ENVIRONMENTAL IMPACT REPORT (EIR-10-04)

FOR THE

OTAY RANCH VILLAGE 9 SECTIONAL PLANNING AREA

PLAN AND TENTATIVE MAP

CEQA FINDINGS OF FACT

AND

STATEMENT OF OVERRIDING CONSIDERATIONS

APRIL 10, 2014

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BEFORE THE CHULA VISTA CITY COUNCIL

RE: Otay Ranch Village 9 Sectional Planning Area Plan and Tentative Map Environmental Impact Report (EIR); EIR-10-04; SCH No. 2010061090

FINDINGS OF FACT

I.

INTRODUCTION AND BACKGROUND

The Final Environmental Impact Report (EIR) prepared for Otay Ranch Village 9 Sectional Planning Area (SPA) Plan and Tentative Map (TM) addresses the potential environmental effects associated with implementation of the project. In addition, the Final EIR evaluates three alternatives to the project. These alternatives include the following: (1) No Project-No Build Alternative; (2) Reduced Project Alternative #1; and (3) Reduced Project Alternative #2.

The final EIR represents a second tier EIR, in accordance with California Environmental Quality Act (CEQA) Section 21094, and tiers from the certified the Supplemental EIR (SEIR 09-01/ SCH #2004081066) to the City's General Plan Update EIR (EIR 05-01/SCH #2004081066) and the General Plan Update EIR (EIR #05-01/SCH #2004081066) (2005 PEIR).

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

II.

ACRONYMS

BMP	Best Management Practices
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Chula Vista
CNEL	Community Noise Equivalent Level
CVMC	Chula Vista Municipal Code
dBA	Decibels
EIR	Environmental Impact Report
FAA	Federal Aviation Administration
GDP	General Development Plan

GDPA	General Development Plan Amendment
GMO	Growth Management Oversight
GMOC	Growth Management Oversight Commission
GPA	General Plan Amendment
GPU	General Plan Update
HCP	Habitat Conservation Plans
HVAC	Heating, Ventilation, and Air Conditioning
LOS	Level of Service
MMRP	Mitigation Monitoring Reporting Program
MSCP	Multiple Species Conservation Program
NCCP	Natural Community Conservation Planning
OWD	Otay Water District
PFDIF	Public Facilities Development Impact Fee
PFFP	Public Facility Finance Plan
PM_{10}	Course particulate matter with an aerodynamic diameter of 10 microns
$PM_{2.5}$	Fine particulate matter with an aerodynamic diameter of 2.5 microns
RAQS	Regional Air Quality Strategy
RMP	Resource Management Plan
SAMP	Subarea Master Plan
SDAPCD	San Diego Air Pollution Control District
SEIR	Supplemental Environmental Impact Report
SIP	State Implementation Plan
SPA	Sectional Planning Area
TAC	Toxic Air Contaminant
TM	Tentative Map
USACE	United States Army Corps of Engineers
VOC	Volatile Organic Compounds
WSAV	Water Supply Assessment and Verification Report

III.

PROJECT DESCRIPTION

The project consists of approximately 323 acres of land in Otay Ranch known as Village 9, located entirely within the city of Chula Vista, California, near the southeasterly edge of the city limits. Chula Vista is located in San Diego County, approximately seven miles southeast of the downtown area of the city of San Diego, and approximately seven miles north of the U.S./Mexico international border.

Under the implementation program for the Otay Ranch General Development Plan (GDP), the GDP defines Village 9 as an urban village. The GDP states, “Urban villages are adjacent to existing urban development and are planned for transit oriented development with higher densities and mixed uses in the village cores.” The GDP recognizes that a portion of the land use within Village 9 will be designated as University and that the remainder of the village would contain an urban center, single-family and multi-family residential units, and a village core or town center containing mixed-use, community purpose facilities, a transit station, an elementary school, a town square, and affordable housing. Village 9 has been planned in transects to provide organization for development that focuses activity within the Town Center, transitioning into residential opportunities and rural open space at the edges. The most intense development

would be concentrated north of the Town Center in the Urban Center, with building heights and density gradually decreasing to the south, away from the Town Center. The proposed land uses and proposed maximum residential unit yield for Village 9 are provided below in Table 1.

TABLE 1 VILLAGE 9 SPA LAND USES

Use	Area (Acres)	Residential (Units)	Commercial (Square feet)
Proposed Development			
Mixed-Use Eastern Urban Center (EUC)	48.3	1,912	1,190,000
Town Center (TC)	36.1	894	278,000
Mixed Use (MU)	57.4	928	32,000
Medium Density Residential (M)	15.2	161	--
Low Medium Density Residential (LMD)	28.1	105	--
Schools	19.8	--	--
Community Purpose Facility	5.0	--	--
Parks	27.5	--	--
Open Space	9.6	--	--
Arterial Roadway Rights-of-Way & SR-125	26.1	--	--
Subtotal	273.1	4,000	1,500,000
Remainder of Village 9			
Future University	50.0	--	--
Total	323.1	4,000	1,500,000

EUC = Eastern Urban Center, TC = Town Center, MU = mixed-use,
M = medium density, and LMD = low-medium density
Source: Otay Land Company 2012

Village 9 would include an off-site utility corridor to the south of the project site. The corridor would be 30 feet wide, including a 20-foot sewer corridor to connect to existing sewer facilities, and a 10-foot storm drain corridor to direct drainage to Otay River. A 12-foot paved utility access road would provide access to the southern portion of the off-site utilities from the existing Salt Creek maintenance road. The northern portion of the sewer and storm drain corridor adjacent to the southern portion of the Village 9 development area will not have an access road due to the steep slopes that occur in the area. Therefore, direct access to the utility maintenance road would only be provided from the Salt Creek maintenance road.

The Village 9 circulation system would provide a system of roadway and trail corridors to support both vehicular and non-vehicular modes of transportation. This system includes the extension of existing and planned roads, trails, and transit from adjacent villages as well as internal systems to serve the project site and a connection to the greenbelt system. Streets in the community are designed as “complete” streets, considering all modes of transportation by providing vehicular travel lanes, bike lanes or bike routes, sidewalks, and transit lanes where appropriate.

The SPA Plan includes plans to provide adequate infrastructure to the proposed development, including water distribution, recycled water distribution, sewer service, and storm water collection.

The Tentative Map (TM) for Village 9 details how the utilization plan would be implemented. The map includes the various land uses, proposed grading, and street layout. In addition, a TM depicts proposed utilities, easements and conceptual trail design.

DISCRETIONARY ACTIONS

The discretionary actions to be taken by the Chula Vista City Council include the following:

- Adoption of the Village 9 SPA Plan and associated documents including but not limited to:
  - Village 9 SPA Plan
  - Air Quality Improvement Plan
  - Agricultural Plan
  - Non-Renewable Energy Conservation Plan
  - Preserve Edge Plan
  - Fire Protection Plan
  - Affordable Housing Plan
  - Water Conservation Plan
  - Parks, Recreation, Open Space Master Plan
  - Emergency Disaster Plan
  - Public Facility Finance Plan
- Approval of a tentative map to establish the location of development and open space lots and identify the infrastructure requirements for Village 9.
- Approval of a development agreement amendment including conditions of approval for development within the Village 9 SPA Plan area.
- Certification of a Final EIR and adoption of a mitigation monitoring and reporting program.

Future development proposed in accordance with the project would require discretionary approvals. Such future discretionary actions are anticipated to include (but are not be limited to) the following: Design Review Permits, Conditional Use Permits, Final Maps, Subarea Master Plans, Building Permits, and Grading Permits. While future discretionary actions will require future environmental review, once certified, this EIR can be relied upon for relevant environment analysis. The City Council will determine whether the Final EIR is complete and in compliance with CEQA and the CEQA Guidelines as part of the certification process.

PROJECT GOALS AND OBJECTIVES

As specified in the Final EIR, the primary goals and objectives of the project are as follows:

1. Create a recognizable “place” that is well designed to provide 500,000 to 1.5 million square feet of office and retail space in three unique and attractive urban districts accommodating cultural and social diversity.
2. Develop distinctive design standards and invest in design excellence to create inspiring and memorable places; emphasize the appearance and qualities of the public realm; create streetscapes, pathways, and public spaces of beauty, interest, and functional benefit to pedestrians.
3. Encourage a development pattern that promotes orderly growth, prevents urban sprawl, and promotes effective resource management, while implementing the GDP goals of a strong relationship between Village 9, the Eastern Urban Center, and the planned university.
4. Protect and enhance the natural environment and increase the quality of life. Design neighborhoods with compact and multi-dimensional land use patterns that ensure a mix of uses and joint optimization of transportation modes to minimize the impact of cars, promote walking and bicycling, and provide access to employment, education, recreation, entertainment, shopping, and services.
5. Create an appropriately scaled and economically healthy Town Center. Include a wide range of commercial, residential, cultural, civic, and recreational uses. The Town Center should contain businesses that serve the daily needs of nearby residents and employees including students, faculty, and Regional Technology Park employees.
6. Establish a pedestrian and transit-oriented village with an intense, vibrant Town Center to reduce reliance on the automobile and promote walking and the use of bicycles, buses, and regional transit.
7. Encourage community development in mixed use and compact pedestrian oriented forms to accommodate all income levels and lifestyles.
8. Foster a compact form facilitated by “form-based planning,” resulting in efficient infrastructure investments and advanced opportunities to provide socially diverse housing.
9. Promote jobs that match the skills of existing and future residents through provision of housing opportunities and choices and by providing an opportunity for the City to attract a university or related uses by dedication of land for such purposes. Retain and recruit a skilled and motivated workforce to ensure economic stability into the future and support university development by providing attainable housing opportunities at increased densities.
10. Encourage diverse, informal centers of creativity, learning, and interaction that support the University. Focus community design on a manner of life and civic culture that embraces and fosters life-long learning. This shall take place in traditional educational institutions as well as diverse venues such as restaurants, arts, and cultural locations. This includes public and private places of exceptional design and open spaces that inspire and connect with the natural environment through features that spark creativity. Identify and promote business clusters that complement the University and the Regional Technology Park.

11. Promote synergistic uses and graceful transitions within the SPA Plan area and between the SPA Plan area and neighborhoods of adjacent SPA areas to balance activities, services, and facilities. Integrate Village 9 with existing Otay Ranch development, the University, the Regional Technology Park, and connectivity to the Greenbelt trail system.
12. Implement the goals, objectives and policies of the Chula Vista General Plan, the Otay Ranch General Development Plan, the Chula Vista Greenbelt Master Plan, and the Otay Valley Regional Park Concept Plan.
13. Encourage the interactivity of a wide range of people, promote community diversity, and enrich the human experience by providing a broad variety of public spaces and housing types and styles that appeal to all ages, incomes, and lifestyles.
14. Establish a plan that is fiscally responsible and viable with consideration of existing and anticipated economic conditions.

IV.

BACKGROUND

Otay Ranch is a partially developed master-planned community that proposes a broad range of residential, commercial, retail, and industrial development interwoven with civic and community uses, such as libraries, parks, and schools. The community is 23,000 acres in size, and includes an open space preserve system consisting of approximately 11,375 acres. Village 9 is one of the designated fourteen villages within the Otay Ranch GDP area. The GDP was most recently amended in 2013. The GDP establishes land plans, design guidelines, objectives, policies, and implementation measures that apply to all portions of Otay Ranch while supporting a balance of housing, shops, workplaces, schools, parks, civic facilities, and open spaces. The majority of development is intended to be clustered in villages, with conveniently located features and well-defined edges such as the Chula Vista greenbelt, open spaces, and wildlife corridors.

The proposed SPA Plan is a document that refines and implements the land use plans, goals, and objectives of the Otay Ranch GDP for the development of Village 9. Under the implementation program for the Otay Ranch GDP, review and City Council approval of SPA plans is required before final development entitlements can be considered.

V.

RECORD OF PROCEEDINGS

For purposes of CEQA and the findings 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 #10-04), 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, comments, and correspondence submitted by 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, up through the close of the public hearing;
- Minutes and verbatim transcripts of all workshops, the scoping meeting, other public meetings, and public hearings held by the City, or videotapes where transcripts are not available or adequate;
- Any documentary or other evidence submitted at workshops, public meetings, and public hearings for this project;
- All findings and resolutions adopted by City decision makers in connection with this project, 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;
  - 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 custodian of the documents comprising the record of proceedings is Donna Norris, City Clerk, whose office is located at 276 Fourth Avenue, Chula Vista, California 91910.

The City Council has relied on all of the documents listed above in reaching its decision on the project, 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 [142 Cal.Rptr. 873]; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6 [252 Cal. Rptr. 620]). 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 Section 21167.6, Subd. (e)(10); *Browing-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.

App.3d 852, 866 [226 Cal.Rptr. 575]; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155 [39 Cal.Rptr.2d 54]).

VI.

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."

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 Section 21081, Subd. (a); CEQA Guidelines Section 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 Section 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 Section 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 Section 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 [276 Cal.Rptr. 410]).

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 (see *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [83 Cal.Rptr. 898]). " '[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 [29 Cal.Rptr.2d 182]).

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 Section 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 [147 Cal.Rptr. 842], 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 responsibility for modifying the project lies with some other agency (CEQA Guidelines Section 15091, Subd. (a), (b)).

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 Sections 15093 and 15043, Subd. (b); see also Pub. Resources Code Section 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 553, 576).

VII.

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 (or "decision makers") hereby binds itself and any other responsible parties, including the applicant and its successors in interest (hereinafter referred to as "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 through the process of 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 Village 9 SPA Plan and through the process of constructing and implementing the project.

VIII.

MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code Section 21081.6, Subd. (a)(1), the City, in adopting these findings, also concurrently adopts a 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 Village 9 Sectional Planning Area Plan 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 MMRP is dynamic in that it will undergo changes as additional mitigation measures are identified and additional conditions of approval are placed on the project throughout the project approval process. 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.

IX.

SIGNIFICANT DIRECT AND INDIRECT EFFECTS AND MITIGATION MEASURES

SUMMARY OF EFFECTS

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 fully avoided through the adoption of feasible mitigation measures. Others cannot be fully mitigated or avoided by the adoption of feasible mitigation measures or feasible environmentally superior alternatives. However, these effects are outweighed by overriding considerations set forth in Section XII below. This Section (IX) presents in greater detail the City Council's findings with respect to the environmental effects of the project.

The project will result in direct and/or indirect significant environmental changes with regard to the following issues: land use and planning; aesthetics/landform alteration; transportation/traffic; air quality; noise; biological resources; cultural and paleontological resources; geology and soils; public services; global climate change; hydrology and water quality; agricultural resources; hazards and hazardous materials; and public utilities. These significant environmental changes or impacts are discussed in the Final EIR in Chapter 1, Table 1-2, and Chapter 5, Environmental Impact Analysis. No significant effects were identified for housing and population (Final EIR, Table 1-2). Impacts pertaining to mineral resources were determined to be not significant during the scoping process and, therefore, were not addressed in the EIR.

IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City, having reviewed and considered the information contained in the EIR, the appendices to the EIR, and the administrative record, finds the project which would mitigate, avoid, or substantially lessen to below a level of significance the following potentially significant environmental effects identified in the EIR in the following categories: land use and planning; aesthetics/landform alteration; transportation/traffic; air quality; noise; biological resources; cultural and paleontological resources; geology and soils; public services; hydrology and water quality; agricultural resources; hazards and hazardous materials; and public utilities. A brief summary of each environmental topic that would be mitigated to below a level of significance is provided below.

Land Use and Planning

Absent mitigation, approval of the project will result in potentially significant impacts to land use compatibility and conflicts with Habitat Conservation Plans (HCP) or Natural Community Conservation Planning (NCCP). No significant effects were identified for conflicts with land use plans, policies, and regulations.

Aesthetics/Landform Alteration

Absent mitigation, approval of the project will result in potentially significant impacts to lighting and glare and landform alteration. No significant direct effects were identified for scenic vistas, scenic resources, and consistency with visual character policies. Significant and unavoidable

impacts associated with visual character and quality are discussed under the Significant and Unavoidable Impacts heading, below. Cumulative impacts associated with this issue are discussed in Section X, below.

Transportation/Traffic

Absent mitigation, approval of the project will result in potentially significant impacts to traffic and level of service standards, congestion management, and air traffic patterns. No significant effects were identified for road safety, emergency access, and consistency with transportation policies. Cumulative impacts associated with this issue are discussed in Section X, below.

Air Quality

Absent mitigation, approval of the project will result in potentially significant impacts to sensitive receptors due to exposure to toxic air contaminants. No significant effects were identified for objectionable odors and consistency with air quality policies. Significant and unavoidable impacts associated with air quality violations and conflicts with air quality plans are discussed under the Significant and Unavoidable Impacts heading, below. Cumulative impacts associated with this issue are discussed in Section X, below.

Noise

Absent mitigation, approval of the project will result in potentially significant impacts related to excessive noise levels, short-term permanent increase in noise level, and temporary increases in ambient noise levels. No significant effects were identified for excessive groundborne vibration, long-term permanent increase in ambient noise, aircraft noise, and consistency with noise polices. Cumulative impacts associated with this issue are discussed in Section X, below.

Biological Resources

Absent mitigation, approval of the project will result in potentially significant impacts to sensitive plant and wildlife species; riparian habitat and other sensitive natural communities; federally protected wetlands; and conflicts with local policies, ordinances, HCP, or NCCP. No significant effects were identified for wildlife movement corridors and nursery sites.

Cultural and Paleontological Resources

Absent mitigation, approval of the project will result in potentially significant impacts to archaeological resources, human remains, and paleontological resources. No significant effects were identified for historical resources and consistency with cultural resource policies. Cumulative impacts associated with this issue are discussed in Section X, below.

Geology and Soils

Absent mitigation, approval of the project will result in potentially significant impacts to exposure to seismic related hazards, soil erosion or topsoil loss, soil stability, and expansive soils. No significant effects were identified for consistency with geotechnical policies and waste water disposal systems.

Public Services

Absent mitigation, approval of the project will result in potentially significant impacts to fire protection service standard, consistency with fire and emergency medical service policies, police service standard, consistency with police service policies, school facilities, schools sitting, library service standard, deterioration of parks and recreation facilities, and parks and recreation standards. No significant effects were identified for fire and emergency medical facilities, police service facilities, consistency with school policies, library facilities, consistency with library policies, new recreation facilities, and consistency with park policies.

Hydrology and Water Quality

Absent mitigation, approval of the project will result in potentially significant impacts to water quality standards, erosion or siltation, surface runoff, exceed drainage capacity, and degradation of water quality. No significant effects were identified for groundwater supplies and recharge, 100-year flood hazards, consistency with water quality policies, flooding, and inundation.

Agricultural Resources

Absent mitigation, approval of the project will result in potentially significant impacts to land use zoning conflicts. No significant effects were identified for consistency with agricultural resource policies. Significant and unavoidable impacts associated with loss of farmland are discussed under the Significant and Unavoidable Impacts heading, below. Cumulative impacts associated with this issue are discussed in Section X, below.

Hazards and Hazardous Materials

Absent mitigation, approval of the project will result in potentially significant impacts related to accidental release of hazardous materials, hazards to future schools, airport hazards, consistency with hazard policies, and historic use of pesticides. No significant effects were identified for transport, use, or disposal of hazardous materials; existing hazardous material sites; emergency response and evacuation plans; and wildland fires.

Public Utilities

Absent mitigation, approval of the project will result in potentially significant impacts to compliance with city-wide water supply thresholds, adequate wastewater facilities, and new recycled water facilities. No significant effects were identified for new water treatment facilities, consistency with water supply policies, consistency with City wastewater engineering standards, consistency with wastewater polices, sufficient landfill capacity, solid waste regulations, consistency with solid waste policies, consistency with recycled water policies, wasteful use of energy, and consistency with energy policies. Significant and unavoidable impacts associated with long-term water supply, new wastewater treatment facilities, and long-term energy supply are discussed under the Significant and Unavoidable Impacts heading, below. Cumulative impacts associated with this issue are discussed in Section X, below.

DETAILED ISSUES DISCUSSION FOR IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

Land Use and Planning

Thresholds of Significance

The proposed project would result in a significant impact to land use and planning; if it would:

1. Physically divide an established community (incompatibility with adjacent and surrounding uses).

2. Conflict with any applicable habitat conservation plan or natural community habitat conservation plan.

Impact: Land Use Compatibility

A significant land use compatibility impact would occur if the on-site City of San Diego water lines would not be relocated before development of Village 9. Therefore, impacts associated with waterline easements are considered significant (Final EIR Section 5.1.4).

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 where these pipelines are currently located. The 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 did not occur prior to construction of the proposed development, a conflict with the existing City of San Diego waterline easements would occur. Therefore, a potentially significant impact would occur (Final EIR Section 5.1.3).

Mitigation Measures

5.1-1 **Waterline Agreement.** Prior to approval of the first final map, the applicant shall provide evidence, satisfactory to the City Engineer, that the:

i. Applicant has entered into an agreement with the City of San Diego to relocate the City of San Diego waterlines within Village 9 to a location approved by both the City of San Diego and the City of Chula Vista.

ii. City of San Diego has abandoned any water main easements not needed as a consequence of the relocation of the City of San Diego waterlines within Village 9.

5.1-2 **Waterline Relocation.** Prior to issuance of the first grading permit within Village 9, the applicant shall relocate the City of San Diego waterlines to the satisfaction of the City of San Diego and the City of Chula Vista.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.1-1 and 5.1-2 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 direct impacts related to land use compatibility to a less than significant level.

