic would result in a significant direct impact at this location.
- Olympic Parkway, between Brandywine Avenue and Heritage Road (LOS E) – The proposed 2020 project traffic would comprise approximately 13.8% (more than 5%) of the total segment volume and would add 8,200 ADT (more than 800 ADT). In addition, one of the intersections (Brandywine Avenue / Olympic Parkway) along this segment would operate at substandard LOS E during both peak hours. Therefore, the project traffic would result in a significant direct impact at this location.

Mitigation

MM TCA-4 **Intersections:** I-805 NB Ramps / Olympic Parkway (CV), and Brandywine Avenue / Olympic Parkway (CV); **Roadways**: Olympic Parkway, between I-805 SB Ramps and I-805 NB Ramps (CV); Olympic Parkway, between I-805 NB Ramps and Oleander Avenue (CV); Olympic Parkway, between Oleander Avenue and Brandywine Avenue (CV); and Olympic Parkway, between Brandywine Avenue and Heritage Road (CV) – Prior to issuance of the Final Map that contains the 956th equivalent dwelling unit (EDU) in Village Three North, the Project Applicant shall construct Heritage Road, between Olympic Parkway and Main Street, as a Six-Lane Prime Arterial.

This connection will provide an important linkage and alleviate traffic congestion along Olympic Parkway, between I-805 and Heritage Road. As a result, the impacts identified at the intersections of I-805 NB Ramps / Olympic Parkway, and Brandywine Avenue / Olympic Parkway would be reduced to less than significant by this mitigation measure. This connection will provide an important linkage and alleviate traffic congestion along Olympic Parkway, between I-805 and Heritage Road. The impacts identified on Olympic Parkway between the I-805 SB Ramps and I-805 NB Ramps; Olympic Parkway between the I-805 NB Ramps and Oleander Avenue; Olympic Parkway between Oleander Avenue and Brandywine Avenue; and, Olympic Parkway between Brandywine Avenue and Heritage Road also would be reduced to less than significant with implementation of this mitigation measure.

MM TCA-5 Heritage Road / Main Street (all-way stop controlled) (CV) – Prior to issuance of the Final Map that contains the 751st EDU in Village Three North, the Project Applicant shall signalize Heritage Road / Main Street intersection.

MM TCA-6 La Media Road (SB) / Main Street (WB) (all-way stop controlled) (CV) – Prior to issuance of the Final Map that contains the 880th EDU in Village Eight East, the Project Applicant shall signalize the La Media Road (SB) / Main Street (WB) intersection.

MM TCA-7 La Media Road (NB) / Main Street (WB) (all-way stop controlled) (CV) – Prior to issuance of the Final Map that contains the 880th EDU in Village Eight East, the Project Applicant shall signalize the La Media Road (NB) / Main Street (WB) intersection.

MM TCA-8 La Media Road (SB) / Main Street (EB) (all-way stop controlled) (CV) – Prior to issuance of the Final Map that contains the 880th EDU in Village Eight East, the Project Applicant shall signalize the La Media Road (SB) / Main Street (EB) intersection.

MM TCA-9 La Media Road (NB) / Main Street (EB) (all-way stop controlled) (CV) – Prior to issuance of the Final Map that contains the 880th EDU in Village Eight East, the Project Applicant shall signalize the La Media Road (NB) / Main Street (EB) intersection.

MM TCA-10 Magdalena Avenue / Main Street (one-way stop controlled) (CV) – Prior to issuance of the Final Map that contains the 1,693rd EDU in Village Eight East, the Project Applicant shall signalize the Magdalena Avenue / Main Street intersection.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM TCA-4 through MM TCA-10 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to intersections and roadway segments in the year 2020 to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Ramp Metering

The Year 2020 project traffic would have a significant cumulative impact at the I-805 northbound on-ramp at Main Street.

Explanation

The peak-hour demand at the I-805 northbound on-ramp at Main Street would be greater than the capacity that the ramp meter provides under Year 2020 (with project) conditions. Moreover, based on the SANDAG CMP, the projected delay of 25.6 minutes would exceed the allowable threshold of 15 minutes (SANDAG 2008). Hence, the proposed project would result in a significant cumulative impact at the Main Street on-ramp in 2020.

Mitigation

See MM TCA-4 identified above.

The Year 2020 project traffic would have a significant impact at the I-805 northbound on-ramp at Main Street. As previously noted, the construction of Heritage Road, between Olympic Parkway and Main Street, previously identified as a required mitigation measure, would provide traffic from Village Three North with a more direct route to the north and east of the project site, and hence reduce traffic utilizing the northbound on-ramp at Main Street.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation

measure MM TCA-4 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to cumulative impacts at the I-805 northbound on-ramp at Main Street to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Access and Frontage

A potentially significant impact would occur if access and frontage improvements are not provided concurrent with development.

Roadway improvements to be constructed by the project for access and frontage:

- Main Street from Heritage Road to Village Three North R-20 driveway.
- Main Street, from La Media Road to SR-125 right-of-way (western boundary).
- La Media Road, from Santa Luna Street to Main Street.
- Heritage Road along the frontage of Village Three North, between the northern project boundary and Int #62.

In addition, the following seven driveways to be constructed as part of the project are also included in the Year 2020 analysis:

- Santa Macheto @ Heritage Road (Int #61)
- Santa Picacho @ Heritage Road (Int # 62)
- Santa Maya @ Heritage Road (Int #63)
- Village Three North R-20 Driveway @ Main Street (Int #66)
- La Media Road / Village Four Driveway @ Santa Luna Street (Int # 67)
- Santa Tipu @ Main Street (Int #68)
- Santa Marisol @ Main Street (Int #69)

Explanation

Roadway improvements to be constructed by the project for access and frontage:

- Main Street from Heritage Road to Village Three North R-20 driveway – This facility is included as a 2-lane roadway providing access to parcel R-20 of Village Three

North. The addition of this facility would also convert the intersection of Heritage Road / Main Street into a 4-legged intersection. Quarry Driveway @ Main Street (Int #65) would be constructed as an all-way stop controlled intersection providing access to the existing quarry.

- Main Street, from La Media Road to SR-125 right-of-way (western boundary) – This facility is included as a Six-Lane Prime Arterial providing frontage and access for Village Eight East.
- La Media Road, from Santa Luna Street to Main Street – This facility is included as a Four-Lane Major Road providing access for the community park in Village Four (project access and frontage, and the PFFP discussions are provided in Chapter 13 of EIR Appendix M).
- Heritage Road along the frontage of Village Three North, between the northern project boundary and Int #62 – This facility is included as a 6-lane Prime Arterial providing frontage and access for Village Three North.

In addition, the following seven driveways to be constructed as part of the project are also included in the Year 2020 analysis:

- Santa Macheto @ Heritage Road (Int #61) – Signalized intersection
- Santa Picacho @ Heritage Road (Int # 62) – Signalized intersection (was modeled as all-way stop controlled T-intersection in the 2015 scenario)
- Santa Maya @ Heritage Road (Int #63) – Signalized intersection (was modeled as all-way stop controlled T-intersection in the 2015 scenario)
- Village Three North R-20 Driveway @ Main Street (Int #66) – all-way stop controlled intersection
- La Media Road / Village Four Driveway @ Santa Luna Street (Int # 67) – Signalized intersection
- Santa Tipu @ Main Street (Int #68) – one-way controlled intersection
- Santa Marisol @ Main Street (Int #69) – Signalized intersection

According to Section 12.24 of the City's Municipal Code, access related impacts would occur if access and frontage improvements are not provided concurrent with development.

Mitigation

See MM TCA-2 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-2 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to access and frontage to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Circulation System Assumptions

If the assumed roadway improvements are not in place prior to each traffic scenario as assumed, additional traffic impacts would occur resulting in a potentially significant impact.

Roadway improvements to be constructed by others:

- Heritage Road, south of Main Street to the Chula Vista city limit as a 6-lane Prime Arterial
- Otay Lakes Road between H Street and Telegraph Canyon Road as a 6-lane Prime Arterial
- Quarry Driveway (Int #65) @ Main Street as an all-way stop controlled intersection

Explanation

- Heritage Road, south of Main Street to Chula Vista City limit – This facility is included as its ultimate classification in 2020. As indicated in the City's currently adopted General Plan Circulation Element, the ultimate classification designation for Heritage Road south of Main Street is a Six-Lane Prime Arterial. This improvement project (STM364 – Heritage Road Bridge Replacement) is included in the Chula Vista adopted FY 2012–13 through FY 2016–17 CIP and will be funded by a mix of the Highway Bridge Program, TDIFs, and other miscellaneous transportation grants. For additional information, see EIR Appendix M.
- Otay Lakes Road, between H Street and Telegraph Canyon Road – This facility is included as widened from a Four-Lane Major Road to a Six-Lane Prime Arterial consistent with the classification identified in the City's currently adopted General Plan Circulation Element. This improvement project (STM355 – Otay Lakes Road Widening) is included in the Chula Vista adopted FY 2012–13 through FY 2016–17 CIP and will be funded by the TDIFs. For additional information, see EIR Appendix M.

Quarry Driveway (Int #65) @ Main Street – As an all-way stop controlled intersection. The signalization of this intersection would occur in conjunction with the construction of Main Street between Heritage Road and La Media Road (City of Chula Vista CIP #STM357). Signalization would not be needed until completion of this Main Street segment. The traffic analysis assumed certain roadway improvements to be in place prior to commencement of each study scenario. These assumed roadways were taken into account due to other Otay Ranch communities' planned improvements or City of Chula Vista and City of San Diego Circulation Element funded improvements in the project study area. If the assumed roadway improvements are not in place as modeled for the year 2020 scenario, additional traffic impacts could occur. Therefore a potentially significant impact could occur if assumed improvements are not developed as prescribed in the traffic impact analysis. As previously noted, if the assumed roadway improvements are not constructed by others and in place as modeled for the Year 2020 scenario, the project applicant and the City will take those steps necessary to either construct the subject facilities or implement substitute measures to ensure adequate infrastructure as modeled is in place, as detailed in mitigation measure TCA-11.

Mitigation

To ensure the circulation system improvements assumed in the University Villages Traffic Impact Analysis, dated July 31, 2014, are constructed and operational, the following mitigation measure is provided:

MM TCA-11 The year 2020 scenario assumes the following intersection and roadway improvements are in place:

- Heritage Road, south of Main Street to the Chula Vista city limit as a 6-lane Prime Arterial
- Otay Lakes Road between H Street and Telegraph Canyon Road as a 6-lane Prime Arterial

If the project equivalent dwelling unit of 4,070th EDU is exceeded prior to these improvements being constructed and open to traffic, then one of the following steps shall be taken each to the satisfaction of the City Engineer:

i. Development in Village Three and the Portion of Village Four and Village Eight East shall stop until those assumed future roadways are constructed by others as presently planned; or

ii. City and the Applicant shall meet to determine the need for the incomplete roadway segments. Because a number of factors, including changes to the tolling structure at SR-125, may affect future traffic patterns in Otay Ranch,

the Applicant shall submit to the City additional traffic analysis of the roadway network and levels of service at that time to determine: (i) if such improvements in fact are necessary; and (ii) the scope and timing of additional circulation improvements, if any. The City's determination of whether such improvements are necessary, or the scope and timing of additional improvements, shall be based on whether the City's traffic quality of life threshold standards are met, consistent with the performance standards set forth in the City of Chula Vista Growth Management Ordinance (GMO) (Chapter 19.09 of the Chula Vista Municipal Code). The current traffic threshold is to maintain LOS "C" or better as measured by observed average travel speed on all signalized arterial segments; except, that during peak hours, a LOS "D" can occur for no more than two hours; or

iii. Applicant shall construct the missing roadway links and receive a transportation development impact fee credit for those improvements as applicable; or

iv. An alternative measure is selected by the City that is demonstrated to ensure that the applicable GMO quality of life thresholds are met for traffic.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-11 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to circulation system assumptions to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Year 2025 Conditions

Impact – Intersections

Under Year 2025 conditions, the proposed project would have significant project-specific impacts at the following two study area intersections in the City of Chula Vista:

- Heritage Road / Olympic Parkway (direct)
- La Media Road / Olympic Parkway (direct)

Explanation

- Heritage Road / Olympic Parkway – LOS E during both the AM and PM peak hours. The 2025 project traffic would comprise approximately 14.7% and 16.4% of the total intersection-entering volume in the AM and PM peak hours, respectively. Since the project contribution is more than 5%, the project would result in a significant direct impact at this intersection.
- La Media Road / Olympic Parkway – LOS E during the AM peak hour. The 2025 project traffic would comprise approximately 16.0% of the total intersection-entering volume in the AM hour. Since the project contribution is more than 5%, the project would result in a significant direct impact at this intersection.

Impact – Roadways

The following roadway segments in the City of Chula Vista would be significantly impacted by the proposed project traffic under the Year 2025 conditions:

- Olympic Parkway between Heritage Road and Santa Venetia Street (direct)
- Heritage Road between East Palomar Street and Olympic Parkway (direct)

Explanation

- Olympic Parkway, between Heritage Road and Santa Venetia Street (LOS D) – The proposed 2025 project traffic would comprise approximately 20.3% (more than 5%) of the total segment volume and would add 11,100 ADT (more than 800 ADT). In addition, one of the intersections (Heritage Road / Olympic Parkway) along this segment would operate at LOS E during both peak hours. Therefore, the project traffic would result in a significant direct impact at this location.
- Heritage Road, between East Palomar Street and Olympic Parkway (LOS D) – The proposed 2025 project traffic would comprise approximately 12.2% (more than 5%) of the total segment volume and would add 6,300 ADT (more than 800 ADT). In addition, one of the intersections (Heritage Road / Olympic Parkway) along this segment would operate at LOS E during both peak hours. Therefore, the project traffic would result in a significant direct impact at this location.

Mitigation

MM TCA-12 **Intersections**: Heritage Road / Olympic Parkway (CV) and La Media Road / Olympic Parkway (CV); **Roadways**: Olympic Parkway, between Heritage Road and Santa Venetia Street (CV); and Heritage Road, between East Palomar Street

and Olympic Parkway (CV) – Prior to the issuance of each building permit, the Project Applicant shall pay the appropriate Transportation Development Impact Fees (TDIF) for the construction of Main Street, between Heritage Road and La Media Road, as a Six-Lane Prime Arterial, including the construction of Main Street bridge, the signalization of Quarry Driveway / Main Street (Int #65), and the signalization of Village Three North R-20 Driveway / Main Street (Int #66). The project will signalize the intersection of Village Three North R-20 Driveway / Main Street (Int #66) in conjunction with the construction of Main Street, while the TDIF program will signalize the intersection of Quarry Driveway / Main Street (Int #65). The analysis shows the need for Main Street from the Heritage Road to La Media Road is triggered by the 4,737th EDU. If the project equivalent dwelling unit limit of 4,736 EDU is reached prior to this roadway segment being constructed and open to traffic, then one of the following steps shall be taken as determined by the City Engineer:

i. Development in Villages Three North, Eight East, and Ten shall stop until the future roadway is constructed by the City; or

ii. City and the Applicant shall meet to determine the need for the incomplete roadway segments. Because a number of factors, including changes to the tolling structure at SR-125, may affect future traffic patterns in Otay Ranch, the Applicant shall submit additional traffic analysis of the roadway network and levels of service at that time to determine: (i) if such improvements in fact are necessary; and (ii) the scope and timing of additional circulation improvements, if any. The City's determination of whether such improvements are necessary, or the scope and timing of additional improvements, shall be based on whether the City's traffic quality of life threshold standards are met, consistent with the performance standards set forth in the City of Chula Vista Growth Management Ordinance (GMO) (Chapter 19.09 of the Chula Vista Municipal Code). The current traffic threshold is to maintain LOS "C" or better as measured by observed average travel speed on all signalized arterial segments; except, that during peak hours, a LOS "D" can occur for no more than two hours; or

iii. Applicant shall construct the missing roadway link and receive a transportation development impact fee credit for the improvements as applicable; or

iv. An alternative measure is selected by the City that is demonstrated to ensure the applicable GMO quality of life thresholds are met for traffic.

The segment of Main Street between Heritage Road and La Media Road will provide an important direct east-west linkage and reduce traffic along Heritage Road – Olympic Parkway – La Media Road, thereby improving operations at the Heritage Road / Olympic Parkway

intersection to acceptable levels and reducing the identified impact to less than significant. The construction of this segment of Main Street is included within the City's TDIF program. The first phase of construction, as well as the preparation of subsequent environmental compliance documents, are included in the City's CIP Program for 2013-2016 (STM357).

The construction of Main Street between Heritage Road and La Media Road will also significantly reduce traffic on Olympic Parkway between Heritage Road and Santa Venetia Street, Heritage Road between Olympic Parkway and Main Street, and Olympic Parkway between Heritage Road and La Media Road. These reductions would improve the intersection operations at Heritage Road /Olympic Parkway to acceptable levels, hence, would mitigate the impact at the segment of Heritage Road between East Palomar Street and Olympic Parkway.

Potential impacts associated with the Main Street extension previously were addressed in several environmental documents, including the *Chula Vista Vision 2020 General Plan Update* (GPU) *Final Environmental Impact Report* (EIR) (2005b), the City's *Multiple Species Conservation Plan* (MSCP) *Subarea Plan* (2003), the *Otay Ranch Resource Management Plan* (RMP) (1993), and the *Otay Ranch Resource Management Plan Phase 2* (2002). The extension and the bridge are not required until 2025; therefore, assessing the design and impacts to resources would be speculative at this time. However, prior to the construction of Main Street between Heritage Road and La Media Road, the City will conduct a project-specific review of the potential environmental impacts associated with construction of the road extension. A preliminary analysis of the potential effects is provided in EIR Appendix M.[4]

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-12 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to intersections and roadway segments in the year 2025 to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

[4] Traffic operations at the quarry access off of Main Street under conditions with and without the Main Street connection over Wolf Canyon are addressed in EIR Appendix M, Chapter 14.0, Quarry Access.

Impact – Access and Frontage

A potentially significant impact would occur if access and frontage improvements are not provided concurrent with development.

Roadway improvements to be constructed by the project for access and frontage:

- Main Street, from Santa Marisol to SR-125 right-of-way (western boundary)
- Otay Valley Road, from Main Street to SR-125 right-of-way (western boundary)
- Access road to the community park in Village Eight East (Community Park Driveway)
- University Drive, between Main Street/Hunte Parkway and University Driveway #1
- University Drive, between University Driveway #1 and Discovery Falls Drive
- Discovery Falls Drive, between Hunte Parkway and University / RTP Driveway
- Discovery Falls Drive, between University / RTP Driveway and Village Nine Street "B"

In addition, the following seven driveways to be constructed as part of the project are also included in the 2025 analysis:

- Village Eight East R-16 Driveway @ Main Street (Int #70)
- Village Eight East Community Park Driveway @ Otay Valley Road (Int #71)
- Cutter Avenue @ Otay Valley Road (Int #72)
- Santa Marisol @ Otay Valley Road (Int #73)
- Santa Juilliard @ Discovery Falls Drive (Int #76)
- University Drive @ Discovery Falls Drive (Int #77)
- Santa Davis @ Discovery Falls Drive (Int #78)

Explanation

Roadway improvements to be constructed by the project for access and frontage:

- Main Street, from Santa Marisol to SR-125 right-of-way (western boundary) – This facility was included as a 6-lane Prime Arterial providing frontage and access for Village Eight East.
- Otay Valley Road, from Main Street to SR-125 right-of-way (western boundary) – This facility is included as a Four-Lane Major Road providing frontage and access for Village Eight East including the community park south of Otay Valley Road.

- Access road to the community park in Village Eight East (Community Park Driveway) – This road is included as two lanes to provide access for the community park to Otay Valley Road.
- University Drive, between Main Street / Hunte Parkway and University Driveway #1 – This facility is included as a Class II Collector providing access for Village Ten.
- University Drive, between University Driveway #1 and Discovery Falls Drive – This facility is included as a Class II Collector providing access for Village Ten.
- Discovery Falls Drive, between Hunte Parkway and University / RTP Driveway – This facility is included as a Four-Lane Major Road providing frontage and access for Village Ten (project access and frontage, and the PFFP discussion are provided in Chapter 13 of EIR Appendix M).
- Discovery Falls Drive, between University / RTP Driveway and Village Nine Street "B" – This facility is included as a Class II Collector providing frontage and access for Village Ten.

In addition, the following seven driveways to be constructed as part of the project are also included in the 2025 analysis:

- Village Eight East R-16 Driveway @ Main Street (Int #70) – Right-turn in/out only
- Village Eight East Community Park Driveway @ Otay Valley Road (Int #71) – Signalized intersection
- Cutter Avenue @ Otay Valley Road (Int #72) – Right-turn in/out only
- Santa Marisol @ Otay Valley Road (Int #73) – Signalized intersection
- Santa Juilliard @ Discovery Falls Drive (Int #76) – Signalized intersection
- University Drive @ Discovery Falls Drive (Int #77) – Signalized intersection
- Santa Davis @ Discovery Falls Drive (Int #78) – Signalized intersection

According to Section 12.24 of the City's Municipal Code, access related impacts would occur if access and frontage improvements are not provided concurrent with development.

Mitigation

See MM TCA-2 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM

TCA-2 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to access and frontage to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Circulation System Assumptions

The traffic analysis assumed certain roadway improvements to be in place prior to commencement of each study scenario. These assumed roadways were taken into account due to other Otay Ranch communities' planned improvements or City of Chula Vista and City of San Diego Circulation Element funded improvements in the project study area. If these improvements are not in place prior to each traffic scenario as assumed, additional traffic impacts would occur resulting in a potentially significant impact.

Circulation System Assumptions Being Carried Forward from 2020

- Heritage Road, south of Main Street to the Chula Vista city limit as a 6-lane Prime Arterial
- Otay Lakes Road between H Street and Telegraph Canyon Road as a 6-lane Prime Arterial
- Quarry Driveway (Int #65) @ Main Street as an all-way stop controlled intersection

Explanation

Roadway improvements to be constructed by others:

- Heritage Road, south of Main Street to Chula Vista City limit – This facility is included as its ultimate classification in 2020. As indicated in the City's currently adopted General Plan Circulation Element, the ultimate classification designation for Heritage Road south of Main Street is a Six-Lane Prime Arterial. This improvement project (STM364 – Heritage Road Bridge Replacement) is included in the Chula Vista adopted FY 2012–13 through FY 2016–17 CIP and will be funded by a mix of the Highway Bridge Program, TDIFs, and other miscellaneous transportation grants. For additional information, see EIR Appendix M.
- Otay Lakes Road, between H Street and Telegraph Canyon Road – This facility is included as widened from a Four-Lane Major Road to a Six-Lane Prime Arterial consistent with the classification identified in the City's currently adopted General Plan Circulation Element. This improvement project (STM355 – Otay Lakes Road Widening)

is included in the Chula Vista adopted FY 2012–13 through FY 2016–17 CIP and will be funded by the TDIFs. For additional information, see EIR Appendix M.

- Quarry Driveway (Int #65) @ Main Street – As an all-way stop controlled intersection. The signalization of this intersection would occur in conjunction with the construction of Main Street between Heritage Road and La Media Road (City of Chula Vista CIP #STM357). Signalization would not be needed until completion of this Main Street segment.

The traffic analysis assumed certain roadway improvements to be in place prior to commencement of each study scenario. These assumed roadways were taken into account due to other Otay Ranch communities' planned improvements or City of Chula Vista and City of San Diego Circulation Element funded improvements in the project study area. If the assumed roadway improvements are not in place as modeled for the year 2020 scenario, additional traffic impacts could occur. Therefore a potentially significant impact could occur if assumed improvements are not developed as prescribed in the traffic impact analysis. As previously noted, if the assumed roadway improvements are not constructed by others and in place as modeled for the Year 2020 scenario, the project applicant and the City will take those steps necessary to either construct the subject facilities or implement substitute measures to ensure adequate infrastructure as modeled is in place, as detailed in mitigation measure TCA-11.

Mitigation

See MM TCA-11 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-11 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to circulation system assumptions to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Year 2030 Conditions

Impact – Intersections

The proposed project would have a significant impact at the following study area intersection in the City of Chula Vista:

- Discovery Falls Drive / Hunte Parkway (direct)

Explanation

- Discovery Falls Drive / Hunte Parkway – LOS E during the AM and PM peak hours. The buildout project traffic would comprise approximately 11.3% and 14.2% of the total intersection entering volume in the AM and PM peak hours, respectively. Since the project contribution is more than 5%, the project would result in a significant direct impact at this intersection.

Mitigation

MM TCA-13 **Intersection**: Discovery Falls Drive / Hunte Parkway (CV) – Prior to approval of the Final Map containing the 1,295th EDU of Village Ten, the Project Applicant shall construct a dedicated right-turn lane at the northbound Discovery Falls Drive approach to the Discovery Falls Drive/Hunte Parkway intersection.

After implementation of the identified improvement, the project-impacted intersection of Discovery Falls Drive / Hunte Parkway would operate at acceptable LOS D during both the AM and PM peak hours.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-13 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to intersections under the year 2030 to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Ramp Metering

Project buildout traffic would have a significant cumulative impact at the I-805 northbound on-ramp at Main Street under Year 2030 conditions.

Explanation

The peak hour capacity expected to be processed through the ramp meter (Meter Rate) would be greater than the peak hour demand (Demand) at the I-805 northbound on-ramp at Olympic Parkway. However, the peak hour demand at the I-805 northbound on-ramp at Main Street would be greater than the capacity that the ramp meter provides under the Year 2030 conditions, and would result in 13.8 minutes of delay without the proposed project and 33.1 minutes of delay with the proposed project. Therefore, based on the SANDAG CMP impact threshold (SANDAG 2008), the proposed project would result in a significant cumulative impact at the I-805 northbound on-ramp at Main Street.

Mitigation

MM TCA-14 I-805 Northbound On-Ramp at Main Street - Prior to project buildout, the Project Applicant shall work with Caltrans to, and Caltrans can and should, adjust the ramp meter rate at the I-805 northbound on ramp at Main Street such that the ramp meter reflects the additional vehicle traffic attributable to the project.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-14 is feasible and shall be required as a condition of approval and made binding on the applicant (Public Resources Code 21081(a)(2)). MM TCA-14 is feasible because there are no Caltrans standard or rules that prevent a ramp meter from being adjusted; the nearby ramp to I-805 is metered differently to allow substantially more vehicles to enter the freeway each hour than the ramp at Main street; and there is only a nominal cost, if any, for Caltrans to adjust the meter. Implementation of this mitigation measure will reduce significant impacts related to the I-805 northbound on-ramp at Main Street under Year 2030 conditions to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Access and Frontage

A potentially significant impact would occur if access and frontage improvements are not provided concurrent with development.

When comparing to the Year 2025 network, the following additional roadway improvements would be constructed by the project for access and frontage:

- Village Nine Street "B" / Otay Valley Road (#74)
- Village Nine Street "B" / Discovery Falls Drive (#75)

Access and Frontage Mitigation Being Carried Forward from 2025

- Main Street, from Santa Marisol to SR-125 right-of-way (western boundary)
- Otay Valley Road, from Main Street to SR-125 right-of-way (western boundary)
- Access road to the community park in Village Eight East (Community Park Driveway)
- University Drive, between Main Street/Hunte Parkway and University Driveway #1
- University Drive, between University Driveway #1 and Discovery Falls Drive
- Discovery Falls Drive, between Hunte Parkway and University / RTP Driveway
- Discovery Falls Drive, between University / RTP Driveway and Village Nine Street "B"
- Hunte Parkway @ Eastlake Parkway (Int #47)
- Hunte Parkway @ Discovery Falls Drive (Int #48)
- Village Three North R-20 Driveway #4 @ Main Street (Int #66)
- Village Eight East R-16 Driveway @ Main Street (Int #66)
- Village Eight East Community Park Driveway @ Otay Valley Road (Int #71)
- Cutter Avenue @ Otay Valley Road (Int #72)
- Santa Marisol @ Otay Valley Road (Int #73)
- Santa Juilliard @ Discovery Falls Drive (Int #76)
- University Drive @ Discovery Falls Drive (Int #77)
- Santa Davis @ Discovery Falls Drive (Int #78)

Explanation

When comparing to the Year 2025 network, the following additional roadway improvements would be constructed by the project for access and frontage:

- Village Nine Street "B" / Otay Valley Road (#74) – Signalized intersection.
- Village Nine Street "B" / Discovery Falls Drive (#75) – Signalized intersection, including construction of Discovery Falls Drive between Village Nine Street "B" and Santa Julliard.

Access and Frontage Mitigation Being Carried Forward from 2025

- Main Street, from Santa Marisol to SR-125 right-of-way (western boundary) – This facility was included as a 6-lane Prime Arterial providing frontage and access for Village Eight East.
- Otay Valley Road, from Main Street to SR-125 right-of-way (western boundary) – This facility is included as a Four-Lane Major Road providing frontage and access for Village Eight East including the community park south of Otay Valley Road.
- Access road to the community park in Village Eight East (Community Park Driveway – This road is included as two lanes to provide access for the community park to Otay Valley Road.
- University Drive, between Main Street/Hunte Parkway and University Driveway #1 – This facility is included as a Class II Collector providing access for Village Ten.
- University Drive, between University Driveway #1 and Discovery Falls Drive – This facility is included as a Class II Collector providing access for Village Ten.
- Discovery Falls Drive, between Hunte Parkway and University / RTP Driveway – This facility is included as a Four-Lane Major Road providing frontage and access for Village Ten (project access and frontage, and the PFFP discussion are provided in Chapter 13 of EIR Appendix M).
- Discovery Falls Drive, between University / RTP Driveway and Village Nine Street "B" – This facility is included as a Class II Collector providing frontage and access for Village Ten.
- Hunte Parkway @ Eastlake Parkway (Int #47) – Signal modification.
- Hunte Parkway @ Discovery Falls Drive (Int #48) – Signal modification.
- Village Three North R-20 Driveway #4 @ Main Street (Int #66) – Signalized intersection (analyzed as an all-way stop controlled in 2020).
- Village Eight East R-16 Driveway @ Main Street (Int #66) – Signalized intersection (analyzed as AWSC in 2020).

- Village Eight East Community Park Driveway @ Otay Valley Road (Int #71) – Signalized intersection.
- Cutter Avenue @ Otay Valley Road (Int #72) – Right-turn in/out only.
- Santa Marisol @ Otay Valley Road (Int #73) – Signalized intersection.
- Santa Juilliard @ Discovery Falls Drive (Int #76) – Signalized intersection.
- University Drive @ Discovery Falls Drive (Int #77) – Signalized intersection.
- Santa Davis @ Discovery Falls Drive (Int #78) – Signalized intersection.

According to Section 12.24 of the City's Municipal Code, access related impacts would occur if access and frontage improvements are not provided concurrent with development.

Mitigation

See MM TCA-2 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-2 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to access and frontage to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Circulation System Assumptions

The traffic analysis assumed certain roadway improvements to be in place prior to commencement of each study scenario. These assumed roadways were taken into account due to other Otay Ranch communities' planned improvements or City of Chula Vista and City of San Diego Circulation Element funded improvements in the project study area. If these improvements are not in place prior to each traffic scenario as assumed, additional traffic impacts would occur resulting in a potentially significant impact.

Roadway improvements to be constructed by others:

- Main Street, between SR-125 right-of-way (western boundary) and EastLake Parkway / University Drive

- SR-125 / Main Street interchange is included, consistent with the currently adopted Circulation Element[5]
- Otay Valley Road, between subdivision boundary and Village Nine Street "B" (Int #74)

Circulation System Assumptions Being Carried Forward from 2025

- Village Eight East R-16 Driveway @ Main Street (Int #66)
- Quarry Driveway (Int #65) @ Main Street

Mitigation Being Carried Forward from 2025

- Construction of Main Street, between Heritage Road and La Media Road, as a Six-Lane Prime Arterial including construction of Main Street Bridge.
- Signalization of Quarry Driveway / Main Street (Int #65) as part of Main Street construction.
- Signalization of Village Three North R-20 Driveway / Main Street (Int #66) as a part of Main Street construction.