Impact: Conflicts with HCPs or NCCPs

The project would have the potential to result in impacts to sensitive species that would conflict with the Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan. Additionally, the project would have significant impacts related to biological resources management unless the Otay Ranch regional open space is preserved proportionally and concurrently with development, in accordance with the provisions of the Chula Vista MSCP Subarea Plan and the Otay Ranch Resource Management Plan (RMP) (Final EIR Sections 5.1.4 and 5.6.4).

Explanation

The Chula Vista MSCP Subarea Plan and the Otay Ranch RMP are the habitat conservation and community habitat conservation plans applicable to Village 9. The design of Village 9 is consistent with the Chula Vista MSCP Subarea Plan and the Otay Ranch RMP through specific adherence to conditions of coverage and mitigation/conveyance requirements for covered projects, as defined in Section 7.6 of the Chula Vista MSCP, and the Otay Ranch RMP. The infrastructure that would traverse the Preserve is consistent with the requirements and criteria of the Chula Vista MSCP Subarea Plan and would not conflict with the adopted MSCP. The MSCP siting criteria were developed for the implementation of planned and future facilities within the Preserve, including infrastructure associated with Village 9. The proposed facilities would not significantly impact MSCP narrow endemic species with implementation of the mitigation measures 5.6-1 through 5.6-19 identified in Section 5.6, Biological Resources in the EIR. These measures would implement the conservation strategies of the Chula Vista MSCP Subarea Plan. Additionally, implementation of the Preserve Edge Plan, Agricultural Plan, and Fire Protection Plan would ensure the development in Village 9 would be consistent with the Otay Ranch RMP. Therefore, potential land use impacts under this threshold would be considered less than significant (Final EIR Sections 5.1.3 and 5.6.3).

Mitigation Measures

Mitigation measure 5.6-1 through 5.6-19 would reduce impacts to HCPs and NCCPs (listed below under the Biological Resources heading and in the Final EIR Section 5.6.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.6-1 through 5.6-19 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 conflicts with the Chula Vista MSCP Subarea Plan and Otay Ranch RMP to a less than significant level.

Aesthetics/Landform Alteration

Thresholds of Significance

The proposed project would result in a significant impact to aesthetics/landform alteration if it would:

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

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

Impact: Lighting and Glare

New sources of nighttime lighting may be incompatible with surrounding development and inconsistent with applicable regulations. Potential impacts associated with light, shadow, and wind cannot be determined until the location, size, and orientation of future buildings are established. Therefore, impacts associated with lighting and shade/shadow are considered potentially significant (Final EIR Section 5.2.4).

Explanation

Development-specific photometric analyses are necessary for more light-intensive land uses (parks, mixed-use residential, commercial, multi-family residential, and CPF uses) in order to ensure that the project would comply with all applicable regulations and be compatible with surrounding land uses. Impacts related to nighttime lighting would be potentially significant until such analyses are prepared (Final EIR Section 5.2.3).

Buildings heights in Village 9 would be allowed to be up to 15 stories, or 215 feet, in height in the Urban Center, and four stories tall, or 60 feet, in the Urban Neighborhood and Town Center; and three stories, or 45 feet, in height in the Neighborhood Center Zone, as defined in Section 3.3 of the SPA Plan, Zone Standards. As such, there is a potential for streets, structures and public places in the Urban Center, Urban Neighborhood, Town Center, and Neighborhood Center Zones to be shadowed by an adjacent building or buildings depending on certain conditions. In addition, wind access can be affected by building height and mass. Because the potential impacts associated with shade, shadow and wind access impact cannot be determined until the specific location, size, and orientation of future buildings are established, this impact could be potentially significant (Final EIR Section 5.2.3).

Mitigation Measures

5.2-1 **Lighting Plan and Photometric Analysis - Parks.** Concurrent with the preparation of site-specific plan(s) for park sites, including the town squares (Planning Areas C and I), Neighborhood Park (Planning Area L), and Pedestrian Parks (Planning Areas GG, HH, and II), 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 Director of Development Services and evaluate the proposed height, location, and intensity of all exterior lighting for compliance with the City's performance standards for light, and glare (Chula Vista Municipal Code 19.66.100).

5.2-2 **Lighting Plan and Photometric Analysis – New Structures.** 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 evaluate the proposed height, location, and intensity of all exterior lighting for compliance with the City's performance standards for light, and glare (Chula Vista Municipal Code 19.66.100).

5.2-3 **Shadow and Wind Pattern Analysis**. 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 and wind pattern 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 and wind pattern 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 EIR to a level of insignificance. Specifically, mitigation measures 5.2-1 through 5.2-3 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 lighting, glare, shadow and wind to a less than significant level.

Impact: Landform Alteration

The project would not significantly impact steep slopes because it would be consistent with the GDP/RMP requirement for 83 percent ranch-wide steep slope preservation. However, until the Landscape Master Plan and subsequent landscape and irrigation construction plans have been approved, impacts related to the mass grading plan for the project site would be potentially significant (Final EIR Section 5.2.4).

Explanation

The project is required to comply with a combination of development standards, including the landform grading and landscaping design requirements of the Otay Ranch GDP and Design Plan, Village 9 SPA Plan, Subdivision Manual and Grading Ordinance. Landform grading has been proposed as shown on the Tentative Map. The landscaping requirements include preparation of a Landscape Master Plan prior to approval of the first Final Map, and subsequent landscape and irrigation construction plans prior to construction that would reduce the potential aesthetic impacts from visible manufactured slopes. However, until the Landscape Master Plan and subsequent landscape and irrigation construction plans have been approved, impacts would be potentially significant (Final EIR Section 5.2.3).

Mitigation Measure

5.2-4 **Landscape Master Plan**. Prior to issuance of the first final map for Village 9, 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 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.

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 EIR to a level of insignificance. Specifically, mitigation measure 5.2-4 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 landform alteration to a less than significant level.

Transportation/Traffic

Thresholds of Significance

The proposed project would result in a significant impact to transportation/traffic if it would:

1. 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.

2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

City of Chula Vista Traffic Impact Criteria

Impact: Traffic/Level of Service Standards and Congestion Management

The project would result in direct impacts related to access and frontage and direct impacts on roadways and intersections under the Existing + Project, Year 2020, Year 2025, and Year 2030 Scenarios. Based on the Intersection Lane Volume Analysis, a significant direct impact would occur to the I-805 southbound ramps at Main Street. Therefore, impacts related to congestion management would be potentially significant (Final EIR Section 5.3.3).

Explanation

Access and Frontage. 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; therefore, a potentially significant impact would occur.

Existing Plus Project. Under the Existing Plus Project scenario, the following intersections would experience a direct impact from implementation of the project (Final EIR Section 5.3.4):

- Olympic Parkway/I-805 northbound ramps (AM – Level of Service [LOS] F)
- Olympic Parkway/Brandywine Avenue (PM – LOS E)
- Olympic Parkway/La Media Road (AM – LOS E)
- Birch Road/La Media Road (AM – LOS F, PM – LOS F)
- Birch Road/Eastlake Parkway (AM – LOS F, PM – LOS F)
- Main Street/Eastlake Parkway (AM – LOS F, PM – LOS F)

Under the Existing Plus Project scenario, the following roadway segments would experience a direct impact from implementation of the project (Final EIR Section 5.3.4):

- Olympic Parkway from I-805 to Brandywine Avenue (LOS D)
- Olympic Parkway from Brandywine Avenue to Heritage Road (LOS E)
- Olympic Parkway from Heritage Road to La Media Road (LOS F)
- Magdalena Avenue from Birch Road to Main Street (LOS F)
- Eastlake Parkway from Birch Road to Main Street (LOS D)

Long-Term Impacts. Under the Year 2025 scenario, the following intersections would experience a direct impact from implementation of the project:

- Birch Road/La Media Road (AM – LOS F, PM – LOS F)
- Birch Road/Eastlake Parkway (AM – LOS F, PM – LOS F)
- Main Street/Eastlake Parkway (AM – LOS F, PM – LOS F)

Under the Year 2025 scenario, the following roadway segments would experience a direct impact from implementation of the project:

- Birch Road from La Media Road to SR-125 (LOS F)
- Magdalena Avenue from Birch Road to Main Street (LOS F)
- Eastlake Parkway from Birch Road to Main Street (LOS F)

Under the Year 2030 scenario, the following intersections would experience a direct impact from implementation of the project:

- Birch Road/SR-125 northbound ramps (LOS F – AM Peak Hour)
- Birch Road/Eastlake Parkway (AM – LOS F, PM – LOS E)
- Main Street/I-805 northbound ramps (PM – LOS E)

- Main Street/La Media Couplet (AM – LOS F, PM – LOS F)
- Main Street/Magdalena Avenue (AM – LOS F, PM – LOS F)

Under the Year 2030 scenario, the following roadway segments would experience a direct impact from implementation of the project:

- Birch Road from SR-125 to Eastlake Parkway (LOS F)
- Main Street from I-805 to Brandywine Avenue (LOS D)
- Main Street from Brandywine to Heritage Road (LOS D)
- Eastlake Parkway from Birch Road to Main Street (LOS D)

Based on the ILV Analysis, a direct impact would occur to the I-805 southbound ramps at Main Street.

Circulation System Assumptions. If the assumed roadway improvements are not in place prior to commencement of each scenario, additional traffic impacts could occur. Therefore, a potentially significant impact would occur if assumed improvements are not developed as prescribed in the traffic impact analysis.

Traffic Signal Warrants. A potentially significant impact would occur if traffic signals are not provided at the following intersections prior to issuance of the final map that contains the 3,407th equivalent dwelling unit: Main Street/Street A, Main Street/Street B, Otay Valley Road/Street I, Otay Valley Road/Street A, and Otay Valley Road/Street B.

Mitigation Measures

The project is planned to be constructed in a series of phases over a period of up to 20 years. This phasing would not require construction of all circulation improvements to address these impacts at once because the increase in trips as a result of the project would be phased along with development. Such improvements would be constructed as is needed to mitigate impacts of phased development, as discussed in the Year 2020 (cumulative impacts), Year 2025, and Year 2030 scenarios. Therefore, the mitigation measures identified for the Year 2020 (cumulative impacts), Year 2025, and Year 2030 scenarios would mitigate intersection and roadway segment impacts that would occur under the Existing Plus Project scenario.

Growth Management Ordinance Compliance (Section 19.09 of the Chula Vista Municipal Code [CVMC])

5.3-1 **Olympic Parkway: Heritage Road to Oleander Avenue:** Prior to the issuance of the building permit for the 2,463rd dwelling unit for development east of I-805 (commencing from April 4, 2011), the applicant may:

i. Prepare a traffic study that demonstrates, to the satisfaction of the City Engineer, that the circulation system has additional capacity without exceeding the Growth Management Ordinance traffic threshold standards; or

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

iii. Agree to the City Engineer's selection of an alternative method of maintaining Growth Management Ordinance traffic threshold compliance; or

iv. Enter into agreement, approved by the City, with other Otay Ranch applicants that alleviates congestion and achieves Growth Management Ordinance 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, a timeline for such construction, and provide assurances for construction, in accordance with the city's customary requirements, for said infrastructure.

If Growth Management Ordinance compliance cannot be achieved through i, ii, iii, or iv above, then the City may, in its sole discretion, stop issuing new building permits within the project area, after building permits for 2,463 dwelling units have been issued for any development east of I-805 after April 4, 2011, until such time that Growth Management Ordinance 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 with regard to traffic thresholds set forth in the Growth Management Ordinance.

Access and Frontage Mitigation

5.3-2 **Main Street/Village 9 Street A.** Prior to issuance of the final map that contains the first equivalent dwelling unit, the applicant shall secure or install a traffic signal at the intersection of Main Street/Village 9 Street A.

5.3-3 **Main Street:** Prior to issuance of the final map that contains the first equivalent dwelling unit, the applicant shall secure or construct Main Street from Village 9 Street A to Eastlake Parkway as a six-lane gateway.

5.3-4 **Village 9 Street A:** Prior to issuance of the final map that contains the first equivalent dwelling unit, the applicant shall secure or construct Village 9 Street A from Main Street to Village 9 Street C as four-lane roadway, and from Village 9 Street C to Otay Valley Road as a two-lane, two-way roadway.

5.3-5 **Otay Valley Road:** Prior to issuance of the final map that contains the first equivalent dwelling unit, the applicant shall secure or construct Otay Valley Road from Village 9 Street I to Village 9 Street A as four-lane major roadway.

5.3-6 **Village 9 Street I:** Prior to issuance of the final map that contains the first equivalent dwelling unit, the applicant shall secure or construct Village 9 Street I south of Otay Valley Road as a two-lane roadway.

5.3-7 **Otay Valley Road:** Prior to issuance of the final map that contains the 1,312th equivalent dwelling unit, the applicant shall secure of construct Otay Valley Road as a four-lane major roadway from Village 9 Street A to Village 9 Street B and install a traffic signal at the Otay Valley Road/Village 9 Street A intersection when warranted, or construct the improvements at the first final map for the applicable planning areas as listed in Table 4.1.4 of the Public Facilities Finance Plan, whichever comes first.

5.3-8 **Village 9 Street A:** Prior to issuance of the final map that contains the 1,312th equivalent dwelling unit, the applicant shall secure or construct two lanes to form a couplet and restripe Street A as two one-way segments (two northbound and two southbound lanes) and construct the south end of the couplet to Otay Valley road as a four-lane roadway and install traffic signals or stop control at internal intersections where appropriate, or construct the improvements at the first final map for the applicable planning areas as listed in Table 4.1.4 of the Public Facilities Finance Plan, whichever occurs first.

5.3-9 **Campus Boulevard:** Prior to issuance of the final map that contains the 1,312th equivalent dwelling unit, the applicant shall secure or construct Campus Boulevard from Village 9 Street G to Village 9 Street B as a two-lane roadway, or construct the improvement at the first final map for the applicable planning areas as listed in Table 4.1.4 of the Public Facilities Finance Plan, whichever occurs first.

5.3-10 **Village 9 Street B:** Prior to issuance of the final map that contains the 1,312th equivalent dwelling unit, the applicant shall secure or construct Street B from Campus Boulevard to its terminus south of Otay Valley Road as a two-lane roadway, with dedicated transit lanes from Campus Boulevard to Otay Valley Road, or construct the improvement at the first final map for the applicable planning areas as listed in Table 4.1.4 of the Public Facilities Finance Plan, whichever occurs first.

5.3-11 **Village 9 Street I:** Prior to issuance of the final map that contains the 1,312th equivalent dwelling unit, the applicant shall secure or construct Street I from Village 9 Street A to Otay Valley Road as a two–lane roadway, or construct the improvement at the first final map for the applicable planning areas as listed in Table 4.1.4 of the Public Facilities Finance Plan, whichever occurs first.

5.3-12 **Village 9 Street A:** Prior to issuance of the final map that contains the 3,074th equivalent dwelling unit, the applicant shall secure or construct Village 9 Street A from the northern boundary of Village 9 to Main Street as a four-lane roadway and modify the traffic signal at the Main Street/Village 9 Street A intersection, or construct the improvement at the first final map for the applicable planning areas as listed in Table 4.1.4 of the Public Facilities Finance Plan, whichever occurs first.

5.3-13 **Village 9 Street B:** Prior to issuance of the final map that contains the 3,074th equivalent dwelling unit, the applicant shall secure or construct Village 9 Street B from the northern boundary of Village 9 to Campus Boulevard as a two-lane roadway with dedicated transit lanes and install a traffic signal at the Main Street/Village 9 Street B intersection, or construct the improvement at the first final map for the applicable planning areas as listed in Table 4.1.4 of the Public Facilities Finance Plan, whichever occurs first.

Direct Impact Mitigation

5.3-14 **Birch Road/La Media Road, Birch Road/Eastlake Parkway, and Main Street/Eastlake Parkway Intersections; Birch Road from La Media Road to SR-125; Magdalena Avenue from Birch Road to Main Street; and Eastlake Parkway from Birch Road to Main Street:** Prior to issuance of the final map that contains the 3,074th equivalent dwelling unit, the applicant shall secure or construct Main Street from La Media Road to Village 9 Street A, including the construction of an overcrossing at SR-125.

5.3-15 **Birch Road/SR-125 Northbound Ramps, Birch Road/Eastlake Parkway, and Main Street/I-805 Northbound Ramps Intersections; Birch Road, SR-125 to Eastlake Parkway; Main Street, I-805 to Brandywine Avenue; Main Street, Brandywine Avenue to Heritage Road:** Prior to issuance of the final map that contains the 3,407th equivalent dwelling unit, the applicant shall secure or construct SR-125 northbound and southbound ramps at Main Street.

5.3-16 **Main Street/La Media Road Couplet and Main Street/Magdalena Avenue Intersections; and Eastlake Parkway, Birch Road to Main Street:** Prior to issuance of the final map that contains the 3,407th equivalent dwelling unit, the applicant shall secure or construct Otay Valley Road from the Main Street to Village 9 Street I, including the construction of an overcrossing at SR-125.

Circulation System Assumptions

5.3-18 The Year 2020 scenario assumes the following intersection and roadway improvements:

i. Construction of Main Street/La Media Road intersection

ii. Construction of Main Street/Magdalena Avenue intersection

iii. La Media Road from Birch Road to Main Street roadway segment.

iv. Construction of Otay Valley Road from Village 9 Street A to University site

If the first equivalent dwelling unit in Village 9 is completed prior to these improvements being constructed and open to traffic, then one of the following steps shall be taken as determined by the City Engineer:

i. Development in Village 9 shall stop until those assumed future roadways are constructed by others; or

ii. City and the applicant shall meet to determine the need for the incomplete roadway segments. A number of factors, including changes to the tolling structure at SR-125, may affect the traffic patterns in the Otay Ranch. Additional traffic analysis of the roadway network and levels of service assessment may be necessary to determine if such improvements are necessary and the scope and timing of additional circulation improvements; or

iii. Applicant shall construct the missing roadway links and receive Transportation Development Impact Fee credit for those improvements as applicable; or

iv. An alternative measure is selected by the City in accordance with the City of Chula Vista Growth Management Ordinance.

v. All to the satisfaction of the City Engineer.

5.3-19 The Year 2025 scenario assumes the following intersection and roadway improvements:

i. Construction of Heritage Road from Olympic Parkway to Main Street; re-stripe southbound Heritage Road from Olympic Parkway to Main Street to include dual left turn lanes, three through lanes, and one right turn lane

ii. Widening of Heritage Road from Main Street to Avenida de Las Vistas from a Class II Collector to a six-lane prime

iii. Construction of Santa Victoria Road from Heritage Road to La Media Road

iv. Construction of Main Street from La Media Road to Magdalena Avenue

v. Construction of Olympic Parkway/Santa Victoria Road intersection

vi. Construction of Santa Victoria/Heritage Road intersection

If the project equivalent dwelling unit limit for study Year 2020 (1,312 equivalent dwelling units) is exceeded prior to these roadway segments being constructed and open to traffic, then one of the following steps shall be taken as determined by the City Engineer:

i. Development in Village 9 shall stop until those assumed future roadways are constructed by others; or

ii. City and the applicant shall meet to determine the need for the incomplete roadway segments. A number of factors, including changes to the tolling structure at SR-125, may affect the traffic patterns in the Otay Ranch. Additional traffic analysis of the roadway network and levels of service assessment may be necessary to determine if such improvements are necessary and the scope and timing of additional circulation improvements; or

iii. Applicant shall construct the missing roadway links and receive Transportation Development Impact Fee credit for those improvements as applicable; or

iv. An alternative measure is selected by the City in accordance with the City of Chula Vista Growth Management Ordinance.

v. All to the satisfaction of the City Engineer.

5.3-20 The Year 2030 scenario assumes the following roadway improvements:

i. Construction of Main Street from Heritage Road to La Media Road

ii. Construction of Village Path pedestrian/bicycle bridge over SR-125 to provide non-motorized access between Village 9 and Village 8 East

If the project equivalent dwelling unit limit for study Year 2025 (3,074 equivalent dwelling units) is exceeded prior to these intersections or roadway segments being constructed and open to traffic, then one of the following steps shall be taken as determined by the City Engineer:

i. Development in Village 9 shall stop until those assumed future roadways are constructed by others; or

ii. City and the applicant shall meet to determine the need for the incomplete roadway segments. A number of factors, including changes to the tolling structure at SR-125, may affect the traffic patterns in the Otay Ranch. Additional traffic analysis of the roadway network and levels of service assessment may be necessary to determine if such improvements are necessary and the scope and timing of additional circulation improvements; or

iii. Applicant shall construct the missing roadway links and receive Transportation Development Impact Fee credit for those improvements as applicable; or

iv. An alternative measure is selected by the City in accordance with the City of Chula Vista Growth Management Ordinance.

v. All to the satisfaction of the City Engineer.

Traffic Signal Warrants

In addition to mitigation measures 5.3-2, 5.3-7, and 5.3-13, the following measure would mitigate impacts related to installation of traffic signals.

5.3-21 Prior to issuance of the final map that contains the 3,407th equivalent dwelling unit, the applicant shall install traffic signals at the Otay Valley Road/Street I and Otay Valley Road/Street B intersections.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.3-1 through 5.3-16 and 5.3-18 through 5.3-21 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 traffic level of service and congestion management standards to a less than significant level.

Impact: Air Traffic Patterns

Potentially significant impacts could result from the location of structures proposed in Village 9 within a Federal Aviation Administration (FAA) notification area (Final EIR Sections 5.3.4 and 5.13.4).

Explanation

The project area is located within the FAA Height Notification Boundary, Part 77 Airspace Surfaces, Airport Overflight Notification Area for residential development, and Review Area 2 of the Airport Influence Area. Due to the height limits proposed in the Village 9 SPA Plan, it is not anticipated that development of even the tallest structures would result in an obstruction to air traffic. However, because the project area is located within the FAA Height Notification Boundary and Airport Overflight Notification Area, proper notification in compliance with the Brown Field Airport Land Use Compatibility Plan is required to reduce this impact to a less than significant level (Final EIR Sections 5.3.3 and 5.13.3).

Mitigation Measure

Mitigation measures 5.13-2 through 5.13-4 would reduce impacts related to air traffic patterns (listed below under the Hazards and Hazardous Materials, Impact: Airport Hazards heading and in the Final EIR Section 5.13.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.13-2 through 5.13-4 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 air traffic patterns to a less than significant level.

Air Quality

Thresholds of Significance

The proposed project would result in a significant impact to air quality if it would:

1. Expose sensitive receptors to substantial pollutant concentrations.

Impact: Sensitive Receptors

The project would have the potential to result in the exposure of sensitive receptors to toxic air contaminants (TACs) during operation if the project does not comply with California Air Resources Board (CARB) siting criteria. Therefore, direct impacts to sensitive receptors are considered significant (Final EIR Section 5.4.4).

Explanation

CARB considers dry cleaning facilities and gas stations to be stationary sources of toxic air contaminant emissions that should not be located near sensitive receptors. Based on CARB siting recommendations within the Air Quality and Land Use Handbook, a detailed health risk

assessment should be conducted for proposed sensitive receptors within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater), 50 feet of a "typical" gas station (a facility with a throughput of less 3.6 million gallons per year), or within 300 feet of a dry cleaning facility that uses perchloroethlyene. Although the SPA Plan would include primarily residential and commercial uses, the proposed land uses may allow the development of gas stations and dry cleaning facilities, as these are common uses within mixed-use and resident-serving development. Dry cleaning facilities and gas stations are allowable in the Town Center, subject to a conditional use permit. However, only storefront dry cleaning facilities or facilities that do not use perchloroethlyene are allowable in the Town Center, subject to a conditional use permit. Due to physical size constraints, large gas stations with a throughput of 3.6 million gallons per year or more would not be permitted within the compact Town Center. Development of a typical-sized gas station in Village 9 would be possible, but would be subject to the CARB siting recommendations and would not be allowed within 50 feet of a sensitive receptor. Additionally, new sources of toxic air contaminant emissions such as gas stations are required to obtain authority to construct and operate from the San Diego Air Pollution Control District (SDAPCD), at which time location-specific details are analyzed. Sources must comply with established criteria, as established in SDAPCD Rule 1200, requiring demonstration that risks are below thresholds and that sources are constructed and operated with appropriate controls. Compliance with SDAPCD standards is required as mitigation to ensure that risks associated with toxic exposure of sensitive receptors to gas stations is less than significant (Final EIR Section 5.4.4).

Mitigation Measure

5.4-4 **San Diego Air Pollution Control District Toxic Air Contaminants Emission Criteria Compliance**. Prior to approval of the building permit for any uses that are regulated for toxic air contaminant emissions by the San Diego Air Pollution Control District, 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 San Diego Air Pollution Control District Rule 1200 and California Air Resources Board). Specifically, gas stations would not be allowed to be constructed within 50 feet of a sensitive receptor, in compliance with the California Air Resources Board 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 EIR to a level of insignificance. Specifically, mitigation measure 5.4-4 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 to sensitive receptors from exposure to TACs to a less than significant level.

Noise

Thresholds of Significance

The proposed project would result in a significant impact to noise if it would:

1. Expose persons to or generate noise levels in excess of standards established in the Chula Vista General Plan or noise ordinance, or applicable standards of other agencies.

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

Impact: Excessive Noise Levels

Implementation of the project would have the potential to result in exposure to excessive noise levels from traffic noise and operational sources including heating, ventilation, and air conditioning (HVAC) equipment, and recreational facilities.

Explanation

Mechanical HVAC equipment located on the ground or on rooftops of new buildings would have the potential to generate noise levels which average 65 decibels (dBA) at a distance of 50 feet, and may run continuously during the day and night. Depending on where it is located, HVAC equipment could have the potential to generate noise that may exceed the city hourly noise limit for adjacent single-family residences and noise sensitive land uses (such as parks) of 55 dBA during daytime hours (45 dBA at night), the limit for adjacent multi-family residences of 60 dBA during daytime hours (50 dBA at night), or the limit for daytime-only noise sensitive land uses (such as a school) of 55 dBA. Residences or other sensitive land uses located in or in close proximity to a mixed-use building or other building that requires an HVAC system could result in a potentially significant impact.

Multi-family residences throughout the Urban Center, Urban Neighborhood, Neighborhood Center, and Neighborhood General Zones would potentially be exposed to exterior noise levels of 65 dBA Community Noise Equivalent Level (CNEL) or greater from traffic noise, which would exceed the city noise compatibility guidelines, and would also trigger the Title 24 requirement for the preparation of acoustical studies for all multi-family residences potentially exposed to noise levels greater than 60 dBA CNEL. Outdoor usable areas, such as outdoor dining patios, in the Town Center would also potentially be exposed to noise levels in excess of 65 dBA CNEL from traffic noise. The Planning Area W elementary school along Otay Valley Road would also potentially be exposed to noise levels in excess of 65 dBA CNEL from traffic noise. If this site is ultimately not chosen as a school site and instead developed with multi-family residential uses, the residential development would potentially be exposed to noise levels in excess of 65 dBA CNEL from traffic noise. Additionally, multi-family and single-family residences along Otay Valley Road, Main Street, Street A, Street B, or SR-125 would potentially be exposed to exterior noise levels in excess of 60 dBA CNEL. Interior noise levels would also have the potential to exceed 45 dBA CNEL in residences in the Urban Center, Urban Neighborhood, and Neighborhood Center Zones and single-family residences along Otay Valley Road and SR-125; therefore, a potentially significant impact related to interior noise levels would also occur.

The Neighborhood Park could generate noise levels that exceed 60 dBA up to 25 feet from the park boundary. The park is separated from all planning areas by more than 25 feet by Street G, with the exception of Planning Areas F, S-1, and S-2. As shown on the grading plan for Village 9 (Figure 3-16), a steep slope between the Neighborhood Park and the adjacent Planning Areas S-1 and S-2 would provide a more than 25 foot separation between the park and developable areas in Planning Areas S-1 and S-2. Therefore, the Neighborhood Park would not generate noise levels in excess of 60 dBA in Planning Areas S-1 and S-2 and a significant daytime impact would not occur. A steep slope would also separate Planning Area F from the

Neighborhood Park; however, the southernmost developable area of Planning Area F would still be located within 25 feet of the Neighborhood Park, where noise levels may exceed 60 dBA during daytime hours. The exact location of future residences in Planning Area F is unknown; therefore, it is conservatively assumed that residences may be located at the southern edge of Planning Area F and would have the potential for exposure to excessive noise from the playing fields. A potentially significant impact would occur (Final EIR Section 5.5.3).

Mitigation Measures

5.5-1 **Noise Attenuation in the Urban Center (Planning Area D), Urban Neighborhood (Planning Area F), and Neighborhood Center Zones (Planning Areas S-1 and V), and Neighborhood Park (Planning Area L)**. Prior to the approval of grading permits for residential or park development along the western edge of Planning Areas D, F, L, S-1, and V in the Urban Center, Urban Neighborhood Edge, Neighborhood Center, and Neighborhood Park zones (as shown in Figure 3-4, Transect Zones), the applicant shall submit a site design plan and subsequent acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that all outdoor useable areas are not exposed to noise levels in excess of 65 dBA CNEL. The site plan and acoustical analysis shall include, but not be limited to the following:

i. Location and height of the noise barriers in accordance with Figure 5.5-4. Heights are provided relative to final pad elevation. Required heights may be achieved through construction of walls, berms or a wall/berm combination;

ii. A detailed analysis which 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; and

iii. Should grading, lot configuration, and/or traffic assumptions change during the processing of any final maps, the barriers shall be refined to reflect those modifications.

The Applicant shall construct and/or install the required noise attenuation features that would reduce sound levels to 65 dBA CNEL at outdoor usable areas.

5.5-2 **Site-Specific Acoustic Analysis – Single-family Residences**. Concurrent with design review and prior to the approval of building permits for single-family residential development where the exterior noise level exceeds 65 dBA CNEL (Planning Areas AA and DD), the applicant shall prepare an acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that the proposed building plans ensure that interior noise levels due to exterior noise sources will be at or below 45 dBA CNEL in any habitable room. The analysis must also identify Sound Transmission Loss rates of each window. Design-level architectural plans will be available during design review and will permit the accurate calculation of transmissions loss for habitable rooms. For these lots, 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 these units may need to include ventilation or an air conditioning system to

provide a habitable interior environment with the windows closed based on the result on the interior acoustical analysis. The Applicant shall construct and/or install the required noise attenuation features that would reduce sound levels to 45 dBA CNEL in any habitable room.

5.5-3 **Site-Specific Acoustic Analysis – Multi-family Residences**. 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 (Planning Areas A, B-1, B-2, D, E-1, E-2, F, H-1, K-1, M, N, O-1, P, R-1, S-1, S-2, T, U-1, V, Z-1, and Z-2), the applicant shall 1) prepare an acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that the proposed building plans ensure that interior noise levels due to exterior noise sources will be at or below California's Title 24 Interior Noise Standards (i.e., 45 dBA CNEL) in any habitable room, and 2) that all outdoor useable areas are not exposed to noise levels in excess of the City's Noise Compatibility Guidelines for outdoor use areas (i.e., 65 dBA CNEL). The analysis must also identify Sound Transmission Loss rates of each window. 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 Applicant shall construct and/or install the required noise attenuation features that would 1) reduce sound levels to 45 dBA CNEL in any habitable room, and 2) that would reduce sound levels to 65 dBA CNEL at outdoor usable areas.

5.5-4 **Site-Specific Acoustic Analysis – Non-Residential Noise Sensitive Land Use**. Concurrent with Design Review and prior to the approval of building permits for any non-residential Noise Sensitive Land Uses (schools, neighborhood parks, outdoor use areas, some Community Purpose Facility use, etc.) area where exterior noise levels exceed 65 dBA CNEL (Planning Areas A, B-1, B-2, C, D, F, E-1, E-2, L, S-1, V, and W), the applicant shall submit a site design plan and subsequent acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that all outdoor useable areas are not exposed to noise levels in excess of 65 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. 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 Applicant shall construct and/or install the required noise attenuation features would reduce sound levels to 65 dBA CNEL at outdoor usable areas. If Planning Area W is ultimately developed with multi-family residential uses rather than a school, this planning area would be subject to mitigation measure 5.5-3.

5.5-5 **Site-Specific Acoustic Analysis – Office Uses**. Concurrent with Design Review and prior to the approval of building permits for any office use within Planning Areas A, B-1, B-2, D, E-1, and E-2, the applicant shall submit a site design plan and subsequent acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that exterior noise levels at the property line are at or below the City's Noise Compatibility Guidelines for office uses (i.e., 70 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, in mixed-use buildings, orienting offices away from roadways so that surrounding structures provide noise attenuation. The Applicant shall construct and/or install the required noise attenuation features would reduce sound levels to 70 dBA CNEL at the property line.

5.5-6 **Shielded Private Outdoor Usable Space for Urban Center Residences**. Concurrent with Design Review and prior to the approval of building permits for any private usable outdoor space such as patios, balconies, or outdoor dining areas for new residential or commercial development along Main Street or Street B (Planning Areas A, B-1, B-2, D, E-1, and E-2), the applicant shall submit a site design plan and subsequent acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that all outdoor useable areas are not exposed to noise levels in excess of 65 dBA CNEL. The Applicant shall construct and/or install the required noise attenuation features that would reduce sound levels to 65 dBA CNEL at outdoor usable areas.

5.5-7 **HVAC Mechanical Equipment Shielding.** Concurrent with Design Review and prior to the approval of building permits for non-residential development, the applicant shall submit a design plan for the project demonstrating to the satisfaction of the Development Services Director (or their designee) that the noise level from operation of mechanical equipment will not cumulatively exceed the noise level limits for a designated receiving land use category as specified in Section 19.68.030 of the City of Chula Vista Noise Ordinance. Noise control measures may include, but are not limited to, the selection of quiet equipment, equipment setbacks, silencers, and/or acoustical louvers. The Applicant shall construct and/or install the required noise attenuation features that would reduce sound levels to allowable Chula Vista Noise Ordinance Standards.

5.5-8 **Site Specific Acoustic Analysis - Neighborhood Park.** Concurrent with the preparation of site-specific plan(s) and prior to the approval of a precise grading plan for the Neighborhood Park or Planning Area F (whichever occurs first), the applicant shall prepare, or in the case the City being the lead on the preparation of the site specific plan, the project applicant shall fund the preparation of an acoustical analysis shall be conducted to ensure that noise levels generated from any active uses at the Neighborhood Park, such as sports fields, shall not exceed the receiving land use category's exterior noise limits as identified in the Chula Vista Noise Ordinance. The project applicant shall be responsible for the implementation of any measures recommended as a result of the analysis. Measures to reduce noise levels may include, but would not be limited to, siting of structures or buildings to provide setbacks between active areas and adjacent noise sensitive uses or construction of a wall to provide noise attenuation. Final noise attenuation design shall be determined by a site-specific acoustic analysis conducted by a qualified acoustical

engineer, 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 EIR to a level of insignificance. Specifically, mitigation measures 5.5-1 through 5.5-8 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 excessive noise levels to a less than significant level.

Impact: Permanent Increase in Ambient Noise Levels

Short-term increases in noise levels would remain significant until the proposed roadway system is complete (Final EIR Section 5.5.3).

Explanation

Seven roadway segments would result in a significant increase in noise under the Existing Plus Project scenario: Birch Road, La Media Road to SR-125; Birch Road, SR-125 to Eastlake Parkway; La Media Road, Olympic Parkway to Birch Road; Main Street, Street A to Eastlake Parkway; Hunte Parkway, Eastlake Parkway to Olympic Parkway; La Media Road, Olympic Parkway to Birch Road; Eastlake Parkway, Olympic Parkway to Birch Road; and Eastlake Parkway, Birch Road to Main Street. Traffic-related noise could be reduced either by constructing noise barriers, lowering traffic speeds, or by reducing traffic. Implementation of the SPA Plan and TM would include the construction of new roadways that would provide new connections from the project area to the regional transportation system. These new connections would reduce long-term traffic on the roadways surrounding the project site by routing some cumulative traffic through Village 9 instead of the surrounding roadways. Additionally, these connections would direct traffic generated by Village 9 away from the existing off-site roadways and reduce associated traffic noise. Mitigation is required to ensure that this circulation system would be implemented concurrently with Village 9.

Mitigation Measures

Mitigation measure 5.3-20 would reduce impacts related to short-term increases in traffic noise (listed above under the Transportation/Traffic: Level of Service Standards and Congestion Management heading, and listed in the Final EIR Section 5.3.5).

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 EIR to a level of insignificance. Specifically, mitigation measure 5.3-20 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of the mitigation measure will reduce significant direct impacts related to permanent increases in noise level to a less than significant level.

Impact: Temporary Increase in Ambient Noise Levels

Construction of the project would have the potential to generate noise levels and that would significantly impact biological resources (Final EIR Section 5.5.3).

Explanation

Noise from construction activities would also have the potential to impact sensitive wildlife species in the MSCP Preserve areas to the south of the project site. Construction noise exceeding an hourly average sound level of 60 dBA would potentially impact special status wildlife species by inhibiting audible communication between potential mates and between parents and offspring. Based on the worst-case construction noise level of 87 dBA at 50 feet, determined using the RCNM model, and an attenuation rate of 6 dBA for every double of distance, construction activities would have the potential to exceed 60 dBA up to 1,100 feet from the source. Assuming construction noise would be emanating from a location on the project site closest to the MSCP Preserve area (Planning Areas CC, DD, EE, FF, HH, II, and OS-3), construction noise would exceed 60 dBA within the MSCP Preserve area and a significant construction noise impact would occur (Final EIR Sections 5.5.3 and 5.6.3).

Mitigation Measures

Mitigation measures 5.6-3, 5.6-6, 5.6-7, 5.6-8, 5.6-9, and 5.6-11 would also reduce impacts related to construction noise (listed below under the Biological Resources, Impact: Sensitive Plant and Wildlife Species heading and in the Final EIR Section 5.6.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.6-3, 5.6-6, 5.6-7, 5.6-8, 5.6-9, and 5.6-11 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 direct impacts related to temporary increases in ambient noise level to a less than significant level.

Biological Resources

Thresholds of Significance

The proposed project would result in a significant impact to biological resources if it would:

1. 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 Wildlife or US Fish and Wildlife Service.

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

3. 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.

4. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

Impact: Sensitive Plant and Wildlife Species

Implementation of the project would result in significant direct and indirect impacts to several sensitive species, including snake cholla, least Bell's vireo, southern California rufus-crowned sparrow, burrowing owl, raptors and breeding migratory birds (Final EIR Section 5.6.3).

Explanation

Implementation of the project would result in significant direct and indirect impacts to several sensitive species through the direct removal of the species, or habitat that supports the species. Impacts to each sensitive species are summarized below.

Coast barrel cactus. Implementation of the project would result in the direct loss of all 43 coast barrel cactus identified within the project site. This impact would be significant.

Snake cholla. Implementation of the project would result in the direct loss of 29 snake cholla individuals within the project site and the off-site improvement area. This impact would be significant.

Other Special Status Plant Species not Covered by the MSCP. Construction activities associated with the project would result in direct impacts to Palmer's grappling hook, San Diego marsh-elder, singlewhorl burrowbush, southwest spiny rush, small-flowered morning glory, and San Diego sunflower because individuals from these species would be removed during construction. However, impacts to these species are not considered significant because the populations of these species are adequately protected in the Otay Ranch Preserve and are relatively common species in this portion of the county.

Burrowing owl. No active burrows were detected within the proposed development area. However, burrowing owls are known to occupy agricultural areas such as those found on site, and use such areas for both nest and foraging. The project would result in a significant impact to the burrowing owl if this species is detected in suitable habitat during pre-construction surveys or subsequent construction biological monitoring.

Cactus wren. Two cactus wrens were observed in the project area. The cactus wren occurs in coastal sage scrub and maritime succulent scrub, which are found on the site and in the off-site improvement area. The loss of habitat for cactus wren is considered a significant impact.

California gnatcatcher. Two California gnatcatcher territories would be directly impacted by implementation of the project. This loss of habitat is considered a significant impact.

Least Bell's vireo. One least Bell's vireo territory would be affected by the construction of the off-site improvement areas. This loss of habitat is considered a significant impact.

Raptors. Habitats in the existing agricultural areas on site provide foraging areas for sensitive avian species including northern harrier, burrowing owl, Cooper's hawk, white-tailed kite, and golden eagle. The project would reduce on-site agricultural vegetation. Therefore, the removal of this vegetation would result in a significant impact. Additionally, impacts to avian species protected under the Migratory Bird Treaty Act may occur if suitable habitat is removed or impacted during the bird breeding season (February 15 through August 31). Therefore, impacts related to raptors and breeding migratory birds would be significant.

Wildlife Species Not Covered in MSCP. The project would result in the direct removal of suitable on-site and off-site habitat for the southern California rufus-crowned sparrow, Grasshopper Sparrow, San Diego black tailed jackrabbit, orange-throated whiptail. Northwestern San Diego pocket mouse, Dulzura California pocket mouse, San Diego woodrat, and coast rosy boa were not observed within the project area, but are typically found in coastal sage scrub habitat and may be impacted by removal of this vegetation on site if they are present. However, the loss of this habitat would not be considered a significant impact to these wildlife species due to the relatively small amount affected on a regional scale and the low risk of endangerment associated with these species. Therefore, impacts to these species would be less than significant.

Short-term Indirect Impacts. Short-term indirect impacts to sensitive wildlife species would occur during construction activities and would potentially consist of noise, lighting, presence of toxic substances, degradation of water quality. Species potentially affected by such activities include, but are not limited to: California gnatcatchers, nesting raptors as northern harrier, burrowing owl, and black-tailed jackrabbits. Construction equipment would generate noise levels that may affect adjacent biologically sensitive areas. Construction noise exceeding an average hourly noise level greater than 60 dBA Leq at the location of any occupied habitat areas can indirectly impact sensitive wildlife species by inhibiting audible communication between potential mates and between parents and offspring. Construction equipment would have the potential to exceed 60 dBA at a distance of 1,100 feet from the source. Therefore, construction activities throughout the project site would have the potential to exceed 60 dBA at occupied habitat. Short-term indirect impacts would be considered potentially significant.

Long-term Indirect Impacts. Long-term indirect impacts to sensitive wildlife species would occur as a result of increased human activity in the Preserve, and domestic animal predation on listed wildlife species in the Preserve. Indirect impacts would be considered potentially significant to sensitive species residing in the Preserve.