Explanation

- Main Street, between SR-125 right-of-way (western boundary) and EastLake Parkway/University Drive – This facility is included as a Six-Lane Gateway Street, consistent with the currently adopted Circulation Element.
- SR-125 / Main Street interchange is included, consistent with the currently adopted Circulation Element.[6] The SR-125 / Main Street interchange (overpass and ramps) is included as part of the City of Chula Vista's TDIF program and was approved by the City Council on July 22, 2014.
- Otay Valley Road, between subdivision boundary and Village Nine Street "B" (Int #74), is included providing an overpass at SR-125. The SR-125 / Otay Valley Road overpass is included as part of the City of Chula Vista's TDIF program and was approved by the City Council on July 22, 2014.

Circulation System Assumptions Being Carried Forward from 2025

- Village Eight East R-16 Driveway @ Main Street (Int #66) – Signalized intersection (analyzed as AWSC in 2020)
- Quarry Driveway (Int #65) @ Main Street – Signalized Intersection

[5] Potential configurations and associated traffic and safety operations at the SR-125 / Main Street interchange are addressed in the TIA, EIR Appendix M, Chapter 15.0.

[6] Potential configurations and associated traffic and safety operations at the SR-125 / Main Street interchange are addressed in the TIA, EIR Appendix M, Chapter 15.0.

The signalization of these two (2) intersections would occur in conjunction with the construction of Main Street between Heritage Road and La Media Road (City of Chula Vista CIP # STM357). Signalization of these two intersections would not be needed until the completion of the Main Street connection between Heritage Road and La Media Road.

If the assumed roadway improvements are not constructed by others and in place as modeled for the Year 2030 scenario, the Project Applicant and the City will take those steps necessary to either construct the subject facilities or implement substitute measures to ensure adequate infrastructure as modeled is in place, as detailed in mitigation measure TCA-16.

Mitigation

To ensure the circulation system improvements assumed in the University Villages Traffic Impact Analysis, dated June 2014, are constructed and operational, the following mitigation measure is provided:

MM TCA-16 The year 2030 scenario assumes the following intersection and roadway improvements are in place:

- Main Street between SR-125 right-of-way (western boundary) and Eastlake Parkway/University Drive is constructed as a 6-lane Gateway Street (6,432nd EDU)
- SR-125 / Main Street interchange constructed (6,432nd EDU)
- Otay Valley Road constructed between SR-125 right-of-way (western boundary) and Village Nine Street "B" (Int #74), including an overpass at SR-125 (7,767th EDU)

If the project equivalent dwelling unit limit of the EDUs identified above are exceeded prior to the respective improvements being constructed and open to traffic, then one of the following steps shall be taken, each to the satisfaction of the City Engineer:

i. Development in Village Three and the Portion of Village Four, Village Eight East, and Village Ten shall stop until those assumed future roadways are constructed by others as presently planned; or

ii. City and the Applicant shall meet to determine the need for the incomplete roadway segments. Because a number of factors, including changes to the tolling structure at SR-125, may affect future traffic patterns in Otay Ranch, the Applicant shall submit to the City additional traffic analysis of the roadway network and levels of service at that time to determine: (i) if such

improvements in fact are necessary; and (ii) the scope and timing of additional circulation improvements, if any. The City's determination of whether such improvements are necessary, or the scope and timing of additional improvements, shall be based on whether the City's traffic quality of life threshold standards are met, consistent with the performance standards set forth in the City of Chula Vista Growth Management Ordinance (GMO) (Chapter 19.09 of the Chula Vista Municipal Code). The current traffic threshold is to maintain LOS "C" or better as measured by observed average travel speed on all signalized arterial segments; except, that during peak hours, a LOS "D" can occur for no more than two hours; or

iii. Applicant shall construct the missing roadway links and receive a transportation development impact fee credit for those improvements as applicable; or

iv. An alternative measure is selected by the City that is demonstrated to ensure that the applicable GMO quality of life thresholds are met for traffic.

Note: Potential secondary impacts as a result of the mitigation measures described above have been analyzed in the EIR as off-site improvement areas.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-16 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to circulation system assumptions to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Construction Phasing

Impact

In the event that the proposed project is not constructed in accordance with the assumed phasing schedule as identified in Section 4.0, Project Description, Table 4.3, a potentially significant impact would occur and mitigation is required.

Explanation

Construction of the proposed project is anticipated to begin with Village Three North in late 2014.[7] Construction of the residential portion of Village Three North is anticipated to be complete in September 2018 and the non-residential portion (Industrial) is anticipated to be complete by 2025. Generally, Village Three North is expected to phase from northwest to southeast. Construction of Village Eight East is anticipated to begin in February 2016 and to be complete in September 2024. Village Eight East is expected to phase from north to south. Lastly, construction of Village Ten is anticipated to begin in August 2023 and to be complete in September 2029. Village Ten is expected to phase from north to south. There are different phasing dates between the Traffic Impact Analysis (TIA) (Appendix M) and the EIR, because the TIA only analyzes the project in 5-year increments.

Mitigation

MM TCA-17 The proposed project shall be implemented, or phased, consistent with the development timeframe set forth in Project Description Table 4-3. In the event that project development substantially deviates from the phasing set forth in Table 4-3 (e.g., Village Three being built first, followed by Village Eight East and then Village Ten), the Applicant, or its designee, shall conduct additional environmental analysis consistent with the requirements of CEQA and as approved by the Development Services Director, or designee. Additional analysis may include a supplemental traffic study that analyzes the potential traffic circulation impacts associated with the phasing deviation, and identifies new circulation improvements or other mitigation measure(s), if needed.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM TCA-17 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to construction phasing to a less-than-significant level.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

[7] The original construction schedule, beginning in March 2014, is analyzed for the proposed project; however, as identified above, construction would start at a later date. The construction scenario and schedule analyzed as part of the proposed project analysis is considered conservative.

7.1.4 Air Quality

Thresholds of Significance – Pollutant Concentrations near Sensitive Receptors

Impacts to air quality would be significant if the proposed project would:

- Expose sensitive receptors to substantial pollutant concentrations.

Impact

Impacts arising from the emission of Toxic Air Contaminants (TACs) would be potentially significant if the site is developed to accommodate any light industrial uses, gas stations, or dry cleaning facilities in close proximity to sensitive receptors.

Explanation

CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005) lists land uses that are considered major air toxic emitters. These land uses are generally industrial and processing land uses that require a permit from the SDAPCD to operate, though CARB also considers dry cleaning facilities and gas stations to be stationary sources of TAC emissions that should not be located near sensitive receptors.

Mitigation

MM AQ-3 Prior to approval of the building permit for any uses that are regulated for TACs by the SDAPCD, the Project Applicant shall demonstrate to the satisfaction of the Development Services Director (or their designee) that the use complies with established criteria (such as those established by SDAPCD Rule 1200 and CARB). Also, gas stations shall not be located within 50 feet of a sensitive receptor, in accordance with CARB's siting recommendations.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM AQ-3 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to pollutant concentrations near sensitive receptors to a less-than-significant level.

Reference

EIR Section 5.4 Air Quality

7.1.5 Noise

Thresholds of Significance – Excessive Noise Levels

The proposed project would have significant impacts to noise if it would:

- Result in the exposure of persons to or generation of noise levels in excess of standards established in the Chula Vista General Plan or noise ordinance, or applicable standards of other agencies.

Onsite Noise Exposure – Major Roadways

Impact

Village Three North

The noise level associated with future Main Street traffic volumes (67 dB CNEL) would exceed the exterior noise criterion of 65 dB CNEL, and is considered a potentially significant impact.

Explanation

Main Street provides access from Interstate 805 to the immediate vicinity of Village Three North, and is aligned along the southern boundary of the development portion of the Village. Main Street under the Year 2030 Plus Project scenario would carry up to 49,200 ADTs adjacent to Village Three North. There are residences at the southern boundary of the development area, which are adjacent to Main Street. The first row of homes aligned closest to Main Street could be exposed to noise levels ranging to 67 dB CNEL from future traffic along Main Street. This noise level associated with future Main Street traffic volumes would exceed the exterior noise criterion of 65 dB CNEL, and is considered a potentially significant impact.

Mitigation

MM NOI-1 Site-Specific Acoustical Analysis – Single- and Multi-Family Residential Development - Exterior. Prior to the approval of rough grading permits for residential development adjacent to Main Street and Heritage Road (Village Three), Otay Valley Road, SR-125 and Main Street (Village Eight), and Discovery Falls Drive and University Drive (Village Ten), the Project Applicant or its designee shall: (i) prepare a site-specific acoustical study based on the Final

Map design; (ii) construct noise barriers as specified below; and (iii) implement any additional noise control measures recommended as a result of the analysis necessary to achieve compliance with the City's Land Use/Noise Compatibility Guidelines and the City's Noise Ordinance (Municipal Code Section 19.68) for exterior noise sensitive land uses. Implementation of all recommended measures shall be to the satisfaction of the Development Services Director (or their designee) and all required noise control measures shall be made conditions of grading permit issuance. The acoustical study shall include, but not be limited to the following:

1. Specification of the location, height, and building material to be used for the noise barriers to be constructed in accordance with Figures 12, 13 and 14 (Approximate Sound Wall Locations), contained in the Noise Assessment Technical Report for the Otay Ranch University Villages Project (Dudek 2014). The sound wall noise barriers shall be a minimum of six feet in height, must have a surface density of at least four pounds per square foot, and be free of openings and cracks (with the exception of expansion joints gaps and other construction techniques, which could create an opening or crack). The wall may be constructed of acrylic glass, masonry material, earthen berm, or a combination of these materials. Heights are provided relative to final pad elevation. Required heights may be achieved through construction of walls, berms or a wall/berm combination;
2. A detailed analysis that demonstrates that barriers and/or setbacks have been incorporated into the project design, such that noise exposure to residential receivers placed in all useable outdoor areas, including multi-family residential patios and balconies, are at or below 65 dBA CNEL. Measures to reduce noise levels may include, but are not limited to, setback of structures from the roadway, installing acoustic barriers, or orienting outdoor activity areas away from roadways so that surrounding structures provide noise attenuation; and
3. Should pad grade elevations, lot configuration/site design, and/or traffic assumptions change during the processing of any Final Maps, the barriers shall be refined to reflect those modifications.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM

NOI-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to onsite traffic noise exposure in Village Three North to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Three North

The noise level associated with future Heritage Road traffic volumes (67 dB CNEL) would exceed the exterior noise criterion of 65 dB CNEL, and is considered a potentially significant impact.

Explanation

Heritage Road would extend northward from Main Street through Village Three North, at the western end of the Village. Heritage Road is a major arterial forecast to carry 45,600 ADT through Village Three North in 2030. The first row of homes aligned closest to Heritage Road could be exposed to noise levels ranging to 67 dB CNEL from future traffic along Heritage Road. This noise level associated with future Heritage Road traffic volumes would exceed the exterior noise criterion of 65 dB CNEL, and is considered a potentially significant impact.

Mitigation

See MM NOI-1 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to onsite traffic noise exposure in Village Three North to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Three North

Interior noise levels at residences adjacent to Main Street and Heritage Road would have the potential to exceed 45 dBA CNEL; therefore, a potentially significant impact related to interior noise levels would also occur.

Explanation

Interior noise levels at residences adjacent to Main Street and Heritage Road would have the potential to exceed 45 dBA CNEL; therefore, a potentially significant impact related to interior noise levels would occur under the Existing Plus Project scenario (EIR pg. 5.5-21).

Mitigation

MM NOI-2 Site-Specific Acoustical Analysis – Single-Family Residences - Interior. Concurrent with design review and prior to the approval of building permits for single-family residential development where the exterior noise level exceeds 60 dBA CNEL as indicated in the Noise Assessment Technical Report for the Otay Ranch University Villages Project (Dudek 2014), the Applicant or its designee shall: (i) prepare a site-specific acoustical analysis identifying those noise control measures necessary to ensure that interior noise levels due to exterior noise sources will be at or below 45 dBA CNEL; and (ii) implement all measures recommended as a result of the analysis necessary to achieve compliance with the City's Land Use/Noise Compatibility Guidelines and the City's Noise Ordinance (Municipal Code Section 19.68) for single-family residential interior uses.

This mitigation measure shall apply to neighborhoods R-1, R-2, R-9, R-11 and R-20 in Village Three North; and neighborhoods R-11a and R-13 in Village Eight East where exterior noise levels exceed 60 dBA CNEL.

Measures to reduce noise levels may include, but are not limited to, setback of structures from the roadway, installing acoustic barriers, or orienting outdoor activity areas away from roadways so that surrounding structures provide noise attenuation. The analysis shall also demonstrate that barriers or setbacks have been incorporated into the project design, such that, when considered with proposed construction specifications, ground level and upper story interior noise levels shall not exceed 45 dBA CNEL. Roof-ceiling assemblies making up the building envelope shall have a sound transmission class value of at least 50, and

exterior windows shall have a minimum sound transmission class of 30 in compliance with the California Green Building standards code.

Design-level architectural plans shall be used to assess the exterior-to-interior transmissions loss for habitable rooms. Contingent upon the results of the interior acoustical analysis, the units may need to include an air conditioning system to provide a habitable interior environment with the windows closed while meeting the interior standard of 45 dBA CNEL. The acoustical analysis shall be prepared to the satisfaction of the Development Services Director (or their designee), and all required noise control measures identified in the acoustical analysis shall be made conditions of building permit issuance.

MM NOI-3 Site-Specific Acoustical Analysis – Multi-Family Residences - Interior. Concurrent with design review and prior to the approval of building permits for multi-family areas where first and/or second floor exterior noise levels exceed 60 dBA CNEL and/or where required outdoor area (patios or balconies) noise levels exceed 65 dBA CNEL as indicated in the Noise Assessment Technical Report for the Otay Ranch University Villages Project (Dudek 2014), the Applicant or its designee shall: (i) prepare a site-specific acoustical analysis identifying those noise control measures necessary to achieve compliance with California's Title 24 Interior Noise Standards (i.e., 45 dBA CNEL) and the City's Exterior Land Use/Noise Compatibility Guidelines for outdoor use areas (i.e., 65 dBA CNEL); and (ii) implement those measures necessary to achieve compliance with all applicable noise standards.

This mitigation measure shall apply to neighborhoods R-14a, R-15a, R-16, R-17 and R-18d in Village Eight East; and neighborhoods R-5, R-6, R-7, R-8, R-9, R-10, R-17a, R-17b, R-17c, R-18a, R-18b, R-19a, R-19b, and R-19c in Village Ten, where exterior noise levels exceed 60 dBA CNEL.

Measures to reduce noise levels may include, but would not be limited to, setback of structures from the roadway, installing acoustic barriers, or orienting outdoor activity areas away from roadways so that surrounding structures provide noise attenuation. The analysis shall also demonstrate that barriers or setbacks have been incorporated into the project design, such that, when considered with proposed construction specifications, ground level and upper story interior noise levels shall not exceed 45 dBA CNEL. Roof-ceiling assemblies making up the building envelope shall have a sound transmission class value of at least 50, and exterior windows shall have a minimum sound transmission class of 30 in compliance with the California Green Building standards code.

Design-level architectural plans will be available during design review and will permit the accurate calculation of transmissions loss for habitable rooms. For these areas, it may be necessary for the windows to be able to remain closed to ensure that interior noise levels meet the interior standard of 45 dBA CNEL. Consequently, the design for buildings in these areas may need to include a ventilation or air conditioning system to provide a habitable interior environment with the windows closed based on the result on the interior acoustical analysis.

The acoustical analysis shall be prepared to the satisfaction of the Development Services Director (or their designee), and all required noise control measures identified in the acoustical analysis shall be made conditions of building permit issuance.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM NOI-2 and MM NOI-3 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant direct impacts related to onsite traffic noise exposure in Village Three North to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Eight East

This noise level associated with future Main Street traffic volumes would exceed the exterior noise criterion of 65 dB CNEL, and is considered a potentially significant impact.

Explanation

Main Street provides access from SR-125 to the immediate vicinity of Village Eight East, and is aligned along the northern boundary of the development portion of the Village. Main Street under the Year 2030 Plus Project scenario would carry up to 54,800 ADTs adjacent to Village Eight East. There are residences at the northern boundary of the development area that are

adjacent to Main Street. The first row of homes closest to Main Street could be exposed to noise levels ranging to 66 dB CNEL from future traffic along Main Street.

Mitigation

See MM NOI-1 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to onsite traffic noise exposure in Village Eight East to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Eight East

Interior noise levels at residences adjacent to Main Street, SR-125 and Otay Valley Road could exceed California's Title 24 Interior Noise Standard of 45 dBA CNEL. Therefore, a potentially significant impact related to interior noise levels would also occur.

Explanation

Regarding interior noise impacts, with standard construction practices common in California, typical buildings achieve outdoor to indoor noise reductions of 20 dB with the windows closed. Thus, because exterior noise levels at certain locations could exceed 65 dBA CNEL, even with closed windows, the interior noise levels at residences adjacent to Main Street, SR-125 and Otay Valley Road could exceed California's Title 24 Interior Noise Standard of 45 dBA CNEL (EIR pg. 5.5-27.

Mitigation

See MM NOI-2 and MM NOI-3 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM NOI-2 and MM NOI-3 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant direct impacts related to onsite traffic noise exposure in Village Eight East to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Ten

The noise level from future traffic along Discovery Falls Drive and University Drive would result in a noise level to 68 dB CNEL at the first row of homes closest to Discovery Falls Drive. This noise level would exceed the exterior noise criterion of 65 dB CNEL, and is considered a potentially significant impact.

Explanation

Discovery Falls Drive would be extended southward from Hunte Parkway, and would form the northern boundary of Village Ten. Discovery Falls Drive is forecast to carry approximately 27,900 ADT between Hunte Parkway and Street "B" in the Year 2030 Plus Project scenario. Residences and a neighborhood park are proposed along the southern side of Discovery Falls Drive in Village Ten. As shown, the first row of homes closest to Discovery Falls Drive could be exposed to noise levels ranging to 68 dB CNEL from future traffic along Discovery Falls Drive and University Drive. This noise level would exceed the exterior noise criterion of 65 dB CNEL.

Mitigation

See MM NOI-1 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM

NOI-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to onsite traffic noise exposure in Village Ten to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Ten

Interior noise levels at residences adjacent to Discovery Falls Drive and Otay Valley Road would have the potential to exceed California's Title 24 Interior Noise Standard of 45 dBA CNEL. Therefore, a potentially significant impact related to interior noise levels would occur.

Explanation

Regarding interior noise impacts, with standard construction practices common in California, typical buildings achieve outdoor to indoor noise reductions of 20 dB with the windows closed. Thus, because exterior noise levels at certain locations could exceed 65 dBA CNEL, even with closed windows, the interior noise levels at residences adjacent Discovery Falls Drive and Otay Valley Road would have the potential to exceed California's Title 24 Interior Noise Standard of 45 dBA CNEL.

Mitigation

See MM NOI-2 and MM NOI-3 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM NOI-2 and MM NOI-3 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant direct impacts related to onsite traffic noise exposure in Village Ten to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Onsite Noise Exposure – Commercial and Industrial Land Uses

Impact

Locating residences or other sensitive receptors in Village Three North and Portion of Village Four, Village Eight East, and Village Ten in close proximity to a mixed-use building or other building that requires an HVAC system could result in a potentially significant impact.

Explanation

Typical HVAC equipment can result in noise levels that average between 50 and 65 dBA Leq at 50 feet (City of Santa Ana 2010). For a single point source such as a piece of mechanical equipment, the sound level normally decreases by about 6 dBA for each doubling of distance from the source. Therefore, it is assumed that HVAC equipment would generate noise levels that exceed 45 dBA within 500 feet for the equipment, 50 dBA within approximately 275 feet of the equipment, and 55 dBA within 155 feet of the equipment.

Mitigation

MM NOI-4 Site-Specific Acoustic Analysis – Non-Residential Commercial and/or Mixed-Use Residential – Exterior. Concurrent with design review and prior to the approval of building permits for non-residential commercial and/or mixed use residential area where exterior noise levels exceed 65 dBA CNEL as indicated in the Noise Assessment Technical Report for the Otay Ranch University Villages Project (Dudek 2014), the Applicant or its designee shall: (i) prepare a site-specific acoustical analysis identifying those noise control measures necessary to ensure that exterior noise levels at the boundary of the proposed noise sensitive land use will be below 65 dBA CNEL; and (ii) implementation of any measures recommended as a result of the analysis.

Measures to reduce noise levels may include, but would not be limited to, setback of structures from the roadway, installing acoustic barriers, or orienting outdoor activity areas away from roadways so that surrounding structures provide noise attenuation. The analysis shall also demonstrate that barriers or setbacks have been incorporated into the project design, such that, when considered with proposed construction specifications, ground level and upper story interior noise levels shall not exceed 45 dBA CNEL. Roof-ceiling assemblies making up the building envelope shall have a sound transmission class value of at least 50, and exterior windows shall have a minimum sound transmission class of 30 in compliance with the California Green Building standards code.

The acoustical analysis shall be prepared to the satisfaction of the Development Services Director (or their designee), and all required noise control measures identified in the acoustical analysis shall be made conditions of building permit issuance.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-4 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to noise generation from commercial and industrial land uses to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Industrial activities would have the potential to result in average noise levels above the City's noise thresholds. Therefore, noise generated from proposed industrial development could be potentially significant.

Explanation

As to future noise sensitive land uses that would be built as part of the project, industrial land uses possess many of the same noise generating characteristics as commercial uses (loading/unloading docks and parking lots; HVAC equipment; maintenance activities; and additional truck traffic along adjacent roads), and often include manufacturing processes and materials handling operations with additional noise generation potential. These industrial activities would have the potential to result in average noise levels above the City's noise thresholds.

Mitigation

MM NOI-5 Site-Specific Acoustical Analysis – Industrial Zone. As part of the site plan/development plan review process conducted in connection with future industrial development applications submitted to the City, the Applicant or its designee shall prepare a site-specific acoustical analysis to identify those noise

control measures necessary to ensure noise levels generated by the proposed use will comply with the City's General Plan noise standards for residential property boundaries proximate to the industrial zone (maximum exterior noise levels of 65 CNEL). The acoustical analysis shall be prepared to the satisfaction of the Development Services Director (or their designee). All required noise control measures identified in the acoustical analysis shall be made conditions of development approval.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-5 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to noise generation from commercial and industrial land uses to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Onsite Noise Exposure – Parks and Recreation Related Noise

Impact

Village Three North and Portion of Village Four

The Village Four Community Park (P-2) would have the potential to exceed the daytime one-hour 60 dBA Leq limit if the loudest noise sources are placed within 160 feet of sensitive habitat.

Explanation

The EIR for the Otay Ranch Village 2, 3, and Portion of 4 SPA Plan (SCH #2003091012) included an analysis of noise that would potentially be generated by activity at the Village Four Community Park (P-2) (City of Chula Vista 2006). The analysis determined that multi-purpose fields would have the potential to generate noise levels of approximately 54 dBA at 50 feet, and a skate park facility would have the potential to generate noise levels of 70 dBA at 50 feet. The locations of any potential community park uses are not known at this time. However, consistent with the Village Four Community Park analysis in the EIR for the Villages 2, 3, and Portion of 4 SPA Plan, skate park noise is considered the worst-case noise

level that could be generated at 50 feet from the Village Four Community Park (P-2). Therefore, the Village Four Community Park (P-2) would have the potential to exceed the daytime one-hour 60 dBA Leq limit if the loudest noise sources are placed within 100 feet of sensitive habitat. Because the Portion of Village Four is located on the very western edge of the Community Park (P-2), the adjacent noise sensitive land use would be the MSCP Preserve. Therefore, this impact would be considered potentially significant.

Mitigation

MM NOI-6 As a condition of approval of the proposed project, the City shall limit the active programming operational hours for neighborhood park sites to 7:00 am–10:00 pm, 7 days a week.

MM BIO-17 and MM BIO-18 identified below would also help mitigate this impact to less than significant.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-6, MM BIO-17 and MM BIO-18 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to noise generation from parks and recreation to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Eight East

The Village Eight East Community Park (P-2) would have the potential to exceed the daytime one-hour 60 dBA Leq limit if the loudest noise sources are placed within approximately 100 feet of sensitive habitat.

Explanation

The Village Eight East Community Park (P-2) would generate a one-hour average noise level of approximately 55–65 dB at a distance of 50 feet from the stands and/or spectator areas, which is

comparable to the Community Park (P-2) noise levels located within Village Four. The Village Eight East Community Park (P-2) would have the potential to exceed the daytime one-hour 60 dBA Leq limit if the loudest noise sources are placed within approximately 100 feet of sensitive habitat. Therefore, this impact would be considered potentially significant.

Mitigation

See MM NOI-6 identified above and MM BIO-17 and MM BIO-18 identified below.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-6, MM BIO-17 and MM BIO-18 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to noise generation from parks and recreation to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Impact

Village Three North and Portion of Village Four, Village Eight East, and Village Ten

Noise levels from Neighborhood Parks would not be expected to exceed nighttime noise standards between 10:00 p.m. and 10:30 p.m.; however the noise threshold after 10:00 p.m. is lower and therefore there could be significant impacts after 10 p.m.

Explanation

One neighborhood park site is planned for each of the three Villages. Based upon the most recent conceptual design drawings, each of the park sites is surrounded on all four sides by a street having a minimum 58 foot wide right of way. Thus, noise levels from the proposed parks would be approximately 64 dB (i.e., slightly less than 65 dB) during park operating hours. According to the Chula Vista Municipal Code Section 2.66.270, some parks in the city are permitted to stay open as late as 10:30 p.m. It is reasonable to assume that noise levels would generally be lower between 10:00 p.m. and 10:30 p.m. than those occurring during peak park activity hours.

Mitigation

See MM NOI-6 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-6 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to noise generation from parks and recreation to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Onsite Noise Exposure – School Related Noise

Impact

Village Three North and Portion of Village Four, Village Eight East, and Village Ten

Traffic-related noise exposure levels within exterior use areas for the schools (i.e., playground, sports fields, athletic courts, etc.) could exceed the established noise standards, thereby resulting in a potentially significant impact.

Explanation

In Village Three North, the proposed school site is located approximately at the center of the development area, bounded on all four sides by local roads. In Village Eight East, the elementary school site is bounded along the south side by Street "B" and along the east side by Street "A," a road connecting to Main Street on the north and Otay Valley Road on the south. In Village Ten, the elementary school site would abut Street "C" to the north, while Street "B" would border the west side of the site. Traffic volume projections are not available for these roads bordering the school sites; therefore, future noise contours from roadway operation are not available. However, it is possible that future traffic volumes carried on one or more of these bordering roads could have an associated 65 dB CNEL contour that extends to the school site.

Mitigation

MM NOI-7 Concurrent with design review and prior to the approval of building permits for the elementary schools, an acoustical analysis shall be prepared identifying the noise control measures necessary to ensure that noise levels at exterior use areas

(i.e., playground, sports fields, athletic courts, etc.) will be below 65 dBA CNEL and requiring implementation of any measures recommended as a result of the analysis. Measures to reduce noise levels may include, but would not be limited to, setback of structures from the roadway, installing acoustic barriers, or orienting outdoor activity areas away from roadways so that surrounding structures provide noise attenuation.

The acoustical analysis shall also address control measures for outdoor school activity noise and its effect upon immediately adjacent residential land uses, to ensure school activity related noise levels do not exceed 65 dB CNEL at exterior use areas of adjacent residential properties.

The analysis shall also demonstrate that barriers or setbacks have been incorporated into the project design, such that, when considered with proposed construction specifications, ground level and upper story interior noise levels shall not exceed 45 dBA CNEL. Roof-ceiling assemblies making up the building envelope shall have a sound transmission class value of at least 50, and exterior windows shall have a minimum sound transmission class of 30 in compliance with the California Green Building standards code.

The acoustical analysis shall be prepared consistent with all applicable requirements to the satisfaction of the school district, and all required noise control measures identified in the acoustical analysis shall be made conditions of development approval.

Mitigation measure NOI-7 is consistent with the School Site Selection and Approval Guide prepared by the California Department of Education, which provides that if a school district is considering a potential school site near a freeway or other source of noise, it should hire an acoustical engineer to determine the level of sound that location is subject to and assist in designing the school site that should be chosen. The *Guide* provides further that the American Speech-Language-Hearing Association guidelines recommend that in classrooms sounds dissipate in 0.4 seconds or less (and not reverberate) and that background noise not rise above 30 decibels.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM

NOI-7 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to noise generation from schools to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Thresholds of Significance – Temporary Increase in Ambient Noise

The proposed project would have significant impacts to noise if it would:

- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact

Project generated construction noise would pose a potentially significant impact on noise-sensitive receptors if construction hour limitations are not imposed.

Explanation

Olympian High School is located approximately 125 feet from the Village Eight project site boundary, and approximately 250 feet from the nearest off-site improvement work. High Tech High Chula Vista is located approximately 250 feet from the nearest off-site improvement work. As such, project generated construction noise would pose a potentially significant impact on noise-sensitive receptors if construction hour limitations are not imposed (EIR pg. 5.5-52).

Mitigation

MM NOI-8 The Project Applicant or its designee shall limit all project-related site preparation and construction activities to the hours between 7:00 am–6:00 pm, Monday–Friday, and between 8:00 am–6:00 pm Saturday. No construction activities shall occur on Federal holidays (e.g., Thanksgiving, July 4th, Labor Day, etc.). All maintenance of construction equipment shall be limited to the same hours. This language shall be added to the project grading plans. Minor construction (i.e., minor household do-it-yourself type projects) and non-noise-generating construction activities such as interior painting are not subject to these restrictions.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-8 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to temporary or periodic increases in noise to a less-than-significant level.

Reference

EIR Section 5.5 Noise

Thresholds of Significance- Groundborne Vibration or Noise

The proposed project would have significant impacts to noise if it would:

- Expose persons to or generation of excessive groundborne vibration or groundborne noise levels.

Impact

Portion of Village Four

Blasting may be required in the Village Four Community Park (P-2) area. Although this would not exceed any City thresholds, blasting, if determined to be necessary, is considered to have a potentially significant impact.

Explanation

Rock blasting is typically done as a single event to break up rock material which can then be processed. The duration is very brief (fractions of a second) for a blasting event, and typically only one blast occurs per day. Given that the location of the Village Four Community Park (P-2) is within approximately 3,000 feet of existing sensitive receptors, this would result in a potential peak noise level of approximately 104 dB Peak. A peak noise level of this magnitude would fall within the range (90–120 dB Peak) of strongly perceptible to mildly unpleasant, and would be well below the threshold of damage to physical property. Although this would not exceed any City thresholds, blasting, if determined to be necessary, is considered to have a potentially significant impact.

Mitigation

MM NOI-9 Prior to the issuance of a grading permit, and in the event that blasting is proposed in Village Four, the Project Applicant or its designee shall prepare a blasting plan to ensure that exterior noise levels at noise sensitive land uses are in compliance with the City of Chula Vista General Plan Exterior Land Use / Noise Compatibility Guidelines and the City's Noise Ordinance Exterior Noise Limits. The plan shall be prepared by a licensed blasting engineer and identify when such blasting events would occur, the approximate amount of explosives to be used (which amount shall be limited to the extent practicable so as to minimize resulting noise), and the location and proximity of the blasting event relative to sensitive receptors. If deemed beneficial for noise reduction purposes, the plan shall include a requirement that blasting mats be used. The blasting plan shall also detail the surrounding zone in which noise-sensitive land uses would be notified of planned blasting activities, and of the nature of audible warning signals to be used just prior to blasting. The blasting plan shall be prepared to the satisfaction of the Development Services Director (or their designee), and all noise control measures identified in the blasting plan shall be made conditions of grading permit issuance.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM NOI-9 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant direct impacts related to groundborne vibrations or groundborne noise levels to a less-than-significant level.

Reference

EIR Section 5.5 Noise

7.1.6 Cultural Resources

Thresholds of Significance – Archaeological Resources

The proposed project would have potentially significant impacts on cultural resources if it would:

- Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5.

Impact

Village Three North and a Portion of Village Four

Village Three North and a Portion of Village Four could cause a substantial change in the significance of an identified archaeological resource as defined in CEQA Guidelines Section 15064.5 and impacts to this site would be potentially significant.

Explanation

A total of four sites (SDI-11,378, SDI-14,204, SDI-12,291b, and SDI-14,211) were identified within Village Three North and a Portion of Village Four, outside of the development area. These sites would not be directly impacted by the project since they are within proposed open space areas. Of the four sites, only SDI-12,291b is identified as a significant resource. Although no direct impacts to this site are anticipated as a result of development of Village Three North and a Portion of Village Four, potential indirect impacts associated with intrusion into this site during or after construction of the proposed project may occur.

Mitigation

MM CUL-1 Prior to issuance of land development permits, including clearing or grubbing and grading permits, the Applicant shall provide written confirmation and incorporate into grading plans, to the satisfaction of the Development Services Director or their designee, that a principal investigator (PI) meeting the criteria listed in the Secretary of the Interior guidelines (36 CFR 61) has been retained in an oversight capacity to ensure that an archaeological monitor(s) will be present during all cutting of previously undisturbed soil. If these cutting activities occur in more than one location, multiple monitors shall be provided to monitor these areas, as determined necessary by the PI. Native American monitoring will only be required in the event that human remains are discovered and identified as Native American. The location and duration of monitoring by a Native American representative will be determined by the Consulting Archaeologist and will be focused strictly upon the area corresponding to the discovery of human remains.

MM CUL-2 During the initial grading of previously undisturbed soils within the SPA Plan areas and off-site improvement areas, prehistoric and historic resources may be encountered. In the event that the archaeological monitor identifies a potentially significant site, the monitor shall secure the discovery site from further impacts by delineating the site with staking and flagging, and by diverting grading equipment away from the archaeological site. Following notification to the City, the archaeological monitor shall conduct investigations as necessary to determine if the discovery is significant under the criteria listed in CEQA and the

environmental guidelines of the City. If the discovery is determined to be not significant, grading operations may resume and the archaeological monitor shall summarize the findings in a letter report submitted to the City following the completion of mass grading activities. The letter report shall describe the results of the on-site archaeological monitoring, each archaeological site observed, the scope of testing conducted, results of laboratory analysis (if applicable), and conclusions. The letter report shall be completed to the satisfaction of the City of Chula Vista's Development Services Director or their designee prior to the release of grading bonds. Any artifacts recovered during the evaluation of resources shall be curated at a facility approved by the City.

MM CUL-3 For the cultural prehistoric/historic resources that are determined to be significant, alternate means of achieving mitigation shall be pursued. In general, these forms of mitigation include:

- site avoidance by preservation of archaeological site in a natural state in open space, or in specific open space easements,
- site avoidance by preservation through capping the site and placing landscaping on top of the fill,
- data recovery through implementation of an excavation and analysis program,
- a combination of one or more of the above measures.

See Chapter 9.0 in the *Cultural Resources Study for the University Villages Project at Otay Ranch* (Appendix F of this EIR) for the detailed mitigation and monitoring program for each of the identified significant sites that would be impacted.

MM CUL-4 For those sites that are found to contain significant resources and for which avoidance and preservation is not feasible or appropriate, the Applicant shall prepare a Data Recovery Plan. The plan will, at a minimum, include the following:

- a statement of why data recovery is appropriate as a mitigation measure,
- a research plan that explicitly provides the research questions that can reasonably be expected to be addressed by excavation and analysis of the site,
- a statement of the types and kinds of data that can reasonably be expected to exist at the site and how these data will be used to answer important research questions,
- a step-by-step discussion of field and laboratory methods to be employed,

- provisions for curation and storage of the artifacts, notes, and photographs will be stated.

Grading operations within the affected area may resume once the site has been fully evaluated and mitigated to the satisfaction of the Development Services Director or their designee. All artifacts collected during the survey, test, data recovery, and monitoring programs for this project shall be permanently curated at a qualified facility approved by the City of Chula Vista. Artifacts shall be prepared for curation in accordance with the guidelines of the selected curation facility.

MM CUL-5 Following the completion of mass grading operations, the Applicant shall prepare a plan that addresses the temporary on-site presentation and interpretation of the results of the archaeological studies for the proposed project. This could be accomplished through exhibition within a future community center, civic building and/or multi-purpose building. Any artifacts used for public displays shall be selected from the curated collections originating from the project. This exhibition will only be for temporary display of artifacts for public interpretation and display purposes. Artifacts selected for the exhibit shall be withdrawn on loan from the curation facility and will subsequently be returned to that facility upon the close of the exhibition. The applicant will be responsible for the artifacts during the display period and for the return of the artifacts at the close of the exhibition. The consulting archaeologist shall act on the applicant's behalf to coordinate the curation of all collections and the subsequent use of selected artifacts for the public display.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM CUL-1 through MM CUL-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to archaeological resources to a less-than-significant level.

Reference

EIR Section 5.6 Cultural Resources

Impact

Village Eight East

Development of Village Eight East could cause a substantial change in the significance of identified archaeological resources as defined in CEQA Guidelines Section 15064.5. Therefore, impacts to these resources would be potentially significant.

Explanation

One regionally/locally important site would be directly impacted by grading and brushing associated with development of Village Eight East (SDI-12,809). SDI-12,809 is characterized as a major occupation site, although the entire site would not be impacted by the proposed project.

Mitigation

See MM CUL-1 through MM CUL-5 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM CUL-1 through MM CUL-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to archaeological resources to a less-than-significant level.

Reference

EIR Section 5.6 Cultural Resources

Impact

Village Ten

Development of Village Ten could cause a substantial change in the significance of identified archaeological resources as defined in CEQA Guidelines Section 15064.5, impacts to these resources would be potentially significant.

Explanation

Two sites are assumed to be significant based on the CEQA criteria (SDI-14,199 and SDI-10,875). However, no direct impacts to these sites are anticipated as a result of development

of Village Ten because they are all located outside the development envelope. Potential indirect impacts associated with intrusion into these sites during or after construction of the proposed project may occur.

Mitigation

See MM CUL-1 through MM CUL-5 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM CUL-1 through MM CUL-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to archaeological resources to a less-than-significant level.

Reference

EIR Section 5.6 Cultural Resources

Thresholds of Significance – Human Remains

The proposed project would have potentially significant impacts to cultural resources if it would:

- Disturb any human remains, including those interred outside of formal cemeteries.

Impact

Any disturbance of human remains that may occur during project grading or construction would be significant.

Explanation

No human remains were identified within the project area during the cultural testing program. However, the possibility exists that human remains may be discovered during project grading and construction. Any disturbance of human remains that may occur during project grading or construction would be significant.

Mitigation

MM CUL-6 If human remains are discovered during grading or site preparation activities within the SPA Plan area(s) and off-site improvement areas, the archaeological

monitor shall secure the discovery site from any further disturbance. State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to the origin and disposition of the remains pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most likely Descendent (MLD) of the deceased Native American. The MLD will assist the City in determining what course of action shall be taken to deal with the remains. Grading operations within the affected area may resume once the site has been fully evaluated and mitigated to the satisfaction of the Development Services Director or their designee. The Archaeological Monitor shall summarize the findings in a letter report to the City following the completion of mass grading activities.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM CUL-6 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to the disturbance of human remains to a less-than-significant level.

Reference

EIR Section 5.6 Cultural Resources

7.1.7 Paleontological Resources

Thresholds of Significance – Unique Paleontological Resource

Impacts to paleontological resources would be significant if the proposed project would:

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact

Village Three North and a Portion of Village Four

Grading and construction activities may impact fossils potentially buried in the underlying formations. Based upon the recognized potential to encounter fossils in specific geologic formations, impacts are considered potentially significant.

Explanation

Development of the area within Village Three North and a Portion of Village Four would encounter sedimentary rocks with a "high paleontological resource sensitivity" that are assigned to the Sweetwater Formation, the upper sandstone-mudstone member of the Otay Formation and the San Diego Formation; sedimentary rocks with a "moderate paleontological resource sensitivity" are assigned to the Lindavista Formation and Quaternary terrace deposits. Therefore, grading and construction activities may impact fossils potentially buried in the underlying formations.

Mitigation

MM PAL-1 Prior to the issuance of grading permits for the proposed project, including the Off-site Improvement Areas, the Applicant shall confirm to the Development Services Director, or their designee, that a qualified paleontologist (QP) has been retained to carry out an appropriate mitigation program. A QP is defined as an individual with a doctorate or a master's degree in paleontology or geology, who is familiar with paleontological procedures and techniques. A pre-grade meeting shall be held between the paleontologist and the grading and excavation contractors.

MM PAL-2 A paleontological monitor shall be on site at all times during the original cutting of previously undisturbed sediments of highly sensitive geologic formations (i.e., San Diego, Otay, and Sweetwater formations) to inspect cuts for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist. The monitor shall be on site on at least a half-time basis during the original cutting of previously undisturbed sediments of moderately sensitive geologic formations (i.e., unnamed river terrace deposits of the Mission Valley Formation) to inspect cuts for contained fossils.

a. The monitor shall be on site on at least a quarter-tie basis during the original cutting of previously undisturbed sediments of low sensitivity geologic formations (i.e., Lindavista Formation and Santiago Peak Volcanics [metasedimentary portion only] to inspect cuts for contained fossils. He or she

shall periodically (every several weeks) inspect original cuts in deposits with an unknown resource sensitivity (i.e., Quaternary alluvium).

b. In the event that fossils are discovered in unknown, low, or moderately sensitive formations, the Applicant shall increase the per-day field monitoring time. Conversely, if fossils are not discovered, the monitoring, at the discretion of the Planning Department, shall be reduced. A paleontological monitor is not needed during grading of rocks with no resource sensitivity (i.e., Santiago Peak Volcanics, metavolcanic portion).

MM PAL-3 When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens (such as a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances and at the discretion of the paleontological monitor to set up a screen-washing operation on the site.

MM PAL-4 Prepared fossils along with copies of all pertinent field notes, photos, and maps shall be deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum. A final summary report shall be completed. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

Impact

In the event that a unique paleontological resource is uncovered during construction, the proposed project would be required to implement a comprehensive program for fossil salvage, fossil preparation, fossil curation, fossil storage, and a summary report. If a comprehensive program is not implemented potentially significant impacts could result.

Explanation

The scientific value of fossils is in the information they contain rather than in the fossilized materials themselves. Thus, any mitigation program must focus upon recovering, not every fossil and/or fossil fragment encountered, but rather those fossils that are sufficiently complete and diagnostic to allow generic and specific identifications. Potential impacts caused by construction of the proposed project would be mitigated through implementation of a comprehensive program of construction monitoring, fossil salvage, fossil preparation, fossil curation, fossil storage and summary report preparation.

Mitigation

See MM PAL-1 through MM PAL-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

Impact

<u>Village Eight East</u>

Grading and construction activities may impact fossils potentially buried in the underlying formations. Based upon the recognized potential to encounter fossils in specific geologic formations, impacts are considered potentially significant.

Explanation

The analysis of the paleontological data gathered for this project has led to the conclusion that the Village Eight East property contains geological formations characterized as fossiliferous. A "high paleontological resource sensitivity" has been assigned to the upper sandstone-mudstone member of the Otay Formation, and a "moderate paleontological resource sensitivity" to the middle and lower members of the Otay Formation and the Quaternary terrace deposits. Grading and construction activities may impact fossils potentially buried in the underlying formations.

Mitigation

See MM PAL-1 through MM PAL-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

Impact

In the event that a unique paleontological resource is uncovered during construction, the proposed project would be required to implement a comprehensive program for fossil salvage, fossil preparation, fossil curation, fossil storage, and a summary report. If a comprehensive program is not implemented potentially significant impacts could result.

Explanation

The scientific value of fossils is in the information they contain rather than in the fossilized materials themselves. Thus, any mitigation program must focus upon recovering, not every fossil and/or fossil fragment encountered, but rather those fossils that are sufficiently complete and diagnostic to allow generic and specific identifications. Potential impacts caused by construction of the proposed project would be mitigated through implementation of a comprehensive program of construction monitoring, fossil salvage, fossil preparation, fossil curation, fossil storage and summary report preparation.

Mitigation

See MM PAL-1 through MM PAL-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

Impact

Village Ten

Grading and construction activities may impact fossils potentially buried in the underlying formations. Based upon the recognized potential to encounter fossils in specific geologic formations, impacts are considered potentially significant.

Explanation

The analysis of the paleontological data gatered for this project has lead to the conclusion that the Village Ten project site contains geological formations characterized as fossiliferous. A "high paleontological resource sensitivity" has been assigned to the upper sandstone-mudstone member of the Otay Formation and a "moderate paleontological resource sensitivity" to the middle and lower members of the Otay Formation and the Quaternary terrace deposits. Grading and construction activities may impact fossils potentially buried in the underlying formations.

Mitigation

See MM PAL-1 through MM PAL-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as

identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

Impact

In the event that a unique paleontological resource is uncovered during construction, the proposed project would be required to implement a comprehensive program for fossil salvage, fossil preparation, fossil curation, fossil storage, and a summary report. If a comprehensive program is not implemented potentially significant impacts could result.

Explanation

The scientific value of fossils is in the information they contain rather than in the fossilized materials themselves. Thus, any mitigation program must focus upon recovering, not every fossil and/or fossil fragment encountered, but rather those fossils that are sufficiently complete and diagnostic to allow generic and specific identifications. Potential impacts caused by construction of the proposed project would be mitigated through implementation of a comprehensive program of construction monitoring, fossil salvage, fossil preparation, fossil curation, fossil storage and summary report preparation.

Mitigation

See MM PAL-1 through MM PAL-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

Impact

Off-Site Improvement Areas

Grading and construction activities may impact fossils potentially buried in the underlying formations. Based upon the recognized potential to encounter fossils in specific geologic formations, impacts are considered potentially significant.

Explanation

Off-site improvement areas are designated as "moderate to high paleontological resource sensitivity." Grading and construction activities may impact fossils potentially buried in the underlying formations.

Mitigation

See MM PAL-1 through MM PAL-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

Impact

Off-Site Improvement Areas

In the event that a unique paleontological resource is uncovered during construction, the proposed project would be required to implement a comprehensive program for fossil salvage, fossil preparation, fossil curation, fossil storage, and a summary report. If a comprehensive program is not implemented potentially significant impacts could result.

Explanation

The scientific value of fossils is in the information they contain rather than in the fossilized materials themselves. Thus, any mitigation program must focus upon recovering, not every fossil and/or fossil fragment encountered, but rather those fossils that are sufficiently complete and diagnostic to allow generic and specific identifications. Potential impacts caused by construction of the proposed project would be mitigated through implementation of a comprehensive program of construction monitoring, fossil salvage, fossil preparation, fossil curation, fossil storage and summary report preparation.

Mitigation

See MM PAL-1 through MM PAL-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PAL-1 through MM PAL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to paleontological resources to a less-than-significant level.

Reference

EIR Section 5.7 Paleontological Resources

7.1.8 Biological Resources

Thresholds of Significance – Special-Status Species

Impacts to biological resources would be significant if the proposed project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service.

Special-Status Plant Species

Direct Impact

Direct impacts to species special-status plant species that are covered and non-covered under the MSCP Subarea Plan would be potentially significant.

Explanation

Implementation of the proposed project has the potential to result in direct impacts to special-status plant species through the removal or disturbance of habitats from construction activities involving clearing, grading, re-contouring of topography, earth moving activities and the construction of buildings, pipelines, and other facilities. Under the MSCP Subarea Plan, significant direct impacts to "covered" sensitive plant species include the following: Otay tarplant, variegated dudleya, and San Diego barrel cactus. Otay tarplant and variegated dudleya are identified in the MSCP Subarea Plan as narrow endemics. Significant impacts to non-covered species include California adolphia, south coast saltscale, San Diego marsh-elder, singlewhorl burrobush, and Robinson's pepper grass.

Mitigation

MM BIO-1 Prior to the approval of the first Final Map for the project, the Project Applicant shall coordinate with the City of Chula Vista (City) Engineer and annex the project area within the Otay Ranch Preserve Community Facilities District No. 97-2.

Prior to the recordation of each Final Map, the Applicant shall convey land within the Otay Ranch Preserve to the Otay Ranch Preserve Owner/Manager (POM) or its designee at a ratio of 1.188 acres for each acre of "Developable Area" as defined by the RMP. Access for maintenance purposes shall also be conveyed to the satisfaction of the POM. Each tentative map shall be subject to a condition that the Applicant shall execute a maintenance agreement with the POM stating that it is the responsibility of the Applicant to maintain the conveyed parcel until the Preserve CFD has generated sufficient revenues to enable the POM to assume maintenance responsibilities. The Applicant shall maintain and manage the offered conveyance property consistent with the RMP Phase 2 until the Preserve CFD has generated sufficient revenues to enable the POM to assume maintenance and management responsibilities.

Prior to the POM's formal acceptance of the conveyed land in fee title, the Project Applicant shall prepare, to the satisfaction of the POM, Area Specific Management Directives (ASMDs) for the associated conveyance areas. The

ASMDs shall incorporate the guidelines and specific requirements of the Otay Ranch RMP plans and programs, management requirements of Table 3-5 of the MSCP Subregional Plan, and information and recommendations from any relevant special studies. Guidelines and requirements from these documents shall be evaluated in relationship to the Preserve configuration and specific habitats and species found within the associated conveyance areas and incorporated into the ASMDs to the satisfaction of the POM.

MM BIO-2 Prior to the issuance of any land development permits that impact maritime succulent scrub, including clearing and grubbing or grading permits, the Project Applicant shall prepare a restoration plan to restore impacts to maritime succulent scrub at a 1:1 ratio pursuant to the Otay Ranch RMP. A total of 5.5 acres will require restoration. The maritime succulent scrub restoration shall be prepared by a City-approved biologist and to the satisfaction of the Development Services Director (or their designee) pursuant to the Otay Ranch RMP restoration requirements. The restoration plan shall include, at a minimum, an implementation strategy; species salvage and relocation; appropriate seed mixtures and planting method; irrigation; quantitative and qualitative success criteria; maintenance, monitoring, and reporting program; estimated completion time; and contingency measures. The Project Applicant shall also be required to implement the revegetation plan subject to the oversight and approval of the Development Services Director (or their designee).

MM BIO-3 Prior to issuance of land development permits, including clearing, grubbing, grading and construction permits for the Future and Planned Facilities associated with Village Ten, the Project Applicant shall provide a revegetation plan for temporary impacts to 0.3 acres of coastal sage scrub habitat. The revegetation plan must be prepared by a qualified City-approved biologist familiar with the City's MSCP Subarea Plan and must include, but not be limited to, an implementation plan; appropriate seed mixtures and planting method; irrigation method; quantitative and qualitative success criteria; maintenance, monitoring, and reporting program; estimated completion time; and contingency measures. The Project Applicant shall be required to prepare and implement the revegetation plan subject to the oversight and approval of the Development Services Director (or their designee).

MM BIO-4 Prior to issuance of land development permits, including clearing, grubbing, grading, and/or construction permits for any areas adjacent to the preserve and the off-site facilities located within the preserve, the Project Applicant shall provide written confirmation that a City-approved biological monitor has been retained and shall be on site during clearing, grubbing, and/or grading activities. The biological monitor

shall attend all pre-construction meetings and be present during the removal of any vegetation to ensure that the approved limits of disturbance are not exceeded and provide periodic monitoring of the impact area including, but not limited to, trenches, stockpiles, storage areas and protective fencing. The biological monitor shall be authorized to halt all associated project activities that may be in violation of the City's MSCP Subarea Plan and/or permits issued by any other agencies having jurisdictional authority over the project.

Before construction activities occur in areas containing sensitive biological resources within the off-site facilities area, all workers shall be educated by a City-approved biologist to recognize and avoid those areas that have been marked as sensitive biological resources.

MM BIO-12 Prior to the issuance of land development permits, including clearing or grubbing and grading permits, for areas with salvageable sensitive biological resources, including Otay tarplant, variegated dudleya, San Diego barrel cactus, San Diego bur-sage, singlewhorl burrobush, south coast saltscale, San Diego marsh-elder, and Robinson's pepper grass (including plant materials and soils/seed bank), the Project Applicant shall prepare a Resource Salvage Plan. The Resource Salvage Plan shall be prepared by a City-approved biologist to the satisfaction of the Development Services Director (or their designee).

The Resource Salvage Plan shall, at a minimum, evaluate options for plant salvage and relocation, including individual cactus salvage, native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within the Preserve. The Resource Salvage Plan shall include incorporation of relocation efforts for non-covered species, including singlewhorl burrobush, south coast saltscale, San Diego marsh-elder, and Robinson's pepper grass, species that are all considered special-status by the CEQA and that would be impacted with project implementation. Relocation efforts may include seed collection and/or transplantation to a suitable receptor site and will be based on the most reliable methods of successful relocation. The program shall also contain a recommendation for method of salvage and relocation/application based on feasibility of implementation and likelihood of success. The program shall include, at a minimum, an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. The program shall also be subject to the oversight of the Development Services Director (or their designee).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-1 through MM BIO-4, and MM BIO-12 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant direct impacts related to special-status plant species to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Indirect Impact

Indirect impacts to special-status plant species are considered potentially significant. Of particular sensitivity is the population of Otay tarplant in Wolf Canyon adjacent to the project site to the south and east.

Explanation

During construction of the project, indirect effects may include dust, which could disrupt plant vitality in the short term, and construction related soil erosion and runoff. Long-term edge effects could include intrusions by humans and domestic pets and possible trampling of individual plants, invasion by exotic plant and wildlife species, exposure to urban pollutants, soil erosion, litter, fire, and hydrological changes (e.g., surface and groundwater level and quality).

Mitigation

See MM BIO-1 through MM BIO-4 and MM BIO-12 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-1 through MM BIO-4, and MM BIO-12 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant direct impacts related to special-status plant species to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Special-Status Wildlife Species

Direct Impact

Implementation of the proposed project would result in the direct loss of habitat for all of the special-status wildlife discussed in EIR Section 5.8.3.6 and is considered potentially significant.

Explanation

Impacts to sensitive animal species listed as having a moderate to high potential to occur, and impacts to five pairs of coastal California gnatcatcher within the project site and two pairs in areas outside of Otay Ranch, are considered significant.

Mitigation

MM BIO-13 To avoid any direct impacts to raptors and/or any migratory birds protected under the MBTA, removal of habitat that supports active nests on the proposed area of disturbance should occur outside of the breeding season for these species. The breeding season is defined as February 15 to August 15 for coastal California gnatcatcher and other non-raptor birds and January 15 to August 31 for raptor species. If removal of habitat on the proposed area of disturbance must occur during the breeding season, the Project Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, and the results must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan, as deemed appropriate by the City, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's Mitigation Monitor shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

MM BIO-14 Prior to issuance of any land development permits, including clearing, grubbing, and grading permits, the Project Applicant shall retain a City-approved biologist to conduct focused surveys for northern harrier to determine the presence or absence

of this species within 900-feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction. The results of the survey must be submitted to the City for review and approval. If active nests are detected by the City-approved biologist, a bio-monitor shall be on site during construction to minimize construction impacts and ensure that no nests are removed or disturbed until all young have fledged.

MM BIO-15 Prior to issuance of any land development permits (including clearing, grubbing, and grading permits), the Project Applicant shall retain a City-approved biologist to conduct focused pre-construction surveys for burrowing owls. The surveys shall be performed no earlier than 30 days prior to the commencement of any clearing, grubbing, or grading activities. If occupied burrows are detected, the City-approved biologist shall prepare a passive relocation mitigation plan subject to the review and approval by the Wildlife agencies and City, including any subsequent burrowing owl relocation plans to avoid impacts from construction-related activities.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-13 through MM BIO-15 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to special-status wildlife to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Direct Impact

If any active nests or the young of nesting special-status bird species are impacted through direct grading, these impacts would be considered potentially significant.

Explanation

The Migratory Bird Treaty Act (MBTA) prohibits the Take of any migratory bird or any part, nest, or eggs of any such bird. Under the MBTA, "take" is defined as pursuing, hunting, shooting, capturing, collecting, killing, or attempting to commit any of these acts (16 U.S.C. § 703, et seq.). If any active nests or the young of nesting special-status bird species are impacted through direct grading, these impacts would be considered potentially significant (EIR pg. 5.8-58).

Mitigation

See MM BIO-13 through MM BIO-15 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-13 through MM BIO-15 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to special-status wildlife to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Indirect Impact

Indirect impacts to special-status nesting bird species would consist of lighting, human activity in the Preserve, noise, and domestic animal predation. Indirect impacts to special-status wildlife species are considered potentially significant.

Explanation

Short-term indirect impacts to special-status nesting bird species include construction noise impacts. Species potentially affected by such activities include, but are not limited to, California gnatcatcher, cactus wren, Southern California rufous-crowned sparrow, and nesting raptors. While Quino checkerspot butterfly has not been recorded on site in the recent survey, it is known to be present nearby within the Salt Creek Preserve. Dust may result in indirect impacts to a number of special status wildlife species. Indirect impacts to special-status bird species may occur if construction is conducted during the breeding season for California gnatcatcher (February 15–August 15) and raptors (January 15–August 31). Dust control will be implemented per the Air Quality Technical Report (Dudek 2014) to limit impacts of fugitive dust on sensitive habitat and species. Long-term indirect impacts to special-status wildlife species would also occur as a result of the proposed project.

Mitigation

See MM BIO-13 through MM BIO-15 identified above, MM AQ-1 through MM AQ-3 identified above in Section 7.1.4, and MM HYD-1 through MM HYD-5 identified below in Section 7.1.9.

MM BIO-16 Prior to issuance of grading permits, the Project Applicant shall submit evidence to the satisfaction of the Development Services Director (or their designee), showing that the following features of the Preserve Edge Plans (Otay Ranch Company 2013a through 2013c) have been incorporated into grading and landscaping plans:

- Provide post and fencing and signage for sensitive habitat adjacent to trails. Prior to the issuance of land development permits, including clearing or grubbing and grading and/or construction permits, for the project, the project owner shall submit wall and fence plans depicting appropriate barriers to prevent unauthorized access to the Preserve. The wall and fence plans shall, at a minimum, illustrate the locations and cross-sections of proposed walls, fences, informational and directional signage, access controls, and/or boundary markers along the Preserve boundary and off-site pedestrian trails as conceptually described in the Edge Plans. The required wall and fence plan shall be subject to the approval of the Development Services Director (or their designee).
- Install canyon subdrains to prevent erosion of drainage and wetlands within the Preserve.
- Prevent release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem within the Preserve.
- Implement all necessary requirements for water quality as specified by the State and local agencies
- Phase out agricultural uses adjacent to the Preserve to remove pollutants from the project site.
- No invasive non-native plant species shall be introduced into areas immediately adjacent to, or within, the Preserve. All slopes immediately adjacent, or within, to the Preserve shall be planted with native species that reflect the adjacent native habitat, per the Edge Plan. Prior to the issuance of land development permits, including clearing or grubbing and grading and/or construction permits, for 1) areas within the 100-foot Preserve edge, and 2) infrastructure (e.g., roads, trails, utilities, etc.) sited within the Preserve, the Project Applicant shall prepare and submit to the satisfaction of the Development Services Director (or their designee) landscape plans to ensure that the proposed plant palette is consistent with the plant list contained in the Preserve Edge Plans for each village. The landscape plan shall also incorporate a manual weeding program for areas adjacent to the Preserve. The

manual weeding program shall describe, at a minimum, the entity responsible for controlling invasive species, the maintenance activities and methods required to control invasive species, and a maintenance/monitoring schedule.

- All fuel modification shall be incorporated into development plans and shall not include any areas within the Preserve.

MM BIO-17 In accordance with the City's Adjacency Management Guidelines, the following mitigation measures shall be implemented to further reduce indirect impacts (from lighting, noise, invasive species, toxic substances, and public access) to sensitive biological resources located in the adjacent Preserve areas:

- **Lighting.** In compliance with the Chula Vista MSCP Subarea Plan, all lighting shall be shielded and directed away from the Preserve. Concurrent with design review and prior to issuance of a building permit for any development located adjacent to the Preserve, the Applicant shall prepare a lighting plan and photometric analysis to the satisfaction of the Development Services Director (or their designee), for review and approval. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. Low-pressure sodium lighting shall be used, if feasible, and shall be subject to the approval of the Development Services Director (or their designee).

- **Noise.** Noise impacts adjacent to the Preserve lands shall be minimized. Berms or walls shall be constructed adjacent to commercial areas and any other use that may introduce noises that could impact or interfere with wildlife utilization of the Preserve. A 100-foot buffer around community park areas, specifically Community Parks (P-2) south of Village Eight East and in Portion of Village Four, should be installed in sections adjacent to Preserve habitat occupied by sensitive species such as the coastal cactus wren. Potential noise generating uses, such as baseball diamonds and soccer fields, should be oriented away from sensitive species habitat in these areas. Construction activities shall include noise reduction measures or be conducted outside the breeding season of sensitive bird species.

- **Noise, California Gnatcatcher.** For any work proposed between February 15 and August 15, prior to issuance of any land development permits, including clearing, grubbing, grading, and construction permits, associated with the off-site facilities located within the Preserve, the Project Applicant shall retain a City-approved biologist to conduct a pre-construction survey for the coastal California gnatcatcher to reaffirm the presence and extent of occupied habitat. The pre-construction survey area for the coastal California gnatcatcher shall encompass all habitats within the project work zone, as well as within a 300-foot buffer. The survey shall be

performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the City's MSCP Subarea Plan. The results of the pre-construction survey must be submitted in a report to the Development Services Director (or their designee) for review and approval prior to the issuance of any land development permits and prior to initiating any construction activities. If the coastal California gnatcatcher is detected, a minimum 300-foot buffer delineated by orange biological fencing shall be established around the detected species to ensure that no work shall occur within the occupied habitat from February 15 through August 15 and on-site noise reduction techniques shall be implemented to ensure that construction noise levels do not exceed 60 dB(A) Leq-h at the location of any occupied sensitive habitat areas. The Development Services Director (or their designee) shall have the discretion to modify the buffer width depending on-site-specific conditions. If the results of the pre-construction survey determine that the survey area is unoccupied, the work may commence at the discretion of the Development Services Director (or their designee) following the review and approval of the pre-construction report.

- **Invasive Species.** Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for 1) areas within the 100-foot Preserve edge, and 2) infrastructure (e.g., roads, trails, utilities, etc.) sited within the Preserve, the Project Applicant shall prepare and submit to the satisfaction of the Development Services Director (or their designee), landscape plans to ensure that the proposed plant palette is consistent with the plant list contained in the Preserve Edge Plan. The landscape plan shall also incorporate a manual weeding program for areas adjacent to the preserve. The manual weeding program that shall describe at a minimum, the entity responsible for controlling invasive species, the maintenance activities and methods required to control invasives, and a maintenance/monitoring schedule.
- **Toxic Substances.** See MMs BIO-4, BIO-6, BIO-8, BIO-16
- **Public Access.** Prior to issuance of grading permits, the Project Applicant shall submit wall and fence plans depicting appropriate barriers to prevent unauthorized access into the Preserve. The wall and fence plans shall illustrate the locations and cross-sections of proposed walls and fences along the Preserve boundary, subject to the approval the City's Development Services Director (or their designee).