Mitigation Measures

In addition to the measures listed below, mitigation measures 5.4-1 through 5.4-3, 5.11-1 through 5.11-5, and 5.6-17 through 5.6-19 would also reduce impacts to sensitive species.

5.6-1 **Maritime Succulent Scrub Restoration Plan.** Prior to the issuance of any land development permits (including clearing and grubbing or grading permits) the applicant shall prepare a restoration plan to restore impacted maritime succulent scrub at 1:1 ratio, pursuant to the Otay Ranch Resource Management Plan. A total of 5.17 acres of maritime succulent scrub will require restoration. 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 maritime succulent scrub restoration plan shall be prepared by a city-approved biologist pursuant to the Otay Ranch Resource Management Plan restoration requirements. The applicant shall also be required to implement the revegetation plan subject to the oversight and approval of the Development Services Director (or their designee).

5.6-2 **Resource Salvage Plan.** Prior to issuance of land development permits, including clearing or grubbing and grading permits, the applicant shall prepare a resource salvage plan for areas with salvageable resources, including, but not limited to, snake cholla, Chula Vista Narrow Endemic Species, dot-seed plantain (Quino checkerspot butterfly larval host plant), coast barrel cactus, other cacti species, and San Diego sunflower. The resource salvage plan shall, at a minimum, evaluate options for plant salvage and relocation, including native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within the Preserve. 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 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 resource salvage plan shall be prepared by a city-approved biologist. The applicant shall also be required to implement the resource salvage plan subject to the oversight of the Development Services Director (or their designee).

5.6-3 **Coastal California Gnatcatcher, Coastal Cactus Wren, and Least Bell's Vireo Pre-Construction Survey.** For any work proposed between February 15 and August 15 (March 15 and September 15 for least Bell's vireo), a pre-construction survey for the coastal California gnatcatcher, coastal cactus wren, and least Bell's vireo shall be performed in order to reaffirm the presence and extent of occupied habitat. The pre-construction survey area for the species shall encompass all potentially suitable habitat within the project work zone, as well as a 300-foot survey buffer. The pre-construction survey shall be performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the Chula Vista Multiple Species Conservation Program 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 California gnatcatcher, cactus wren or least Bell's vireo 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 occupied habitat from February 15 through August 15 for Coastal California gnatcatcher and cactus wren, and March 15 through September 15 for least Bell's vireo. On-site noise reduction techniques shall be implemented to ensure that construction noise levels not exceed 60 dBA Leq 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.

5.6-4 **Burrowing Owl Pre-Construction Surveys.** Prior to issuance of any land development permits (including clearing and grubbing or grading permits), the applicant shall retain a city-approved biologist to conduct focused pre-construction surveys for burrowing owls. The surveys shall be performed no earlier than 10 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.

5.6-5 **Revegetation Plan.** Prior to issuance of land development permits, including clearing, grubbing, grading and construction permits, the applicant shall provide a revegetation plan to restore 0.2 acre of temporary impacts to maritime succulent scrub and 0.1 acre of temporary impacts to riparian scrub associated with off-site planned and future facilities. The revegetation plan must be prepared by a qualified city-approved biologist familiar with the Chula Vista Multiple Species Conservation Program 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 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).

5.6-6 **Biological Construction Monitoring.** Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for any areas adjacent to the Preserve and the off-site facilities located within the Preserve, the 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 Chula Vista Multiple Species Conservation Program Subarea Plan and/or permits issued by any other agencies having jurisdictional authority over the project.

5.6-7 **Pre-Construction Education.** Before construction activities occur in areas adjacent to and/or containing sensitive biological resources, all workers shall be educated by a city-approved biologist to recognize and avoid those areas that have been marked as sensitive biological resources.

5.6-8 **Migratory Bird Treaty Act Compliance.** To avoid any direct impacts to raptors and/or any migratory birds protected under the Migratory Bird Treaty Act, removal of habitat that supports active nests on the proposed area of disturbance should occur outside of the breeding season for these species (January 15 to August 31). If removal of habitat on the proposed area of disturbance must occur during the

breeding season, the 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, the results of which 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-approved 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.

5.6-9 **Northern Harrier Pre-Construction Survey.** Prior to issuance of any land development permits, including clearing and grubbing or grading permits, the 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 biological monitor shall be on site during construction to minimize construction impacts and ensure that no nests are be removed or disturbed until all young have fledged.

5.6-10 **Construction Fencing and Signage.** Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits, the applicant shall install fencing in accordance with Chula Vista Municipal Code Section 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.

5.6-11 **Indirect Impact Avoidance.** In accordance with the Chula Vista Adjacency Management Guidelines and the Otay Ranch Village 9 Edge Plan, and in addition to mitigation measure 5.11-1, Storm Water Pollution Prevention Plan, the following measures shall be implemented to further reduce indirect impacts (from lighting, noise, invasive, toxic substances, and public access) to sensitive biological resources located in the adjacent Otay Ranch Preserve areas:

i. Prior to issuance of a building permit, a lighting plan and photometric analysis shall be submitted to the satisfaction of the Development Services Director (or their designee) to ensure lighting of all developed areas adjacent to the Preserve has been directed away from the Preserve, wherever feasible and consistent with public safety. The lighting plan shall illustrate the location of the proposed lighting standards and, if applicable, type of shielding measures required to minimize

light spillage into the Preserve. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the Preserve and sensitive species from night lighting. Consideration shall be given to the use of low-pressure sodium lighting.

ii. Construction-related noise shall be limited within and adjacent to the Preserve during the typical breeding season of January 15 to September 15. Construction activity within and adjacent to any occupied sensitive habitat areas must not exceed 60 dBA Leq, or ambient noise levels if higher than 60 dBA Leq, during the breeding season. Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for areas within or adjacent to the Preserve, the applicant shall prepare and submit to the satisfaction of the Development Services Director (or their designee), an acoustical analysis to demonstrate that the 60 dBA Leq noise level is not exceeded at the location of any occupied sensitive habitat areas as determined based on the results the required biological pre-construction surveys. The acoustical analysis shall describe the methods by which construction noise shall not exceed 60 dBA Leq. Noise abatement methods may include, but are not limited to, reoperation of specific construction activities, installation of noise abatement at the source, and/or installation of noise abatement at the receiving areas.

5.6-12 **Retain Existing Vegetation.** Existing vegetation shall be retained where possible during construction activities and grading activities shall be limited to the immediate area required for construction.

5.6-13 **Landscape Plan.** Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for areas within the 100-foot Preserve edge, the 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 Attachment A of the Otay Ranch Village 9 Preserve Edge Plan. 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 invasives, and a maintenance/monitoring schedule.

5.6-14 **MCSP Preserve Boundary Delineation.** Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for the project, the applicant shall submit wall and fence plans depicting appropriate barriers to prevent unauthorized access into the Otay Ranch 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 any off-site pedestrian trails as conceptually described in the Otay Ranch Village 9 Edge Plan. The required wall and fence plan shall be subject to the approval 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 EIR to a level of insignificance. Specifically, mitigation measures 5.6-1 through 5.6-14 identified above; measures 5.6-17 through 5.6-19, listed below under Local Policies, Ordinances, HCP and NCCP; measures 5.4-1 through 5.4-3, listed below under Significant and Unavoidable Direct Impacts and in the Final EIR Section 5.4.5; and measures 5.11-1 through 5.11-5, listed below under Hydrology and Water Quality and in Final EIR Section 5.11.5, 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 direct impacts related to sensitive plant and wildlife species to a less than significant level.

Impact: Riparian Habitat and Other Sensitive Natural Communities

The project would result in significant direct impact to broom baccharis scrub, coastal sage scrub, disturbed coastal sage scrub, maritime succulent scrub, chaparral, non-native grasslands, riparian scrub, and tamarisk scrub. Therefore, impacts are considered significant (Final EIR Section 5.6.3).

Explanation

Any removal of a sensitive vegetation community is considered a significant impact because these habitats have the potential to support sensitive species. Implementation of the project would result in direct impacts to seven sensitive vegetation communities, including broom baccharis scrub, coastal sage scrub (including disturbed coastal sage scrub), maritime succulent scrub, chaparral, non-native grassland, riparian scrub, and tamarisk scrub. Impacts to sensitive vegetation communities are identified in Table 5.6-3 in the EIR. Impacts to these vegetation communities would be considered significant (Final EIR Section 5.6.3).

Mitigation Measure

Mitigation measures 5.6-1, 5.6-2, 5.6-5, 5.6-6, 5.6-7, 5.6-10 through 5.6-19 (listed above and below under the Biological Resources, Impact: Sensitive Plant and Wildlife Species, Impact: Federally Protected Wetlands, and Impact: Local Policies, Ordinances, HCP and NCCP headings and in the Final EIR Section 5.6.5), 5.4-1 through 5.4-3 (listed below under Significant and Unavoidable Direct Impacts and in the Final EIR Section 5.4.5), 5.11-1 through 5.11-5 (listed below under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.5) would also reduce impacts to riparian habitat and other sensitive natural communities.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.6-1, 5.6-2, 5.6-5, 5.6-6, 5.6-7, 5.6-10 through 5.6-19, 5.4-1 through 5.4-3, 5.11-1 through 5.11-5 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 direct impacts related to riparian habitat and other sensitive natural communities to a less than significant level.

Impact: Federally Protected Wetlands

United States Army Corps of Engineers (USACE) regulated jurisdictional waters and California Department of Fish and Wildlife (CDFW) jurisdictional channels would be significantly impacted by development of the project (Final EIR Section 5.6.3).

Explanation

A total of 0.24 acre of USACE jurisdictional waters and 0.84 acre of CDFW jurisdictional channels would be impacted by implementation of the project. Impacts to USACE and CDFW jurisdictional waters and channels would be considered significant and would require mitigation in accordance with the terms and conditions of a Section 404 permit from the USACE. A Section 401 Water Quality Certification from the Regional Water Quality Control Board would be required to be issued prior to the project receiving a Section 404 permit. Additionally, impacts to wetlands and channels would be required to be mitigated in order to be consistent with the city's wetlands protection program. Impacts to jurisdictional water and wetlands are considered significant. (Final EIR Section 5.6.3).

Mitigation Measures

In addition to the mitigation measures listed below, implementation of mitigation measures 5.11-1 and 5.11-5 would reduce impacts to federally protected wetlands (listed below under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.5).

5.6-15 **Wetlands Mitigation and Monitoring Plan.** Prior to issuance of land development permits, including clearing or grubbing and grading permits that impact jurisdictional waters, the applicant shall prepare a wetlands mitigation and monitoring plan. 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 Army Corps of Engineers and the California Department of Fish and Wildlife shall be delineated on all grading plans. Creation areas shall occur within the Otay River watershed in accordance with the wetlands mitigation and monitoring plan to the satisfaction of the Development Services Director (or their designee), Army Corps of Engineers, and California Department of Fish and Wildlife. The applicant shall also be required to implement the wetlands mitigation and monitoring plan subject to the oversight of the Development Services Director (or their designee), Army Corps of Engineers, and California Department of Fish and Wildlife.

5.6-16 **Regulatory Permits.** Prior to issuance of land development permits, including clearing or grubbing and grading permits for areas that impact jurisdictional waters, the applicant shall provide evidence that all required regulatory permits, such as those required under Sections 404 and 401 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.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.6-15 and 5.6-16 (listed above), and 5.11-1 through 5.11-5 (listed below under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.5) 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 direct impacts related to federally protected wetlands to a less than significant level.

Impact: Local Policies, Ordinances, HCP and NCCP

The project would have the potential to result in impacts to sensitive species that would conflict with Chula Vista MSCP Subarea Plan (Final EIR Section 5.6.3).

Explanation

The project would have significant impacts related to biological resources management unless the Otay Ranch regional open space is preserved proportionally and concurrently with development, in accordance with the provisions of the Chula Vista MSCP Subarea Plan and the Otay Ranch RMP (Final EIR Section 5.6.3).

Mitigation Measure

In addition to the mitigation measures listed below, mitigation measures 5.6-1 through 5.6-7, and 5.6-9 through 5.6-16 would also reduce potential impacts related to conflicts with the MSCP Subarea Plan (listed above under the Biological Resources, Impact: Sensitive Plant and Wildlife Species and Impact: Federally Protected Wetlands headings and in the Final EIR Section 5.6.5).

5.6-17 **Annexation into Otay Ranch Preserve Community Facilities District No. 97-2.** Prior to the approval of the first final map for the SPA Plan, the applicant shall coordinate with the City Engineer and annex the project area within the Otay Ranch Preserve Community Facilities District No. 97-2.

5.6-18 **Otay Ranch Preserve Land Conveyance.** Prior to recordation of each final map the applicant shall convey land within the Otay Ranch Preserve to the Otay Ranch Preserve Owner Manager or its designee at a ratio of 1.188 acres for each acre of development area, as defined in the Otay Ranch Resource Management Plan. Access for maintenance purposes shall also be conveyed to the satisfaction of the Preserve Owner Manager, and each tentative map shall be subject to a condition that the applicant shall execute a maintenance agreement with the Preserve Owner Manager stating that it is the responsibility of the applicant to maintain the conveyed parcel until the Otay Ranch Preserve Community Facilities District No. 97-2 has generated sufficient revenues to enable the Preserve Owner Manager to assume maintenance responsibilities. The applicant shall maintain and manage the offered conveyance property consistent with the Otay Ranch Resource Management Plan Phase 2 until the Otay Ranch Preserve Community Facilities District No. 97-2 has generated sufficient revenues to enable the Preserve Owner Manager to assume maintenance and management responsibilities.

5.6-19 **Area-Specific Management Directives.** Prior to the Preserve Owner Manager's acceptance of the conveyed land in fee title, the applicant shall prepare, to the

satisfaction of the Preserve Owner Manager, area specific management directives for the associated conveyance areas, which shall incorporate the guidelines and specific requirements of the Otay Ranch Resource Management Plan, management requirements of Table 3-5 of the Multiple Species Conservation Program Subarea 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 area specific management directives to the satisfaction of the Preserve Owner Manager.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.6-17 through and 5.6-19 (listed above), as well as mitigation measures 5.6-1 through 5.6-7 and 5.6-9 through 5.6-16 (listed above under the Biological Resources, Impact: Sensitive Plant and Wildlife Species and Impact: Federally Protected Wetlands headings) 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 consistency with local policies, ordinances, HCP and NCCP to a less than significant level.

Cultural and Paleontological Resources

Thresholds of Significance

The proposed project would result in a significant impact to cultural and paleontological resources if it would:

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

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

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

Impact: Archaeological Resources

Construction activities associated with the project could inadvertently result in significant impacts to presently unknown archaeological resources that may be uncovered during clearing and grading. Mitigation measures are included below, consistent with the recommendations of the cultural resources report (Appendix F1 of the EIR), to avoid a potentially significant impact that could occur if construction activities inadvertently uncover a potentially significant resource. (Final EIR Section 5.7.3).

Explanation

The project would not result in impacts to known archaeological resources. However, given the presence of archeological resources on site, the project would have the potential to impact

unknown archaeological resources during earth-disturbing construction activities. This impact would be potentially significant (Final EIR Section 5.7.3).

Mitigation Measures

5.7-1 **Archaeological Monitor.** 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 as listed by the Secretary of the Interior (Code of Federal Regulations Title 36, Section 61) has been retained in an oversight capacity to ensure than an archeological monitor will be present during all cutting of previously undisturbed soil. If these cutting activities would occur in more than one location, multiple monitors shall be provided to monitor these areas, as determined necessary by the principal investigator.

5.7-2 **Resource Discovery Procedure.** During the initial grading of previously undisturbed soils within Village 9 and the off-site improvement area, prehistoric and historic resources may be encountered. In the event that the monitor identifies a potentially significant site, the archaeological 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 Development Services Director (or their designee), 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 of Chula Vista.

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 to the Development Services Director (or their designee) following the completion of mass grading activities. The letter report shall describe the results of the on-site archeological 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 Development Services Director (or their designee) prior to release of grading bonds. Any artifacts recovered during the evaluation shall be curated at a facility approved by the Development Services Director (or their designee). For those prehistoric/historic resources that are determined to be significant, the following measures shall be implemented:

i. An alternate means of achieving mitigation shall be pursued. In general, these forms of mitigation include: 1) site avoidance by preservation of the site in a natural state in open space or in open space easements, 2) site avoidance by preservation through capping the site and placing landscaping on top of the fill, 3) data recovery through implementation of an excavation and analysis program, or 4) a combination of one or more of the above measures. Procedures for implementing the alternative forms of mitigation described herein are further detailed in the Mitigation Monitoring and Reporting Program adopted as part of the 1993 Otay Ranch General Development Plan Program EIR (EIR 90-01).

ii. For those sites for which avoidance and preservation is not feasible or appropriate, the applicant shall prepare a Data Recovery Plan. The plan shall, at a minimum, include the following: 1) a statement of why data recovery is appropriate as a mitigating measure, 2) a research plan that explicitly provides the research questions that can reasonably be expected to be addressed by excavation and analysis of the site, 3) 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, 4) a step-by-step discussion of field and laboratory methods to be employed, and 5) provisions will be stated for curation and storage of the artifacts, notes, and photographs. In cases involving historic resources, archival research and historical documentation shall be used to augment field-testing programs. 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 significant artifacts collected during the implementation of the Data Recovery Plan shall be curated at a facility approved by the Development Services Director (or their designee).

iii. 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 project. This could be accomplished through exhibition within a future community center, civic building and/or multi-purpose building. This exhibition will only be for temporary curation of those materials being actively used for interpretation and display, and that permanent curation of artifacts and data shall be at a regional repository when one is established. All significant artifacts collected during the implementation of the Data Recovery Plan shall be permanently curated at a facility approved by 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 EIR to a level of insignificance. Specifically, mitigation measures 5.7-1 through and 5.7-2 (listed above) 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 archaeological resources to a less than significant level.

Impact: Human Remains

Construction activities associated with the project could inadvertently result in significant impacts to presently unknown human remains that may be uncovered during clearing and grading (Final EIR Section 5.7.3).

Explanation

Results of the cultural resources record search and survey did not identify any human remains or records of human remains in Village 9. However, given the presence of archeological resources on the site, regardless of cultural significance, previously unknown human remains may be present in the project area and off-site improvement area. Ground-disturbing construction activities, grading, and trenching associated with the project would have the

potential to uncover human remains. Compliance with existing regulations would reduce impacts to a less than significant level. However, without an archaeological monitor on-site during construction to identify evidence of remains and ensure proper regulatory compliance, ground-disturbing construction activities associated with the SPA Plan and TM would have the potential to result in a significant impact to human remains (Final EIR Section 5.7.3).

Mitigation Measure

5.7-3 **Human Remains Disturbance Protocol.** If human remains are discovered during grading or site preparation activities within Village 9 or off-site improvement area, 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 Public Resources Code 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. The Native American Heritage Commission will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American. The Most Likely Descendent will assist the Development Services Director (or their designee) 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 Development Services Director (or their designee) 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 EIR to a level of insignificance. Specifically, mitigation measure 5.7-3 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 human remains to a less than significant level.

Impact: Paleontological Resources

Geological formations underlying Village 9 and off-site improvement areas have a high sensitivity for paleontological resources(Final EIR Section 5.7.3).

Explanation

Direct impacts to paleontological resources would have the potential to occur during earthwork activities, such as mass grading operations on site, or trenching activities associated with the proposed off-site improvements. Ground-disturbing construction would cut into the geological formations within Village 9 that have a high potential for containing fossilized material. The majority of Village 9 is underlain by the Otay Formation. This formation would be disturbed by grading activities and during construction of proposed off-site improvements. Quaternary alluvial and terrace deposits, also considered fossiliferous, occur in the southern portion of Village 9. These sedimentary deposits would be disturbed by grading activities on site, and trenching in the off-site improvement area. These direct impacts would have the potential to adversely affect

unique fossilized remains. Therefore, ground-disturbing construction activities associated with Village 9 would have the potential to result in a significant impact to paleontological resources (Final EIR Section 5.7.3).

Mitigation Measure

5.7-4 **Paleontological Resource Mitigation Program.** Prior to the issuance of grading permits for the Village 9 or off-site improvement area, the applicant shall provide written confirmation to the Development Services Director (or their designee) that a qualified paleontologist has been retained to carry out an appropriate mitigation program. A qualified paleontologist is defined as an individual with a M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A pre-grade meeting shall be held among the paleontologist and the grading and excavation contractors.

5.7-5 **Paleontological Monitor.** A paleontological monitor shall be on site at all times during the original cutting of previously undisturbed sediments of the Otay Formation or Quaternary alluvial and terrace deposits 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.

i. The monitor shall be on site on at least a quarter-time basis during the original cutting of previously undisturbed sediments of low sensitivity geologic formations (Holocene alluvial deposits) to inspect cuts for contained fossils. He or she shall periodically (every several weeks) inspect original cuts in deposits with unknown resource sensitivity (i.e., Quaternary alluvium).

ii. In the event that fossils are discovered in unknown, low, or moderately sensitive formations, the per-day field monitoring time shall be increased. 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 (Santiago Peak Volcanics).

5.7-6 **Fossil Discovery Procedure.** If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short time frame. 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.

5.7-7 **Fossil Recording.** 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 EIR to a level of insignificance. Specifically, mitigation measures 5.7-4 through and 5.7-7 (listed above) 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 paleontological resources to a less than significant level.