MM BIO-18 In accordance with the City's Adjacency Management Guidelines, the following mitigation measures shall be implemented to further reduce indirect impacts

from noise to sensitive biological resources located in the adjacent Preserve areas emanating from the community parks:

Concurrent with the preparation of site-specific plan(s), and prior to the approval of a precise grading plan, the Project Applicant shall prepare, or in the case of the City being the lead on the preparation of the site specific plan, the Project Applicant shall fund the preparation of an acoustical analysis to ensure that noise impacts to surrounding Preserve areas have been minimized. The park design shall include measures to minimize noise impacts adjacent to the Preserve. Features that may be included in the park design may include, but are not limited to:

- berms or walls;
- inclusion of a minimum of 100 feet between the Preserve boundary and park uses where adjacent to habitat occupied by sensitive species such as coastal California gnatcatcher and coastal cactus wren;
- allow uses within the 100-foot buffer adjacent to the Preserve that may include access roads, parking, picnic areas, walking paths, and graded slopes;
- orient potential noise generating uses such as soccer fields and baseball diamonds away from occupied coastal California gnatcatcher and coastal cactus wren habitat.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-13 through MM BIO-18, MM AQ-1 through MM AQ-3, and Mm HYD-1 through MM HYD-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to special-status wildlife to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Thresholds of Significance – Riparian or Sensitive Habitat

Impacts to biological resources would be significant if the proposed project would:

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service.

Direct Impact

Direct impacts to sensitive vegetation communities are considered potentially significant.

Explanation

Sensitive vegetation communities to be permanently impacted include non-native grassland, freshwater marsh, cismontane alkali marsh, disturbed cismontane alkali marsh, coastal sage scrub, disturbed coastal sage scrub, broom baccharis scrub, maritime succulent scrub, disturbed maritime succulent scrub, mulefat scrub, southern mixed chaparral, tamarisk scrub, and southern willow scrub.

Mitigation

See MM BIO-1 identified above.

MM BIO-5 Prior to issuance of grading permits in portions of the SPA Plan areas that are adjacent to the Preserve, the Project Applicant shall install fencing. Prior to issuance of land development permits, including clearing, grubbing, grading and/or construction permits, the Project Applicant shall install fencing in accordance with Chula Vista Municipal Code (CVMC) 17.35.030. Prominently colored, well-installed fencing and signage shall be in place wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the qualified monitoring biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on grading plans for areas adjacent to the preserve and for all off-site facilities constructed within the preserve. Prior to release of grading and/or improvement bonds, a qualified biologist shall provide evidence that work was conducted as authorized under the approved land development permit and associated plans.

MM BIO-6 Prior to issuance of land development permits, including clearing, grubbing, grading, and construction permits, the following notes shall be included on the applicable construction plans to the satisfaction of the Development Services Director (or their designee):

- A qualified biologist shall be on site to monitor all vegetation clearing and periodically thereafter to ensure implementation of appropriate resource protection measures.
- Dewatering shall be conducted in accordance with standard regulations of the RWQCB. A permit to discharge water from dewatering activities will be required. This will minimize erosion, siltation, and pollution within sensitive communities.
- During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns. This will protect sensitive vegetation from being inundated with sediment-laden runoff.
- Material stockpiles shall be covered when not in use. This will prevent fly-off that could damage nearby sensitive vegetation communities.
- Graded area shall be periodically watered to minimize dust that may affect adjacent vegetation.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-1, MM BIO-5, and MM BIO-6 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to riparian habitat and sensitive vegetation communities to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Indirect Impact

Indirect impacts to sensitive vegetation communities are considered potentially significant.

Explanation

During construction of the proposed project, edge effects may include dust, which could disrupt plant vitality in the short term, and construction-related soil erosion and runoff. Long-term indirect impacts on vegetation communities would most likely occur as a result of trampling of vegetation by humans and domestic pets, invasion by exotic species, alteration of the natural fire

regime, and exposure to urban pollutants (e.g., fertilizers, pesticides, herbicides, and other hazardous materials).

Mitigation

See MM BIO-5 through MM BIO-6 identified above and MM HYD-1 through MM HYD-5 identified below in Section 7.1.9.

MM BIO-8 Prior to issuance of grading permits in portions of the SPA Plan areas that are adjacent to the Preserve, the Project Applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be developed, approved, and implemented during construction to control storm water runoff such that erosion, sedimentation, pollution, and other adverse effects are minimized. The following performance measures contained in the Edge Plans shall be implemented to avoid the release of toxic substances associated with urban runoff:

- Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures.
- Where deemed necessary, storm drains shall be equipped with silt and oil traps to remove oils, debris, and other pollutants. Storm drain inlets shall be labeled "No Dumping–Drains to Ocean." Storm drains shall be regularly maintained to ensure their effectiveness.
- The parking lots shall be designed to allow storm water runoff to be directed to vegetative filter strips and/or oil-water separators to control sediment, oil, and other contaminants.
- Permanent energy dissipaters shall be included for drainage outlets.
- The BMPs contained in the SWPPP shall include, but are not limited to, silt fences, fiber rolls, gravel bags, and soil stabilization measures such as erosion control mats and hydro-seeding.
- The project area drainage basins will be designed to provide effective water quality control measures, as outlined in the Water Quality Technical Report. Design and operational features of the drainage basins will include design features to provide maximum infiltration, maximum detention time for settling of fine particles; maximize the distance between basin inlets and outlets to reduce velocities; and establish maintenance schedules for periodic removal of sedimentation, excessive vegetation and debris.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-5, MM BIO-6, MM BIO-8, and MM HYD-1 through MM HYD-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to riparian habitat and sensitive vegetation communities to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Thresholds of Significance – Wetlands

Impacts to biological resources would be significant if the proposed project would:

- Have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Direct Impact

Onsite Impacts

Direct impacts to ephemeral and intermittent unvegetated waters and jurisdictional wetlands are considered potentially significant.

Explanation

Impacts to jurisdictional waters total 0.56 acre and are all permanent. Impacts to jurisdictional wetlands total 1.03 acres, 0.05 acre of which includes a compatible use while the remaining acres are permanently impacted. A total of 1.35 acres of jurisdictional areas under the ACOE, RWQCB, and CDFW would be impacted.

Mitigation

MM BIO-9 The City requires that impacts to wetlands be avoided to the maximum extent possible and where impacts are unavoidable, compensatory mitigation within the Chula Vista Subarea or Chula Vista Planning Area shall be required resulting in no overall net loss of wetlands. A total of up to 1.03 acres of wetland and 0.56 acre of waters of the U.S./State within the project may be impacted within the Development Area. Off-site areas may impact a total of up to 0.98 acre of wetlands and 0.38 acre of waters (0.24 acre of waters of the U.S. and 0.14 acre of water of the State). Prior to issuance of land development permits, including clearing, grubbing, and grading permits that impact jurisdictional waters, the Project Applicant shall prepare a Wetlands Mitigation and Monitoring Plan to the satisfaction of the City, ACOE, and CDFW. This plan shall include, at a minimum, an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. Areas under the jurisdictional authority of ACOE and CDFW shall be delineated on all grading plans. Mitigation areas shall occur within the Otay River watershed in accordance with the Wetlands Mitigation and Monitoring Plan to the satisfaction of the City, ACOE, and CDFW. The Project Applicant shall also be required to implement the Wetlands Mitigation and Monitoring Plan subject to the oversight of the City, ACOE, and CDFW.

MM BIO-10 Prior to issuance of land development permits, including clearing, grubbing, and grading permits for areas that impact jurisdictional waters, the Project Applicant shall provide evidence that all required regulatory permits, such as those required under Section 404 of the federal Clean Water Act, Section 1600 of the California Fish and Game Code, and the Porter Cologne Water Quality Act have been obtained.

MM BIO-11 The Project Applicant shall implement one of the following prior to the issuance of grading permits for areas impacting vernal pools within Village Three North:

- The Project Applicant shall restore 240 square feet of vernal pools within the Village Thirteen (resort) planning area. The restoration would involve reconfiguration and reconstruction of the mima mounds and basins, removal of weedy vegetation, revegetation of the mounds with upland sage scrub species and inoculation of the pools with vernal pool species. The property owner has prepared a Conceptual Vernal Pool Mitigation Plan (Dudek 2008). The Plan includes, but is not limited to an implementation plan, maintenance and monitoring program, estimated completion time, and relevant contingency measures.

- The Project Applicant shall restore 240 square feet of vernal pools somewhere other than the Village Thirteen (resort) planning area. The restoration would still involve reconfiguration and reconstruction of the mima mounds and basins, removal of weedy vegetation, revegetation of the mounds with upland sage scrub species and inoculation of the pools with vernal pool species.
- The Project Applicant shall buy into a mitigation bank in an amount that would mitigate for impacts to 120 square feet of vernal pool.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-9 through MM BIO-11 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wetlands to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Direct Impact

Off-site Impacts

Impacts to off-site jurisdictional wetlands and waters due to project implementation would be potentially significant.

Explanation

Off-site facilities (i.e., outside of the SPA Plan Area but not outside of the Otay Ranch boundary), would impact 0.30 acre of waters (EIR Section 5.8 Table 5.8-9). Of the 0.30 acre of waters to be impacted, 0.16 acre is ephemeral waters under regulation of ACOE, RWQCB, and CDFW. The remaining waters, 0.14 acre, are under the sole jurisdiction of CDFW.

Mitigation

See MM BIO-9 through MM BIO-11 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-9 through MM BIO-11 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wetlands to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Direct Impact

Vernal Pool

Within Village Three North, there is one vernal pool within the K17 complex that would be impacted that is under ACOE jurisdiction. Impacts to the vernal pool are considered potentially significant.

Explanation

Within Village Three North, there is one vernal pool within the K17 complex that would be impacted that is under ACOE jurisdiction, but characterized by the ACOE as a seasonal depression for permitting purposes. The total surface area proposed to be impacted is 120 square feet. It has not been established whether the vernal pool is considered jurisdictional by the RWQCB.

Mitigation

See MM BIO-9 through MM BIO-11 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-9 through MM BIO-11 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wetlands to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Indirect Impact

Indirect impacts to jurisdictional waters, without mitigation, are considered potentially significant.

Explanation

Indirect, adverse edge effects to jurisdictional waters and wetlands include potential runoff, sedimentation, erosion, exotics introduction, and habitat type conversion in the short and long term, particularly within the Wolf Canyon drainage.

Mitigation

See MM BIO-9 through MM BIO-11 identified above and MM HYD-1 through MM HYD-5.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-9 through MM BIO-11, and MM HYD-1 through MM HYD-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wetlands to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Thresholds of Significance – Conflict with Local Policies, NCCP/HCP

Impacts to biological resources would be significant if the proposed project would:

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State habitat conservation plan.

Impact

Village Three North and a Portion of Village Four

Impacts to species or habitat could potentially occur as a result of the trail system within the Preserve, and impacts would be potentially significant.

Explanation

Within Village Three North and Portion of Village Four, there is a portion of one existing trail within the Preserve. The trail segment is identified in the Chula Vista Greenbelt Master Plan and OVRP Concept Plan.

Mitigation

See MM BIO-16, MM BIO-17, and MM BIO-18 identified above.

MM BIO-7 Prior to issuance of any land development permits, including clearing or grubbing and grading and/or construction permits, the project will be required to obtain a HILT Permit pursuant to Section 17.35 of the Chula Vista Municipal Code for impacts to Chula Vista MSCP Tier I, II, and II vegetation communities as shown in EIR Section 5.8 Tables 5.8-24 and 5.8-25 and in accordance with Table 5-3 of the City of Chula Vista MSCP Subarea Plan. These impacts are due to the proposed development and are not associated with Planned or Future Facilities. Mitigation for off-site impacts outside of Otay Ranch will be in accordance with the City of Chula Vista MSCP Subarea Plan and the City's Habitat Loss and Incident Take (HLIT) Ordinance and as provided in the HLIT Findings. Mitigation for impacts associated with the landfill (off-site Area 5) is not required.

Prior to issuance of any land development permits, the Applicant shall mitigate for direct impacts pursuant to Section 5.2.2 of the City's MSCP Subarea Plan. In compliance with the City's MSCP Subarea Plan, the Applicant shall secure mitigation credits within a City/Wildlife Agency-approved Conservation Bank or other approved location offering such credits consistent with the ratios specified in EIR Section 5.8 Tables 5.8-24 and 5.8-25.

The Applicant shall be required to provide verification of purchase to the City, prior to issuance of any land development permits.

In the event that a Project Applicant is unable to secure mitigation through an established mitigation bank approved by the City and Wildlife Agencies, the

Project Applicant shall secure the required mitigation through the conservation of an area containing in-kind habitat within the City's MSCP Subarea Plan or MSCP Planning Area in accordance with the mitigation ratios contained in Table 5-3 of the City's MSCP Subarea Plan and subject to Wildlife Agency concurrence.

Prior to issuance of any land development permit, and to the satisfaction and oversight of the City's Development Services Director (or their designee), the Applicant shall secure the parcel(s) that will be permanently preserved for in-kind habitat impact mitigation, prepare a long-term Management and Monitoring Plan (MMP) for the mitigation area, secure an appropriate management entity to ensure long-term biological resource management and monitoring of the mitigation area is implemented in perpetuity, and establish a long-term funding mechanism for the management and monitoring of the mitigation area in perpetuity.

The long-term MMP shall provide management measures to be implemented to sustain the viability of the preserved habitat and identify timing for implementing the measures prescribed in the MMP. The mitigation parcel shall be restricted from future development and permanently preserved through the recordation of a conservation easement or other mechanism approved by the Wildlife Agencies as being sufficient to insure that the lands are protected in perpetuity. The conservation easement or other mechanism approved by the Wildlife Agencies shall be recorded prior to issuance of any land development permits.

The Project Applicant shall be responsible for maintaining the biological integrity of the mitigation area and shall abide by all management and monitoring measures identified in the MMP until such time as the established long-term funding mechanism has generated sufficient revenues to enable a City-approved management entity to assume the long-term maintenance and management responsibilities.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to the Preserve to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Impact

Village Eight East

Impacts due to a proposed trail within the Preserve as identified in the Chula Vista Greenbelt Master Plan and OVRP Concept Plan would be potentially significant prior to mitigation.

Explanation

There is one trail proposed within the Preserve, which is approximately 3,188 linear feet in length. It is located within the existing Salt Creek sewer maintenance road and is a continuation of the trail in Village Three North. The trail segment is identified in the Chula Vista Greenbelt Master Plan and OVRP Concept Plan (EIR pg. 5.8-105).

Mitigation

See MM BIO-7 and BIO-16 through MM BIO-18 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to the Preserve to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Impact

Village Ten

Impacts due to the implementation of a Connector Trail in Village Ten would be potentially significant prior to mitigation.

Explanation

Within Village Ten, there are two trail segments proposed. The first is the continuation of the trail from Village Three North and Village Eight East that is located within Salt Creek sewer maintenance road. This segment is a total of 2,700 linear feet. The trail segment is identified in the

Chula Vista Greenbelt Master Plan and OVRP Concept Plan. A second trail segment, a Greenbelt connector, is located north of the Wiley Road segment and provides a connection to the Salt Creek Sewer Easement east from Village Ten and will provide a connection to proposed trails within Village Ten. The trail segment for this eastern trail is approximately 225 linear feet within the preserve within the Village Ten project boundary and approximately 410 linear feet within the Otay Ranch Preserve (outside the Village Ten project boundary) (EIR pg. 5.8-106).

Mitigation

See MM BIO-7 and MM BIO-16 through MM BIO-18 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to the Preserve to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Impact

Impacts to native upland vegetation communities and wetland habitats are considered significant under the City's Habitat Loss and Incidental Take (HLIT) Ordinance, impacts would be potentially significant and mitigation would be required.

Explanation

A portion of the proposed project is located outside of the Otay Ranch boundary and is subject to the City of Chula Vista's HLIT Ordinance. These outside of Otay Ranch areas are all affiliated with Village Three North (Areas 1, 2 and 3). Impacts to native upland vegetation communities and wetland habitats are considered significant under the City's HLIT Ordinance and require mitigation. Impacts to the wetlands south of the existing alignment of Main Street are unavoidable because the project component is the widening of the road; however, impacts have been minimized by keeping the road improvement within the existing footprint and adding on the minimal amount necessary to achieve the requirements of the roadway. Potential impacts to

waters north of the existing Main Street, due to the location of a detention basin, are less significant than the alternative location on property owned by the Takashima Family Trust.

Mitigation

See MM BIO-7 and MM BIO-16 through MM BIO-18 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to the Preserve to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Thresholds of Significance – Wildlife Corridor

Impacts to biological resources would be significant if the proposed project would:

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Direct Impact

Village Three North and a Portion of Village Four

Impacts to wildlife corridors in Village Three North and Portion of Village Four would be potentially significant prior to mitigation.

Explanation

Wolf Canyon does not function as a regional habitat linkage or wildlife corridor, but is identified as a local corridor for focused mammal and bird species. The northern portion of Wolf Canyon functions as a corridor for California gnatcatcher and cactus wren. Although the proposed project would remove 0.8 acres from a portion of the Preserve in Wolf Canyon, the impact is concentrated along the edges of the Preserve.

Mitigation

See MM BIO-7 and BIO-16 through MM BIO-18 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wildlife corridors to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Direct Impact

Village Eight East

Impacts to wildlife movement as a result of development in Village Eight East would be potentially significant prior to mitigation.

Explanation

Within the upland habitat along the slopes of Village Eight East between the proposed residential development and the proposed Community Park (P-2), there is a corridor designated for California gnatcatcher and cactus wren. One access road/utility corridor and an emergency access route/utility corridor leading to the Village Eight East Community Park (P-2) area extends south from the developed portion of Village Eight East through the Preserve. These facilities have been designed to the minimum widths feasible to reduce impacts to the Preserve by removal of sidewalks on one side and reduction of landscaping in order to narrow the roadway impact.

Mitigation

See MM BIO-7 and BIO-16 through MM BIO-18 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wildlife corridors to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Impact

Village Ten

Impacts to wildlife movement as a result of development in Village Ten would be potentially significant prior to mitigation.

Explanation

Development to the north of Salt Creek Canyon has restricted wildlife movement between the San Miguel Mountains and the Otay River Valley along this corridor. The mouth of Salt Creek is considered an integral corridor that allows for movement of these two bird species to the Otay River Valley (Ogden 1992). Although the proposed project (Take Area B of the Boundary Adjustment) extends the future University site farther east into the Salt Creek area, Salt Creek remains intact as an area for avian movement as designated in the corridor study (Ogden 1992) and for live-in habitat. In addition, the MSCP Boundary Adjustment retains a connection from Salt Creek to Otay Lakes because the acreage in the proposed Boundary Adjustment Give B area would preserve the wildlife connection between Otay River Valley, Salt Creek, Lower Otay Lake, and ultimately Sweetwater.

Mitigation

See MM BIO-7 and BIO-16 through MM BIO-18 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM

BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wildlife corridors to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

Indirect Impact

Potential indirect impacts to wildlife utilizing the local corridor would be potentially significant.

Explanation

According to the Wildlife Corridor studies conducted by Ogden (1992), the University Villages project area does not support any existing wildlife corridors, but does serve as a local corridor for target mammal species. Potential indirect impacts to wildlife utilizing this local corridor would be significant.

Mitigation

See MM BIO-7 and BIO-16 through MM BIO-18 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM BIO-7 and MM BIO-16 through MM BIO-18 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to wildlife corridors to a less-than-significant level.

Reference

EIR Section 5.8 Biological Resources

7.1.9 Water Quality and Hydrology

Thresholds of Significance – Water Quality Standards

Impacts to water quality and hydrology would be significant if the proposed project would:

- Violate any water quality standards or waste discharge requirements, including City of Chula Vista Engineering Standards for storm water flows and volumes.

Impact

Construction

Pollutants associated with construction would degrade water quality if they were washed by stormwater or non-stormwater into surface waters. Impacts would be significant prior to mitigation.

Explanation

Construction of the proposed project would involve grading and site preparation activities within each of the villages and the off-site improvements areas. The proposed project would result in sources of polluted runoff during construction which would have short-term impacts on surface water and groundwater quality through activities such as demolition, clearing and grading, excavation of undocumented fill materials, stockpiling of soils and materials, concrete pouring, painting and asphalt surfacing. Construction activities would involve various types of equipment such as bulldozers, scrapers, graders, loaders, compactors, dump trucks, cranes, water trucks and concrete mixers. Additionally, soils and construction materials are typically stockpiled outdoors.

Mitigation

MM HYD-1 *Erosion Control.* The developer shall monitor any erosion at the project's outfalls at the Otay River and, prior to the last building permit for the project, obtain approval for and complete any reconstructive work necessary to eliminate any existing erosion and prevent future erosion from occurring, all to the satisfaction of the Development Services Director.

MM HYD-2 *Storm Water Pollution Prevention Plan.* Prior to issuance of each grading permit for each village or any land development permit, including clearing and grading, the Project Applicant shall submit a notice of intent and obtain coverage under the NPDES permit for construction activity from the SWRCB. Adherence to all conditions of the General Permit for Construction Activity is required. The Applicant shall be required under the SWRCB General Construction Permit to develop a SWPPP and monitoring plan that shall be submitted to the City Engineer and the Director of Public Works. The SWPPP shall be incorporated into the grading and drainage plans and shall specify both construction and post-construction structural and non-structural BMPs on site to reduce the amount of sediments and pollutants in construction and post-construction surface runoff before it is discharged into off-site storm water facilities. Section 7 of the City's Storm Water Manual outlines construction site BMP requirements. The SWPPP shall also address operation and maintenance of post-construction pollution

prevention measures, including short-term and long-term funding sources and the party or parties that will be responsible for said measures. The grading plans shall note the condition requiring a SWPPP and monitoring plans.

MM HYD-3 *Supplemental Water Quality Report.* Prior to issuance of each grading permit, the Applicant shall submit supplemental reports to the Otay Ranch Villages Three North and Portion of Village Four, Village Eight East, and Village Ten Tentative Map Water Quality Technical Reports, respectively, prepared by Hunsaker and Associates San Diego, Inc. (2014) that identifies which onsite storm water management measures from the Water Quality Technical Report have been incorporated into the project to the satisfaction of the City Engineer. If a storm water management option is chosen by the Applicant that is not shown in the water quality technical report, a project-specific water quality technical report shall be prepared for the parcel, referencing the Otay Ranch Villages Three North and Portion of Village Four, Village Eight East, or Village Ten Tentative Map Water Quality Technical Reports, prepared by Hunsaker and Associates and dated March 2014, for information relevant to regional design concepts (e.g., downstream conditions of concern) to the satisfaction of the City Engineer.

MM HYD-5 *Limitation of Grading*. The Project Applicant shall comply with the Chula Vista Development Storm Water Manual limitation of grading requirements, which limit disturbed soil area to 100 acres, unless expansion of a disturbed area is specifically approved by the Director of Public Works. With any phasing resulting from this limitation, if required, the Project Applicant shall provide, to the satisfaction of the City Engineer, erosion and sediment control BMPs in areas that may not be completed, before grading of additional area begins.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM HYD-1 through MM HYD-3 and MM HYD-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to water quality to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

Impact

Operational – Village Three North and Portion of Village Four

Village Three North and a Portion of Village Four would have the potential to violate water quality standards or waste discharge requirements. Therefore, impacts would be potentially significant and mitigation measures would be required.

Explanation

Equipment and hazardous materials associated with construction activities would be removed from the project site after build-out is complete, which would reduce the potential for pollutants to be discharged. However, there are multiple pollutants associated with operation of the proposed land uses within the project area. Development of Village Three North and a Portion of Village Four would result in the net increase of runoff discharged to the adjacent Otay River by approximately 234 cubic feet per second (cfs).

Mitigation

MM HYD-4 *Post-Construction/Permanent BMPs*. Prior to issuance of each grading permit, the City Engineer shall verify that parcel owners have incorporated and will implement post-construction BMPs in accordance with current regulations. In particular, Applicants are required to comply with the requirements of Section 2c of the City of Chula Vista's Standard Urban Storm Water Management Plan (SUSMP), the Chula Vista Development Storm Water Manual, and the Otay Ranch Villages Three North and Portion of Village Four, Village Eight East, and Village Ten Tentative Map Water Quality Technical Report, respectively, or any supplements thereto to the satisfaction of the City Engineer. Specifically, the Applicant shall implement low impact development BMPs in the preparation of all site plans and, the Applicant shall incorporate structural on-site design features into the project design to address site design and treatment control BMPs as well as requirements of the hydromodification management plan. The Applicant shall monitor and mitigate any erosion in downstream locations that may occur as a result of on-site development.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM HYD-4 is feasible and shall be required as a condition of approval and made binding on the

applicant. Implementation of this mitigation measure will reduce significant impacts related to water quality to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

Impact

Operational – Village Eight East

Village Eight East would have the potential to violate water quality standards or waste discharge requirements. Therefore, impacts would be potentially significant and mitigation measures would be required.

Explanation

Equipment and hazardous materials associated with construction activities would be removed from the project site after build-out is complete, which would reduce the potential for pollutants to be discharged. However, there are multiple pollutants associated with operation of the proposed land uses within the project area. Development of Village Eight East would result in the net increase of runoff discharged to the adjacent Otay River by approximately 332 cfs.

Mitigation

See MM HYD-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM HYD-4 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to water quality to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

Impact

Operational – Village Ten

Village Ten would have the potential to violate water quality standards or waste discharge requirements. Therefore, impacts would be potentially significant and mitigation measures would be required.

Explanation

Equipment and hazardous materials associated with construction activities would be removed from the project site after build-out is complete, which would reduce the potential for pollutants to be discharged. However, there are multiple pollutants associated with operation of the proposed land uses within the project area. Development of Village Ten would result in the net increase of runoff discharged to the adjacent Otay River by approximately 537 cfs.

Mitigation

See MM HYD-4 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM HYD-4 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to water quality to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

Thresholds of Significance – Alter Drainage Pattern Causing Erosion

Impacts to water quality and hydrology would be significant if the proposed project would:

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site.

Impact

The net increase in runoff discharged to the Otay River would be a result of an alteration in the existing drainage pattern, which could consequently result in substantial erosion or siltation on- or off-site. Therefore, prior to mitigation, impacts would be potentially significant.

Explanation

The proposed project would result in the net increase of runoff discharged to the Otay River by approximately 234cfs in Village Three North and Portion of Village Four, 332cfs in Village Eight East, and 537cfs in Village Ten. With the project area entirely developed, paved, or landscaped, stormwater runoff could result in substantial off-site erosion to downstream facilities.

Mitigation

MM HYD-6 *Hydromodification Criteria.* The Project Applicant shall comply, to the satisfaction of the City Engineer, with city hydromodification criteria (Municipal Permit Order R9-2007-0001 Section D.1.g; as may be amended) or the hydrograph modification management plan, as applicable, addressed regionally at the SPA Plan level concurrent with grading and improvement plans for each village.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM HYD-6 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to erosion due to altered drainage patterns to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

Thresholds of Significance – Exceed Stormwater Drainage Capacity

Impacts to water quality and hydrology would be significant if the proposed project would:

- Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Impact

The proposed project would create a substantial amount of runoff and new stormwater drainage systems would be necessary. Additionally, the proposed project could create additional sources of polluted runoff; impacts would be potentially significant and mitigation measures would be required.

Explanation

The proposed project would result in the net increase of runoff discharged to the Otay River by approximately 234cfs in Village Three North and Portion of Village Four, 332cfs in Village Eight East, and 537cfs in Village Ten. The net increase in runoff discharged to the Otay River would be a substantial contribution to existing conditions.

Mitigation

See MM HYD-1 through MM HYD-6 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM HYD-1 through MM HYD-6 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to increased runoff as a new source of polluted water to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

Thresholds of Significance – Substantially Degrade Water Quality

Impacts to water quality and hydrology would be significant if the proposed project would:

- Otherwise, substantially degrade water quality.

Impact

The proposed project has the potential to substantially degrade water quality, and impacts would be potentially significant.

Explanation

As described above, construction and operation of the proposed project have the potential to contribute to an increase in expected pollutants, which could adversely impact the water quality of receiving waters. Impacts would be reduced to the maximum extent practicable through conservation of natural areas, minimizing impervious footprint, minimizing directly connected impervious areas to area drains, minimizing soil compaction in landscaped areas, soil amendments, and protection of slopes, channels and erosion control.

Mitigation

See MM HYD-1 through MM HYD-6 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM HYD-1 through MM HYD-6 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to water quality to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

Thresholds of Significance – Impede Flood Flows

Impacts to water quality and hydrology would be significant if the proposed project would:

- Place structures within a 100-year flood hazard area which would impede or redirect flood flows.

Impact

The proposed project would place structures within a 100-year flood hazard area and impacts would be potentially significant.

Explanation

The proposed project would place drainage structures within a 100-year flood hazard area. In the event of a 100-year flood, the drainage structures would not impede or redirect flows in the project area.

Mitigation

MM HYD-7 *Scour Analysis.* Concurrent with all grading plan submittals, the Applicant shall prepare a scour analysis for all structures within the 100-year flood hazard area. Additionally, all said structures shall be monitored until the last building permit for the project has been issued.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM HYD-7 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measures will reduce significant impacts related to structures impeding flood flow to a less-than-significant level.

Reference

EIR Section 5.10 Water Quality and Hydrology

7.1.10 Geology and Soils

Thresholds of Significance – Rupture of Earthquake Fault

Impacts to geology and soils would be significant if the proposed project would:

- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

Impact

Impacts associated with expansive soil are considered to be potentially significant.

Explanation

Village Three North and a Portion of Village Four, Village Eight East, and Village Ten project sites all possess expansive soils. The formational units, bentonitic claystone, topsoil, and

alluvium are predominantly clayey sand and sandy clay materials that have high to very high expansion potential. Recommendations found in the geotechnical report are intended to reduce the potential for cracking of slabs due to expansive soils. However, even with the incorporation of the recommendations, the exterior concrete flatwork has a potential to experience some uplift due to expansive soil beneath grade.

Mitigation

MM GEO-1 Prior to the issuance of each grading permit for Village Three North and Portion of Village Four, Village Eight East, and Village Ten, the Applicant shall verify that the applicable recommendations in the Geotechnical Investigation prepared by Geocon, dated May 23, 2013; November 21, 2012; and November 20, 2012, respectively, have been incorporated into the final project design and construction documents to the satisfaction of the City Engineer. These recommendations address issues including but not limited to site grading, retaining walls, seismic design, slope stability, backdrain systems, undercuts, excavation and fill, monitoring, and soil testing. Geotechnical review of grading plans shall include a review of all proposed storm drain facilities to ensure the storm water runoff would not interfere with the proposed geotechnical recommendations.

MM GEO-2 All graded slopes shall have a minimum factor of safety of 1.5. Strategies to increase stability may include, but are not limited to, a stability buttress or shear pins. All slope stability strategies shall be to the satisfaction of the City Engineer.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM GEO-1 and MM GEO-2 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to expansive soils to a less-than-significant level.

Reference

EIR Section 5.11 Geology and Soils

7.1.11 Public Services

Thresholds of Significance – Fire and Emergency Medical Services

Impacts to fire and emergency medical services would be significant as follows:

- The City's Threshold Standards Policy states that the proposed project would have a significant impact on fire protection services if it would:
    - Reduce the ability of properly equipped and staffed fire and medical units to respond to calls throughout the City within 7 minutes in 80% of the cases.

Impact

Prior to mitigation, the proposed project would have potentially significant impacts on fire and emergency medical services due to the increase in demand for service and the subsequent increase in average response times.

Explanation

Overall phasing of the proposed project and nearby projects would determine when additional fire stations are constructed. The construction of new fire stations would be supported on a fair share basis by the proposed project through payment of the City's Public Facilities Development Impact Fees (PFDIF). Payment of PFDIF fees, implementation of the FPPs, compliance with existing city codes, policies and regulations, and implementation of mitigation measures would ensure that the growth management ordinance threshold standard is achieved. This impact would be potentially significant if these mechanisms are not enforced. Therefore, impacts would be potentially significant and mitigation is required.