Geology and Soils

Thresholds of Significance

The proposed project would result in a significant impact to geology and soils if it would:

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Refer to Division of Mines and Geology Special Publication 42); strong seismic ground shaking; seismic-related ground failure, including liquefaction; and/or landslides.

2. Result in substantial soil erosion or the loss of topsoil.

3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

4. 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: Exposure to Seismic Related Hazards

Grading activities could result in slope instabilities or landslides within the project area (Final EIR Section 5.8.3).

Explanation

Although no evidence of ancient landslides or slope instabilities was cited in the Geotechnical Investigation, grading activities associated with cut slopes could result in slope instabilities within the project area because grading could expose bentonitic claystone beds on the finished slope faces. Thus, slope stability is considered to be a potentially significant impact (Final EIR Section 5.8.3).

Mitigation Measures

5.8-1 **Geotechnical Recommendations.** Prior to the issuance of each grading permit for Village 9, the applicant shall verify that the applicable recommendations in the Geotechnical Investigation prepared by Advanced Geotechnical Solutions, Inc., dated November 9, 2010, 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, 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.

5.8-2 **Slope Factor of Safety.** 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 sheer pins. All slopes stability strategies shall be approved by 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 EIR to a level of insignificance. Specifically, mitigation measures 5.8-1 and 5.8-2 (listed above) 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 exposure to seismic related hazards to a less than significant level.

Impact: Soil Erosion or Topsoil Loss

Impacts associated with soil erosion and topsoil loss during and following project construction would be potentially significant (Final EIR Section 5.8.3).

Explanation

During construction, erosion (including loss of topsoil), can occur or be accelerated by site preparation activities. Vegetation removal throughout the site could reduce soil cohesion, as well as the buffer provided by vegetation from wind, water, and surface disturbance, which could render the exposed soils more susceptible to erosive forces. Additionally, newly exposed soils from excavation or grading activities may also be vulnerable to erosion. Compliance with applicable regulatory requirements would ensure that impacts associated with erosion and loss of topsoil would be minimized during construction activities. Following construction, implementation of the proposed drainage plan would reduce the long-term potential for erosion. Even though the project includes features and would implement best management to a less than significant level, these features are also prescribed as mitigation measures to assure implementation through buildout of the project (Final EIR Section 5.8.3).

Mitigation Measure

In addition to mitigation measure 5.8-1 (listed above), implementation of mitigation measures 5.11-1 through 5.11-5 in Section 5.11 would also reduce impacts related to soil erosion and topsoil loss (listed below under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in Final EIR Section 5.11.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.8-1 (listed

above) and 5.11-1 and 5.11-5 (listed below under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in and in Final EIR Section 5.11.5) 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 direct impacts related to soil erosion or topsoil loss to a less than significant level.

Impact: Soil Stability

The presence of loose compressible materials within Village 9 could become unstable as a result of the project. As a result, there is the potential for landsliding, lateral spreading, liquefaction and/or collapse (Final EIR Section 5.8.3).

Explanation

Loose, compressible soils are found over much of the project area, including alluvium, slope wash, topsoil and the undocumented artificial fill, and the highly weathered portions of older alluvium, terrace, and Otay Formation. These materials may settle under increased loads, or due to an increase in moisture content from changes in irrigation or site drainage. Thus, soils could become unstable over time. As a result, there is the potential for landsliding, lateral spreading, liquefaction and/or collapse as a result on compressible soils. These impacts are considered to be potentially significant (Final EIR Section 5.8.3).

Mitigation Measure

Mitigation measures 5.8-1 and 5.8-2 would also reduce impacts related to slope stability (listed above under the Geology and Soils, Impact: Exposure to Seismic Related Hazards heading and in the Final EIR Section 5.8.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.8-1 and 5.8-2 (listed above under the Geology and Soils, Impact: Exposure to Seismic Related Hazards heading and in the Final EIR Section 5.8.5) 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 direct impacts related to soil stability to a less than significant level.

Impact: Expansive Soils

Soils within Village 9 have high to very high expansion potential. Development of structures on these soils could create substantial risks to life or property (Final EIR Section 5.8.3).

Explanation

The predominately clayey sand and sandy clay materials, such as bentonite clays, within the Otay Formation, as well as the other materials on site, have a high to very high expansion potential in some areas. However, due to the wide range of expansion potential typically exhibited by soils in this area, areas may possess a very low expansion potential. Expansive soils within pavement, foundation or slab subgrade could heave when wetted, resulting in

cracking or failure of these developments improvements. This is considered to be a potentially significant impact (Final EIR Section 5.8.3).

Mitigation Measures

Mitigation measures 5.8-1 would also reduce impacts related to expansive soils (listed above under the Geology and Soils, Impact: Exposure to Seismic Related Hazards heading and in the Final EIR Section 5.8.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.8-1 (listed above under the Geology and Soils, Impact: Exposure to Seismic Related Hazards heading and in the Final EIR Section 5.8.5) 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 direct impacts related to expansive soils to a less than significant level.

Public Services

Thresholds of Significance

The proposed project would result in a significant impact to public services if it would:

1. Further reduce the ability of properly equipped and staffed fire and medical units to respond to calls throughout the city within 7 minutes in 80 percent of the calls; or

2. Be inconsistent with General Plan, GDP, and other objectives and policies regarding fire protection and emergency medical services thereby resulting in a significant physical impact.

3. Exceed the city's growth management threshold standard for police services to respond to Priority One emergency calls throughout the city (within 7 minutes in 81 percent 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 growth management threshold standard to respond to Priority Two urgent calls throughout the city (within 7 minutes in 57 percent of cases and an average response time to all Priority Two calls of 7.5 minutes or less).

4. Be inconsistent with General Plan objectives and policies regarding police protection thereby resulting in a significant physical impact.

5. Result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school 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.

6. Locate schools in areas where disturbing factors such as traffic hazards, airports, or other incompatible land uses are present; in areas where they are not integrated into the

system of alternative transportation corridors, such as bike lanes, riding and hiking trails, and mass transit; where private elementary and secondary schools are not spaced far enough from public schools and each other to prevent a concentration of school impacts; with at least 10 usable acres for an elementary school; without a central location to residential development; adjacent to a street or road which cannot safely accommodate bike, foot, and vehicular traffic; in areas not adjacent to parks, thereby discouraging joint field and recreation facility uses; at an unsafe distance from contaminants or toxins in the soil or groundwater from landfills, fuel tanks, agricultural areas, power lines, utility easements, and so on; or inside of floodplains; on unstable soils; or near fault lines.

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

8. 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.

9. Fail to meet the City's growth management threshold standard for parks and recreation of three acres of neighborhood and community parkland per 1,000 residents east of I-805.

Impact: Fire Protection Service Standards

The anticipated increase in residential population of 10,923 people and the employment base from 1.5 million square feet of commercial and office development would increase demand on fire and emergency medical services. The increase in demand would be significant if fully operational and appropriately equipped and staffed fire stations are not provided commensurate with the demand on fire and emergency medical services (Final EIR Section 5.9.1.3).

Explanation

Project build-out would result in a residential population of approximately 10,923 people and approximately 1.5 million square feet of non-residential uses. This increase in residences and commercial facilities would result in an increase in demand for fire and emergency medical services, and an increase in demand for water for fire protection. An increase in demand for fire and emergency medical services could also increase response times. A Fire Service Analysis was completed for Village 9 that determined when provision of new fire station facilities would be required in order to serve Village 9 and comply with the Growth Management Oversight (GMO) threshold standard for response times (ESCi 2013). Development in Village 9 would trigger the need for new fire service facilities because it would increase the response area of the CVFD, and would also increase structure density and height relative to development in other areas of the city. Mid-rise and high-rise buildings require more resources to combat fire events (ESCi 2013). The Fire Service Analysis determined that development of the first structure over four stories in height, development of more than three structures that are three or more stories in height, or construction of the first structure over 104,000 square feet in the Urban Center would require service from proposed off-site Fire Station #10 in the EUC. Any construction in the Urban Neighborhood, Town Center, or Neighborhood Center would require service from either Fire Station #10 or an off-site fire station in Village 8 West. Any development in the Neighborhood Edge or Neighborhood General zones would require service from a fire station in Village 8 West.

The timing of construction of the off-site permanent stations is not known at this time. The Fire Service Analysis also concluded that construction of a temporary fire station in Village 9 with staffing and configuration that is acceptable to the Fire Chief would be adequate to serve Village 9 until permanent facilities are constructed. In accordance with the Fire Service Analysis, the temporary facility would be constructed if any of the above triggers for service from Fire Station #10 or the Village 8 West facility would be met prior to operation of these permanent facilities.

Fire services and implementation of the CVFD's Fire Station Master Plan, including Fire Station #10, are funded through development impact fees collected as part of the Chula Vista Public Facilities Development Impact Fee (PFDIF) Program. Implementation of the project would require the collection of the PFDIF. The PFDIF addresses the project's proportional impact on capital facilities, such as structures and equipment, associated with the fire protection. It does not address the impact associated with operations and maintenance for those facilities. It is the City's policy to use public funds such as property taxes, sales taxes, and fees generated by the project to cover the incremental costs associated with providing fire services. Development within Village 9 would be required to pay the PFDIF, as well as all future taxes and fees adopted by the City to cover fire protection services. This impact would be potentially significant if these mechanisms are not enforced. Therefore, mitigation is required.

The project would create demand for water for fire protection that would result in an adverse impact if adequate water supply would not be available to provide the necessary fire flows for the site. The Otay Water District (OWD) approved a Water Supply Assessment and Verification Report (WSAV) in November 2010 for Village 9. The WSAV determined that sufficient water supplies are planned for and are intended to be available over a 20-year planning horizon, under normal conditions and in single-dry and multiple-dry water years to meet the projected demand of the proposed Village 9 project and the existing and other planned development projects to be served by OWD. However, approval of a Subarea Master Plan prior to approval of the first final map is required to ensure that adequate and appropriate infrastructure is developed to serve the project's water needs, including fire flows for individual buildings. Therefore, mitigation is required.

Mitigation Measures

Mitigation measure 5.15.1-3 would also reduce impacts related to fire protection (listed below under the Public Utilities, Impact: Compliance with City-wide Water Supply Thresholds heading and in the Final EIR Section 5.15.1).

5.9.1-1 **Public Facilities Development Impact Fees.** Prior to the approval of each building permit, the applicant shall pay a 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 City Council, in lieu of paying the required impact fee, the applicant may satisfy that requirement through a written agreement, by which the applicant agrees to either pay the fee or build the facility in question, pursuant to the terms of the agreement.

5.9.1-2 **Growth Management Program's Fire and Emergency Medical Service Threshold Standard.** The City of Chula Vista shall continue to monitor the Chula Vista Fire Department responses to emergency fire and medical calls and report the results to the Growth Management Oversight Commission on an annual basis.

5.9.1-3 **Fire Code Compliance.** Prior to the approval of each building permit and to the satisfaction of the City of Chula Vista Fire Marshal, the project shall meet the provisions of the current city-adopted California fire code. In meeting said provisions, the project shall meet the minimum fire flow requirements based upon construction type and square footage.

5.9.1-4 **Fuel Modification Easements.** Prior to approval of a Final Map requiring off-site fuel modification, as determined the City Fire Marshal, the applicant shall secure any required permits and/or access easements necessary to perform the required brush abatement activities contained in the Village 9 Fire Protection Plan (Village 9 SPA Plan, Appendix F), to the satisfaction of the City's Fire Marshal and Development Services Director.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.1-1 through 5.9.1-4 (listed above) and 5.15.1-3 (listed below under the Public Utilities, Impact: Compliance with City-wide Water Supply Thresholds heading and in the Final EIR Section 5.15.1) 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 fire protection service standards to a less than significant level.

Impact: Consistency with Fire and Emergency Medical Service Policies

The increase in fire and emergency medical service demand associated with the project would be significant if fully operational and appropriately equipped and staffed fire stations are not provided commensurate with the demand on fire and emergency medical services (Final EIR Section 5.9.1.3).

Explanation

Table 5.9-3 and 5.9-4 in Section 5.9.1.3 in the Final EIR evaluates the consistency of the project with the applicable General Plan objectives and GDP objectives. While the combination of PFDIF fees from the applicant, implementation of the Public Facility Finance Plan (PFFP), and compliance with existing city policies and mechanisms would ensure that the GMOC threshold standard is achieved. This impact would be potentially significant if these mechanisms are not enforced. Therefore, mitigation is required (Final EIR Section 5.9.1.3).

Mitigation Measures

Mitigation measures 5.9.1-1 through 5.9.1-4 would also reduce impacts related to consistency with fire and emergency medical service policies (listed above under the Public Services, Impact: Fire Protection Service Standards heading and in the Final EIR Section 5.9.1.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.1-1 through

5.9.1-4 (listed above under the Public Services, Impact: Fire Protection Service Standards heading and in the Final EIR Section 5.9.1.5) 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 direct impacts related to consistency with fire and emergency medical service policies to a less than significant level.

Impact: Police Service Standards

The project would result in a potentially significant increase demand on police protection if additional police officers are not provided commensurate with demand (Final EIR Section 5.9.2.3).

Explanation

The Chula Vista Police Department does not currently meet the GMOC response time thresholds for Priority Two calls. The project would incrementally increase Priority Two calls, which could make meeting the priority threshold more difficult. Additional staffing and equipment would be required to bring the Police Department in compliance with the Priority Two call threshold (Final EIR Section 5.9.2.3).

Mitigation Measures

5.9.2-1 **Public Facilities Development Impact Fees.** Prior to the issuance of each building permit for any residential dwelling units, the applicant(s) shall pay a 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, unless stated otherwise in a separate development agreement.

5.9.2-2 **Growth Management Program's Police Threshold Standard.** The City of Chula Vista shall 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.

5.9.2-3 **Crime Prevention through Environmental Design Features.** Prior to the issuance of each building permit, site plans shall be reviewed by the Chula Vista Police Department or their designee to ensure the incorporation of Crime Prevention through Environmental Design features and other recommendations of the Chula Vista Police Department, including, but not limited to, controlled access points to parking lots and buildings; maximizing the 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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.2-1 through 5.9.2-3 (listed above) 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 police service standards to a less than significant level.

Impact: Consistency with Police Service Policies

The project would conflict with police service policies if additional police officers are not provided commensurate with demand (Final EIR Section 5.9.2.3).

Explanation

Table 5.9-5 and 5.9-6 in Section 5.9.1.3 in the Final EIR evaluates the consistency of the project with the applicable General Plan objectives and GDP objectives. While the combination of PFDIF fees from the applicant, implementation of the PFFP, and compliance with existing city policies and mechanisms would ensure that the GMOC threshold standard is achieved, this impact would be potentially significant if these mechanisms are not enforced. Therefore, mitigation is required (Final EIR Section 5.9.2.3).

Mitigation Measures

Mitigation measures 5.9.2-1 through 5.9.2-3 would also reduce impacts related to consistency with police service policies (listed above under the Public Services, Impact: Police Service Standards heading and in the Final EIR Section 5.9.2.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.2-1 through 5.9.2-3 (listed above under the Public Services, Impact: Police Service Standards heading and in the Final EIR Section 5.9.2.5) 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 direct impacts related to consistency with policy service policies to a less than significant level.

Impact: School Facilities

Project implementation would result in a significant impact to elementary and middle schools unless construction of an elementary school, a middle school, and high school coincides with student generation and associated service demands (Final EIR Section 5.9.3.3).

Explanation

The Chula Vista Elementary School District has estimated that buildout of the proposed SPA Plan's 4,000 residential units would generate approximately 890 elementary school students (Final EIR Section 5.9.3.3). To provide for future elementary school demand, two alternative elementary school sites have been reserved in the SPA Plan in Planning Areas G and W. Either of these sites may be developed as an elementary school if selected by the school district. The primary school site, reserved as Planning Areas W consists of 11.7 acres of land located in the Urban Neighborhood Zone. An alternative site, reserved as Planning Areas H-1 and H-2, consists of 10.3 acres of land located in the Town Center. If either site is selected by the Chula Vista Elementary School District, each site will be large enough to accommodate approximately 750 students.. Until such time that the school would be completed, students residing within Village 9 would attend schools in neighboring villages as determined by the school district. Currently, the Chula Vista Elementary School District has excess capacity for 1,728 elementary school students. There is sufficient capacity throughout the district at this time to accommodate

additional elementary school students. However, an impact to the Chula Vista Elementary School District would occur if the proposed elementary school site is not protected to serve future demand.

The project would generate approximately 327 middle school students. Middle School students residing in Village 9 would attend the planned Middle School for Otay Ranch, located in Village 11 or in Village 8 West. Until such time that this school would be completed, students residing within Village 9 would attend schools in neighboring villages as determined by the school district. According to the SUHSD, the Village 9 project is within the Eastlake Middle School attendance area. Historically, enrollment at this school has met or exceeded capacity. Therefore, the increase in students as a result of Village 9 would result in a significant temporary impact on neighboring middle schools until completion of the new middle school.

The project would generate approximately 488 high school students. According to the SUHSD, high school students residing in Village 9 would attend Olympian High School, located in Village 7, adjacent to the proposed middle school. Olympian High School was constructed according to the GDP in order to accommodate planned growth in the area surrounding the school, including Village 9. However, this high school does not have the capacity to accommodate all of the high school students from Village 9. In the future, high school students from Village 9 or currently attending Olympian High School may be able to attend the proposed school in Village 11. Another high school is being planned at the intersection of Hunte Parkway and Eastlake Parkway. Until such time that another school would be completed, the project would result in temporary impact on Olympian High School.

Mitigation Measures

5.9.3-1 **School Service Fees.** Prior to the issuance of each building permit, the applicant(s) shall provide the city with evidence or certification by the Chula Vista Elementary School District and the Sweetwater Unified High School District 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 does not apply to the construction.

5.9.3-2 **School Site Protection.** Prior to approval of a final map for private development on Planning Areas G or W, designated for future schools, the applicant shall provide evidence from the Chula Vista Elementary School District that the site has not been determined by the district to be needed for 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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.3-1 and 5.9.3-2 (listed above) 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 school facilities to a less than significant level.

Impact: Schools Siting

The potential exists for pesticides/herbicides to occur at the future school site and for potential unstable soils to occur on site (Final EIR Section 5.9.3.3).

Explanation

The proposed school sites must comply with the Chula Vista Elementary School District and state standards regarding health and safety issues, including the potential for toxins in the soil. The possible presence of pesticide/herbicides has been detected in on-site soils in some areas of the project. As such, additional testing would be required prior to grading and any contaminated soils would need to be remediated in accordance with County of San Diego Department of Environmental Health and Regional Water Quality Control Board requirements. Additionally, unstable soils could occur on site and the region is seismically active (Final EIR Section 5.9.3.3).

Mitigation Measures

Mitigation measure 5.8-1 (listed above under the Geology and Soils, Impact: Exposure to Seismic Related Hazards heading and in the Final EIR Section 5.8.5) and 5.13-1 (listed below under the Hazards and Hazardous Materials: Hazardous Materials Transport, Use, Disposal, or Release heading and in the Final EIR Section 5.13.5) would reduce impacts related to school siting.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.8-1 and 5.13-1 (listed above under the Geology and Soils, Impact: Exposure to Seismic Related Hazards heading, and below under the Hazards and Hazardous Materials: Hazardous Materials Transport, Use, Disposal, or Release heading) 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 school siting to a less than significant level.

Impact: Library Service Standard

The project would increase demand on library services, which would be significant if library resources are not provided commensurate with demand (Final EIR Section 5.9.4.3).

Explanation

Village 9 would generate a demand for approximately 5,462 square feet of additional library facilities within the city. The city does not currently meet the GMOC threshold standard of 500 square feet of library service for every 1,000 residents. As envisioned in Chula Vista's Library Facilities Master Plan, a future library is proposed in the EUC that would serve Village 9. Construction of the Rancho del Rey and the library facility proposed in the EUC would result in a total of 60,000 gross square feet of library space. This amount would accommodate the increase in population as a result of the development proposed in Village 9, and maintain acceptable service ratios. Library facilities would also be permitted throughout Village 9. However, the project's increase in demand on library services would be significant if library resources are not provided commensurate with demand (Final EIR Section 5.9.4.3).

Mitigation Measures

5.9.4-1 **Public Facility Development Impact Fees.** Prior to the issuance of each building permit for any residential dwelling units, the applicant shall pay a 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.

5.9.4-2 **Growth Management Program's Libraries Threshold Standard.** The City of Chula Vista shall continue to monitor library facilities and services and report the results to the Growth 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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.4-1 and 5.9.4-2 (listed above) 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 the library service standard to a less than significant level.

Impact: Deterioration of Parks and Recreation Facilities

The project would increase demand on recreational facilities, which would be significant if the proposed parks and recreational facilities are not provided commensurate with demand (Final EIR Section 5.9.5.3).

Explanation

The project would potentially increase use of existing and proposed regional and community parks. However, the project would provide parks and recreational facilities to serve the population of Village 9. The Village 9 SPA Plan provides 23 eligible acres of parks, which does not meet the requirements of the GDP, Quimby Act, or CVMC. However, Village 8 West SPA would provide a total of 27.1 acres of parks, which exceeds its park requirement by 9.4 acres. Village 8 West is a separate project from Village 9; however, both are currently owned and controlled by the Village 9 project applicant. The applicant is proposing to meet a portion of the Village 9 park obligation (9 acres) within the boundaries of the Village 8 West project. The applicant is proposing to dedicate parkland acreage and pay applicable parkland development fees for the development of park sites located within the boundaries of Village 9 (a total of 23 acres) and dedicate 9 acres of parkland located within Village 8 West (and pay applicable parkland development fees) thereby meeting the overall Village 9 project park obligation. However, if construction of new parks would not coincide with development of residences in Village 9, a potentially significant impact would occur (Final EIR Section 5.9.5.3).