Mitigation

MM PUB-1 Prior to the issuance of each building permit for any residential dwelling units, the Applicant(s) shall pay a Public Facilities Development Impact Fee (PFDIF) in accordance with the fees in effect at the time of building permit issuance and phasing approved in the Public Facilities Finance Plan, unless stated otherwise in a separate development agreement.

MM PUB-2 Prior to issuance of the first building permit for Village Ten, the Applicant(s) will be required to build a temporary fire station in the currently designated Community Purpose Facilities (CPF) site if a fire station has not yet been built in Village Eight West or the EUC as identified in the Fire Facility Equipment and Deployment Master Plan (FFMP).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PUB-1 and MM PUB-2 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to fire and emergency medical services to a less-than-significant level.

Reference

EIR Section 5.12 Public Services

Thresholds of Significance – Police Services

Impacts to Police services would be significant if the proposed project would:

- Exceed the City's threshold standards to respond to Priority One emergency calls throughout the City (within 7 minutes in 81% of the cases and an average response time to all Priority One calls of 5.5 minutes or less) and/or exceed the City's threshold standards to respond to Priority Two urgent calls throughout the City (within 7 minutes in 57% of cases and an average response time to all Priority Two calls of 7.5 minutes or less).

Impact

Prior to mitigation the proposed project would have potentially significant impacts on police services due to the increase in demand for service and the subsequent increase in average response times.

Explanation

The CVPD did not meet the growth management response time threshold for Priority One calls, or Priority Two calls in FY 2012. Development of the proposed project would increase the demand for police services as a result of increased population and development density. Subsequently, the proposed project would contribute to an increase in average response times due to a potential increase in the frequency of police calls.

Mitigation

MM PUB-3 Prior to the issuance of each building permit for any residential dwelling units, the Applicant(s) shall pay the City's Public Facilities Development Impact Fee (PFDIF) in accordance with the fees in effect at the time of

building permit issuance and phasing approved in the Public Facilities Finance Plan, unless stated otherwise in a separate development agreement.

MM PUB-4 The City of Chula Vista will continue to monitor the Chula Vista Police Department responses to emergency calls and report the results to the Growth Management Oversight Commission on an annual basis.

MM PUB-5 Prior to issuance of each building permit, site plans shall be reviewed by the Chula Vista Police Department or its designee to ensure the incorporation of Crime Prevention through Environmental Design Features (CPTED) features and other recommendations of the Chula Vista Police Department, including but not limited to, controlled access points to parking lots and buildings, maximizing visibility along building fronts, sidewalks and public parks, and providing adequate street, parking lot and parking structure visibility and lighting.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PUB-3 through MM PUB-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to police services to a less-than-significant level.

Reference

EIR Section 5.12 Public Services

Thresholds of Significance – Schools

Impacts to schools would be significant if the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 educational facilities services.

Elementary Schools

Impact

If the proposed project does not pay the State mandated fees or enter into a school mitigation agreement, which would guarantee construction of the needed school facilities, there would be a potentially significant impact to elementary schools.

Explanation

The Chula Vista Elementary School District (CVESD) has estimated that buildout of the proposed project's 6,897 residential units would generate approximately 2,204 elementary school students. In order to accommodate the additional students the proposed project will either pay the State mandated school fees or enter into a School Mitigation Agreement to ensure that schools are built as population increases during the phased development.

Mitigation

MM PUB-6 Prior to the issuance of each building permit for any residential dwelling units, the Applicant(s) shall provide evidence or certification by the Chula Vista Elementary School District (CVESD) that any fee charge, dedication or other requirement levied by the school district has been complied with or that the district has determined the fee, charge, dedication or other requirements do not apply to the construction or that the Applicant has entered into a school mitigation agreement. School Facility Mitigation Fees shall be in accordance with the fees in effect at the time of building permit issuance.

MM PUB-7 Prior to approval of a Final Map for private development on parcels S-1 in Village Three North, Village Eight East, and Village Ten, designated for future schools, the Applicant shall provide evidence from the CVESD that the site has been determined by the district to not be needed for future use as a school site.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PUB-6 and MM PUB-7 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to elementary schools to a less-than-significant level.

Reference

EIR Section 5.12 Public Services

Middle Schools

Impact

If the proposed project does not pay the State mandated fees or enter into a school mitigation agreement, which would guarantee construction of the needed school facilities, there would be a potentially significant impact to middle schools.

Explanation

The Sweetwater Union High School District (SUHSD) has estimated that buildout of the proposed project would generate 543 middle school students. In order to accommodate the additional students the proposed project will either pay the State-mandated school fees or enter into a School Mitigation Agreement to ensure that schools are built as population increases during the phased development.

Mitigation

See MM PUB-6 and MM PUB-7 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PUB-6 and MM PUB-7 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to middle schools to a less-than-significant level.

Reference

EIR Section 5.12 Public Services

High Schools

If the proposed project does not pay the State mandated fees or enter into a school mitigation agreement, which would guarantee construction of the needed school facilities, there would be a potentially significant impact to high schools.

Explanation

The project would generate approximately 1,056 high school students. In order to accommodate the additional students the proposed project will either pay the State mandated school fees or enter into a School Mitigation Agreement to ensure that schools are built as population increases during the phased development.

Mitigation

See MM PUB-6 and MM PUB-7 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PUB-6 and MM PUB-7 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to high schools to a less-than-significant level.

Reference

EIR Section 5.12 Public Services

Thresholds of Significance – Parks and Recreation

Impacts to parks, recreation, and open space would be significant if the proposed project would:

- Increase 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.

Impact

Prior to mitigation, the proposed project would have potentially significant impacts associated with parks, recreation, and open space facilities.

Explanation

The proposed project would increase population in the surrounding area, which would subsequently increase the use of existing neighborhood and regional parks.

Mitigation

MM PUB-8 Prior to the approval of each Final Map for the project, or, for any residential development within the project that does not require a Final Map, prior to building permit approval, the Applicant shall either dedicate parkland and/or pay applicable Park Acquisition and Development in-lieu fees in accordance with the phasing indicated in the project's approved SPA Plan, the PFFP, and a park agreement, if any, subject to approval of the Development Services Director or their designee. In-lieu fees shall be based on the Park Acquisition and Development fees in effect at the time of issuance of building permits, unless stated otherwise in a parks or development agreement.

MM PUB-9 Prior to the issuance of each building permit for any residential dwelling units, the Applicant shall pay recreation facility development impact fees (part of the Public Facilities Development Impact Fee) in accordance with the fees in effect at the time of building permit issuance and phasing approved in the Public Facilities Finance Plan, subject to approval of the Development Services Director or their designee.

MM PUB-10 Prior to the approval of the first Final Map for each village (Village Three North, Village Eight East, and Village Ten) the Applicant shall enter into an agreement with the City that provide the following: phased dedication of public park sites, payment of Park Improvement Fees, schedule for completion of improvements, including utilities to streets adjacent to the park sites, all to the satisfaction of the Development Services Director or their designee. Under the current method for delivery of new parks the City will award a design-build contract for the project's neighborhood park. The agreement will include provisions that in the event the City chooses not to go forward with a design-build contract, the Applicant will be obligated to fully comply with the Parkland Ordinance and park threshold standards by constructing the parks in accordance with all City standards and under a time schedule as specified in the agreement.

MM PUB-11 Prior to approval of the first Final Map for each Village, the Applicant shall offer for dedication all public parkland identified in the Project's approved SPA Plan, or as approved by the Development Services Director or their designee. Park facilities required to meet the overall park obligation shall be identified on the first Final Map and shall be publically accessible.

MM PUB-12 The Applicant shall comply with the Threshold Compliance and Recommendations contained within the PFFPs for Village Three North and Portion of Village Four, Village Eight East and Village Ten.

MM PUB-13 Prior to the Final Map containing the 1,313th EDU in Village Eight East, the Applicant shall secure and agree to construct the Village 8 East Community Park (P-2) Access Road from Otay Valley Road to the Community Park (P-2). Prior to the issuance of the Final Map containing the 1,313th EDU, the Applicant shall submit to the City and obtain approval for improvement plans for the Community Park (P-2) access road to the satisfaction of the Development Services Director (or their designee). The Community Park (P-2) Access Road shall be completed prior to the issuance of the Final Map containing the 1,929th EDU in Village Eight East.

The following sections and mitigation measures also address physical impacts associated with construction with parks and recreational facilities: Section 5.1, Landforms and Aesthetics, addresses lighting for ball fields (MM AES-2); Section 5.3, Traffic and Circulation, addresses average trips and park access; Section 5.4, Air Quality, addresses construction emissions; Section 5.5, Noise, addresses noise impacts from park users (MM NOI-6); Section 5.8, Biological Resources, addresses indirect impacts from noise to sensitive biological resources (MM BIO-18); and Section 5.10, Hydrology and Water Quality, addresses runoff.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PUB-8 through MM PUB-13 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to parks and recreation to a less-than-significant level.

Reference

EIR Section 5.12 Public Services

Thresholds of Significance – Libraries

Impacts to library services would be significant if the proposed project would:

- Fail to meet the City's threshold standard of 500 gross square feet of library space, adequately equipped and staffed, per 1,000 population.

Impact

Impacts to library facilities could be potentially significant and mitigation would be required.

Explanation

The proposed project would generate a demand for approximately 11,000 square feet of additional library facilities within the City. The City does not currently meet the growth management ordinance's threshold standard of 500 square feet of library facilities for every 1,000 residents. The proposed project would also fail to meet the City's threshold standard of 500 gross square feet of library space per 1,000 population. Funding for required facilities would be necessary to reduce impacts on operations and maintenance of library facilities to less than significant.

Mitigation

MM PUB-14 Prior to the issuance of each building permit for any residential dwelling units, the Applicant shall pay the required Public Facilities Development Impact Fee in accordance with the fees in effect at the time of building permit issuance and phasing approved in the Public Facilities Finance Plan.

MM PUB-15 The City of Chula Vista shall continue to monitor library facilities and services and report the results to the Grown Management Oversight Commission on an annual basis.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM PUB-14 and MM PUB-15 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to libraries to a less-than-significant level.

Reference

EIR Section 5.12 Public Services

7.1.12 Utilities

Thresholds of Significance – Water

Impacts to water supply services would be significant if the proposed project would:

- Exceed City threshold standards which seek to ensure availability of adequate supplies of quality water, appropriate for intended uses. The standards require the Applicant to

request and deliver to the City service availability letters from the appropriate water district for each project; to submit a Water Conservation Plan along with the SPA Plan application; and, such project plans must ensure an adequate supply of water on a long-term basis prior to the development of each Otay Ranch SPA Plan.

Impact

As required by the City, service availability letters shall be submitted to the City prior to issuance of each building permit. Failure to do so would result in potentially significant impacts. The transfer of density between planning areas could have a significant impact to on-site infrastructure.

Explanation

As required by the City, service availability letters shall be submitted to the City prior to issuance of each building permit. This requirement is incorporated into the project's Mitigation Monitoring and Reporting Program. Individual developers would be required to obtain service availability letters prior to construction within the proposed project.

Mitigation

MM UTL-1 Prior to issuance of each Final Map for each village, the permit Applicant/developer shall deliver to the City service availability letters from the appropriate water district.

MM UTL-2 Prior to approval of the first Final Map for each village, the Applicant shall provide a Subarea Master Plan to the Otay Water District. Water facilities improvements shall be financed or installed on-site and off-site in accordance with the fees and phasing pursuant to the approved Public Facilities Financing Plan(s) and Subarea Master Plan(s). The Subarea Master Plan shall include, but shall not be limited to:

a. Existing pipeline locations, size, and capacity

b. The proposed points of connection and system

c. The estimated water demands and/or sewer flow calculations

d. Governing fire department's flow requirements (flow rate, duration, hydrant spacing, etc.)

e. Agency Master Plan

f. Agency's planning criteria (see Sections 4.1 through 4.3 of the Water Agencies Standards)

g. Water quality maintenance

h. Size of the system and number of lots to be served.

MM UTL-3 Prior to approval of the first Final Map, the Applicant shall obtain the Otay Water District's approval of the Subarea Master Plan(s) for both potable and recycled water. Any on-site and off-site facilities identified in the Subarea Master Plan required to serve a Final Mapped area, including but not limited to water facilities within the SR-125 overcrossing at Otay Valley Road, shall be secured or constructed by the Applicant prior to approval of the Final Map and in accordance with the phasing in the public facilities finance plans.

MM UTL-4 Prior to design review approval in accordance with the Density Transfer provision in the Village Three and Portion of Village Four, Village Eight East and Village Ten SPA Plans, the Applicant/developer shall provide an update to the Overview of Water Service for Otay Ranch University Villages (Dexter Wilson 2014a) with each proposed project requesting a density transfer. The density transfer technical study shall demonstrate to the satisfaction of the City Engineer that adequate on-site water infrastructure will be available to support the transfer. The transfer of residential density shall be limited by the ability of the on-site water supply infrastructure to accommodate flows.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM UTL-1 through MM UTL-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to water supply to a less-than-significant level.

Reference

EIR Section 5.13 Utilities

Thresholds of Significance – Sewer

Impacts to sewer services would be significant if the proposed project would:

- Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Impact

As the location and scope of construction for any newly developed treatment facility are unknown, and the development of treatment capacity beyond the City's existing and allocated capacity may result in impacts on the environment, it is conservatively concluded that a potentially significant environmental impact associated with construction of new or expanded treatment facility may occur.

Explanation

The City of Chula Vista would need to acquire capacity rights for an additional 5.4 mgd to accommodate year 2030 flows. The Salt Creek Interceptor Technical Sewer Study for South Otay Ranch addresses the City's current projections regarding the need to acquire additional treatment capacity. The City may acquire rights for this additional capacity in the Metro system through negotiations with the City of San Diego. In addition, the City of Chula Vista is evaluating construction of a new wastewater treatment plant and other alternatives to meet its future treatment capacity and disposal requirements. The cumulative projects will be timed to proceed with the City's acquisition of additional treatment capacity. Building permits will be issued only if the City Engineer has determined that adequate sewer capacity exists.

Furthermore, all developments are required to prepare a PFFP that articulates needed facilities and funding mechanisms. The proposed project includes a PFFP and requires new and expanded sewer facilities to serve the proposed development. Implementation of existing policies and expanded sewer facilities would therefore avoid significant cumulative impacts associated with inadequate treatment capacity. Mitigation measures are also provided to ensure that adequate wastewater facilities are provided concurrently with demand.

Mitigation

MM UTL-5 The Applicant shall finance or install all on-site and off-site sewer facilities required to serve development in each village in accordance with the fees and phasing in the approved Public Facilities Finance Plan to the satisfaction of the City Engineer.

MM UTL-6 Prior to issuance of each building permit, the Applicant shall pay the Salt Creek Development Impact Fee at the rate in effect at the time of building permit issuance and corresponding to the sewer basin that the building will permanently sewer to, unless stated otherwise in a development agreement that has been approved by the City Council.

MM UTL-7 Prior to design review approval in accordance with the Density Transfer provision in the Village Three North and Portion of Village Four, Village Eight East and Village Ten SPA Plans, the Applicant shall provide an update to the Overview of Sewer Service for Otay Ranch University Villages (Dexter Wilson 2014c) with each proposed project requesting a density transfer. The technical study shall demonstrate to the satisfaction of the City Engineer that adequate on-site wastewater infrastructure will be available to support the transfer. The transfer of residential density shall be limited by the ability of the on-site sewerage facilities to accommodate flows.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM UTL-5 through MM UTL-7 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to new wastewater treatment facilities to a less-than-significant level.

Reference

EIR Section 5.13 Utilities

7.1.13 Hazards

Thresholds of Significance – Accidental Release of Hazardous Materials

Impacts related to hazards and risk of upset would be significant if the proposed project would:

- Create 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.

Impact

Construction Impacts

Accidental spills or unauthorized releases of hazardous materials during construction, including ground clearing, access road construction and foundation excavation could potentially result in soil contamination, which would be a potentially significant impact. Additionally, in the event that the proposed project encounters contaminated soils during grading and excavation it could

result in increased health risks to construction workers, future residents, and potentially impact water quality.

Explanation

Accidental spills or unauthorized releases of hazardous materials during construction, including ground clearing, access road construction and foundation excavation could potentially result in soil contamination, which would be a potentially significant impact. In order to reduce this potential impact, mitigation is provided. Additionally, in some areas contaminated soils associated with former agricultural use have been identified. Soils in the project area may contain organochlorine pesticides, organophosphorous pesticides, organochlorine herbicides, and metals including arsenic. In the event that the proposed project encounters contaminated soils during grading and excavation it could result in increased health risks to construction workers, future residents, and potentially impact water quality. ***Mitigation***

MM HAZ-1 Prior to issuance of a mass grading permit for each village, the Applicant shall prepare a soils assessment to the satisfaction of the City Engineer to determine if residual pesticides, herbicides, and/or arsenic are present on site. The assessment shall be prepared by a Registered Environmental Assessor in accordance with Department of Toxic Substances Control guidance document. The assessment shall include analysis for organochlorine pesticides that include compounds such as toxaphene, dichlorodiphenyldichloroethane (DDD), dichlorodiphenyltrichloroethane (DDT), and dichlorodiphenyldichloroethylene (DDE), which have been historically identified at properties in the site vicinity. The concentrations of the contaminants shall be compared to regulatory agency soil screening levels for residential land use (e.g., U.S. EPA Region IX Soil Screening Levels). If levels of contamination exceeding the soil screening levels are found on site, a Soil Reuse Plan shall be prepared prior to construction on site. The Soil Reuse Plan shall include a determination of the suitability of the soils for on-site or off-site reuse, any special handling provisions that shall be incorporated as part of the site grading activities, and the procedure for the proper remediation and disposal of the contaminated soils, either on site or off site. The results of the limited soil assessment and the Soil Reuse Plan shall be submitted to the County of San Diego Department of Environmental Health, the Development Services Director (or their designee), and/or the Regional Water Quality Control Board for review and approval, prior to implementation.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM

HAZ-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to accidental release of hazardous materials to a less-than-significant level.

Reference

EIR Section 5.15 Hazards and Risk of Upset

Thresholds of Significance – Handle Hazardous Materials near School

Impacts related to hazards and risk of upset would be significant if the proposed project would:

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact

Due to the proximity of the project area to schools and potential for hazardous impacts due to the Otay Landfill, FUDS-eligible property, and potentially contaminated soils, impacts to schools could be potentially significant.

Explanation

The proposed elementary school sites must comply with state standards and CVESD standards regarding health and safety issues, including the potential for toxins in the soil. The northern portion of Village Three near the Otay Landfill, and the Formerly Used Defense Site (FUDS)-eligible property, located in the southern portion of Village Ten, were both identified for areas of environmental concern. Additionally, in some areas contaminated soils associated with former agricultural use have been identified. Soils in the project area may contain organochlorine pesticides, organophosphorous pesticides, organochlorine herbicides, and metals including arsenic. In the event that the proposed project encounters contaminated soils during grading and excavation, it could result in increased health risks to construction workers, future residents, and potentially impact water quality.

Mitigation

See MM HAZ-1 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as

identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM HAZ-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to hazardous material use within one-quarter mile of a school to a less-than-significant level.

Reference

EIR Section 5.15 Hazards and Risk of Upset

Thresholds of Significance – Hazardous Materials Sites

Impacts related to hazards and risk of upset would be significant if the proposed project would:

- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, a significant hazard to the public or the environment is created.

Impact

Due to the determinations found during the risk assessment, although unlikely, the presence of munitions and explosives of concern, along with munitions debris, has the potential for harm to human health, if there is contact to still functioning munitions. Parsons recommended a remedial investigation and feasibility study with surface water and sediment sampling as the next step in ACOE's phased cleanup process. Impacts would be potentially significant and mitigation would be required.

Explanation

There are 153.9 acres in the southern portion of Village Ten that are within the Brown Field FUDS-eligible property boundary. These 153.9 acres are designated as part of the Otay Ranch Preserve. Although a portion of the area within the Village Ten project boundary is within the Brown Field FUDS-eligible property boundary, no Village Ten housing development is proposed in this area. However, the project proposes certain improvements within the Preserve at the outer perimeter of the Brown Field FUDS-eligible property boundary. The proposed improvements consist of: (a) construction of two water quality basins; (b) installation of an access road for maintenance of the basins; and (c) installation of the OVRP/Greenbelt trail improvements. All such improvements would be situated outside the former target boundary within the Brown Field FUDS-eligible property boundary. Total improvement areas within the Brown Field FUDS-eligible property boundary in Village Ten would equal 3.9 acres. The balance of 150 acres of FUDS-eligible property within Village Ten would remain undisturbed Preserve land and public access would be restricted.

Mitigation

MM HAZ-2A Prior to approval of the Village Ten Final Map, the Applicant shall retain a Unexploded Ordnance (UXO) specialist to prepare a Safety Plan for the approximately 154 acres of the Village Ten Sectional Planning Area (SPA) Plan area that is within the boundaries of the Formerly Used Defense Site (FUDS)-eligible property as defined in the *Final Site Inspection Report for the Former Brown Field Bombing Range* (hereinafter referred to as the Site Inspection Report) prepared by Parsons for the UD Army Corps of Engineers (ACOE) dated December 2007. The Safety Plan shall be prepared to the satisfaction of the Director of Development Services or their designee. The Safety Plan shall include, but not be limited to, the following:

- Findings based on a current visual inspection of the approximately 154-acre SPA Plan area within the FUDS-eligible property including a description of evidence of current activity and uses.
- A discussion on the prior use of the site and the types of munitions used, dates of use, etc.
- Review of prior US Army Corps of Engineers Site Inspection Reports and historical data and summaries of those reports' conclusions.
- Review of current site inspection data to determine trail access to and through the FUDS area.
- A detailed characterization of the site and its risk profile, based on a combination of the reports to date, the types of munitions uses and found in the prior investigation and current site inspection.
- Hazard mitigation measures, such as fencing and signage, appropriate for this site given its risk profile and planned land use in accordance with applicable Federal, State and local requirements and best practices.
- As part of implementation of the Safety Plan, specifically the installation of fencing and/or signage determined to be appropriate for the site, or the dedication of any trails, the following shall be performed:
    - A surface visual survey (SVS) of future dedication trails within the approximately 154-acre Village Ten SPA Plan Area within the FUDS-eligible property boundaries shall be conducted.
- UXO anomaly avoidance - performed by a UXO technician using a handheld detector at each point where intrusive activities will be performed for the

installation of a fence/sign post. If subsurface metal is indicated at the desired installation point, the fence/sign post will be moved slightly to avoid the subsurface metal. If multiple fencing/signage teams are fielded, it is recommended that a UXO Technician accompany each team to provide UXO anomaly avoidance during intrusive activities such as fence and sign post installation.

MM HAZ-2B Prior to the approval of trail improvement plans for the OVRP/Greenbelt trail (approximately 1.3 acres), or grading plans for water quality basins (approximately 1.8 acres) and any associated access roads (approximately 0.8 acre) that are within the Village Ten SPA Plan boundary and FUDS-eligible property boundaries (hereinafter referred to as the "Cleanup area"), the applicant shall develop and implement a Village Ten FUDS Cleanup Plan in cooperation with the appropriate agencies, including but not limited to the Army Corps of Engineers (ACOE) and Department of Toxic Substances Control (DTSC), as applicable. The purpose of the Village Ten FUDS Cleanup Plan is to identify and clean up any risks of munitions or other FUDS associated risks within the Cleanup area in order to render the area suitable for the intended uses.

The Village Ten FUDS Cleanup Plan shall include a risk assessment that identifies the nature and extent of munitions, explosives, munitions debris or other FUDS associated risks within the Cleanup area. Enough data shall be gathered to assess the threat to human health, safety and the environment, as well as to support the detailed cleanup program for any portion of the site anticipated to be impacted by grading activity, signage and fence installation, future trail users and/or future maintenance activities for the basins. The Village Ten FUDS Cleanup Plan shall be developed in cooperation with the appropriate agencies and shall be implemented by a qualified UXO specialist prior to issuance of the grading permit for the Cleanup area.

Upon completion of the Cleanup Plan, and prior to issuance of construction permits for construction within the Cleanup area, the Applicant shall provide verification by the appropriate agency that the site is suitable for the intended uses to the satisfaction of the Development Services Director (or their designee).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM

HAZ-2A and MM HAZ-2B are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to development within the FUDS-eligible property boundary in Village Ten to a less-than-significant level.

Reference

EIR Section 5.15 Hazards and Risk of Upset

Thresholds of Significance – Public or Private Airports

Impacts related to hazards and risk of upset would be significant if the proposed project:

- Is 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 and would result in a safety hazard for people residing or working in the project area.

Impact

Prior to compliance with FAA specifications, the proposed project would result in a potentially significant impact associated with airport hazards.

Explanation

The nearest airport to the project area is the Brown Field Municipal Airport, which is located approximately three miles south of the project area. The proposed project is located within the Brown Field Airport FAA height notification boundary (FAR Part 77). FAR Part 77 is issued by the FAA and establishes the standards which govern the height of objects on and around an airport. If the project results in development that would obstruct the flight approach paths for Brown Field, a potentially significant safety hazards from flight operations at Brown Field would occur.

Mitigation

MM HAZ-3 Prior to issuance of a building permit for the first structure and/or dwelling unit within the Airport Influence Area of Brown Field, the Applicant shall prepare and file a Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration to ensure that no objects related to development would present a hazard to air navigation.

MM HAZ-4 Prior to the issuance of a building permit for the first structure and/or dwelling unit within the Airport Influence Area of Brown Field, the Applicant shall

obtain and provide proof of Federal Aviation Administration clearance to the satisfaction of the Development Services Director (or their designee).

MM HAZ-5 Prior to approval of the first Final Map for those areas within the overflight notification area for Brown Field, the Applicant shall record the Airport Overflight Agreement with the County Recorder's office, and provide a signed copy of the recorded Airport Overflight Agreement to the City's Development Service Director (or their designee).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measures MM HAZ-3 through MM HAZ-5 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures will reduce significant impacts related to proximity to a public airport to a less-than-significant level.

Reference

EIR Section 5.15 Hazards and Risk of Upset

Thresholds of Significance – Historic use of Pesticides

According to the Otay Ranch GDP Program EIR, impacts to public health and safety would be significant if:

- The historic use of pesticides would result in soil contamination and health effects.

Impact

In the event that the proposed project encounters contaminated soils during grading and excavation, it could result in increased health risks to construction workers, future residents, and potentially impact water quality.

Explanation

According to the Phase I ESA, flatter areas of the project area were cultivated for agricultural use (primarily dry farmed grain crops) from at least 1928 through 2007. The site history is similar to the history of other Otay Ranch villages which have undergone assessment for organochlorine pesticides, organophosphorous pesticides, organochlorine herbicides, and metals including arsenic and lead associated with former agricultural use. In some areas these analytes have been

detected in soil samples above their respective EPA Region IX Preliminary Remediation Goals for residential use. In the event the proposed project encounters contaminated soils during grading and excavation, it could result in increased health risks to construction workers, future residents, and potentially impact water quality. Remediation may be required that would involve the removal of top soil and disposing of it. Considering the potential consequences of encountering contaminated soils, impacts would be potentially significant.

Mitigation

See MM HAZ-1 identified above.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final EIR to a level of insignificance. Specifically, mitigation measure MM HAZ-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce significant impacts related to the historic use of pesticides to a less-than-significant level.

Reference

EIR Section 5.15 Hazards and Risk of Upset

7.2 Significant and Unavoidable Impacts

7.2.1 Landform Alteration/Aesthetics

Thresholds of Significance – Visual Character or Quality

Impacts regarding aesthetics and landform alteration would be significant if the project would:

- Substantially degrade the existing visual character or quality of the site and its surroundings.

Impact – Direct and Cumulative

The project would permanently alter the character of the project site from open, rolling topography to urban development. This impact would be potentially significant prior to mitigation.

Explanation

The development of the site would change the undeveloped, open and natural character of the on-site rolling hills to one of low to high density residential uses, industrial/office complexes,

passive and active park and recreation areas, and public facilities. Vegetation removal, grading and construction of Village Three North and a Portion of Village Four, Village Eight East, and Village Ten would transform the rolling, coastal sage scrub and grassland covered terrain of the project area into an urban environment supporting residential development, industrial and commercial uses, and roadways.

Mitigation

While mitigation measure AES-1 would reduce this impact, no additional feasible mitigation measures exist for the above identified impacts to visual character or quality that would reduce the impact to below significance.

Finding

There are no feasible mitigation measures to maintain the undeveloped character of the site to reduce this impact to below a level of significance. The project is required to prepare a Landscape Master Plan that will include a robust vegetation program to soften the aesthetic and visual impacts resulting from development of the site. The landscape palette in the Landscape Master Plan will be based on water capacity and supply available to the site. The Landscape Master Plan will not be able to be feasibly enhanced to any substantial degree without resulting in adverse impacts to the project's operational water capacity, as well as to global climate change due to increased energy usage for additional water supply, conveyance, treatment, and distribution related to the need for additional irrigation. Further, none of the project alternatives would reduce this impact compared to the proposed project, with the exception of the No Project Alternative in which this impact would be avoided. Pursuant Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this project alternative infeasible.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to the visual character or quality of the area to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.2 Landform Alteration/Aesthetics

7.2.2 Transportation, Circulation, and Access

Thresholds of Significance - Conflict with Applicable Plan, Ordinance, or Policy

Impacts to traffic, circulation, and access would be considered significant if the proposed project would:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Year 2020 Conditions

Impact – Intersections

- I-805 SB Ramps / Olympic Parkway (Cumulative)

Explanation

- I-805 SB Ramps / Olympic Parkway – LOS E during the AM peak hour and LOS F during the PM peak hour. The 2020 project traffic would comprise approximately 6.5% and 7.2% of the total intersection-entering volume in the AM and PM peak hours, respectively. Since the project contribution is more than 5%, the project would result in a direct impact at this intersection.

Mitigation

To mitigate the remaining cumulative impact, construction of an additional left-turn lane at the I-805 southbound off-ramp, as well as a third through lane along the Olympic Parkway eastbound approach, would be required. However, this mitigation is infeasible.

Finding

To mitigate the remaining cumulative impact, construction of an additional left-turn lane at the I-805 southbound off-ramp, as well as a third through lane along the Olympic Parkway eastbound approach, would be required. These improvements would require widening of Orange Avenue / Olympic Parkway; however, there are right-of-way constraints that would make such improvements infeasible (an engineering right-of-way assessment was conducted and is included in EIR Appendix M). The right-of-way constraints which make widening infeasible are due to existing structures located north and south of Orange Avenue, as well as retaining walls

supporting the structures. Any additional widening would require right-of-way acquisition from private property owners or condemnation of existing occupied homes and some operational business. In addition to the proximity of existing residences, another limiting factor is the fixed width of the bridge over I-805. Any widening of Orange Avenue would require a corresponding widening of the bridge over I-805 and there is no plan or program in place into which the Project Applicant could pay its fair share toward the cost of such improvements.

Furthermore, since the freeway system is developed and managed exclusively by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways. There are no other feasible physical improvements that would reduce the remaining cumulative impact to less than significant. Therefore, the impact at the intersection of I-805 SB Ramps / Olympic Parkway (CV) will remain significant and unavoidable at this location.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to I-805 SB Ramps / Olympic Parkway to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact - Roadways

- Orange Avenue, between Melrose Avenue and I-805 SB Ramps (cumulative)

Explanation

- Orange Avenue, between Melrose Avenue and I-805 SB Ramps (LOS D) – The proposed 2020 project traffic would comprise approximately 0.9% (less than 5%) of the total segment volume and would add 300 ADT (less than 800 ADT). However, one of the intersections (I-805 SB Ramps / Olympic Parkway) along this segment would operate at substandard LOS E/F during the AM/PM peak hours. Therefore, the project traffic would result in a significant cumulative impact at this location.

Mitigation

The improvement necessary to mitigate the significant cumulative impact on Orange Avenue between Melrose Avenue and I-805 SB Ramps is to widen this segment from 4 lanes to 6 lanes. However, this mitigation is infeasible.

Finding

The improvement necessary to mitigate the significant cumulative impact on Orange Avenue between Melrose Avenue and I-805 SB Ramps is to widen this segment from 4 lanes to 6 lanes. However, there are right-of-way constraints that would make such widening infeasible (an engineering right-of-way assessment was conducted and is included in EIR Appendix M). The right-of-way constraints which make widening infeasible are due to existing structures located north and south of Orange Avenue, as well as retaining walls supporting the structures. Any additional widening would require right-of-way acquisition from private property owners or condemnation of existing occupied homes and some operational business. In addition to the proximity of existing residences, another limiting factor is the fixed width of the bridge over I-805. Any widening of Orange Avenue would require a corresponding widening of the bridge over I-805 and there is no plan or program in place into which the Project Applicant could pay its fair share toward the cost of such improvements.

Furthermore, since the freeway system is developed and managed exclusively by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways. There are no other feasible physical improvements that would reduce the remaining cumulative impact to less than significant. Therefore, the impact will remain cumulatively significant and unavoidable at this location.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to Orange Avenue, between Melrose Avenue and I-805 SB Ramps to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Freeways / State Highways

The following two freeway / state highway segments would be cumulatively impacted by the proposed project in the Year 2020.

- I-805, from Market Street to Imperial Avenue
- I-805, from Imperial Avenue to E. Division Street

Explanation

- I-805, from Market Street to Imperial Avenue (LOS F) – The proposed project would comprise 1.0% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Imperial Avenue to E Division Street (LOS E) – The proposed project would comprise 1.1% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS E, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.

Mitigation

Mitigation to reduce the identified significant cumulative impacts to the above two freeway / state highway segments is infeasible.

Finding

As explained previously, previously planned Phase 2 of the I-805 South Project included buildout of the HOV lanes constructed as part of Phase 1 into Express lanes for a total of four lanes, two in each direction. Phase 2 also would have included the addition of in-line transit stations and freeway-to-freeway direct connectors. With the previously planned Phase 2 improvements in place, impacts to freeways/state highways would be less than significant.

However, also as explained previously, SANDAG has determined not to proceed with Phase 2 of the I-805 South Project because SANDAG's Addendum showed that the reduction in tolls on SR-125 will result in a shift of traffic from I-805 to SR-125 and, as such, freeway operations on both facilities would remain acceptable without implementation of Phase 2. (See EIR Appendix M (TIA), Appendix K.) Nonetheless, the Project traffic model did not account for the shift of traffic from I-805 to SR-125, so it continues to reflect a significant impact at the above two I-805 segments; that is, the analysis utilized the traffic model volumes (with four HOV lanes) with a reduced capacity (two HOV lanes). Because neither Caltrans nor SANDAG will construct Phase 2 of the I-805 South Project, and because there is no longer any plan or program in place to construct the Phase 2 improvements, which would be within the exclusive jurisdiction of Caltrans, mitigation is infeasible and the model-identified impacts are determined to be significant and unavoidable. However, as noted above, SANDAG has determined that freeway operations on both the I-805 and SR-125 facilities would remain acceptable without implementation of Phase 2 of the I-805 South Project.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to freeways/State Highways to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Year 2025 Conditions

Impact – Intersections

Under Year 2025 conditions, the proposed project would have significant cumulative impact at the following study area intersection in the City of Chula Vista:

- I-805 SB Ramps / Olympic Parkway (Cumulative)

Explanation

- I-805 SB Ramps / Olympic Parkway – LOS F during the PM peak hour. The 2025 project traffic would comprise approximately 2.9% and 3.3% of the total intersection-entering volume in the AM and PM peak hours, respectively. Since the project contribution is less than 5% but the resulting LOS is F, the project would result in a significant cumulative impact at this intersection.

Mitigation

The improvement necessary to mitigate the significant cumulative impact at the intersection of I-805 SB Ramps and Olympic Parkway is to construct an additional left-turn lane at the I-805 southbound off-ramp, as well as a third through lane along the Olympic Parkway eastbound approach.

Finding

The improvement necessary to mitigate the significant cumulative impact at the intersection of I-805 SB Ramps and Olympic Parkway is to construct an additional left-turn lane at the I-805 southbound off-ramp, as well as a third through lane along the Olympic Parkway eastbound approach. However, there are right-of-way constraints that would make the recommended widening infeasible (an engineering right-of-way assessment was conducted and is included in EIR Appendix M). Any additional widening would require right-of-way acquisition from private property owners or condemnation of existing occupied homes and some operational

businesses. In addition, there is no plan or program in place into which the Project Applicant could pay its fair share toward the cost of such improvements. Therefore, impacts related to the I-805 interchange at Olympic parkway are infeasible due to specific constraints.

Furthermore, since the freeway system is developed and managed exclusively by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways. There are no other feasible physical improvements that would reduce the remaining cumulative impact to less than significant. Therefore, mitigation is infeasible and the impact at this location will remain cumulatively significant and unavoidable at this location.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to I-805 SB Ramps / Olympic Parkway intersection to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Roadway Segments

The following roadway segments in the City of Chula Vista would be significantly impacted by the proposed project traffic under the Year 2025 conditions:

- Orange Avenue between Melrose Avenue and I-805 SB Ramps (Cumulative)

Explanation

- Orange Avenue, between Melrose Avenue and I-805 SB Ramps (LOS D) – The proposed 2025 project traffic would comprise approximately 1.2% (less than 5%) of the total segment volume and would add 400 ADT (less than 800 ADT). However, one of the intersections (I-805 SB Ramps / Olympic Parkway) along this segment would operate at LOS F during the PM peak hour. Therefore, the project traffic would result in a significant cumulative impact at this location.

Mitigation

The improvement necessary to mitigate the significant cumulative impact on Orange Avenue between Melrose Avenue and I-805 SB Ramps is to widen this segment from 4 lanes to 6 lanes.

Finding

The improvement necessary to mitigate the significant cumulative impact on Orange Avenue between Melrose Avenue and I-805 SB Ramps is to widen this segment from 4 lanes to 6 lanes. However, as previously noted, there are right-of-way constraints that would make such widening infeasible (an engineering right-of-way assessment was conducted and is included in EIR Appendix M). The right-of-way constraints which make widening infeasible are due to existing structures located north and south of Orange Avenue, as well as retaining walls supporting the structures. Any additional widening would require right-of-way acquisition from private property owners or condemnation of existing occupied homes and some operational businesses. In addition to the proximity of existing residences, another limiting factor is the fixed width of the bridge over I-805. Any widening of Orange Avenue would require a corresponding widening of the bridge over I-805 and there is no plan or program in place into which the Project Applicant could pay its fair share toward the cost of such improvements.

Furthermore, since the freeway system is developed and managed exclusively by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways. There are no other feasible physical improvements that would reduce the remaining cumulative impact to less than significant. Therefore, mitigation is infeasible and the impact will remain cumulatively significant and unavoidable at this location.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to Orange Avenue between Melrose Avenue and I-805 SB Ramps to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Freeways / State Highways

The following freeway / state highway segments would be cumulatively impacted by the proposed project in the Year 2025.

- I-805, between SR-94 and Market Street
- I-805, between Market Street and Imperial Avenue
- I-805, between Imperial Avenue and E. Division Street

- I-805, between Plaza Boulevard and SR-54
- I-805, between SR-54 and Bonita Road

Explanation

- I-805, from SR-94 to Market Street (LOS E) – The proposed project would comprise 1.6% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS E, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Market Street to Imperial Avenue (LOS F) – The proposed project would comprise 1.5% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Imperial Avenue to E Division Street (LOS F) – The proposed project would comprise 1.4% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Plaza Boulevard to SR-54 (LOS E) – The proposed project would comprise 1.8% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS E, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from SR-54 to Bonita Road (LOS E) – The proposed project would comprise 0.7% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS E, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.

Mitigation

Mitigation to reduce the identified significant cumulative impacts to the above freeway / state highway segments is infeasible.

Finding

Previously planned Phase 2 of the I-805 South Project included buildout of the HOV lanes constructed as part of Phase 1 into Express lanes for a total of four lanes, two in each direction. Phase 2 also would have included the addition of in-line transit stations and freeway-to-freeway direct connectors. With the previously planned Phase 2 improvements in place, impacts to freeways/state highways would be less than significant.

However, also as explained above, SANDAG has determined not to proceed with Phase 2 of the I-805 South Project because SANDAG's Addendum (State of California Clearinghouse #2002071059) showed that the reduction in tolls on SR-125 will result in a shift of traffic from I-805 to SR-125 and, as such, freeway operations on both facilities would remain acceptable without implementation of Phase 2. (See EIR Appendix M (TIA), Appendix K.) Nonetheless, the Project traffic model did not account for the shift of traffic from I-805 to SR-125, so it continues to reflect a significant impact at the above five I-805 segments; that is, the analysis utilized the traffic model volumes (with four HOV lanes) with a reduced capacity (two HOV lanes). Because neither Caltrans nor SANDAG will construct Phase 2 of the I-805 South Project, and because there is no longer any plan or program in place to construct the Phase 2 improvements, which would be within the exclusive jurisdiction of Caltrans, mitigation is infeasible and the model-identified impacts are determined to be significant and unavoidable. However, as noted above, SANDAG has determined that freeway operations on both the I-805 and SR-125 facilities would remain acceptable without implementation of Phase 2 of the I-805 South Project.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to freeways/State Highways to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Year 2030 Conditions

Impact – Intersections

The proposed project would have a significant cumulative impact at the following study area intersection in the City of Chula Vista:

- I-805 SB Ramps / Olympic Parkway (cumulative)

Explanation

- I-805 SB Ramps / Olympic Parkway – LOS F during the PM peak hour. The buildout project traffic would comprise approximately 1.2% and 1.1% of the total intersection entering volume in the AM and PM peak hours, respectively. Since the project contribution is less than 5% but the resulting LOS is F, the project would result in a significant cumulative impact at this intersection.

Mitigation

The improvement necessary to mitigate the identified significant cumulative impact at the I-805 SB Ramps / Olympic Parkway intersection is to construct an additional left-turn lane at the I-805 southbound off-ramp, as well as a third through lane along the Olympic Parkway eastbound approach prior to issuance of building permits.

Finding

The improvement necessary to mitigate the identified significant cumulative impact at the I-805 SB Ramps / Olympic Parkway intersection is to construct an additional left-turn lane at the I-805 southbound off-ramp, as well as a third through lane along the Olympic Parkway eastbound approach prior to issuance of building permits. However, there are right-of-way constraints that would make such widening infeasible (an engineering right-of-way assessment was conducted and is included in EIR Appendix M). Any additional widening would require right-of-way acquisition from private property owners or condemnation of existing occupied homes and some operational businesses. In addition, there is no plan or program in place into which the Project Applicant could pay its fair share toward the cost of such improvements. Therefore, impacts related to the I-805 interchange at Olympic parkway are infeasible due to specific constraints.

Furthermore, since the freeway system is developed and managed exclusively by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways. There are no other feasible physical improvements that would reduce the identified cumulative impact to less than significant. Therefore, mitigation is infeasible and the impact will remain cumulatively significant and unavoidable at this location.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to I-805 SB Ramps / Olympic Parkway intersection to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Roadway Segments

The following roadway segment in the City of Chula Vista would be significantly cumulatively impacted by the proposed project traffic under the Year 2030 conditions:

- Orange Avenue between Melrose Avenue and I-805 SB Ramps (Cumulative)

Explanation

- As to the City of Chula Vista, while project buildout traffic would comprise only approximately 0.8% of the total segment volume and less than 300 ADT on the segment of Orange Avenue between Melrose and the I-805 SB Ramps, the intersection along this segment (I-805 SB Ramps / Olympic Parkway) would operate at LOS F during the PM peak hour. Therefore, project traffic would result in a significant cumulative impact at this location.

Mitigation

The recommended improvements to Orange Avenue between Melrose Avenue and I-805 SB Ramps would require widening Orange Avenue / Olympic Parkway; however, as previously noted, there are right-of-way constraints that would make such widening infeasible (an engineering right-of-way assessment was conducted and is included in EIR Appendix M).

Finding

The improvement necessary to mitigate the identified significant cumulative impact on Orange Avenue, between Melrose Avenue and I-805 SB Ramps is to widen Orange Avenue between Melrose Avenue and the I-805 SB Ramps from four lanes to six lanes (Major Road). However, there are right-of-way constraints that would make such widening infeasible (an engineering right-of-way assessment was conducted and is included in EIR Appendix M). The right-of-way constraints which make widening infeasible are due to existing structures located north and south of Orange Avenue, as well as retaining walls supporting the structures. Any additional widening would require right-of-way acquisition from private property owners or condemnation of existing occupied homes and some operational businesses. In addition to the proximity of existing residences, another limiting factor is the fixed width of the bridge over I-805. Any widening of Orange Avenue would require a corresponding widening of the bridge over I-805

and there is no plan or program in place into which the Project Applicant could pay its fair share toward the cost of such improvements.

Furthermore, since the freeway system is developed and managed exclusively by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on these roadways. There are no other feasible physical improvements that would reduce the identified cumulative impact to less than significant. Therefore, mitigation is infeasible and the impact will remain cumulatively significant and unavoidable at this location.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to Orange Avenue between Melrose Avenue and I-805 SB Ramps to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

Impact – Freeways/State Highways

The following freeway / state highway segments would be cumulatively impacted by the proposed project in the Year 2030.

- I-805, from SR-94 to Market Street
- I-805, from Market Street to Imperial Avenue
- I-805, from Imperial Avenue to E Division Street
- I-805, from Plaza Boulevard to SR-54
- I-805 from SR-54 to Bonita Road
- I-805, from Bonita Road to East H Street
- I-805, from East H Street to Telegraph Canyon Road
- SR-905 from I-805 to Caliente Avenue
- SR-905 from Caliente Avenue to Heritage Road
- SR-905 from Heritage Road to Britannia Boulevard
- SR-905 from Britannia Boulevard to La Media Road

Explanation

- I-805, from SR-94 to Market Street (LOS F) – The proposed project would comprise 0.8% (less than 5%) of the total freeway segment volume; therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Market Street to Imperial Avenue (LOS F) – The proposed project would comprise 0.9% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Imperial Avenue to E Division Street (LOS F) – The proposed project would comprise 1.0% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Plaza Boulevard to SR-54 (LOS F) – The proposed project would comprise 1.2% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from SR-54 to Bonita Road (LOS F) – The proposed project would comprise 1.4% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from Bonita Road to East H Street (LOS E) – The proposed project would comprise 1.8% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS E, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- I-805, from East H Street to Telegraph Canyon Road (LOS E) – The proposed project would comprise 1.7% (less than 5%) of the total freeway segment volume and, therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS E, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.

- SR-905, from I-805 to Caliente Avenue (LOS F) – The proposed buildout project would comprise 0.3% (less than 5%) of the total freeway segment volume; therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F with the project, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- SR-905, from Caliente Avenue to Heritage Road (LOS F) – The proposed project would comprise 0.3% (less than 5%) of the total freeway segment volume; therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F with the project, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- SR-905, from Heritage Road to Britannia Boulevard (LOS F) – The proposed project would comprise 0.6% (less than 5%) of the total freeway segment volume; therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F with the project, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.
- SR-905, from Britannia Boulevard to La Media Road (LOS F) – The proposed project would comprise 0.9% (less than 5%) of the total freeway segment volume; therefore, project traffic would not result in a significant direct impact. However, because the segment would operate at LOS F with the project, the addition of trips generated by the proposed project would result in a significant cumulative impact to this segment.

Mitigation

Mitigation to reduce the identified significant cumulative impacts to the following freeway / state highway segments is infeasible.

Finding

As explained above, previously planned Phase 2 of the I-805 South Project included buildout of the HOV lanes constructed as part of Phase 1 into Express lanes for a total of four lanes, two in each direction. Phase 2 also would have included the addition of in-line transit stations and freeway-to-freeway direct connectors. With the previously planned Phase 2 improvements in place, impacts to freeways/state highways would be less than significant.

However, also as explained above, SANDAG has determined not to proceed with Phase 2 of the I-805 South Project because SANDAG's Addendum showed that the reduction in tolls on SR-125 will result in a shift of traffic from I-805 to SR-125 and, as such, freeway operations on both facilities would remain acceptable without implementation of Phase 2. (See EIR Appendix M (TIA), Appendix K.) Nonetheless, the Project traffic model did not account for the shift of traffic

from I-805 to SR-125, so it continues to reflect a significant impact at these I-805 segments. That is, the analysis utilized the traffic model volumes (with four HOV lanes) with a reduced capacity (two HOV lanes). Because neither Caltrans nor SANDAG will construct Phase 2 of the I-805 South Project, and because there is no longer any plan or program in place to construct the Phase 2 improvements, which would be within the exclusive jurisdiction of Caltrans, mitigation is infeasible and the model-identified impacts are determined to be significant and unavoidable. However, as noted above, SANDAG has determined that freeway operations on both the I-805 and SR-125 would remain acceptable without implementation of Phase 2.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to freeways/State Highways to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.3 Transportation, Circulation, and Access

7.2.3 Air Quality

Thresholds of Significance – Air Quality Plans

Impacts to air quality would be significant if the proposed project would:

- Conflict with or obstruct implementation of the applicable air quality plan or General Plan policies.

Impacts

The proposed project would result in an increase in land use intensity and associated increase in vehicle trips that have not been anticipated in the applicable air quality plans. Therefore, the proposed project would not be consistent with the State Implementation Plan (SIP) and Regional Air Quality Strategy (RAQS), and impacts would be significant and unavoidable.

Explanation

The air quality plans relevant to this discussion are the SIP and RAQS.[8] The SIP includes a demonstration that current strategies and tactics will maintain acceptable air quality in the San

[8] For the purpose of this discussion, the relevant federal air quality plan is the ozone maintenance plan (SDAPCD 2012a). The RAQS is the applicable plan for purposes of state air quality planning. Both plans reflect growth projections in the San Diego Air Basin (SDAB).

Diego Air Basin (SDAB) based on the National Ambient Air Quality Standards (NAAQS), while the RAQS includes strategies for the SDAB to meet the California Ambient Air Quality Standards (CAAQS). Consistency with the SIP and RAQS is assessed via two lines of inquiry: (1) whether the proposed project exceeds the growth assumptions contained in the SIP and RAQS; and, (2) if the growth assumptions are exceeded, whether the proposed project (a) increases the frequency or severity of existing air quality violations, contributes to new violations, or delays the timely attainment of air quality standards or interim reductions, as specified in the RAQS, or (b) results in failure to maintain attainment under the SIP.

Project-related emissions of VOCs (construction and operation), NO_x (construction and operation), CO (operation), PM_{10} (construction and operation), and $PM_{2.5}$ (construction and operation) would be significant, and thereby may lead to air quality violations. Because the proposed project exceeds the growth projections in the SIP and RAQS and would exceed the significance thresholds for certain criteria air pollutants during construction and operation, the proposed project may conflict with or obstruct implementation of applicable air quality plans.

Mitigation

Due to the absence of additional feasible mitigation measures, the proposed project would remain inconsistent.

Finding

The increase in land use intensity and associated increase in vehicle trips as a result of the proposed project has not been anticipated in local air quality plans; therefore, the proposed project would be inconsistent at a regional level with the underlying growth forecasts in the RAQS.

Because the proposed project exceeds the growth projections in the SIP and RAQS and would exceed the significance thresholds for certain criteria air pollutants during construction and operation, the proposed project may conflict with or obstruct implementation of applicable air quality plans. Mitigation measures identified above in Section 7.1.4 would reduce impacts to air quality, however they would not reduce impacts to below a level of significance. No other feasible mitigation measures exist based on best available control technologies or best management practices that would reduce this impact to air quality to below a level of significance or substantially lessen the impact.

Because there are no additional feasible mitigation measures within the control of the City at this time to reduce this impact to air quality to below a level of significance or substantially lessen the impact, the impact would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.4 Air Quality

Thresholds of Significance – Air Quality Violations

Impacts to air quality would be significant if the proposed project would:

- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impacts

The emissions of (1) VOC, (2) NO_x, and (3) $PM_{10,}$ and $PM_{2.5}$ would exceed the applicable significance threshold levels during construction. Accordingly, generation of these criteria pollutant emissions when combined with other cumulative projects, particularly those occurring simultaneously during various construction periods of the proposed project, would result in a temporary significant cumulative impact to air quality. As such, the project's contribution to cumulative construction emissions would be significant and unavoidable.

Operation of the proposed project would result in a cumulatively considerable contribution to regional O_3, PM_{10}, and $PM_{2.5}$ concentrations. Impacts would be significant and unavoidable.

Explanation

The emissions of VOC, NO_x, $PM_{10,}$ and $PM_{2.5}$ would exceed the applicable significance threshold levels during construction. Emissions of PM_{10}, $PM_{2.5}$, NO_x, and/or VOCs generated during project construction would be localized to the proposed project site. Additionally, the proposed project would be required to comply with SDAPCD Rule 55. However, PM_{10} emissions would exceed the threshold. The VOC and NO_x emissions from the proposed project would exceed the significance threshold, and project design features included as part of the project would not substantially reduce those emissions from the proposed project. Accordingly, generation of these criteria pollutant emissions when combined with other cumulative projects, particularly those occurring simultaneously during various construction periods of the proposed project, would result in a temporary significant cumulative impact to air quality.

This increase in land use intensity and associated increase in vehicle trips has not been anticipated in local air quality plans; therefore, the proposed project would be inconsistent at a regional level with the underlying growth forecasts in the RAQS. Furthermore, the emissions VOCs and NO_x (precursors of O_3), as well as those of PM_{10} and $PM_{2.5}$, would exceed operational significance thresholds. The health effects attributed to criteria air pollutants emitted by any

singular project, however, cannot be accurately predicted at this time because of the numerous variables that influence public health (e.g., background air pollutant concentrations, meteorology and weather patterns, diet, preexisting conditions, genetic predispositions, and personal habits such as smoking). Nonetheless, operation of the proposed project would result in a cumulatively considerable contribution to regional O_3, PM_{10}, and $PM_{2.5}$ concentrations. Impacts would be significant and unavoidable.

Mitigation

MM AQ-1 Prior to approval of any grading permits, the Project Applicant or its designee shall place the following on all grading plans to the satisfaction of the Development Services Director and City Engineer, and these requirements shall be implemented during grading of each phase of the project to minimize NO_x emissions:

- Minimize simultaneous operation of multiple construction equipment units. During construction, vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions;
- All construction equipment shall be outfitted with best available control technology (BACT) devices certified by CARB. A copy of each unit's BACT documentation shall be provided at the time of mobilization of each applicable unit of equipment;
- All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications;
- All diesel-fueled, on-road construction vehicles shall meet the emission standards applicable to the most current year to the greatest extent possible. To achieve this standard, new vehicles shall be used, or older vehicles shall use post-combustion controls that reduce pollutant emissions to the greatest extent feasible;
- The effectiveness of the latest diesel emission controls is highly dependent on the sulfur content of the fuel. Therefore, diesel fuel used by on- and off-road construction equipment shall be low sulfur (less than 15 ppm) or other alternative, low-polluting diesel fuel formulation;
- The use of electrical construction equipment shall be employed where feasible;
- The use of catalytic reduction for gasoline-powered equipment shall be employed where feasible;
- The use of injection timing retard for diesel-powered equipment shall be employed where feasible.

MM AQ-2 Prior to approval of any grading permits, the Project Applicant or its designee shall place the following Standard Construction Best Management Practices (BMPs) on all grading plans to the satisfaction of the Development Services Director and City Engineer and shall implement these BMPs during project construction to minimize PM_{10} and $PM_{2.5}$ emissions, including:

- Water, or utilize another acceptable SDAPCD dust control agent on, the grading areas at least twice daily to minimize fugitive dust;
- Stabilize grading areas as quickly as possible to minimize fugitive dust;
- Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry;
- Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads;
- Remove any visible track-out into traveled public streets within 30 minutes of occurrence;
- Wet wash the construction access point at the end of the workday if any vehicle travel on unpaved surfaces has occurred;
- Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads;
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling;
- Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour (mph);
- Cover/water on-site stockpiles of excavated material;
- Enforce a 20 mph speed limit on unpaved surfaces;
- Pave permanent roads as quickly as possible to minimize dust;
- During construction, site grading activities within 500 feet of a school in operation shall be discontinued or all exposed surfaces shall be discontinued or all exposed surfaces shall be watered to minimize dust transport off site to the maximum degree feasible, when the wind velocity is greater than 15mph in the direction of the school;
- During blasting, utilize control measures to minimize fugitive dust. Control measures may include, but are not limited to, blast enclosures, vacuum blasters, drapes, water curtains or wet blasting.

Implementation of Mitigation Measure AQ-1 and AQ-2 would reduce construction-related NO_x, $PM_{10,}$ and $PM_{2.5}$ emissions generated by the proposed project. There are no feasible mitigation measures, however, to reduce construction-related VOC emissions. Even with incorporation of these mitigation measures, VOC, NO_x, $PM_{10,}$ and $PM_{2.5}$ emissions are anticipated to be above the threshold. Therefore, project construction would result in a significant and unavoidable impact at the project and cumulative levels, even with incorporation of all feasible mitigation measures.

Additionally, daily operational emissions for VOCs, NO_x, CO, PM_{10}, and $PM_{2.5}$ would remain significant and unavoidable at the project and cumulative levels due to the absence of feasible mitigation measures.

Finding

The emissions of VOC, NO_x, $PM_{10,}$ and $PM_{2.5}$ would exceed the applicable significance threshold levels during construction. Operation of the proposed project would result in a cumulatively considerable contribution to regional O_3, PM_{10}, and $PM_{2.5}$ concentrations. Significant reductions in emissions would be required to reduce emissions of the identified pollutants to less than significant, and feasible mitigation measures are not available to achieve these reductions as emissions are attributable to consumer product use and mobile emissions. No other feasible mitigation measures exist based on best available control technologies or best management practices that would reduce this impact to air quality to below a level of significance or substantially lessen the impact.

Because there are no additional feasible mitigation measures within the control of the City at this time to reduce impacts to air quality to below a level of significance or substantially lessen the impact, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.4 Air Quality

Thresholds of Significance – Criteria Air Pollutants

Impacts to air quality would be significant if the proposed project would:

- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Impacts

The project's cumulative contribution to the net increase of criteria pollutants during construction and operation would be significant and unavoidable.

Explanation

The SDAB is currently classified as a nonattainment area for the NAAQS and CAAQS for O_3, which is caused by contributions from O_3 precursors NO_x and VOCs. The SDAB is also classified as a nonattainment area for the CAAQS for PM_{10} and $PM_{2.5}$.

Construction of cumulative projects simultaneously with the proposed project would result in a temporary addition of pollutants to the local airshed caused by soil disturbance and hauling activities, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials and worker vehicular trips. Fugitive dust (PM_{10} and $PM_{2.5}$) emissions would primarily result from site preparation activities. NO_x and CO emissions would primarily result from the use of construction equipment and motor vehicles, the latter of which would generally be dispersed over a large area where the vehicles are traveling. The closest cumulative projects to be constructed in the vicinity of the project site are Village Two located northeast of Village Three North and north of Village Four, the remaining segments of Village Four located immediately east of Village Three, Village Eight West located immediately west of Village Eight East, Village Nine located east of Village Eight East, and Planning Area-12. The construction of surrounding villages would employ similar construction practices, equipment fleets, and construction schedules as the proposed project; therefore, the potential exists for various construction phases of these projects to occur concurrently, resulting in cumulatively considerable air emissions.

Regarding operational emissions, the increase in land use intensity and associated increase in vehicle trips has not been anticipated in local air quality plans; therefore, the proposed project would be inconsistent at a regional level with the underlying growth forecasts in the RAQS. The emissions VOCs and NO_x (precursors of O_3), as well as those of PM_{10} and $PM_{2.5}$, would exceed operational significance thresholds. The health effects attributed to criteria air pollutants emitted by any singular project, however, cannot be accurately predicted at this time because of the numerous variables that influence public health (e.g., background air pollutant concentrations, meteorology and weather patterns, diet, preexisting conditions, genetic predispositions, and personal habits such as smoking). Nonetheless, operation of the proposed project would result in a cumulatively considerable contribution to regional O_3, PM_{10}, and $PM_{2.5}$ concentrations. Impacts would be significant and unavoidable.

Mitigation

Implementation of Mitigation Measure AQ-1 and AQ-2 would reduce construction-related NO_x, PM_{10} and $PM_{2.5}$ emissions generated by the proposed project. There is no feasible mitigation, however, to reduce construction-related VOC emissions. Even with incorporation of these mitigation measures, VOC, NO_x, $PM_{10,}$ and $PM_{2.5}$ emissions are anticipated to be above the threshold. Therefore, project construction would result in a significant and unavoidable impact at the project and cumulative levels, even with incorporation of all feasible mitigation measures.

Additionally, daily operational emissions for VOCs, NO_x, CO, PM_{10}, and $PM_{2.5}$ would remain significant and unavoidable at the project and cumulative levels due to the absence of feasible mitigation measures.

Findings

Significant reductions in emissions would be required to reduce emissions of the identified pollutants to less than significant, and feasible mitigation measures are not available to achieve these reductions as emissions are attributable to consumer product use and mobile emissions. No other feasible mitigation measures exist based on best available control technologies or best management practices that would reduce this impact to air quality to below a level of significance or substantially lessen the impact.

Because there are no additional feasible mitigation measures within the control of the City at this time to reduce impacts to air quality to below a level of significance or substantially lessen the impact, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.4 Air Quality

7.2.4 Cultural Resources

Thresholds of Significance – Cumulative Impact on Cultural Resources

The proposed project would result in cumulatively considerable impacts to cultural resources if:

- A proposed project's incremental effects in combination with other closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project to cultural resources

Impacts

Given the loss of prehistoric resources from pasts projects, especially habitation sites and temporary camps in the generally vicinity and on the Otay Mesa in combined with the previous impacts of roads, plowing, and erosion, the proposed University Villages project is considered to contribute to a cumulative impact on prehistoric cultural resources, since it represents the continued destruction of non-renewable cultural resources.

Explanation

Together, the development of the proposed project on two of the three habitation sites within the project area, and other minor sites identified as non-significant shell and lithic scatters, would contribute to a cumulative impact to prehistoric cultural resources. Furthermore, these sites are positioned along the Otay River and, as such, are ideally suited for answering important questions regarding subsistence and settlement, chronology, technology, and trade. Therefore, the cumulative impact on cultural resources would be cumulatively considerable.

Mitigation

No mitigation measures are available to reduce the proposed project's incremental contribution to cumulatively considerable impacts on cultural resources.

Findings

A cumulative impact, in terms of cultural resources, refers to the mounting aggregate effect upon cultural resources due to modern or recent historic land use, such as residential development, and natural processes, such as erosion, that result from acts of man. Mitigation can be implemented to reduce impacts of the proposed project by ensuring the scientific recovery, study, documentation, and curation of significant sites to be impacted. Important information about prehistory would not be lost through a well-planned and executed mitigation program that documents and gathers all data from these non-replaceable and non-renewable resources. While any individual project may avoid or mitigate the direct loss of a specific resource, the effect is considerable when considered cumulatively. Although the actions of the proposed project would be mitigated through data recovery, curation, and reporting, the proposed project's contribution to a cumulatively considerable impact would not be reduced to a less than significant level.

No other feasible mitigation measures exist based on best available control technologies or best management practices that would reduce this cumulative impact to cultural resources to below a level of significance or substantially lessen the impact.

Because there are no additional feasible mitigation measures within the control of the City at this time to reduce impacts to cultural resources to below a level of significance or substantially lessen the impact, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 6.3.6 Cumulative Impact on Cultural Resources

7.2.5 Agricultural Resources

Thresholds of Significance – Conversion of Agricultural Land

Impacts to agricultural and/or forestry resources would be significant if the proposed project would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use.

Impacts

Incremental loss of Farmland of Local Importance as a result of the proposed project would be a potentially significant direct and cumulative impact.