Mitigation Measures

5.9.5-1 **Public Facility Development Impact Fees.** 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 Village 9 Public Facilities Finance Plan, subject to approval of the Director of Recreation.

5.9.5-2 **Park Acquisition and Development Fees.** Prior to the approval of each final map for the project, or, for any residential development project within Village 9 that does not require a final map, prior to building permit approval, the applicant shall pay applicable Park Acquisition and Development in-lieu fees for the area covered by the final map(s). The payment of in-lieu fees shall be in accordance with the phasing indicated in the Project's approved SPA Plan, and a park agreement, if any, subject to approval of the Director of Recreation. 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.

5.9.5-3 **Growth Management Program's Parks and Recreation Threshold Standard.** The City of Chula Vista shall continue to monitor parks and recreation services and report the results to the Growth Management Oversight Commission on an annual basis.

5.9.5-4 **Dedication of Parkland.** Prior to approval of the first final map for the project, the applicant shall offer for dedication all public parkland identified in the Project's approved SPA Plan, or as approved by the Director of Recreation. Park facilities such as Town Squares and privately owned/mini pedestrian parks identified as being required to meet the overall park obligation shall be identified on the first final map and shall be publically accessible.

5.9.5-5 **Town Square Parks and Pedestrian Parks.** Prior to issuance of the 192nd residential building permit in Planning Areas M, N, P, and Q, or in a combination thereof, the Town Square Park in Planning Area I shall be completed to the satisfaction of the Director of Recreation. Prior to issuance of the 460th residential building permit in Planning Areas A, B-1 and B-2, or in a combination thereof, the Town Square Park in Planning Area C shall be completed to the satisfaction of the Director of Recreation. Prior to the issuance of the 719th residential building permit south of Street H, the Pedestrian Parks in Planning Areas GG, HH, and II, including the pedestrian trail through OS-3 connecting Planning Areas HH and II, shall be completed to the satisfaction of the Director of Recreation.

5.9.5-6 **Off-site Park Obligation.** Prior to the recordation of the first final map, the applicant shall have offered for dedication to the City a 9.0 acre park site within Village 8 West or other suitable off-site parkland subject to the satisfaction of the Director of Development Services.

5.9.5-7 **Park Development Agreement.** Prior to the approval of the first final map for Village 9 the applicant shall enter into an agreement with the City that provides the following: dedication of public park sites, payment of Park Development Agreement Fees, schedule for completion of improvements, including utilities to streets adjacent to the park sites, all to the satisfaction of the Director of Recreation and Director of Development Services. 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 contact, 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.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.5-1 through 5.9.5-7 (listed above) 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 deterioration of parks and recreational facilities to a less than significant level.

Impact: Parks and Recreation Standard

The project would increase demand on recreational facilities, which would be significant if the proposed parks and recreational facilities are not provided commensurate with demand (Final EIR Section 5.9.5.3).

Explanation

According to the CVMC Chapter 17.10, the method used to calculate the amount of actual required park space is 460 square feet developed park land per each single-family unit and 341 square feet per each multi-family unit. According to this method, Village 9 would be obligated to provide approximately 32 acres of parkland. Village 9 would provide a total of 23 acres of eligible parks. The excess park acreage in Village 8 West represents aggregated park acreage obligation from Village 8 West and Village 9 and it is the intent of the Village 8 SPA Plan to obligate the dedication of such park acreage from Village 8 West to satisfy a portion of Village 9's park obligation as needed. However, if construction of new parks, either in Village 8 West or an alternative location, would not coincide with development of residences in Village 9, a potentially significant impact would occur (Final EIR Section 5.9.5.3).

Mitigation Measures

Mitigation measures 5.9.5-1 through 5.9.5-7 would also reduce impacts related to the parks and recreation growth management threshold standard (listed above under the Public Services, Impact: Deterioration of Parks and Recreation Facilities heading and in the Final EIR Section 5.9.5.5).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.9.5-1 through 5.9.5-7 (listed above under the Public Services, Impact: Deterioration of Parks and Recreation Facilities heading and in the Final EIR Section 5.9.5.5) 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 direct impacts related to the parks and recreation standard to a less than significant level.

Hydrology and Water Quality

Thresholds of Significance

The proposed project would result in a significant impact to hydrology and water quality if it would:

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

2. 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, which would result in substantial erosion or siltation on or off the site or City of Chula Vista Engineering Standards for storm water flows and volumes.

3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off the site.

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

5. Otherwise substantially degrade water quality.

Impact: Water Quality Standards

Construction and operational activities could violate water quality standards or waste discharge requirements (Final EIR Section 5.11.3).

Explanation

Pollutants associated with construction would degrade water quality if they were washed by storm water or non-storm water into surface waters. Sediment is often the most common pollutant associated with construction sites because of the associated earth-moving activities and areas of exposed soil. Hydrocarbons such as fuels, asphalt materials, oils, and hazardous materials such as paints and concrete slurries discharged from construction sites could also impact aquatic plants and animals downstream. Debris and trash could be washed into existing storm drainage channels to downstream surface waters and could impact aquatic wildlife, wetland or riparian habitat and aesthetic value. Construction activities would potentially result in a significant change in local receiving water quality if best management practices (BMPs) are not put in place to prevent polluted runoff from entering Otay River.

There are multiple pollutants associated with operations of land uses proposed in Village 9 including sediment, nutrients, heavy metals, organic compounds, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides. The San Diego Bay is impaired for organic compounds. Therefore, organic compounds are a pollutant of concern associated with the project. Increased runoff from the development of future land uses as designated in the project area, and an associated increase in impervious surfaces, would potentially result in the contribution of non-point source pollution, including organic compounds,

into Otay River, and ultimately San Diego Bay, that would degrade water quality (Final EIR Section 5.11.2).

Mitigation Measures

5.11-1 **Storm Water Pollution Prevention Plan.** Prior to issuance of each grading permit for the Village 9 SPA Plan area or any land development permit, including clearing and grading, the project applicant shall submit a notice of intent and obtain coverage under the National Pollutant Discharge Elimination System permit for construction activity from the State Water Resources Control Board. Adherence to all conditions of the General Permit for Construction Activity is required. The applicant shall be required under the State Water Resources Control Board General Construction Permit to develop a Storm Water Pollution Prevention Plan and monitoring plan that shall be submitted to the City Engineer and the Director of Public Works. The Storm Water Pollution Prevention Plan shall be incorporated into the grading and drainage plans and shall specify both construction and post-construction structural and non-structural best management practices 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 best management practices requirements. The Storm Water Pollution Prevention Plan 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 Storm Water Pollution Prevention Plan shall incorporate construction and post-construction best management practices as outlined in the Village 9 Edge Plan. The grading plans shall note the condition requiring a Storm Water Pollution Prevention Plan and monitoring plans.

5.11-2 **Supplemental Water Quality Report.** Prior to issuance of each grading permit, the applicant shall submit a supplemental report to the Preliminary Water Quality Technical Report for Village 9 prepared by Hunsaker & Associates dated August 10, 2011that identifies which on-site 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 planning area owner that is not shown in the water quality technical report, a project-specific water quality technical report shall be prepared for the planning area, referencing the Master Water Quality Technical Report for Village 9 for information relevant to regional design concepts (e.g., downstream conditions of concern) to the satisfaction of the City Engineer.

5.11-3 **Post-Construction/Permanent Best Management Practices.** Prior to issuance of each grading permit, the City Engineer shall verify that parcel owners have incorporated and will implement post-construction best management practices in accordance with current regulations. In particular, applicants are required to comply with the requirements of Section 2c of the Chula Vista Standard Urban Storm Water Management Plan, the Chula Vista Development Storm Water Manual, and the Master Water Quality Technical Report for Village 9 or any supplements thereto to the satisfaction of the City Engineer. Specifically, the applicant shall implement low impact development best management practices 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 best management practices as well as requirements of the hydromodification management plan. The applicant shall monitor and mitigate any erosion in downstream locations that may occur because of on-site development.

5.11-4 **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 best management practices in areas that may not be completed, before grading of additional area begins.

5.11-5 **Hydromodification Criteria.** The project applicant shall comply, to the satisfaction of the City Engineer, with city hydromodification criteria or the hydrograph modification management plan, as applicable, addressed regionally at the SPA Plan level concurrent with grading and improvement plans for the project.

5.11-6 **Outfall Erosion.** Developer shall monitor any erosion at the project's outfall 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.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.11-1 and 5.11-6 (listed above) 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 water quality standards to a less than significant level.

Impact: Erosion or Siltation

The project includes features and would implement BMPs to reduce the amount and rate of runoff to a less than significant level; however, these features are also prescribed as mitigation measures to assure implementation and facilitate monitoring through buildout of the project (Final EIR Section 5.11.3).

Explanation

Natural channel flow occurs on site and development of Village 9 would alter the existing drainage pattern of the site. The northeastern corner of the site in the Hunte/Eastlake basin would drain to the Otay River via the University site. The remainder of the site, and a portion of the future EUC site, would drain to the Otay River via one of two discharge points from the site. Storm drains are proposed to convey the majority of the post-project flows to the Otay River discharge point at the southern edge of Village 9. The remaining post-project flows would be conveyed by storm drains to another discharge point located on the western boundary of Village 9, adjacent to Otay Valley Road. Drainages serving the project site would be susceptible to

increased erosion resulting from increased peak flow rates, increased runoff volumes, and duration, which would result in a potentially significant impact. Installation of the proposed drainage facilities at construction would minimize these impacts to a less than significant level. However, mitigation would be required to ensure that the facilities are implemented and monitored throughout buildout of the project (Final EIR Section 5.11.3).

Mitigation Measures

Implementation of mitigation measures 5.11-1 through 5.11-6 in Section 5.11 would also reduce impacts related to soil erosion and siltation (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.4).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.11-1 and 5.11-6 (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading) 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 erosion or siltation to a less than significant level.

Impact: Surface Runoff

Impacts associated with altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-the site would be potentially significant (Final EIR Section 5.11.3).

Explanation

Village 9 currently consists almost entirely of permeable surfaces. The project, which would involve the replacement of the permeable surfaces and exposed soils with urban development, would substantially change the amount of impervious surface area within the project. Therefore, drainages serving the southern basin would be susceptible to increased peak flow rates and increased runoff volumes, which would result in a potentially significant flooding impact (Final EIR Section 5.11.3).

Mitigation Measure

Implementation of mitigation measures 5.11-1 through 5.11-6 in Section 5.11 would also reduce impacts related to surface runoff (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.4).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.11-1 and 5.11-6 (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.4) 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 surface runoff to a less than significant level.

Impact: Exceed Drainage Capacity

Impacts associated with creating or contributing runoff water would potentially exceed the capacity of existing storm water drainage systems if the proposed drainage features are not implemented (Final EIR Section 5.11.3).

Explanation

A drainage system has been designed for the project with the capacity to convey post-project flows during the 100-year storm event and includes energy dissipaters to minimize the potential for erosion. The project would not result in an increase in siltation or erosion because of increased flows to Otay River. The project would not result in runoff water that would exceed the capacity of drainage systems. Even though the project includes features to reduce the amount and rate of runoff to a less than significant level, these features are also prescribed as mitigation measures to assure implementation and facilitate monitoring through buildout of the project (Final EIR Section 5.11.3).

Mitigation Measures

Implementation of mitigation measures 5.11-1 through 5.11-6 in Section 5.11 would also reduce impacts related to drainage capacity (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.4).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.11-1 and 5.11-6 (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.4) 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 drainage capacity to a less than significant level.

Impact: Degradation of Water Quality

Construction and operation of the proposed project would potentially generate pollutants or runoff that would degrade water quality (Final EIR Section 5.11.3).

Explanation

The BMPs proposed in the water quality report would ensure that runoff associated with development of infrastructure and mass grading of the site would not result in a substantial source of polluted runoff that would degrade water quality. The proposed drainage system would not result in an increase in erosion or siltation off site. However, supplemental water quality studies are required to indentify which site-specific BMPs identified in the water quality technical report would be necessary for individual development projects to comply with the manual. Therefore, impacts related to water quality would be potentially significant (Final EIR Section 5.11.3).

Mitigation Measures

Implementation of mitigation measures 5.11-1 through 5.11-6 in Section 5.11 would also reduce impacts related to water quality (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.4).

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 EIR to a level of insignificance. Specifically, mitigation measures 5.11-1 and 5.11-6 (listed above under the Hydrology and Water Quality, Impact: Water Quality Standards heading and in the Final EIR Section 5.11.4) 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 water quality to a less than significant level.

Agricultural Resources

Thresholds of Significance

The proposed project would result in a significant impact to agricultural resources if it would:

1. Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use.

2. Conflict with existing zoning for agricultural use or a Williamson Act contract.

Impact: Direct Conversion of Agricultural Resources

Implementation of the Village 9 SPA and TM would result in a significant impact to agricultural resources, due to the on-site loss of approximately 190 acres of farmland of local importance and grazing land. Short-term land use incompatibility issues from ongoing agricultural activities adjacent to urban land uses would be significant without implementation of the Agricultural Plan.

Explanation

Once fully developed, Village 9 would eliminate the potential for agricultural activity to occur on site; however, portions of Village 9 may continue to be used for grazing or dry farming while adjacent uses are developed. Agricultural use of Village 9 is currently constrained because of the lack of a reliable and affordable source of water. Additionally, the General Plan states that agricultural production in Chula Vista is not significant in terms of countywide agricultural value and is not a major factor in the local economy. Long-term agricultural uses are not planned for the City. Nevertheless, the project will contribute to an incremental loss of grazing land. Consistent with earlier findings in the 1993 Otay Ranch GDP Program EIR, this is considered a potentially significant impact (Final EIR Section 5.12.3).

Mitigation Measures

5.12-1 Agricultural Plan. The Agricultural Plan included in the SPA Plan shall be implemented as development proceeds in Village 9. The following measures shall

be implemented to the satisfaction of the Chula Vista Development Services Director (or their designee):

i. Prior to approval of each building permit, the applicant shall ensure that a 200-foot fenced buffer shall be maintained between development and any ongoing agricultural operations on the property.

ii. In those areas where pesticides are to be applied, the farmland owner shall utilize vegetation to shield adjacent urban development (within 400 feet) from agricultural activities. Use of pesticides shall comply with federal, state, and local regulations.

iii. If permitted interim agricultural uses require the use of pesticides, the farmland owner shall notify adjacent developed property owners of potential pesticide application a minimum of 10 days prior to application through advertisements in newspapers of general circulation. Limits shall be established as to the time of day and type of pesticide applications that may be used. The use of pesticides shall comply with federal, state, and local regulations.

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 EIR to a level of insignificance. Specifically, mitigation measure 5.12-1 (listed above) 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 land use zoning conflicts to a less than significant level.

Impact: Land Use Zoning Conflicts

Impacts related to land use zoning conflicts and consistency with agricultural resource policies would be potentially significant if the Agricultural Plan is not implemented concurrent with development (Final EIR Section 5.12.3).

Explanation

Agricultural activities in the city are allowed on lands zoned for Planned Community (P-C) on an interim basis. The SPA area is zoned planned community and interim agricultural land uses are allowed within Village 9, although no agricultural activities currently take place on the site. Interim agricultural activities would continue to be permitted on the project site during the phased development of the project, but would cease upon full project buildout. Development is not required to maintain the potential for agricultural land used in the planned community zone. Impacts related to land use zoning conflicts and consistency with agricultural resource policies would be potentially significant if the Agricultural Plan is not implemented concurrent with development (Final EIR Section 5.12.3).

Mitigation Measures

Implementation of mitigation measure 5.12-1 would also reduce impacts related to land use zoning conflicts (listed above under the Agricultural Resources, Impact: Direct Conversion of Agricultural Resources heading and in the Final EIR Section 5.12.5).

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 EIR to a level of insignificance. Specifically, mitigation measure 5.12-1 (listed above under the Agricultural Resources, Impact: Direct Conversion of Agricultural Resources heading and in the Final EIR Section 5.12.5) 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 land use zoning conflicts to a less than significant level.

Hazards and Hazardous Materials

Thresholds of Significance

The proposed project would result in a significant impact to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or 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.

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

3. 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

4. Be inconsistent with General Plan, GDP, and other objectives and policies regarding hazards thereby resulting in a significant physical impact.

5. Result in an increase in the uses, transport, storage, and disposal of hazardous waste materials and an associated increase in the risk of an upset condition in the area; and/or the historic use of pesticides would result in soil contamination and health effects.

Impact: Hazardous Materials Transport, Use, Disposal, or Release

Potentially significant impacts related to accidental release of hazardous materials could result from the exposure of construction workers, future residents, and the future on-site schools to pesticide residue occurring in soils on the site (Final EIR Section 5.13.3).

Explanation

Construction activities in Village 9 would involve the use of common but potentially hazardous materials, including vehicle fuels, paints, cleaning materials, and caustic construction compounds. While these substances could pose a potential health risk to construction workers and to the general public during transport, handling of these common, potentially hazardous materials would occur in accordance with California Occupational Safety and Health Administration guidelines and would be disposed of in accordance with state and county

regulations. Adherence to federal, state and local regulations regarding the use and disposal of hazardous materials and wastes would reduce potential impacts on human health and safety from handling and transport of hazardous construction materials to less than significant. Occupation of proposed commercial and residential development and maintenance of parks and other public facilities would also involve the use or storage of common hazardous materials, including cleaning solvents typically used in multi-family residential and commercial development, pesticides and related chemicals associated with landscaping maintenance, and paints and solvents. Certain permitted land uses, such as dry cleaners and gas stations, also require the use, storage, and transport of hazardous chemicals or materials, which are regulated by current federal and state regulations, such a RCRA. Health clinics and urgent care facilities would have the potential to generate hazardous medical wastes; however, these facilities would also be regulated by federal and state regulation. Compliance with all applicable regulations would reduce impacts to a less than significant level. However, as stated in the Phase I ESA prepared for the project, the potential exists for pesticide residue to be uncovered in the soils on the site that could result in an exposure risk to construction workers and future residents of Village 9. This impact could be potentially significant.

Mitigation Measures

5.13-1 **Soil Assessment.** Prior to issuance of a mass grade permit, 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, dichlorodiphenyltrichloroethane, and dichlorodiphenyldichloroethylene, which have been historically identified at properties in the site vicinity. The concentrations of the contaminants shall be compared to Department of Toxic Substances Control soil screening levels for residential land use. If levels of contamination exceeding the Department of Toxic Substances Control 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 EIR to a level of insignificance. Specifically, mitigation measure 5.13-1 (listed above) 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 routine use and accidental release of hazardous materials to a less than significant level.

Impact: Hazards to Schools

Potentially significant impacts related to hazards to schools could result from the exposure of construction workers, future residents, and the future on-site schools to pesticide residue occurring in soils on the site (Final EIR Section 5.13.3).

Explanation

The Phase I ESA prepared for the Village 9 area identified the possible presence of pesticides/ herbicides in shallow soil from the historical agricultural use within the area. Elevated levels of pesticides in the near surface soils at the project area could be disturbed from grading and trenching activities and result in an increased health risk to future school uses. This impact is potentially significant (Final EIR Section 5.13.3).

Mitigation Measures

Mitigation measure 5.13-1 would also reduce impacts related to hazards to schools (listed above under the Hazards and Hazardous Materials, Impact: Routine Use and Accidental release of Hazardous Materials heading and in the Final EIR Section 5.11.5).

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 EIR to a level of insignificance. Specifically, mitigation measure 5.13-1 (listed above under the Hazardous Materials: Hazardous Materials Transport, Use, Disposal, or Release heading and in the Final EIR Section 5.11.5) 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 hazards to schools to a less than significant level.

Impact: Airport Hazards

Potentially significant impacts could result from the location of structures proposed in Village 9 within a FAA notification area (Final EIR Section 5.13.3).

Explanation

Village 9 is located approximately 1.75 miles to the northeast of Brown Field, a City of San Diego municipal airport. Due to the limited height allowed in Village 9, it is not anticipated that development of the tallest structures would result in an obstruction to air traffic. However, because Village 9 is located within the FAA Height Notification Boundary and Airport Overflight Notification Area, proper notification in compliance with the Brown Field Airport Land Use Compatibility Plan is required to reduce this impact to a less than significant level (Final EIR Section 5.13.3).

Mitigation Measures

5.13-2 **Federal Aviation Administration Notification.** 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 in Village 9 would present a hazard to air navigation.

5.13-3 **Federal Aviation Administration Clearance.** 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).

5.13-4 **Airport Overflight Agreement.** 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 Chula Vista 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 EIR to a level of insignificance. Specifically, mitigation measures 5.13-2 through 5.13-4 (listed above) 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 airport hazards to a less than significant level.

Impact: Consistency with Hazard Policies

Potential conflicts with the GDP hazards policies could occur as a result of pesticide residue occurring in soils on the site (Final EIR Section 5.13.3).

Explanation

Potentially elevated levels of pesticides in the near surface soils at the project area could be disturbed from grading and trenching activities and result in an increased health risk to construction workers on site and future inhabitants of the proposed development. This impact is potentially significant because it would conflict with GDP goals to promote public safety and provide public protection from manmade hazards (Final EIR Section 5.13.3).

Mitigation Measures

Mitigation measure 5.13-1 would also reduce impacts related to consistency with hazard Policies (listed above under the Hazards and Hazardous Materials, Impact: Routine Use and Accidental release of Hazardous Materials heading and in the Final EIR Section 5.11.5).

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 EIR to a level of insignificance. Specifically, mitigation measure 5.13-1 (listed above under the Hazards and Hazardous Materials, Impact: Routine Use and Accidental release of Hazardous Materials heading and in the Final EIR Section 5.11.5) 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 consistency with hazard policies to a less than significant level.

Impact: Historic Use of Pesticides

Potentially significant impacts related to historic use of pesticides could result from the exposure of construction workers, future residents, and the future on-site schools to pesticide residue occurring in soils on the site (Final EIR Section 5.13.3).

Explanation

As previously described, the Phase I ESA prepared for the Village 9 area identified the possible presence of pesticides/ herbicides in shallow soil from the historical agricultural use within the area. Elevated levels of pesticides in the near surface soils at the project area could be disturbed from grading and trenching activities and result in an increased health risk to construction workers on site and future inhabitants of the proposed development, particularly the future residential and school uses, and potentially impact water quality through storm water runoff. This impact is potentially significant (Final EIR Section 5.13.3).

Mitigation Measures

Mitigation measure 5.13-1 would also reduce impacts related to consistency with hazard Policies (listed above under the Hazards and Hazardous Materials, Impact: Routine Use and Accidental release of Hazardous Materials heading and in the Final EIR Section 5.11.5).

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 EIR to a level of insignificance. Specifically, mitigation measure 5.13-1 (listed above under the Hazards and Hazardous Materials, Impact: Routine Use and Accidental release of Hazardous Materials heading and in the Final EIR Section 5.11.5) 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 historic use of pesticides to a less than significant level.

Public Utilities

Thresholds of Significance

The proposed project would result in a significant impact to public utilities if it would:

1. Exceed city threshold standards which seek to ensure that adequate supplies of quality water, appropriate for intended uses, are available. The standards require the applicant must request and deliver to the city service availability letters from the appropriate water district for each project; the applicant is required to submit a Water Conservation Plan along with the SPA Plan application; and the project plans shall ensure an adequate supply of water on a long-term basis prior to the development of each Otay Ranch SPA.

2. Require or result in the construction of new recycled water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact: Compliance with City-wide Water Supply Thresholds

Until future developers provide service availability letters and get approved Subarea Master Plan (SAMPs) from OWD, the project would not be in compliance with the city threshold standards (Final EIR Section 5.15.1.3).

Explanation

The WSAV prepared by the OWD describes current and long-range storage capacity and ensures that the OWD would be able to absorb the forecasted growth for Village 9. The WSAV also provided documentation of entitlements and contracts, and a financial analysis of OWD's maintenance and future water supplies. The WSAV report concludes that adequate long-term water supply will be available to the project. The Overview of Water Service prepared by Dexter Wilson Engineering also provides information that existing and OWD off-site conveyance and storage facilities would be adequate to serve Village 9 (see Appendix K2 in the Final EIR). However, future individual developers within Village 9 would be required to obtain service availability letters and submit SAMPs for OWD approval in order to ensure that the project is consistent with the city GMO thresholds. Therefore, this impact is potentially significant (Final EIR Section 5.15.1.3).

Mitigation Measures

5.15.1-2 **Service Availability Letters.** Prior to approval of each final map for Village 9, the applicant shall request and obtain a service availability letter from the Otay Water District and submit the letter to the City of Chula Vista.

5.15.1-3 **Subarea Master Plan Preparation.** Prior to approval of the first final map, the applicant shall provide a Subarea Master Plan to the Otay Water District. Water facilities improvements shall be financed or installed on the site and off the site in accordance with the fees and phasing in the approved Public Facilities Finance Plan and Subarea Master Plan. The Subarea Master Plan shall include, but shall not be limited to:

i. Existing pipeline locations, size, and capacity;

ii. The proposed points of connection and system;

iii. The estimated water demands and/or sewer flow calculations;

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

v. Agency Master Plan;

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

vii. Water quality maintenance; and

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

5.15.1-4 Subarea Master Plan Approval. Prior to approval of the first final map, the applicant shall obtain Otay Water District's approval of the Subarea Master Plan for potable water. Any on-site and off-site facilities identified in the Subarea Master Plan required to serve a final mapped area shall be secured or constructed by the applicant prior to the approval of the final map and in accordance with the phasing in the Public Facilities Finance Plan.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.15.1-2 through 5.15.1-4 (listed above) is 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 compliance with city-wide water supply thresholds to a less than significant level.

Impact: New Recycled Water Facilities

If recycled water facilities are not provided concurrently with demand, a potentially significant impact would occur (Final EIR Section 5.15.4.3).

Explanation

Recycled water would be provided to the project by extending the 927 Zone recycled water system from the 8-inch line in Eastlake Parkway. The northern portions of the project would be served from the 927 Zone and the southern portion of the project would be served from the 680 Zone. The primary source of supply for the 680 Zone would be an on-site 927/680 Zone pressure reducing station, but the 680 Zone would ultimately be looped through other future developments to the west. Therefore, construction of the recycled water infrastructure required by buildout of the project would not result in significant environmental effects. However, if the proposed recycled water facilities are not constructed, the project would result in an additional impact related to water supply because a greater amount of potable water would be needed. If recycled water facilities are not provided concurrently with demand, a potentially significant impact would occur.

Mitigation Measures

5.15.4-1 Subarea Master Plan Preparation. Prior to approval of the first final map, the applicant shall provide a Subarea Master Plan to the Otay Water District. Recycled water facilities improvements shall be financed or installed on the site and off the site in accordance with the fees and phasing in the approved Public Facilities Finance Plan and Subarea Master Plan. The Subarea Master Plan shall include, but shall not be limited to the following information related to recycled water:

i. Existing recycled water pipeline locations, size, and capacity;

ii. The proposed points of connection and system;

iii. The estimated recycled water demand calculations; and

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

5.15.4-2 Subarea Master Plan Approval. Prior to approval of the first final map, the applicant shall obtain Otay Water District approval of the Subarea Master Plan for recycled water. Any on-site and off-site facilities identified in the Subarea Master Plan required to serve a final mapped area shall be secured or constructed by the applicant prior to the approval of the final map and in accordance with the phasing in the Public Facilities Finance Plan.

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 EIR to a level of insignificance. Specifically, mitigation measures 5.15.4-1 and 5.15.4-2 (listed above) 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 new recycled water facilities to a less than significant level.

SIGNIFICANT AND UNAVOIDABLE DIRECT IMPACTS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The project will implement mitigation measures to reduce significant environmental changes to a less than significant level for all issues except the following, which would result in significant and unavoidable direct and/or indirect impacts: visual character (degradation of rolling hills), air quality (consistency with existing plans, increased criteria pollutants), noise (short-term increase in traffic noise levels), potential effects of climate change (exacerbate air quality problems), agricultural resources (conversion of agricultural resources), and public utilities (water, wastewater, and energy). A brief summary of each environmental topic that would result in a significant and unavoidable direct or indirect impact is provided below.

Aesthetics/Landform Alteration

The project would result in development on the site; therefore it would permanently alter the character of the project site from open, rolling hills to an urban environment and would be significant and unavoidable. Cumulative impacts associated with this issue are discussed in Section X, below.

Air Quality

Construction of the project would result in significant and unavoidable emissions of nitrogen oxides, volatile organic compounds (VOCs), PM_{10}, and $PM_{2.5}$. Operation emissions of nitrogen oxides, VOCs, and PM_{10} and $PM_{2.5}$ would be significant and unavoidable. Additionally, the project is inconsistent with the Regional Air Quality Strategy (RAQS) by exceeding the significant thresholds for ozone precursors and particulate matter during construction and operation. Impacts related to consistency with applicable air quality plans would also be

significant and unavoidable, consistent with the conclusion of the GPA/GDPA SEIR air quality analysis. Cumulative impacts associated with this issue are discussed in Section X, below.

Noise

Implementation of the project would have the potential to result in exposure to excessive noise levels from traffic noise. Short-term increased in noise levels would remain significant and unavoidable until the proposed roadway system is complete. Cumulative impacts associated with this issue are discussed in Section X, below.

Global Climate Change

The potential to exacerbate air quality problems as a result of ozone precursor emissions remains significant. No mitigation measures are available to reduce this impact to below a level of significance without regulating the habits and purchases of individuals. This impact remains significant and unavoidable. Cumulative impacts associated with this issue are discussed in Section X, below.

Agricultural Resources

The incremental loss of agricultural lands (farmland of local importance, grazing land), which was considered a significant impact in the 1993 Otay Ranch GDP Program EIR, remains significant. No mitigation measures are available to reduce this impact to below a level of significance without restricting the development proposed in the Village 8 West SPA Plan and TM to allow interim agricultural uses to continue in perpetuity. This incremental loss remains significant and unavoidable. Cumulative impacts associated with this issue are discussed in Section X, below.

Public Utilities

No mitigation measures are available to guarantee a long-term water supply would be available to serve the project. As such, any increase in water demand would be considered significant. Therefore, impacts would be significant and unavoidable. The project in combination with foreseeable growth may require sewerage treatment that exceeds the City's existing wastewater treatment capacity. As the location and scope of construction for any future expanded or newly developed treatment facilities is unknown, the development of treatment capacity beyond the city's existing and allocated capacity may result in potentially significant and unavoidable impacts associated with construction of new or expanded facilities. No mitigation measures are available to assure that energy resources will be available to adequately serve the projected increase in population resulting from the project. Therefore, impacts would remain significant and unmitigated. Cumulative impacts associated with this issue are discussed in Section X, below.

DETAILED ISSUES DISCUSSION FOR SIGNIFICANT AND UNAVOIDABLE DIRECT IMPACTS

The project would result in significant and unavoidable direct impacts to aesthetics/landform alteration (visual character or quality), air quality (air quality violations and air quality plans), global climate change (potential effects of global climate change), agricultural resources (direct conversion of agricultural resources), and public utilities (long-term water supply and

entitlements, new wastewater treatment facilities, and energy resources). A discussion of the impacts for these issues is provided below.

Aesthetics/Landform Alterations

Thresholds of Significance

The proposed project would result in a significant aesthetics/landform alteration impact if it would:

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

Impact: Visual Character or Quality

The project would permanently alter the character of the project site from open, rolling topography to urban development (Final EIR Section 5.2.3)

Explanation of Impact

The SEIR for the GPA/GDPA identified a significant impact to visual character as a result of development of the land uses proposed in the GPA. The SEIR identified mitigation measure 5.2.5-1 from the 2005 GPU EIR to reduce impacts related to visual character. The mitigation measure consists of requirements for building and grading plans to protect visual character to the extent feasible. The proposed SPA Plan for Village 9 would implement the requirements of SEIR mitigation measure 5.2.5-1, including a grading plan in conformance with the city grading ordinance; grading standards that ensure manufactured slopes are contoured, blend, and mimic with adjacent natural slopes; and landscape performance standards and landscape plans that maintain views, are consistent with open space areas, and addresses streetscapes, provides landscape intensity zones, greenbelt edge treatments, and slope treatment for erosion control. The project would implement development standards and community design guidelines to protect visual quality and comply with mitigation measure 5.2.5-1. However, consistent with the conclusion of the 2013 SEIR, because the project would permanently alter the character of the project site from open rolling hills to development, impacts would be significant and unavoidable (Finale EIR Section 5.2.3)

Mitigation Measures

Mitigation measure 5.2.5-1 identified in the SEIR would reduce impacts related to visual character or quality. As discussed above, this mitigation measure has been incorporated into project design.

Finding

Mitigation measure 5.2.5-1 (listed in the SEIR for the GPA/GDPA) would reduce impacts to visual character or quality. However, because the project would result in development on the site, it would permanently alter the character of the project site from open rolling hills to an urban environment. No mitigation is available to maintain the undeveloped character of the site. Impacts would be significant and unavoidable. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would not substantially lessen this impact compared to the project because a loss of rolling hills would still occur. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

Air Quality

Thresholds of Significance

The proposed project would result in a significant air quality impact if it would:

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

2. Result in a conflict with, or obstruct implementation of, the RAQS or State Implementation Plan.

Impact: Air Quality Violation

Implementation of the project would have the potential to result significant criteria pollutant emissions during construction and operation (Final EIR Section 5.4.4)

Explanation of Impact

Construction. Construction of the project would result in significant emissions of nitrogen oxides, PM_{10}, and $PM_{2.5}$ during grading, and additional significant emissions of nitrogen oxides and VOC would result from simultaneous construction activities.

Operation. Operation of the proposed project would result in significant PM_{10} and $PM_{2.5}$ emissions from vehicular use, and significant carbon monoxide, VOC, and nitrogen oxide emissions from vehicular and area sources.

Mitigation Measures

5.4-1 **Short-term Air Quality Violations Reduction Measures.** The following techniques to reduce construction emissions shall be implemented during all construction activities:

i. Minimize simultaneous operation of multiple construction equipment units (i.e., phase construction to minimize impacts).

ii. Use low pollutant-emitting construction equipment.

iii. Use electrical construction equipment as practical.

iv. Use catalytic reduction for gasoline-powered equipment.

v. Use injection timing retard for diesel-powered equipment.

vi. Water the construction area twice daily to minimize fugitive dust.

vii. Stabilize (for example hydroseed) graded areas as quickly as possible to minimize fugitive dust.

viii. Pave permanent roads as quickly as possible to minimize dust.

5.4-2 **Dust Control Measures.** Mitigation of PM_{10} impacts requires active dust control during construction. As a matter of standard practice, the City of Chula Vista shall require the following standard construction measures be included on all grading plans to the satisfaction of the City Engineer, and shall be implemented during construction to the extent applicable:

i. All unpaved construction areas shall be sprinkled with water or other acceptable San Diego Air Pollution Control District dust control agents twice daily during dust-generating activities to reduce dust emissions. Additional watering or acceptable Air Pollution Control District dust control agents shall be applied during dry weather or on windy days until dust emissions are not visible.

ii. Trucks hauling dirt and debris shall be properly covered to reduce windblown dust and spills.

iii. A 20-mile-per-hour speed limit on unpaved surfaces shall be enforced.

iv. On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce re-suspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.

v. On-site stockpiles of excavated material shall be covered or watered.

vi. Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the city and/or Air Pollution Control District to reduce dust generation.

vii. To the maximum extent feasible:

a) Heavy-duty construction equipment with modified combustion/fuel injection systems for emissions control shall be utilized during grading and construction activities.

b) Catalytic reduction for gasoline-powered equipment shall be used.

viii. Equip construction equipment with pre-chamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of nitrogen oxides, to the extent available and feasible.

ix. Electrical construction equipment shall be used to the extent feasible.

x. The simultaneous operations of multiple construction equipment units shall be minimized (i.e., phase construction to minimize impacts).

5.4-3 **Construction Best Management Practices**. During all construction activities for the project, the project applicant shall ensure implementation of the following best management practices to reduce the emissions of nitrogen oxides and fugitive dust (PM_{10} and $PM_{2.5}$). Prior to issuance of a grading permit, the following best management practices shall be included on all grading plans to the satisfaction of the City Engineer and shall be implemented during construction to the extent applicable:

i. All construction equipment shall be outfitted with best available control technology devices certified by the California Air Resources Board. A copy of each unit's best available control technology documentation shall be provided at the time of mobilization of each applicable unit of equipment.

ii. Approach routes to the site shall be cleaned daily of construction-related dirt.

iii. Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.

iv. Install wheel washers or rumble plates adjacent to a paved apron prior to any vehicle entry on public roads.

v. Remove any visible track-out into traveled public streets within 30 minutes of occurrence.

vi. Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.

vii. Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.

viii. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues should turn their engines off when not in use to reduce vehicle emissions. Construction emissions should be phased and scheduled to avoid emissions peaks and shall be discontinued during second stage smog alerts.

ix. During construction, site grading activities within 500 feet of a school in operation 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 15 miles per hour in the direction of the school.

Finding

Implementation of mitigation measures 5.4-1, 5.4-2, and 5.4-3 (listed above) would reduce significant emissions of nitrogen oxides, PM_{10}, and $PM_{2.5}$ during grading and significant nitrogen oxides emissions during surface improvements, but not to a less than significant level.

Additionally, simultaneous construction activities would still have the potential to result in exceedances of the significance thresholds for nitrogen oxides, VOCs, PM_{10}, and $PM_{2.5}$. Additional available mitigation measures to reduce emissions would require the use of electric powered earth movers or aqueous diesel fuel. Use of electric power earth movers is not feasible because a large enough power source that would be needed to supply energy to such large equipment is not available on the site. A commitment to use aqueous diesel fuel is currently not feasible because this fuel is not widely used or available in San Diego County. However, the project would incorporate electrically powered tools and smaller equipment that would be served by hard wired temporary power sources until more permanent power sources are available. If a reliable source of diesel aqueous fuel becomes available, it would be used during project construction. Use of an alternative fuel type of such as natural gas or propane instead of electricity is not a feasible alternative because these fuels would increase nitrogen oxides and VOC emissions. Therefore, construction emissions would remain significant and unavoidable (Final EIR Section 5.4.7).

Regarding operational emissions, all applicable measures of the Otay Ranch GDP Final Program EIR mitigation measures to reduce vehicular emissions have already been incorporated into the SPA Plan, such as provision of bike lanes, providing services near residences, and providing transit support facilities such as bus stops. The project trip generation rates account for the approximately 40 percent reduction in vehicle trips that would occur as a result of the mixed-use areas, transit use, and availability of pedestrian and bicycle facilities proposed as part of the SPA Plan. In addition, future vehicular emissions may be lower than estimated due to increasingly stringent California fuel efficiency requirements. Some measures cannot be implemented at the SPA level, such as providing video-conference facilities in work places or requiring flexible work schedules. There are no other feasible mitigation measures available at the project level to reduce vehicular emissions. Additionally, there are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Operation emissions of nitrogen oxides, VOCs, and PM_{10} would be significant and unavoidable (Final EIR Section 5.4.7).

Therefore, while mitigation measure 5.4-1 through 5.4-3 are feasible and shall be required as a condition of approval and made binding on the applicant, it would not substantially lessen the significant environmental effect as identified in the Final EIR.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not reduce construction or operational emissions to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Impact: Air Quality Plans

Implementation of the project would conflict with applicable air quality plans (Final EIR Section 5.4.4)

Explanation of Impact

The project would have the potential to result in air pollutant emissions from increased traffic on area roadways and increased number of area sources that may lead to air quality violations. As discussed under the previous impact, operational and construction emissions of ozone precursors (nitrogen oxides and VOCs) and particulate matter would be significant and unavoidable, even with implementation of BMPs and other mitigation measures 5.4-1, 5.4-2, and 5.4-3. Additionally, although the project would be consistent with all applicable transportation and area source control measures proposed in the RAQS to reduce emissions in the region, implementation of the project would exceed the growth projections in the RAQS (4,000 residential units) (Final EIR Section 5.4.7).

Mitigation Measures

Mitigation measures 5.4-1, 5.4-2, and 5.4-3 would minimize impacts related to conflicts with air quality plans (listed above under the Air Quality, Impact: Air Quality Violations heading and in the Final EIR Section 5.4.5).

Finding

As discussed under the previous issue, all applicable measures of the Otay Ranch GDP Final Program EIR mitigation measures to reduce vehicular emissions have already been incorporated into the SPA Plan. There are no other feasible mitigation measures available at the project level to reduce vehicular emissions. Additionally, there are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Operation emissions of nitrogen oxides, VOCs, and PM_{10} would be significant and unavoidable (Final EIR Section 5.4.7). Mitigation measures 5.4-1, 5.4-2, and 5.4-3 would minimize construction emissions, but not to below the significance thresholds. Infrastructure and fuel needed to further reduce construction emissions are not readily available.

Therefore, while mitigation measures 5.4-1 through 5.4-3 are feasible and shall be required as a condition of approval and made binding on the applicant, these measures would not substantially lessen the significant environmental effect as identified in the Final EIR.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not reduce pollutant emissions to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to air quality to below a level of significance, impacts to air quality

would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Noise

Thresholds of Significance

The proposed project would result in a significant noise impact if it would:

1. Result in a substantial permanent increase in noise levels in the project vicinity above levels existing without the project

Impact: Permanent Increase in Noise Levels

Implementation of the proposed project would result in a significant increase in noise levels on seven roadway segments under the Existing + Project Scenario.

Explanation of Impact

Seven roadway segments would result in a significant noise impact under the Existing + Project Scenario: Birch Road, La Media Road to SR-125; Birch Road, SR-125 to Eastlake Parkway; Main Street, Street A to Eastlake Parkway; Hunte Parkway, Eastlake Parkway to Olympic Parkway; La Media Road, Olympic Parkway to Birch Road; Eastlake Parkway, Olympic Parkway to Birch Road; and Eastlake Parkway, Birch Road to Main Street (Final EIR Section 5.5.4).

Mitigation Measures

Traffic-related noise could be reduced either by constructing noise barriers, lowering traffic speeds, or by reducing traffic. However, the project is planned to be constructed in a series of phases over a period of up to 20 years, and over time would include the construction of new roadways that would provide new connections from the project area to the regional transportation system.