Explanation

The proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. However, the proposed project would convert approximately 476 acres designated as Farmland of Local Importance to residential and village land uses. Although the project area is no longer used for crops because of the lack of reliable and affordable water, the loss would contribute to an incremental loss of Farmland of Local Importance.

Mitigation

No mitigation measures are available to reduce the proposed project's impact on Farmland of Local Importance to below a level of significance.

Findings

Placing agricultural easements or restrictions on new parcels is possible, but would not feasibly result in the economical use or operation of other agricultural lands due to high land costs, high water and labor costs, restrictive water use regulations, restrictive environmental regulations related to air quality and use of pesticides, agricultural competition from other parts of the State and from foreign countries, and the likelihood of incompatibility with other existing and planned land uses due to growing urbanization within the Otay Ranch area. Also, restriction of other properties to agricultural or farmland uses would not facilitate the achievement of City objectives to provide sufficient housing units to meet identified housing needs and obligations, to improve the existing jobs/housing balance, to increase property values and related property-based municipal revenues, and to preserve biological habitat and open space. Further, there are no fee-based programs in the City that would facilitate the purchase of economically viable farmland resources based on the cost and regulatory factors.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to agricultural resources to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

EIR Section 5.9 Agricultural Resources

7.2.6 Utilities

Thresholds of Significance – Demand for Wastewater Capacity

Impacts to sewer services would be significant if the proposed project would:

- Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

Impacts

The City of Chula Vista would need to acquire capacity rights for an additional 5.4 mgd to accommodate year 2030 flows. The Salt Creek Interceptor Technical Sewer Study for South Otay Ranch addresses the City's current projections regarding the need to acquire additional treatment capacity. As the location and scope of construction of future expanded or newly developed treatment facilities is unknown, the development treatment capacity beyond the City's existing and allocated capacity may result in significant and unavoidable impacts.

Explanation

The estimated year 2030 flows based on the 2005 General Plan were 23.3 million gallons per day (mgd). The projected year 2030 average flow for the City is 26.2 mgd. Thus, the City of Chula Vista would need to acquire capacity rights for an additional 5.4 mgd to accommodate year 2030 flows. The project's wastewater generation volume combined with other planned projects would require sewage treatment capacity beyond the City's existing capacity rights and allocated additional treatment capacity. The means by which additional treatment capacity would be acquired is unknown at this time.

Mitigation

There are no feasible mitigation measures that would reduce impacts associated with the construction or new or expanded treatment facilities.

Finding

Implementation of respective General Plan policies would ensure that treatment capacity would be provided by the City; however, the means by which additional treatment capacity would be acquired is unknown at this time. The City's options include the acquisition of treatment capacity from a San Diego Metropolitan Sewer Authority member agency, including the City of San Diego, or construction of a Chula Vista treatment facility. Final determination on the means by which additional treatment capacity would be acquired has not yet been made. As the location and scope of construction for any newly developed treatment facility are unknown, and the development of treatment capacity beyond the City's existing and allocated capacity may result in impacts on the environment, it is conservatively concluded that a potentially significant environmental impact associated with construction of new or expanded treatment facility may occur.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to new or expanded wastewater treatment facilities to below a level of significance, direct impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

Section 5.13 Utilities

Thresholds of Significance – Demand for Energy

Impacts to gas and electric service would be significant if the proposed project would:

- Increase the demand of energy resources to exceed the City's available supply or cause a need for new and expanded facilities the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

Impacts

No assurance can be made that long-term energy will be supplied to the site at full buildout and beyond, therefore, impacts would be considered potentially significant because the proposed project could increase the demand for energy resources that exceed the City's available supply.

Explanation

The various statewide, regional, and City programs and policies aimed at reducing energy consumption would result in more efficient use of energy; however, there is no guarantee energy resources will be available at the time of full project buildout. SDG&E has indicated that without an increased import capacity, including a new substation within the Otay Ranch area, future energy needs could not be assured. The new substation would be located in the EUC, south of the east end of Hunte Parkway. Construction of the substation is expected to begin in late 2014 and is expected to require approximately 18 to 24 months from initial site development through energization and testing (SDG&E 2013b). The 120 megavolt amperes substation would provide infrastructure necessary to provide power to buildout of Otay Ranch, but would not generate electricity or guarantee that adequate supply would be available.

Mitigation

The Supplemental Environmental Impact Report for Amendments to the City of Chula Vista General Plan (GPA-09-01) and Otay Ranch General Development Plan (PCM-09-11) included mitigation measure 5.3.5-1, which would encourage energy efficient development throughout the SPA through implementation of the City of Chula Vista Energy Strategy & Action Plan, including implementation of the Adaptation Strategies to prepare the City for impacts associated with climate change. The proposed project would comply with this mitigation measure because it includes a non-renewable energy conservation plan to reduce energy use. No additional

mitigation measures are available to reduce direct and cumulative impacts related to energy consumption to a less-than-significant level.

Finding

Implementation of the energy conservation plan would aid in the implementation of energy efficient measures throughout project design; however, there is no assurance that long-term energy resources would be supplied to the project site following full project buildout.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to energy resources to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

Section 5.13 Utilities

7.2.7 Global Climate Change

Thresholds of Significance – Increased Exposure of Global Warming

Impacts to climate change would be significant if the proposed project would:

- Result in substantially increased exposure of the project from the potential adverse effects of global warming identified in the California Global Warming Solutions Act of 2006 (AB 32).

Impacts

The project's potential to exacerbate air quality problems resulting from global warming as a result of ozone formation is a significant and unavoidable impact due to the unavailability of feasible mitigation.

Explanation

This increase in land use intensity and associated increase in vehicle trips has not been anticipated in local air quality plans; therefore, the proposed project would be inconsistent at a regional level with the underlying growth forecasts in the RAQS. Furthermore, as discussed in EIR Section 5.4, the emissions VOCs and NO_x (precursors of O_3), as well as those of PM_{10} and $PM_{2.5}$, would exceed operational significance thresholds. As a result, operation of the proposed project would result in significant impacts to air quality. Project design features

would help to reduce operational emissions; however, significant reductions in ozone precursor emissions would be required to reduce emissions of these pollutants to less than significant and feasible mitigation measures are not available to achieve these reductions. Therefore, even with incorporation of these design features, emission for ozone precursors are anticipated to be above the thresholds. As a result, and as discussed further in EIR Section 5.4, this direct impact is considered significant and unavoidable.

Mitigation

Implementation of Mitigation Measure AQ-1 and AQ-2 would reduce construction-related NO_x, PM_{10}, and $PM_{2.5}$ emissions generated by the proposed project. There is no feasible mitigation, however, to reduce construction-related VOC emissions. Even with incorporation of these mitigation measures, VOC, NO_x, PM_{10}, and $PM_{2.5}$ emissions are anticipated to be above the threshold. Therefore, project construction would result in a significant and unavoidable impact at the project and cumulative levels, even with incorporation of all feasible mitigation measures.

Additionally, daily operational emissions for VOCs, NO_x, CO, PM_{10}, and $PM_{2.5}$ would remain significant and unavoidable at the project and cumulative levels due to the absence of feasible mitigation measures.

Finding

The emissions of VOC, NO_x, PM_{10}, and $PM_{2.5}$ would exceed the applicable significance threshold levels during construction. Operation of the proposed project would result in a cumulatively considerable contribution to regional O_3, PM_{10}, and $PM_{2.5}$ concentrations. Significant reductions in emissions would be required to reduce emissions of the identified pollutants to less than significant, and feasible mitigation measures are not available to achieve these reductions as emissions are attributable to consumer product use and mobile emissions.

Because there are no feasible mitigation measures within the control of the City at this time to reduce direct impacts to global climate change to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Reference

Section 5.14 Global Climate Change

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8.0 FEASIBILITY FOR POTENTIAL PROJECT ALTERNATIVES

Because the project will cause significant environmental effects, as outlined above, the City must consider the feasibility of any environmentally superior alternative to the project as finally approved. The City must evaluate whether one or more of these alternatives could avoid or substantially lessen the significant unavoidable environmental effects of the proposed project.

In general, in preparing and adopting findings, a lead agency need not necessarily address feasibility when contemplating the approval of a project with significant impacts. Where the significant impacts can be mitigated to an acceptable (less-than-significant) level solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692). Accordingly, for this project, in adopting the findings concerning project alternatives, the City Council considers only those environmental impacts that, for the finally approved project, are significant and cannot be avoided or substantially lessened through mitigation.

If project alternatives are feasible, the decision makers must adopt a Statement of Overriding Considerations with regard to the project. If there is a feasible alternative to the project, the decision makers must decide whether it is environmentally superior to the project. Proposed project alternatives considered must be ones that "could feasibly attain the basic objectives of the project." However, the CEQA Guidelines also require an EIR to examine alternatives "capable of eliminating" environmental effects, even if these alternatives "would impede to some degree the attainment of the project objectives" (CEQA Guidelines Section 15126).

The City has properly considered and reasonably rejected project alternatives as "infeasible" pursuant to CEQA. CEQA provides the following definition of the term "feasible" as it applies to the findings requirement: "feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Pub. Resources Code, § 21061.1). The CEQA Guidelines provide a broader definition of "feasibility" that also encompasses "legal" factors and "other considerations." CEQA Guidelines Section 15364 states, "the lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor." (See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565).

Accordingly, "feasibility" is a term of art under CEQA and thus may be afforded a different meaning as may be provided by Webster's dictionary or any other sources. Moreover, Public Resources Code Section 21081 governs the "findings" requirement under CEQA with regard to the feasibility of alternatives. Specifically, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings:

> "Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines, § 15091, subd. (a)(1)).
>
> "Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines, § 15091, subd. (a)(2)).
>
> "Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR" (CEQA Guidelines, § 15091, subd. (a)(3)).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). " '[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the finally approved project, while still resulting in significant environmental impacts, has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the decision makers have examined the finally approved project objectives and weighed the ability of the various alternatives to meet objectives. The decision makers believe that the project best meets the finally approved project objectives with the least environmental impact.

The City evaluated five alternatives to the proposed project and they are discussed in detail below. These alternatives include the following: (1) Existing General Plan and General

Development Plan Alternative; (2) Reduced Density Alternative; (3) Nuisance Easement Alternative; (4) Otay Subregional Plan Alternative; and (5) No Project Alternative.

8.1 Existing GP and GDP Alternative

Description

Under the Existing GP and GDP Alternative, development would be proposed for the villages consistent with the General Plan and Otay Ranch GDP. The adopted Otay Ranch GDP land uses village boundaries are different than those in the proposed project. Village Three North is within Village Three as shown in the Otay Ranch GDP and planned as an "Industrial" village. The Portion of Village Four is the same as the proposed project, with a portion designated as "Open Space," and a portion designated for "Community Park." No residential units were allocated to Village Three North or the Portion of Village Four by the Otay Ranch GDP. As discussed in Section 2.0, Introduction, and Section 3.0, Environmental Setting, the General Plan and Otay Ranch GDP designate Village Three North for Limited Industrial land uses in a business park setting that reflects the unique characteristics of the landform and surrounding development. A 1,000 foot nuisance easement area surrounds the Otay Landfill and extends into the northern portion of Village Three. General Plan Policy E 6.4 calls for not placing sensitive receptors, such as a residential land use, within 1,000 feet of a major toxic emitter. In the case of proposed Village Three North land uses, planned residential land uses are considered sensitive receptors and the landfill to the north of Village Three is considered a toxic emitter. This alternative would not conflict with the General Plan Policy E 6.4. Further, Village Three North was a part of the previously approved Village Two, Village Three and Portion of Village Four Sectional Planning Area (SPA) Plan which identified Village Three North for Industrial and CPF development.

The General Plan designates Village Eight East for residential uses including Residential Mixed Use, Residential Medium–High, Residential Low–Medium, Public and Quasi Public, Parks and Recreation, and Open Space. The Otay Ranch GDP designates Village Eight East as an urban village with single-family and multi-family residential, and a mixed-use village core. Under the Otay Ranch GDP, a portion of what is proposed as Village Eight East is within the Village Seven SPA Plan boundary. This portion of Village Seven is designated as Open Space. The Otay Ranch GDP allocates Village Eight East a total of 928 residential units.

The General Plan designates Village Ten as part of the University Study Area. The village is designated Public and Quasi Public uses. The Otay Ranch GDP has two land uses identified for Village Ten. The primary land use designates Village Ten as Public and Quasi-Public for a university campus site; the secondary land use designates Village Ten as an urban village with single-family and multifamily residential, a mixed-use village core, and a community park.

The Otay Ranch GDP allocates the secondary land use designation for Village Ten a total of 642 residential units.

This alternative includes generally the same development area as the proposed project; however, the land uses are reconfigured per the Otay Ranch GDP and no Give/Take is proposed to convert Preserve areas to development nor any development areas to Preserve. This alternative would not require an MSCP Preserve Boundary Adjustment or GDPA related to increased densities, circulation element modifications, and the allowance of residential land uses within the landfill nuisance easement area; however, as described further below in Land Use, a GPA would be required for residential land uses in Village Ten to be consistent with the Otay Ranch GDP land use.

A total of 1,570 residential units would be built under the Existing GP and GDP Alternative. Using a household coefficient of 3.24 persons per household, this alternative would increase the population by 5,087 people.

Landforms and Aesthetics

Both the proposed project and the Existing GP and GDP Alternative would substantially alter the aesthetics of the surrounding area, both would create significant and unmitigable impacts to landforms and aesthetics. Thus, compared to the proposed project impacts would not be reduced or avoided under the Existing GP and GDP Alternative.

Transportation and Circulation

Under the Existing GP and GDP Alternative, development would occur as planned in the General Plan and Otay Ranch GDP. Due to the decrease in the number of dwelling units, the Existing GP and GDP Alternative would result in approximately 31,309 fewer ADT compared to the proposed project at buildout, which would reduce impacts to traffic and circulation.

Air Quality

Under the Existing GP and GDP Alternative, development would occur as planned in the General Plan and Otay Ranch GDP. The decreased amount of dwelling units allowed under this alternative would result in lower traffic volumes. Therefore, the Existing GP and GDP Alternative would result in reduced air quality impacts compared to the proposed project.

Cultural Resources

Under the Existing GP and GDP Alternative, development would still contribute to a cumulatively considerable impact on cultural resources. Therefore, this alternative would

continue to make an incremental contribution to a significant and unavoidable cumulative impact to cultural resources.

Agricultural Resources

Under the Existing GP and GDP Alternative, development would occur as planned in the General Plan and Otay Ranch GDP, which would also result in the loss of Farmland of Local Importance. Impacts to agricultural resources as a result of the Existing GP and GDP Alternative would not be reduced or avoided compared to the proposed project.

Utilities

Water

Since implementation of the Existing GP and GDP Alternative would result in less development, there would be less demand for water. Therefore, compared to the proposed project, impacts would be reduced.

Recycled Water

Since implementation of the Existing GP and GDP Alternative would result in less development, there would be less demand for recycled water. Therefore, compared to the proposed project, impacts would be reduced.

Wastewater

The Existing GP and GDP Alternative would have reduced impacts on wastewater facilities because less development would occur under this alternative compared to the proposed project; however, additional capacity in the system would still require the expansion of existing facilities or construction of new treatment facilities. Similar mitigation measures as required by the proposed project would be required for this alternative. Therefore, impacts would not be avoided.

Energy

Since the implementation of the Existing GP and GDP Alternative would result in less development, there would be less demand for energy. However, similar to the proposed project, the guarantee for long term energy resources cannot be provided with this alternative. Therefore, compared to the proposed project, the demand would be reduced, but impacts would not be avoided.

Global Climate Change

The significant and unavoidable impact related to exacerbation of air quality problems as a result of climate change would be reduced under this alternative because operational emissions of ozone precursors would be reduced. Direct and cumulative impacts related to the potential effects of climate change would still be significant and unavoidable; however, compared to the proposed project, impacts would be slightly reduced.

Finding

The proposed project was designed to be consistent with the goals and objectives of the Otay Ranch GDP. Since the Existing GP and GDP Alternative would ultimately lead to development as planned in the Otay Ranch GDP, most of the proposed projects objectives would be met; with the exception of the following objectives for Village Three North and Portion of Village Four:

- Develop Mixed-Use Office/Commercial uses within the Village core area that provide a strong employment base for Village Three North residents and the City of Chula Vista and meet the commercial/retail needs of the village and surrounding villages.

This goal aims to provide a strong employment base for the residents of Village Three North. Future development under the Existing GP and GDP Alternative, as planned in the Otay Ranch GDP, would not include residential units for Village Three North; therefore, the Existing GP and GDP Alternative fails to meet these goals.

Additionally, the Existing GP and GDP Alternative does not include enough residential development to accommodate SANDAGs 2050 Regional Growth Forecast. Development of this alternative could result in an inadequate amount of dwelling units in the future and inconsistency with the following objective.

- Provide a wide variety of housing options, including affordable housing, to City residents, future students, and faculty of the planned 4-year university and employees of the Regional Technology Park, Village Eight West and Village Nine Town Centers and the EUC.

Although this alternative would lessen impacts to traffic, air quality and certain utilities, impacts would not be reduced to below a level of significance. The City rejects this alternative because it does not meet two critical project objectives discussed above and is therefore infeasible.

8.2 Reduced Density Alternative

Description

The Reduced Density Alternative would follow the same land use pattern as the proposed project, with the exception of having reduced maximum dwelling units for multi-family and mixed-use land uses. Instead of the proposed 45.0+ du/ac for multi-family land uses, the Reduced Density Alternative would assume the Otay Ranch GDP's maximum density of 18.0 du/ac for multi-family land uses; and instead of the proposed 44.4 du/ac for mixed-use land uses, the Reduced Density Alternative would assume the Otay Ranch GDP's maximum density of 27.0 du/ac for mixed-use land uses. Similar to the proposed project, the Reduced Density Alternative would also require a General Plan amendment, an Otay Ranch GDP amendment, and an MSCP Subarea Plan Boundary Adjustment as detailed below.

This alternative would include the same development area as the proposed project. Table 10-3 in the Final EIR shows the difference between the Reduced Density Alternative and the proposed project. The proposed project would result in 2,640 single-family dwelling units, 3,737 multi-family dwelling units, and 520 mixed-use dwelling units, for a total of 6,897 dwelling units. The Reduced Density Alternative would retain the 2,640 single-family dwelling units, but reduce the number of multi-family units to 1,413 multi-family dwelling units and would not provide any mixed-use dwelling units. Therefore, the Reduced Density Alternative would have a decrease of 2,324 multi-family dwelling units, and a decrease of 520 mixed-use dwelling units, for a total reduction in dwelling units of 2,844 compared to the proposed project. Overall, the Reduced Density Alternative would have a 41% decrease in dwelling units and a 41% decrease in population compared to the proposed project. Further, because of the decrease in dwelling units and population, the Reduced Density Alternative would reduce the amount of park demand such that the Village Eight East Community Park (P-2) would not be developed, thus, this alternative would not be compliant with project objectives.

Landforms and Aesthetics

Similar to the proposed project, this alternative would result in a significant impact related to aesthetics and landform alteration. Overall, the Reduced Density Alternative would not reduce or avoid impacts to landforms and aesthetics compared to the proposed project.

Transportation and Circulation

Impacts related to General Plan and Otay Ranch GDP emergency access, road safety, and transportation policies would be less than significant under this alternative, similar to the proposed project, because the circulation system proposed by the Otay Ranch GDP would still be implemented by the Reduced Density Alternative. The Reduced Density Alternative

would also result in similar impacts to air traffic patterns compared to the project because the same maximum building heights would be allowed under this alternative. Overall, impacts as a result of the Reduced Density Alternative would be reduced compared to the proposed project due to the reduction of trips by 31.7%. However, impacts would not be reduced to below a level of significance.

Air Quality

Impacts related to odors would be the same under this alternative as the proposed project because none of the uses would be expected to generate objectionable odors. As it relates to potential odors from the Otay Landfill, the Reduced Density Alternative would reduce the number of sensitive receptors within the Landfill Nuisance Easement area compared to the proposed project because the density in the MU-1 and R-19 neighborhoods would be reduced. The Reduced Density Alternative would not exceed the RAQS growth assumption for the University Villages. The decreased amount of dwelling units allowed under this alternative would result in lower traffic volumes. Therefore, this Reduced Density Alternative would result in reduced air quality impacts compared to the proposed project. However, this alternative would still result in new significant and unavoidable criteria pollutant emissions, and would thus still be inconsistent with the RAQS and SIP. Direct and cumulative impacts would remain significant and unavoidable, similar to the project. Less-than-significant impacts related to consistency with General Plan and Otay Ranch GDP air quality policies would be similar to the project under the Reduced Density Alternative. Overall, the Reduced Density Alternative would have reduced air quality impacts compared to the proposed project.

Cultural Resources

Under the Reduced Density Alternative, development would still contribute to a cumulatively considerable impact on cultural resources. Therefore, this alternative would continue to make an incremental contribution to a significant and unavoidable cumulative impact to cultural resources.

Agricultural Resources

The Reduced Density Alternative would still result in the loss of 476 acres of designated Farmland of Local Importance. This alternative would also not result in any conflict with agricultural policies. Therefore, impacts would not be reduced or avoided compared to the proposed project.

Utilities

Water

Since implementation of the Reduced Density Alternative would result in less development and less population, there would be less water demand; mitigation measures MM UTL-1 through MM UTL-4 would still be required. This impact would be reduced compared to the proposed project.

Recycled Water

Since the implementation of the Reduced Density Alternative would result in less development and less population, there would be less demand for recycled water. Therefore, compared to the proposed project, impacts would be reduced.

Wastewater

The Reduced Density Alternative would have reduced impacts on wastewater facilities, because less development would occur under this alternative compared to the proposed project; however, the Reduced Density Alternative combined with other planned projects would also require sewage treatment capacity beyond the City's existing capacity rights and allocated additional treatment capacity. Additional capacity may require the expansion of existing or construction of new treatment facilities. Similar mitigation measures as required by the proposed project would be required for this alternative.

Energy

The guarantee for long term energy resources cannot be provided with this alternative similar to the proposed project. Therefore, compared to the proposed project, impacts would be reduced, but not avoided.

Global Climate Change

Direct and cumulative impacts related to the potential effects of climate change would still be significant and unavoidable, similar to the project. Overall, the Reduced Density Alternative would have reduced impacts related to climate change as compared to the proposed project.

Findings

The Reduced Density Alternative would result in similar land use and development patterns as the proposed project, and would meet many of the project objectives. The primary difference between the proposed project and this alternative would be the decrease in multi-family and

mixed-use dwelling units, resulting in a lack of housing concurrent with needs as shown in SANDAG forecasts and in the Growth Management Plan. Therefore, this alternative does not meet the following project objectives:

- Provide a wide variety of housing options, including affordable housing, to City residents, future students and faculty of the planned four year university and employees of the Regional Technology Park, Village Eight West and Village Nine Town Centers and EUC.
- Establish a land use and facility plan that assures the economic viability of the SPA Plan areas in consideration of existing and anticipated economic conditions.

Additionally, the reduction of all mixed-use land uses within Village Three North and Village Eight East would not result in a pedestrian-oriented development. With respect to Village Three North and Village Eight East, this alternative does not meet the following project objectives:

- Promote synergistic uses between Village Eight East and Village Eight West, the Eastern Urban Center and the University/Regional Technology Park to balance activities, services and facilities with employment, housing, transit and commercial opportunities.
- Develop Mixed-Use Office/Commercial uses within the Village core area that provide a strong employment base for Village Three North residents and the City of Chula Vista and meet the commercial/retail needs of the village and surrounding villages.

Furthermore, the Reduced Density Alternative would not yield enough units to trigger demand for the Village Eight East Community Park (P-2) and therefore would not include the development of the western portion of AR-11 as Community Park (P-2) in Village Eight East. Therefore, this alternative does not meet the following project objective:

- Designate a portion of Active Recreation Area (AR-11) as a 51.5-acre Community Park (P-2) (a portion of the park may function as a staging area within the OVRP).

Although this alternative would lessen impacts to traffic, air quality and certain utilities, impacts would not be reduced to below a level of significance. The City rejects this alternative because it does not meet five critical project objectives discussed above and is therefore infeasible

8.3 Nuisance Easement Alternative

Description

General Plan Policy E 6.4 calls for not placing sensitive receptors within 1,000 feet of a major toxic emitter. In the case of proposed Village Three North land uses, planned residential land uses are considered sensitive receptors and the landfill to the north of Village Three is considered

a toxic emitter. The landfill property's southern boundary is within approximately 450[9] feet of planned residential land uses within Village Three North and the active landfill[10] is approximately 700[11] feet away from planned residential land uses. In order to ascertain potential impacts to sensitive receptors within 1,000 feet of the southern property boundary of the landfill a HRA was performed for Village Three North. The HRA found potential impacts to be less than significant (see Appendix D to this EIR). Based on the fact that all calculated carcinogenic (cancerous) and non-carcinogenic (non-cancerous) risks are below the identified SDAPCD CEQA thresholds for each respective receptor within the development, impacts are not considered significant.

The Nuisance Easement Alternative would result in fewer residential land uses within the nuisance easement area of the Otay Landfill. This Nuisance Easement Alternative has been developed to comply with the City of Chula Vista General Plan Policy E 6.4, which does not allow the placement of sensitive receptors within 1,000 feet of a "toxic emitter."

The Nuisance Easement Alternative would only affect Village Three North and there would be no changes to the Portion of Village Four, Village Eight East, or Village Ten. Therefore, all discretionary actions, impacts, conclusions, and mitigation measures related to these villages, discussed above, are identical to the proposed project. In Village Three North this alternative plan includes the same number of overall units as the proposed Village Three North project and the development area is identical to the proposed project (i.e. – no additional grading areas). The following differences exist between the proposed project and this alternative land plan for Village Three North:

- The single-family neighborhoods north of Tributary Street and between Santa Maya and Santa Picacho (proposed project neighborhoods R-1, R-4, and R-5) would be replaced by MF-18, Mixed Use Residential/Commercial neighborhood MU-1 and Neighborhood Park P-1. The 1,000-foot setback from the active portion of the landfill bisects the mixed use pad (MU-1). The Nuisance Easement Alternative would designate non-residential commercial and park uses on the north side of this line, and multi-family residential uses on the south side of this line.

[9] Since the approval of the Amended and Restated Otay Landfill Agreement, and public review of the Draft EIR, the distance from the southern boundary of the landfill property to planned residential uses in Village Three North has increased to 477 feet.

[10] The "active portion" of the landfill is defined as cells which have accepted waste but have not undergone final closure. This represents portions of the landfill which could become the "working face," or the area being filled with waste.

[11] Since the approval of the Amended and Restated Otay Landfill Agreement, and public review of the Draft EIR, the distance from the active portion of the landfill to planned residential uses in Village Three North has increased to 916 feet.

- The single-family neighborhoods Tributary Street "C" and west of Santa Maya (proposed project neighborhoods R-2, R-3, and R-6) would be converted to Multi-Family neighborhood R-17 and Open Space (OS-4).
- The former MU-2a – 2f (Mixed Use Commercial/Office) and CPF-1 site north of Tributary Street between Santa Picacho and Santa Macheto would be revised to MU-2/CPF-1 and MU-3, which would allow for Mixed Use with non-residential uses north of the 1,000' setback and multi-family residential uses on the south side of the setback.
- The School site would move to the proposed project's P-1 Neighborhood Park site. The proposed project's S-1 Elementary School site would be converted to neighborhood R-10 and lotted as single family homes.
- The proposed project's O-1 Office site would be slightly increased to coincide with the 1,000-foot setback. As a result of this increase the proposed project's R-21a – c multi-family site would be reduced and become neighborhood R-16 under the Nuisance Easement Alternative.

Landforms and Aesthetics

The Nuisance Easement Alternative would only change the land use designations in Village Three North compared to the proposed project. The Nuisance Easement Alternative would have the same impacts to landforms and aesthetics as the proposed project and the same mitigation measures would apply. Therefore, impacts as a result of the Nuisance Easement Alternative would not be reduced or avoided compared to the proposed project.

Transportation and Circulation

The Nuisance Easement Alternative would result the same traffic impacts as the proposed project given that the uses would be substantially unchanged, with the exception of minor changes in Village Three North. Overall impacts as a result of the Nuisance Easement Alternative would be slightly reduced compared to the proposed project due to the reduction of trips by 0.2%. However, this reduction in trips would not be substantial enough to lessen significant impacts compared to the proposed project; however, impacts would be slightly reduced.

Air Quality

Direct and cumulative impacts would remain significant and unavoidable, similar to the project. Less-than-significant impacts related to consistency with General Plan and Otay Ranch GDP air quality policies would be similar to the project under the Nuisance Easement Alternative. The Nuisance Easement Alternative would not reduce impacts related to air quality compared to the proposed project. Impacts as a result of the Nuisance Easement Alternative would be slightly

reduced compared to the proposed project due to the reduction of trips by 0.2%. However, this reduction in trips would not be substantial enough to lessen air quality impacts compared to the proposed project; however, impacts would be slightly reduced.

Cultural Resources

Under the Nuisance Easement Alternative, development would impact two out of the three identified habitat sites in the project area. Therefore, this alternative would continue to make an incremental contribution to a significant and unavoidable cumulative impact to cultural resources.

Agricultural Resources

Under the Nuisance Easement Alternative, the same amount of Farmland of Local Importance would be converted. This alternative would also not result in any conflict with agricultural policies. Impacts to agricultural resources would not be reduced or avoided as a result of the Nuisance Easement Alternative.

Utilities

Water

The Nuisance Easement Alternative would result in an estimated water demand increase of 186 gpd, or 0.03%, compared to the projections for Village Three North under the proposed project. The increase in potable water demand is due to the increase in neighborhood park acreage, commercial land uses, and multi-family residential acreage. A 0.03% increase in potable water demand is offset by an increase in potential recycled water use. Thus, net potable water use would be approximately the same as the proposed project under this alternative.

Recycled Water

Projected recycled water demand as a result of the Nuisance Easement Alternative is estimated to increase by 1,477 gpd, or 0.9%. The increase in recycled water demand is due to the increase in park acreage, commercial land uses, and multi-family residential acreage. A 0.8% increase in recycled water demand is offset by an increase in potential potable water demand. Thus, net recycled water use would be approximately the same as the proposed project under this alternative.

Wastewater

Implementation of the Nuisance Easement Alternative would result in an increase of 4,145 gpd, or 0.8%, compared to the projections for Village Three North under the proposed project. The increase in wastewater generation is due to the increase in multi-family units and increase in

commercial land uses. Therefore, compared to the proposed project impacts associated with the generation of wastewater would be slightly increased compared to the proposed project.

Energy

Implementation of proposed project has the potential to result in impacts due to increased consumption of electricity and natural gas above that analyzed in the 2005 GPU EIR, which identified a significant and unavoidable impact related to energy demand. No guarantee can be made that long-term energy resources would be available as needed to support the future development of the site; therefore, impacts associated with energy consumption would be considered potentially significant. Since the implementation of the Nuisance Easement Alternative would result in fewer single family units, and a corresponding increase in multi-family units, and more commercial development, there would be an increased demand for energy. Therefore, compared to the proposed project, impacts would be increased.

Global Climate Change

The significant and unavoidable impact related to exacerbation of air quality problems as a result of climate change would be the same under this alternative because operational emissions of ozone precursors would not be reduced. Direct and cumulative impacts related to the potential effects of climate change would still be significant and unavoidable, similar to the project. Feasible mitigation is not available to make reductions in ozone precursor emissions sufficient to render the impact less than significant. Overall, the Nuisance Easement Alternative's impacts related to climate change would not be reduced or avoided compared to the proposed project.

Findings

The Nuisance Easement Alternative would meet all the project objectives. Due to the Amended and Restated Landfill Expansion Agreement (Agreement) and the inclusion of MM LU-4, when the Draft EIR was released for public review both the proposed project (with implementation of mitigation measure MM LU-4 and compliance with the Agreement), and the Nuisance Easement Alternative, restricted development within 1,000 feet of the active portion of the Otay Landfill. The proposed project accomplished this through inclusion of MM LU-4; and the Nuisance Easement Alternative through a land use plan that did not include residential uses within the 1,000-foot setback. The result was two very similar development plans and land uses and, therefore, similar associated impacts.

Various technical memoranda were prepared at the project level (traffic, air quality, noise, biology, drainage and water quality, water and sewer) to compare impacts. These memoranda found that impacts are virtually the same. The slight reduction in trips and associated reduced operational air quality emissions, and reduction of units within the nuisance easement, this

alternative does not avoid or substantially minimize any impacts of the proposed project identified as significant and unavoidable; nor does the slight increase in potable and recycled water usage, or increase in sewer generation, result in new or greater impacts compared to the proposed project.

Based on the City's assessment of the potential significant impacts of both the proposed project and the Nuisance Easement Alternative, the City finds that the Nuisance Easement Alternative remains the environmentally superior alternative among the other alternatives identified in the Draft EIR.

8.4 Otay SRP Alternative

Description

The Otay Subregional Plan (SRP) Alternative depicts the County of San Diego's primary land uses for Villages Three North, the Portion of Four, Eight East and Ten. The Otay SRP Alternative is consistent with the land uses and village boundaries that currently exist in the Otay Ranch GDP with the exception of Village Three. The Otay Ranch GDP designates industrial land uses in Village Three and does not designate any residential land uses. Conversely, the Otay SRP designates industrial land uses in Village Three North (as part of Planning Area 18-B) and also includes residential land uses. The land uses designated, as well as the number of dwelling units allocated, in a Portion of Village Four, Village Eight East, and Village Ten are the same under the Otay SRP as they are in the Otay Ranch GDP.

The General Plan designates industrial land uses within Village Three and does not designate any residential land uses, similar to the Otay Ranch GDP. Under the County Otay SRP, Village Three is allocated 613 single-family dwelling units and 128 multi-family dwelling units, for a total of 741 dwelling units. Using a household coefficient of 3.24 persons per household, this alternative would result in approximately 2,401 people in Village Three. In comparison to the proposed project, the Otay SRP Alternative would result in a decrease of 4,586 dwelling units, which would result in the reduction of the population by 14,858 people. The Otay SRP Alternative would also implement Planning Area 18-B (which was incorporated as part of Village Three in the Otay Ranch GDP), which calls for 69.7 acres of Industrial uses west of Heritage Road.

Landforms and Aesthetics

Both the proposed project and the Otay SRP Alternative would have significant and unmitigable impacts to landforms and aesthetics. Under the Otay SRP Alternative, due to the reduced number of multifamily buildings, impacts would be reduced, but not avoided compared to the proposed project.

Transportation and Circulation

The Otay SRP Alternative would result in fewer trips, which would decrease impacts on traffic and circulation. The reduction of dwelling units corresponds to a reduction of ADT. Construction of new roadways or expansion of existing roadways would still occur as a result of the Otay SRP Alternative, and overall traffic impacts would be slightly reduced but would remain significant and unavoidable.

Air Quality

The Otay SRP Alternative would not exceed the RAQS growth assumption for the University Villages. However, this alternative would still result in new significant and unavoidable criteria pollutant emissions, and would thus still be inconsistent with the RAQS and SIP. Direct and cumulative impacts would remain significant and unavoidable, similar to the project. Less-than-significant impacts related to consistency with General Plan and Otay Ranch GDP air quality policies would be similar to the project under the Otay SRP Alternative. Overall, impacts would to air quality would be reduced compared to the proposed project.

Cultural Resources

Under the Otay SRP Alternative, development would still result in cumulatively considerable impacts to cultural resources. Therefore, this alternative would continue to make an incremental contribution to a significant and unavoidable cumulative impact to cultural resources.

Agricultural Resources

The Otay SRP Alternative would result in the same loss of designated Farmland of Local Importance. This alternative would also not result in any conflict with agricultural policies. Therefore, impacts would not be reduced or avoided compared to the proposed project.

Utilities

Water

The Otay SRP Alternative would reduce the amount of dwelling units by 4,586 units. Since the land uses in the proposed project represent a worst case scenario, it can be assumed that the Otay SRP Alternative would not be associated with any additional impacts. A reduction in 4,586 units would substantially reduce water demands compared to the proposed project. Therefore, compared to the proposed project, impacts would be reduced but not avoided.

Recycled Water

No significant impacts related to new or expanded recycled water treatment facilities and no significant impacts related to consistency with applicable recycled water policies were identified with respect to implementation of the proposed project. Since the implementation of the Otay SRP Alternative would result in less development, there would be less demand for recycled water. Therefore, compared to the proposed project, impacts would be reduced.

Wastewater

The Otay SRP Alternative would reduce impacts on wastewater facilities compared to the proposed project because it proposes 4,586 fewer units; however, this alternative combined with other planned projects would also require sewage treatment capacity beyond the City's existing capacity rights and allocated additional treatment capacity. Additional capacity may require the expansion of existing or construction of new treatment facilities. Similar mitigation measures as required by the proposed project would be required for this alternative. Therefore, impacts would not be avoided.

Energy

Since the implementation of the Otay SRP Alternative would result in less development, there would be less demand for energy. Therefore, compared to the proposed project, impacts would be reduced but would remain significant and unavoidable.

Global Climate Change

The significant and unavoidable impact related to exacerbation of air quality problems as a result of climate change would be reduced under this alternative because operational emissions of ozone precursors would be reduced. Direct and cumulative impacts related to the potential effects of climate change would still be significant and unavoidable; however, compared to the proposed project, impacts would be slightly reduced.

Findings

The proposed project was designed to be consistent with the goals and objectives of the Otay Ranch GDP. Since the Otay SRP Alternative essentially tiers off the development as planned in the Otay Ranch GDP, many of the proposed project's objectives would be met; with the exception of the following objectives for Village Three North and Portion of Village Four:

- Develop Mixed-Use Office/Commercial uses within the Village Three North core area that provide a strong employment base for Village Three North residents and the City of Chula Vista and meet the commercial/retail needs of the village and surrounding villages.

This goal aims to provide a strong employment base for the residents of Village Three North. Future development under the Otay SRP Alternative would not include office/commercial or industrial land uses in Village Three North; therefore, the Otay SRP Alternative fails to meet these goals.

Additionally, the Otay SRP Alternative does not include enough residential development to accommodate SANDAG's 2050 Regional Growth Forecast. Development of this alternative could result in an inadequate amount of dwelling units in the future and inconsistency with the following objective.

- Provide a wide variety of housing options, including affordable housing, to City residents, future students and faculty of the planned four year university and employees of the Regional Technology Park.

This alternative would not avoid or substantially lessen any of the project's significant and unavoidable impacts. Therefore, this alternative does not qualify as environmentally superior with respect to unmitigated impacts. Further it is not feasible as it fails to meet two critical project objectives.

8.5 No Project (No Build) Alternative

CEQA Guidelines Section 15126.6 requires the inclusion of a No Project (No Build) Alternative to be analyzed. Under the No Build Alternative, no development would occur on Village Three North and a Portion of Village Four, Village Eight East, or Village Ten. Accordingly, the site characteristics of this alternative would be equivalent to the existing conditions for each category analyzed in Section 5 of the Final EIR. Although no development would occur, surrounding land uses and villages would continue to be built-out.

Landforms and Aesthetics

The No Build Alternative would not result in any changes to the existing visual character, views, or lighting and glare. The site would remain as rural open space. Therefore, the proposed project's cumulatively considerable contribution to a significant cumulative aesthetic impact would be avoided under the No Build Alternative.

Transportation and Circulation

The No Build Alternative would have no direct impacts on transportation and traffic since site conditions would remain unchanged. However, without the proposed project's circulation plan there would be a lack of regional connectivity, which could create long-term cumulative traffic impacts under the No Build Alternative. Without the regional connections that would be

provided by the proposed project, future growth in the surrounding villages would be concentrated on fewer roadways. Therefore, impacts would be increased compared to the proposed project.

Air Quality

The No Project Alternative would not result in new significant or unavoidable criteria pollutant emissions, thus, impacts would be reduced compared to the proposed project.

Cultural Resources

Under the No Build Alternative, impacts to cultural resources would be avoided and therefore, there would be no incremental contribution to a significant cumulative cultural resource impact.

Agricultural Resources

Under the No Build Alternative, significant impacts to agricultural resources would be avoided.

Utilities

The No Project Alternative would not result in an increase in population which would increase demand for public utilities. Therefore, the No Project Alternative would avoid impacts to public utilities compared to the proposed project.

Global Climate Change

There would be no direct construction or operational GHG emission impacts associated with the No Build Alternative since the site would remain in its current state and no construction would occur. The significant and unavoidable direct and cumulative impact related to exacerbation of air quality problems as a result of climate change would be avoided under the No Build Alternative.

Finding

The No Build Alternative would entirely avoid the proposed project's significant and unavoidable impacts. However, the No Build Alternative would not be consistent with the vision, goals, or policies set forth in the General Plan or Otay Ranch GDP. The No Build Alternative would not meet any of the project objectives, including the establishment of urban pedestrian-oriented villages designed to complement and support surrounding land uses, or reducing reliance on the automobile by promoting multi-modal transportation such as walking or use of bicycles, buses or regional transit. Furthermore, the No Build Alternative would not promote synergistic uses between villages or create employment, commercial or recreational land uses.

8.6 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The Nuisance Easement Alternative was developed during preparation of the Draft EIR and was found to be the environmentally superior alternative. The proposed project's design placed residential land uses within 1,000 feet of the property boundary of the Otay Landfill (i.e., the 1,000-foot nuisance easement area), which was consistent with the General Plan Policy E 6.4, as then written. However, as noted in Section 5.1, Land Use, General Plan Policy E 6.4 was amended during the writing of this EIR such that residential land uses were prohibited within 1,000 feet of a "major toxic emitter that, according to City staff, includes the existing Otay Landfill. Therefore, the EIR's Nuisance Easement Alternative was developed to avoid placing residential land uses within 1,000 feet of the active portion of the Landfill, resulting in reduced impacts due to potential incompatible land uses compared to the proposed project, which located such residential uses within 1,000 feet of the Landfill.

Prior to the release of the DEIR, City staff notified the project applicant that the City had been negotiating with the Landfill operator on an Amended and Restated Landfill Expansion Agreement (Agreement). The Agreement, among other things, clarified the location of the "residential setback" with respect to the active area of the Otay Landfill. Specifically, Section 2.5 of the Agreement states, in part, that the "City shall not allow the construction of residential units on properties within 1,000 feet of the active area of the Otay Landfill, as illustrated on the attached drawing" shown in Exhibit B of the Agreement. Section 2.5 further provides that the Landfill operator "shall keep the active area of the landfill at least 1,000 feet away from any constructed residential units." Moreover, Section 2.5 requires the parties to the Agreement to meet and confer from time to time as appropriate to coordinate regarding implementation of the obligations set forth in that section of the Agreement. Based on this Agreement, which is a valid expression and implementation of the City's police power and zoning authority to avoid the proximity of incompatible land uses, residential units in the proposed project would not be allowed to be constructed within 1,000 feet of the then active area of the Otay Landfill, as shown on revised Exhibit B of the Agreement. At a duly noticed public meeting held on August 12, 2014 (i.e., during the public review period for the Draft EIR), the City Council adopted a resolution approving the Agreement and authorizing the Mayor to execute it on behalf of the City.

Based on the language in the public notice for the Agreement, mitigation measure MM LU-4 was added to the Draft EIR, which requires that the proposed project include a residential setback that precludes the construction of residential units on properties within 1,000 feet from

the "then active" area of the Otay Landfill. This setback requirement is similar to the Nuisance Easement Alternative contained in the Draft EIR.

To be consistent with the setback set forth in the Agreement, the applicant revised the proposed project's tentative map for Village Three and a Portion of Village Four (October 2014) to show the limits of the active portion of the landfill.

As a result of these various developments, when the Draft EIR was released for public review, both the proposed project (with implementation of mitigation measure MM LU-4 and compliance with the Agreement) and the Nuisance Easement Alternative restricted residential development within 1,000 feet of the active portion of the Otay Landfill. The proposed project accomplished this through inclusion of MM LU-4; and the Nuisance Easement Alternative through a land use plan that did not include residential uses within the 1,000-foot setback. The result was two very similar development plans and land uses and, therefore, similar associated impacts.

The overall unit count remained the same for both plans (1,597 units), although in order to achieve this total in the Nuisance Easement Alternative, the ratio of multi-family homes to single family homes was greater for the Alternative than the proposed project. In addition, the Nuisance Easement Alternative provided for more acreage of non-residential uses, including more commercial/retail uses than the proposed project. More specifically, the Nuisance Easement Alternative differs from the proposed project as follows:

- The single-family neighborhoods north of Tributary Street and between Santa Maya and Santa Picacho (proposed project neighborhoods R-1, R-4 and R-5) would be replaced by MF-18, Mixed Use Residential/Commercial neighborhood MU-1 and Neighborhood Park P-1. As shown in Figure 10-3, the 1,000-foot setback from the active portion of the landfill bisects the mixed use pad (MU-1). The Nuisance Easement Alternative would designate non-residential commercial and park uses on the north side of this line, and multi-family residential uses on the south side of this line.
- The single family neighborhoods Tributary Street "C" and west of Santa Maya (proposed project neighborhoods R-2, R-3 and R-6) would be converted to Multi-Family neighborhood R-17 and Open Space (OS-4).
- The former MU-2a – 2f (Mixed Use Commercial/Office) and CPF-1 site north of Tributary Street between Santa Picacho and Santa Macheto would be revised to MU-2/CPF-1 and MU-3, which would allow for Mixed Use with non-residential uses north of the 1,000' setback and multi-family residential uses on the south side of the setback.

- The School site would move to the proposed project's P-1 Neighborhood Park site. The proposed project's S-1 Elementary School site would be converted to neighborhood R-10 and lotted as single family homes.
- The proposed project's O-1 Office site would be slightly increased to coincide with the 1,000-foot setback. As a result of this increase the proposed project's R-21a – c multi-family site would be reduced and become neighborhood R-16 under the Nuisance Easement Alternative.

Although very similar, the impacts of the Nuisance Easement Alternative differ in that the mix of land uses would

- generate 38 fewer average daily trips (0.2%)than the proposed project;
- use approximately 186 gpd (0.03%) more potable water, which is offset by the use approximately 1,477 gpd (0.9%) more recycled water;
- increase sewage flows by approximately 4,145 gpd (0.8%); and;
- reduce the amount of residential units within the nuisance easement area (1,000 feet from property line).

Various technical memoranda were prepared at the project level (traffic, air quality, noise, biology, drainage and water quality, water and sewer) to compare impacts. As summarized above, these memoranda found that impacts are virtually the same. This alternative would result in a slight reduction in trips and associated reduced operational air quality emissions, and reduction of units within the nuisance easement area. Therefore, this alternative does not avoid or substantially minimize any impacts of the proposed project identified as significant and unavoidable; nor does the slight increase in potable and recycled water usage, or increase in sewer generation, result in new or greater impacts compared to the proposed project.

Based on the City's assessment of the potential significant impacts of both the proposed project and the Nuisance Easement Alternative, the City finds that the Nuisance Easement Alternative remains the environmentally superior alternative among the other alternatives identified in the Draft EIR.

9.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The proposed project would have significant, unavoidable impacts on the following areas, described in detail in Section 7.0 of these Findings of Fact:

- **Landform Alteration/Aesthetics**
  - Direct and cumulative impact on visual character or quality
  - Cumulative impacts on scenic vistas/resources
- **Transportation, Circulation and Access**
  - Year 2020 cumulative impact on intersections
    - I-805 SB Ramps / Olympic Parkway
  - Year 2020 roadway segments cumulative scenario
    - Orange Avenue, between Melrose Avenue and I-805 SB Ramps
  - Year 2020 freeway / highway segments cumulative scenario
    - I-805, from Market Street to Imperial Avenue
    - I-805, from Imperial Avenue to E Division Street
  - Year 2025 intersections cumulative scenario
    - Same as 2020
  - Year 2025 roadway segments cumulative scenario
    - Orange Avenue, between Melrose Avenue and I-805 SB Ramps
  - Year 2025 freeway / highways cumulative scenario
    - I-805, from SR-94 to Market Street
    - I-805, from Market Street to Imperial Avenue
    - I-805, from Imperial Avenue to E Division Street
    - I-805, from Plaza Boulevard to SR-54
    - I-805, from SR-54 to Bonita Road
  - Year 2030 intersections cumulative scenario
    - Same as 2020 and 2025
  - Year 2030 roadway segments cumulative scenario

        - Orange Avenue, between Melrose Avenue and I-805 SB Ramps (LOS D)
    - Year 2030 freeway / highways cumulative scenario
        - I-805, from SR-94 to Market Street
        - I-805, from Market Street to Imperial Avenue
        - I-805, from Imperial Avenue to E Division Street
        - I-805, from Plaza Boulevard to SR-54
        - I-805 from SR-54 to Bonita Road
        - I-805, from Bonita Road to East H Street
        - I-805, from East H Street to Telegraph Canyon Road
        - SR-905 from I-805 to Caliente Avenue
        - SR-905 from Caliente Avenue to Heritage Road
        - SR-905 from Heritage Road to Britannia Boulevard
        - SR-905 from Britannia Boulevard to La Media Road
- **Air Quality**
    - Direct and cumulative air quality violations
    - Direct and cumulative conflict with air quality plans
- **Cultural Resources**
    - Cumulative loss of archaeological resources
- **Agricultural Resources**
    - Direct and cumulative conversion of agricultural resources
- **Public Utilities**
    - Cumulative demand for wastewater capacity
    - Direct and cumulative demand for energy
- **Global Climate Change**
    - Potential direct effects of global climate change

The City has adopted all feasible mitigation measures with respect to these impacts. Although in some instances these mitigation measures may substantially lessen these significant impacts, adoption of the measures will, for many impacts, not fully avoid the impacts.

Moreover, the City has examined a reasonable range of alternatives to the project. Based on this examination, the City has determined that the Nuisance Easement Alternative meets all of the projects goals and objectives and eliminates indirect land use conflicts (odor and TACs) associated with the Otay Landfill by not developing any residential units within 1,000 ft. of the active portion of the Landfill.

As a result, to approve the project, the City must adopt a "statement of overriding considerations" pursuant to CEQA Guidelines sections 15043 and 15093. This provision allows a lead agency to cite a project's general economic, social, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. The provision explains why, in the agency's judgment, the project's benefits outweigh the unavoidable significant effects. Where another substantive law (e.g., the California Clean Air Act, the Federal Clean Air Act, or the California and Federal Endangered Species Acts) prohibits the lead agency from taking certain actions with environmental impacts, a statement of overriding considerations does not relieve the lead agency from such prohibitions. Rather, the decision maker has recommended mitigation measures based on the analysis contained in the Final EIR, recognizing that other resource agencies have the ability to impose more stringent standards or measures.

CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR. Rather, EIRs are to focus on potential "significant effects on the environment," defined to be "adverse." (Pub. Resources Code, § 21068.) The Legislature amended the definition to focus on "adverse" impacts after the California Supreme Court had held that beneficial impacts must also be addressed (See, *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 206). Nevertheless, decision-makers benefit from information about project benefits. These benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines, § 15093).

The City finds that the project would have the following substantial benefits. Any one of the reasons for approval cited below is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section 3.0.

The City, after balancing the specific economic, legal, social, technological or other benefits of the project, including considerations for the provision of employment opportunities, determines and finds that the unavoidable adverse environmental effects may be considered "acceptable" due to the following specific considerations.

9.1 Project Benefits

9.1.1 Implementation of the Otay Ranch General Development Plan Goals, Objectives and Principles

By implementing goals, objectives, and principles of the Otay Ranch General Development Plan, the proposed project would provide benefit to surrounding villages, the surrounding community, and the City of Chula Vista as a whole. In particular, the proposed project would engender development of a complete, amenity rich community that furthers Otay Ranch Village goals and objectives by enhancing living, working, learning, shopping, and transit options while increasing residents' opportunities for social interaction and recreation.

Housing Choices and Alignment with Housing Market

The proposed project brings Village planning in-line with today's marketplace and homebuyer preference as well as home typologies attainable to a broader range of buyers and renters. This provides Chula Vista residents with a diverse range of housing choices and opportunities that conform to their preferences. Aligning Village planning and today's housing market also facilitates construction and home sales. Furthermore, the proposed project provides a wide range of housing types and options that will meet the needs of all population groups. Affordable housing will be provided in each village and fair housing practices will be employed in the sale, rental, and advertising of all units. A fair housing marketing plan has been prepared to ensure equal opportunities for persons of all economic, ethnic, religious, and age groups, as well as those with special needs such as the handicapped, the elderly, single-parent families, and the homeless.

Integrated Land Use Compatibility

The proposed project is comprehensively planned to accommodate a balanced mix of uses that are compatible with the surroundings. The proposed land use plans locate a mixed-use village core in each village composed of high- and medium high-density multi-family, an elementary school, and neighborhood park. Village Three North and Eight East also include Mixed-Use Retail/Commercial land uses. These mixed use areas will accommodate housing, jobs, childcare, shopping, entertainment, parks, and recreation in close proximity to one another. This integrated land use plan encourages housing and employment opportunities.

The SPA Plans support the objective of enhancing the unique environmental and visual qualities of Otay Ranch by maximizing view opportunities to surrounding natural open space areas, and the organization of land uses within each village meets the objectives of integration and compatibility of land uses within the village and with adjacent communities.

Viability of Transit

Increasing the number of dwelling units (and population) within Village Three North and Portion of Village Four, Village Eight East, and Village Ten provides additional ridership for the regional Bus Rapid Transit (BRT) and local bus systems, which would facilitate and support the introduction of transit on the Otay Valley Parcel. This increases ridership/viability of the transit systems and reduces automobile dependence, emissions, and traffic. Since the proposed project would incorporate public transit, bicycle, and pedestrian facilities in each village, consistent with the Otay Ranch GDP and related transit, bicycle, and pedestrian plans, it would not conflict with policies, plans, or programs related to these modes of transportation. Furthermore, based on the existing bus and trolley transit services, in combination with both planned transit improvements to serve the project study area and the transit features that are part of the Otay Ranch community, the proposed project would not conflict with public transit programs nor would it decrease the performance or safety of such facilities.

The proposed project planned for the extension of mass transit through the community and set aside right-of-way in anticipation of future transit lines. The proposed land plans were designed to create village cores to accommodate transit stops by locating transit adjacent to high-density housing and/or mixed-use retail/commercial. In addition, the combination of land uses proposed within each village would reduce reliance on the automobile and reduce the length of vehicle trips because residents would not have to leave the villages to access these uses.

Viability of Commercial Uses

Commercial uses proposed by the project are sized to meet the needs of the immediate villages. The surrounding Village Eight West, Nine, Otay Ranch Town Centers, Village Eleven, and the Eastern Urban Center provide more regional commercial opportunities which the residents of the proposed project will support. The villages are designed to locate schools, parks, and mixed-use retail/commercial uses in the most accessible areas for nearby developed or planning villages.

The proposed project contributes to the economic base of Otay Ranch with light industrial, office, and retail/commercial uses which will attract new business and contribute to the diversification and stabilization of the local economy. The proposed Village Three North and Village Eight East village cores will each provide up to 20,000 square feet of Mixed-Use Retail and Office space expected to create new business opportunities for small businesses and local residents.

Design and Mix of Uses to Encourage Walking/Biking

The proposed land use pattern of Villages Three North and Portion of Village Four, Eight East, and Ten and their relationship to surrounding land uses promotes walking and cycling as alternatives to fuel-consumptive automobile use. Walkable village cores are planned in Villages

Three North and Eight East, and Village Ten is within walking distance of the planned Village Nine Town Center. By providing neighborhood-serving uses close to homes, residents can walk or bike instead of using an automobile. This promotes a healthy lifestyle, encourages local businesses, and reduces automobile dependence, emissions, and traffic.

The SPA Plans incorporate the village concept established in the Otay Ranch GDP by creating village cores containing a mix of land uses connected by an extensive trail and bikeway system. These pedestrian and bicycle routes reinforce a pedestrian friendly concept as well as promote the use of alternative modes of transportation. By reducing the need for automobiles, residents will have opportunities to interact with neighbors and other village residents as they walk or ride to their destinations.

Walking to School

Providing two elementary schools within each of the villages puts residents and students closer to elementary schools and helps ensure sufficient capacity would be available serve the students within the each of the villages. This allows implementation of programs such as 'walking school buses' where students walk to school in groups, eliminating car and bus trips. This promotes a healthy lifestyle for students while reducing automobile dependence, emissions, and traffic.

Provision of Additional Park and Community Purpose Facilities

The proposed project will dedicate and improve park land consistent with the Chula Vista Parks and Recreation Master Plan. This will be met through the provision of a 51-acre Community Park (P-2) south of Village Eight East, 17.8 acres of the 70-acre Village Four community park, three neighborhood parks, and a series of pedestrian parks. Implementation of the SPA Plans would provide over 12 acres of land designated Community-Purpose Facility (CPF), with each village core containing a 2.6-acre CPF site which may accommodate a non-profit user. Park/CPF provides residents valuable and unique opportunities for recreation, social interaction, learning, and teaching. A resident may be able to enjoy a private swim club, a community garden, a private recreational facility, a public park, and the town square within short walking distance.

Village Character

The SPA Plans support the objective of enhancing the unique environmental and visual qualities of Otay Ranch by maximizing view opportunities to surrounding natural open space areas, and the organization of land uses within each village meets the objectives of integration and compatibility of land uses within the village and with adjacent communities. The Village Design Plans encourage differentiation in building mass, roof forms, materials, color, and apparent floor heights to reduce building bulk and create variety within the building façade. Visual resources in the SPA Plan area are Rock Mountain, and Otay River Valley. A cohesive design of development along scenic roadways and from scenic resources that meet the

aesthetic standards established for the project area will improve public access to views designated as scenic resources.

Contextual Design

The proposed project would comply with existing Design Guidelines and be similar to the bulk, scale, and architectural design of surrounding projects. The project is also connected via transit, pedestrian bridges, and roadways to adjacent Villages.

Public Facilities Financing Plan

The PFFP implements the City's Growth Management Program and Ordinance to ensure that the project's phased development is consistent with the overall goals and policies of the City's General Plan and Growth Management Program and the Otay Ranch GDP. The PFFP ensures that facilities are constructed concurrent with demand such that development of the project will not adversely impact the City's Quality of Life Standards. The PFFP also contains a fiscal analysis identifying capital budget impacts on the City as well as maintenance and operation costs for each phase of development.

The PFFP components include an analysis of infrastructure facilities such as drainage, traffic, water, and sewer, as well as the provision of community services and facilities, including fire protection and emergency services, law enforcement, libraries, schools, and parks. The analysis and provisions of the PFFP fulfill the Otay Ranch GDP requirements for SPA-level master facility plans for most facilities associated with the development of the villages. Where additional project-specific study and planning is needed, separate technical studies and plans for the villages have been prepared and included as a component of each SPA plan.

The proposed project includes a PFFP that identifies the necessary facilities and service needs, and the methods for financing those improvements and services. The proposed SPA plans will phase development with infrastructure improvements as described in the PFFP. The PFFP implements the City's Growth Management Program and meets General Plan/Growth Management Element goals and objectives. Implementation of the PFFP and the Growth Management Program would ensure that public services are available to serve the development during emergencies. The Chula Vista Growth Management Program ensures the City's necessary public facilities and services exist or are provided concurrent with the demands of new development.

9.1.2 Extraordinary Benefits

In addition to meeting the goals, objectives, and principles of the Chula Vista General Plan and the Otay Ranch General Development Plan, the proposed project provides a number of public benefits to the immediate area, Otay Ranch, and to the City of Chula Vista.

Affordable Housing

The SPA Plans provide a wide variety of housing types, including affordable housing. Proposed housing includes apartments, townhomes, condominiums, attached housing, small lot single-family, and conventional lot single-family residential. The SPA Plans include an Affordable Housing Plan to ensure that ten percent of units in the SPA would be affordable units. High-density development and accessory units would provide opportunities for affordable housing. A total of 10% of all units would be income-qualified homes, 50% of which must be affordable to low-income households.

Preserve

In areas where the project proposes development in areas previously identified as Preserve, this land is being replaced with biologically equivalent Preserve land which would result in a superior Preserve design, increased wildlife connectivity/improved wildlife corridors, and preservation of sensitive species and habitat. Village Three North and Portion of Village Four includes approximately 158.1 acres of designated Preserve open space.

Public Services

The proposed project ensures the adequate provision of public services, including police services, fire protection and medical response, and additional elementary schools located within each of the villages. Additionally, all new units would be subject to the existing Chula Vista Elementary School District and Sweetwater Union High School District Community Financing Districts.

Fiscal Impact

The proposed project encourages economic growth and diversity within the City of Chula Vista. Increasing the number of dwelling units within the same village footprint increases tax revenues from residential and commercial uses, supports employment of construction workers, and reduces per capita costs for provision of public services. The proposed project's combination of uses in Village Three North also appears to meet the goal of creating an environment for higher value jobs based on the mix of office and light industrial uses, as envisioned for the Village Three North site. The proposed land use in Village Three North creates capacity for an estimated 460 additional jobs over the previous employment estimates, not including additional capacity for an estimated 100 retail jobs.

Water Conservation

The water conservation plan and landscape design proposed in the SPA Plan would promote efficient water use. The water conservation plan creates a comprehensive framework for design and maintenance for water conserving measures. The purpose of the water conservation plan is

to respond to the Growth Management policies of the City of Chula Vista, which are intended to address the long-term need to conserve water in new developments, address short-term emergency measures, and establish standards for water conservation.

The proposed project would develop an extensive water recycling system and investigate new ways of using recycled water. The proposed project would also comply with all water conservation standards and policies of jurisdictions.

Landscaping within the proposed project would be required to comply with the City's Landscape Water Conservation Ordinance (CVMC Section 20.12). Additionally, the site would utilize recycled water to reduce potable water use for landscaping.

Economic Contribution

The proposed project encourages economic growth and diversity within the City of Chula Vista. Increasing the number of dwelling units within the Otay Ranch area increases tax revenues from residential and commercial uses, supports employment of construction workers, and reduces per capita costs for provision of public services. Additionally, permanent jobs would be created by the build-out of the commercial and industrial land components of the proposed project.

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10.0 CONCLUSION

The proposed project implements the General Plan and Otay Ranch General Development Plan by responding to regulatory, economic, and market changes which have occurred since the initial vision for Otay Ranch over 20 years ago. These include greater choice for both for-sale and rental home typologies, increased density to use existing developable land more efficiently, and reducing the reliance on vehicular trips by locating additional residential development in proximity to transit, public amenities, and neighborhood serving uses.

The City finds that there is substantial evidence in the administrative record of benefits, as described above in Section 9.1, which would directly result from approval and implementation of the proposed project. The City finds that the need for these benefits specifically overrides the impacts of the proposed project on landform alteration/aesthetics; transportation, circulation, and access; air quality; agricultural resources; utilities; and cumulative global climate change. Thus, the adverse effects of the proposed project are considered acceptable.

The City has independently reviewed and analyzed the Final EIR as required by CEQA. Prior to that review and analysis, the City circulated the Draft EIR and appendices and those documents also reflect the City's independent review, analysis, and judgment pursuant to CEQA.

As part of the certification of the Final EIR, the City finds that the Final EIR reflects the independent judgment of the City, acting in its capacity as the lead agency.

As required by CEQA (Public Resources Code Section 21081.6), the City in adopting these findings, also adopts the MMRP as prepared by the environmental consultant under the City's review and direction. The City hereby finds that the MMRP meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of the project mitigation measures set forth herein, which mitigate the identified significant impacts associated with the project and are fully enforceable through permit conditions, agreements, these findings, and other measures.

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