Finding

Completion of the off-site circulation system improvements, such as the extension of Otay Valley Road to SR-125, would reduce project-related traffic noise increases by redistributing project-related traffic so that it would be not concentrated on the impacted roadways. Implementation of the Village 9 circulation system would reduce project-generated traffic volumes on off-site roadways by providing new transportation routes and would reduce the project's short-term increases in noise levels during interim years on Birch Road, Hunte Parkway, La Media Road, and Eastlake Parkway to a less than significant level. Impacts would be significant and unavoidable until the proposed circulation system is complete. With implementation of the proposed circulation system, future and long-term traffic noise impact would be less than significant. However, short-term increases in traffic noise would be significant and unavoidable until the proposed roadway circulation system is complete.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, these alternatives would not reduce short-term construction noise increases to below a level of

significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to short-term traffic noise to below a level of significance, impacts to short-term traffic noise levels would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Global Climate Change

Thresholds of Significance

The proposed project would result in a significant global climate change impact if it would:

1. 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).

Impact: Potential Effects of Global Climate Change

The project would have significant impacts related to regional and local air quality resulting from vehicular emissions of ozone precursors (Final EIR Section 5.10.3)

Explanation of Impact

Throughout the state and the region, global climate and local microclimate changes could cause an increase in the frequency and duration of exposure to air pollutants. The San Diego Air Basin is currently in non-attainment for ozone, as discussed in Section 5.4 of the EIR, Air Quality. As described above under the Air Quality heading, operation of the project would have the potential to exceed the significance thresholds for ozone precursors (nitrogen oxides or VOCs), particularly as a result of vehicular emissions. Therefore, implementation of the project would have the potential to result in additional ozone in the basin that would contribute to increased exposure to ozone-related ailments (Final EIR Section 5.10.3).

Mitigation Measures

There are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers (Final EIR Section 5.10.3).

Finding

As described above under the Air Quality heading, the applicable mitigation measures of the 1993 Program EIR for the GDP (EIR 90-01), 2005 GPU EIR, and 2013 SEIR for the GPA/GDPA (EIR 09-01) have already been incorporated into the project to reduce vehicle trips and are accounted for in the projected average daily trip for the project. There are no other feasible mitigation measures available at the project level to reduce vehicular emissions other than reducing vehicle trips. There are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Therefore,

it cannot be guaranteed that emissions of ozone precursors would be reduced to a less than significant level.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not reduce emissions of ozone precursors to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Agricultural Resources

Thresholds of Significance

The proposed project would result in a significant agricultural impact if it would:

1. Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use.

Impact: Direct Conversion of Agricultural Resources

Implementation of the SPA Plan and TM would result in a significant impact to agricultural resources, due to the on-site loss of approximately 190 acres of farmland of local importance and grazing land. (Final EIR Section 5.12.3)

Explanation of Impact

The project would convert approximately 190 acres of farmland of local importance and grazing land to urban uses resulting in a countywide incremental loss of agricultural land. Once fully developed, the project would eliminate the potential for agricultural activity to occur on site; however, portions of Village 9 may continue to be used for grazing or dry farming while adjacent uses are developed. Agricultural use of Village 9 is currently constrained by the lack of a reliable and affordable source of water. Additionally, the General Plan states that agricultural production in Chula Vista is not significant in terms of countywide agricultural value and is not a major factor in the local economy. Long-term agricultural uses are not planned for the city. Nevertheless, the project will contribute to an incremental loss of grazing land and is considered a significant impact (Final EIR Section 5.12.3).

Mitigation Measures

Mitigation measure 5.12-1 would minimize impacts related to conversion of agricultural resources (listed above under the Agricultural Resources, Impact: Land Use Zoning Conflicts heading and in the Final EIR Section 5.12.5).

Finding

With implementation of mitigation measure 5.12-1 (listed above under the Agricultural Resources, Impact: Land Use Zoning Conflicts heading and in the Final EIR Section 5.12.5), agricultural impacts related to short-term land use incompatibilities would be reduced to below a level of significance. However, the incremental loss of agricultural lands (farmland of local importance, grazing land) is significant. No mitigation measures are available to reduce this impact to below a level of significance without restricting the development proposed in the Village 9 SPA Plan and TM to allow interim agricultural uses to continue in perpetuity.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be to below a level of significance because loss of agricultural land would occur. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

Because there are no applicable or 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 to agricultural resources would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Public Utilities

Thresholds of Significance

The proposed project would result in a significant impact to public utilities if it would:

1. Have insufficient water supplies available to serve the project from existing entitlements and resources, or require new or expanded entitlements.
2. 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 providers existing commitments.
3. Require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of would cause significant environmental effects.
4. Increase the demand of energy resources to exceed the available supply or cause a need for new and expanded facilities.

Impact: Long-Term Water Supply and Entitlements

Long-term water supply availability cannot be guaranteed; therefore, the increase in water demand that would result from implementation of the project would be potentially significant. Additionally, the transfer of density between planning areas could have a significant impact on on-site infrastructure (Final EIR Section 5.15.1.3).

Explanation

Although the WSAV for the Village 9 SPA Plan and the water supply and reliability studies from OWD identify adequate water supplies for Village 9, the WSAV cannot ensure that water resources will be available when needed. Conditions such as unanticipated drought conditions or delays in providing planned infrastructure would potentially interfere with projected water supply. As stated in the 2005 GPU EIR and 2013 GPA/GDPA SEIR, because a long-term water supply is not assured, increases in water demand would result in a significant impact. Therefore, because there is no assurance of a long-term supply of water in the future, the increase in water consumption associated with Village 9 would be significant. Additionally, although density transfers would not affect the total water demand for the project, a potentially significant impact would occur if the proposed water infrastructure system would not support the proposed density transfer (Final EIR Section 5.15.1.3).

Mitigation Measures

5.15.1-1 Density Transfer Technical Report. Prior to design review approval in accordance with the Intensity Transfer provision in the Village 9 SPA, the applicant shall provide an update to the Overview of Water Service for Otay Ranch Village 9 (Dexter Wilson Engineering, Inc. 2010) with each proposed project requesting an intensity transfer. The 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

Mitigation measure 5.15.1-1 reduces impacts related to density transfers to a less than significant level by ensuring that infrastructure is available to serve the modified land use plan. The WSAV verifies that the OWD has adequate water supply for the project. Additionally, the project would comply with the Chula Vista Landscape Water Conservation Ordinance, implement a WCP, and utilize recycled water to reduce water demand. However, no mitigation measures are available to guarantee a long-term water supply would be available to serve the project. As such, any increase in water demand would be considered significant. Therefore, impacts would be significant and unavoidable.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Impact: Adequate Wastewater Facilities

If adequate wastewater conveyance facilities are not provided concurrently with new demand a significant impact would occur. Additionally, the transfer of density between planning areas could have a significant impact on on-site infrastructure.

Explanation

Development of Village 9 would require 0.91 million gallons per day of treatment capacity. Building permits will be issued only if the City Engineer has determined that adequate sewer capacity exists. The Salt Creek Interceptor Technical Sewer Study also concluded that certain sections of the Salt Creek Interceptor may require upgrades at ultimate buildout. However, these sections are upstream of the project site and the study determined that the projected development of Village 9 would not exceed the capacity of the Salt Creek Interceptor or trigger the need for any upgrades. The actual total equivalent dwelling units proposed for the project in the SPA Plan and TM (3,423 equivalent dwelling units) is less than what was estimated in the Salt Creek Interceptor Technical Study (3,536.5 equivalent dwelling units). Therefore, the development proposed in the project would not exceed the capacity of the Salt Creek Interceptor.

The approximately 907,105 gallons per day generated by the project is within the city's remaining capacity of 4.645 million gallons per day. However, the project would be phased over a period of up to 20 years. The city's sewer system would potentially reach capacity during this time. If adequate sewer facilities are not provided concurrently with demand, a significant impact would occur.

Mitigation Measures

5.15.2-1 **Sewer System Improvements.** The applicant shall finance or install all on-site and off-site sewer facilities required to serve development in Village 9 in accordance with the fees and phasing in the approved Public Facilities Finance Plan to the satisfaction of the City Engineer.

5.15.2-2 **Salt Creek Development Impact Fee.** 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.

5.15.1-3 **Density Transfer Technical Report.** Prior to design review approval in accordance with the Intensity Transfer provision in the Village 9 SPA Plan, the applicant shall provide an update to the Overview of Sewer Service for Otay Ranch Village 9 (Dexter Wilson Engineering, Inc. 2010) with each proposed project requesting an intensity 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

With implementation of mitigation measures 5.15.2-1 through 5.15.2-3, no significant impacts with respect to wastewater conveyance facilities would occur and adequate treatment capacity to serve new development within Village 9 would be ensured through review of available capacity by the City Engineer prior to approval of building permits.

However, the project in combination with foreseeable growth may require sewage treatment that exceeds the City's existing wastewater treatment capacity. Therefore, additional capacity may need to be acquired from the San Diego Metropolitan Sewer Authority or other sources to support treatment needs through the Year 2030. The means by which additional treatment capacity would be acquired is unknown and could include the acquisition of available sewerage treatment capacity from another participating agency, including the City of San Diego, or the construction of new treatment facilities. As the location and scope of construction for any future expanded or newly developed treatment facilities is unknown, the development of treatment capacity beyond the city's existing and allocated capacity may result in potentially significant and unavoidable impacts associated with construction of new or expanded facilities. It is conservatively concluded that impacts related to development would be potentially significant and unavoidable.

While implementation of the Reduced Project Alternative #1 and Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be to below a level of significance because any increase in sewerage treatment capacity would be significant. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

Because there are no applicable or 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 to energy resources would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Impact: New Wastewater Treatment Facilities

The proposed project would require sewerage treatment beyond the City's existing wastewater treatment capacity rights and allocated additional treatment capacity. Therefore, impacts associated with new wastewater treatment facilities are considered significant (Final EIR Section 5.15.2.3).

Explanation

The proposed project could require sewage treatment capacity beyond the City's existing wastewater treatment capacity rights and allocated additional treatment capacity. 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. 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 facilities 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 facilities may occur (Final EIR Section 5.15.2.3)

Mitigation Measures

The means by which additional capacity is obtained from the San Diego Metropolitan Sewer Authority or other sources to support treatment city-wide is unknown at this time; therefore, necessary mitigation measures cannot be determined.

Finding

As the location and scope of construction of future expanded or newly developed treatment facilities is unknown, the significant impacts that may result from the development of treatment capacity beyond the City's existing and allocated capacity are also unknown. Therefore, mitigation measures cannot be determined at this time. It is conservatively concluded that impacts related to development would be potentially significant and unavoidable.

While implementation of the Reduced Project Alternative #1 and Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be to below a level of significance because any increase in water demand would be significant. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

Because there are no applicable or 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 to energy resources would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

Impact: Energy Resources

Although development pursuant to the project would be required to comply with state and city building and energy codes and regulations related to reduction in energy use, there is no long-term assurance that energy supplies will be available as needed to support subsequent development projects. Therefore, impacts associated with energy consumption would be significant (Final EIR Section 5.15.5.3).

Explanation

Implementation of the Village 9 SPA Plan would result in a increase in electricity demand. Although City programs and policies would result in more efficient use of energy, they do not ensure that increased resources will be available when needed. 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. 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. Therefore, because there is no assurance of a long-term supply of energy in the future, any increase in energy consumption on the project site would be significant (Final EIR Section 5.15.5.3).

Mitigation Measures

No mitigation measures are available that would guarantee future energy supplies.

Finding

The 2013 GPA/GDPA SEIR included mitigation measure 5.3.5-1, as identified in the 2005 GPU EIR, to be incorporated into future SPA plans to reduce impacts related to energy use. This plan required continued focus on the Energy Strategy and Action Plan and continued implementation of the Adaptation Strategies to lessen the impacts from energy. The project is consistent with this mitigation measure because it includes a non-renewable energy conservation plan to reduce energy use. Implementation of this plan would reduce average energy consumption, including the development of land use patterns and project features which reduce the reliance for project residents to utilize the automobile, encourage the use of regional mass transit facilities, and reduce fossil fuel consumption through better siting and design. Application of the city Energy Code, requiring a 15 percent less energy use than the state 2008 Energy Code, would add to the overall decrease in energy use throughout the project area. Therefore, average energy consumed by future occupants of Village 9 would not be excessive, and would in fact be less than the regional average and less than statewide business-as-usual projections made by the CARB as part of its GHG emissions forecasting. However, these project features would not guarantee that future energy supplies will be available as needed to support future development project. Any increase in energy use on the project site is considered significant. Therefore, no mitigation measures are available that would guarantee future energy supplies.

While implementation of the Reduced Project Alternative #1 and Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be to below a level of significance because any increase in energy demand would be significant. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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 to energy resources would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the project.

X.

CUMULATIVE SIGNIFICANT EFFECTS & MITIGATION MEASURES

SUMMARY OF EFFECTS

Cumulative impacts are those which "are considered when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects" (Pub. Resources Code Section 21082.2 Subd. (b)). These "current or probable future" development proposals can affect many of the same natural resources and public infrastructure as development of the project. Potentially significant cumulative impacts are associated with development of the project in conjunction with those projects specifically within the project area. A detailed discussion of cumulative impacts is included in Section 6.0 of the Final EIR.

In formulating mitigation measures for the project, regional issues and cumulative impacts have been taken into consideration. The project, along with other related projects, will result in a cumulatively considerable contribution to significant environmental changes related to aesthetics/landform alteration, transportation/traffic, air quality, noise, biological resources, cultural and paleontological resources, global climate change, agricultural resources, and public utilities (Final EIR, Table 1-4).

CUMULATIVE IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City, having reviewed and considered the information contained in the EIR, the appendices to the EIR, and the administrative record, finds the project would mitigate, avoid, or substantially lessen to below a level of significance the following cumulatively considerable environmental effects identified in the EIR in the following categories: transportation/traffic; noise; biological resources; and paleontological resources. A brief summary of each environmental topic that would be mitigated to below a level of significance is provided below.

Transportation/Traffic

Absent mitigation, the project would result in a cumulatively considerable contribution to a significant impact at eight intersections and seven roadway segments in year 2030.

Noise

The proposed project's contribution to long-term traffic noise would be less than significant. However, absent mitigation, commercial equipment, including HVAC systems, would contribute to noise levels that exceed City standards, which may affect neighboring projects.

Biological Resources

Absent mitigation, implementation of Village 8 West would contribute to the loss of biological resources within the Otay Ranch and Chula Vista Subarea.

Paleontological Resources

Because the extent of potential paleontological resources is unknown at this time, cumulative impacts are concluded to be significant. Geological formations underlying the project area and off-site improvement area have been identified as having high sensitivity for paleontological resources. Ground-disturbing activities would have the potential to encounter paleontological resources.

DETAILED ISSUES DISCUSSION FOR CUMULATIVE IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

Transportation/Traffic

Cumulative Impact: Traffic and Level of Service Standards and Congestion Management

The proposed project and cumulative growth would result in an increase in regional traffic that would cause regional intersections and roadway segments to operate at a deficient level of service.

Explanation

The Otay Ranch Village 9 Traffic Impact Analysis Report (RBF 2013), Appendix B to the EIR, included an analysis of the proposed project's contribution to cumulative regional traffic. The analysis included a Mitigated Year 2030 scenario that analyzed the potential traffic impacts that would occur as a result of buildout of Village 9 and the cumulative growth in the region through the year 2030. Based on the Intersection Lane Volume Analysis, a cumulative impact would occur to the I-805 northbound ramps at Main Street. At full buildout, the project would result in a cumulatively considerable contribution to a significant impact at the following intersections:

- Birch Road/SR-125 northbound ramps (LOS F – AM Peak Hour)
- Birch Road/Eastlake Parkway (LOS F – AM Peak Hour, LOS E – PM Peak Hour)
- Birch Road/La Media Road (LOS F – AM and PM Peak Hour)
- Main Street/I-805 northbound ramps (LOS E – PM Peak Hour)
- Main Street/I-805 southbound ramps (LOS E – PM Peak Hour)
- Main Street/La Media Couplet (LOS F – AM and PM Peak Hour)
- Main Street/Magdalena Avenue (LOS F – AM and PM Peak Hour)
- Main Street/Eastlake Parkway (LOS F – AM Peak Hour)

Additionally, the project would result in a cumulatively considerable contribution to a significant impact to the following roadway segments in year 2030:

- Birch Road: La Media Road to SR-125 (LOS F)
- Birch Road: SR-125 to Eastlake Parkway (LOS F)
- Main Street: I-805 to Brandywine Avenue (LOS D)
- Main Street: Brandywine Avenue to Heritage Road (LOS D)
- Heritage Road: Main Street to Entertainment Circle (LOS E)

- Heritage Road: Entertainment Circle to Avenida de Las Vistas (LOS D)
- Eastlake Parkway: Birch Road to Main Street (LOS D)

Mitigation Measures

Mitigation measures 5.3-1 through 5.3-21 (listed above in Section IX and in Final EIR Section 5.3.5) would mitigate impacts related to level of service standards and construction management.

Findings

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 cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.3-1 through 5.3-21 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce the project's contribution to a significant cumulative impact related to traffic level of service standards and congestion management to a less than significant level.

Noise

Cumulative Impact: Excessive Noise Levels

Commercial equipment, including HVAC systems, would contribute to noise levels that exceed City standards, which may affect neighboring projects.

Explanation

Village 9 would be adjacent to future development proposed in the GDP to the east by the University/RTP, to the west by Village 4, and to the north by EUC. According to the GDP, these villages would be developed with similar land uses compared to Village 9, including commercial, residential, and parkland development. Commercial equipment, including HVAC systems, would contribute to noise levels that exceed City standards, which may affect neighboring projects. Therefore, a potentially significant cumulative impact could occur.

Mitigation Measures

Mitigation measures 5.5-2 through 5.5-8 (listed above in Section IX and in Final EIR Section 5.5.5) would ensure that operational noise levels comply with city standards.

Findings

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 cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.5-2 through 5.5-8 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce the project's contribution to a significant cumulative impact related to excessive noise levels to a less than significant level.

Biological Resources

Cumulative Impact: Sensitive Plant and Wildlife Species, Riparian Habitat and Other Sensitive Natural Communities, Federally Protected Wetlands, and Wildlife Movement Corridors and Nursery Sites

Implementation of Village 9 would contribute to the loss of biological resources within the Otay Ranch and Chula Vista MSCP Subarea.

Explanation

The Otay Ranch PEIR identified significant unavoidable impacts to biological resources in Otay Ranch due to loss of raptor foraging habitat. Subsequent to the certification of the PEIR and adoption of the Otay Ranch GDP, the City adopted the Chula Vista MSCP Subarea Plan. The MSCP planning program provided for mitigation of cumulative impacts from regional development on sensitive species and their habitats on a regional basis, including raptor forage habitat. As such, a cumulatively considerable impact would occur if a project would be inconsistent with the Chula Vista MSCP Subarea Plan. Implementation of the proposed project would result in impacts to sensitive plant and wildlife species, riparian habitat and other sensitive natural communities, and federally protected wetlands, which would be considered cumulatively considerable if impacts are not mitigated consistent with MSCP requirements.

Mitigation Measures

Mitigation measures 5.6-1 through 5.6-19 (listed above in Section IX and in Final EIR Section 5.6.5) would ensure compliance with the MSCP Subarea Plan.

Findings

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 cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-1 through 5.6-19 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce the project's contribution to a significant cumulative impact related to biological resources to a less than significant level.

Cultural and Paleontological Resources

Cumulative Impact: Paleontological Resources

Cumulative buildout would result in an increased probability of disturbance to paleontological resources causing potentially significant cumulative impacts.

Explanation

Cumulative buildout would result in an increased probability of disturbance to paleontological resources causing potentially significant cumulative impacts. However, this could be a positive effect of development due to fact that the discoveries of paleontological resources contribute to important scientific information about the natural history in southwestern San Diego County. As discussed in Section 5.7, Cultural Resources, geological formations underlying the project area and off-site improvement area have been identified as having high sensitivity for paleontological

resources. Therefore, the project could result in significant impacts to sensitive paleontological deposits if unknown paleontological resources are uncovered and not properly recovered.

Mitigation Measures

Mitigation measures 5.7-4 through 5.7-7 (listed above in Section IX and in Final EIR Section 5.7.5) would reduce project-related impacts to paleontological resources.

Findings

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 cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.7-4 through 5.7-7 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce the project's contribution to a significant cumulative impact related to paleontological resources to a less than significant level.

Public Services

Cumulative Impact: Fire and Emergency Medical Services

Implementation of the SPA Plan and TM for Village 9 in combination with cumulative development in the city would result in an increased demand for fire and emergency medical services. If growth would outpace the CVFD's ability to expand and serve new development, a cumulative impact would occur.

Explanation

Implementation of the SPA Plan and TM for Village 9 in combination with cumulative development in the city would result in an increased demand for fire and emergency medical services. If growth would outpace the CVFD's ability to expand and serve new development, a cumulative impact would occur. However, Section 19.09 (Growth Management) provides policies and programs that tie the pace of development to the provision of public facilities and improvements. Section 19.09.040B specifically requires that "properly equipped and staffed fire and medical shall respond to calls throughout the city within seven minutes in 80 percent of the cases." Section 19.09 also requires a PFFP and the demonstration that public services such as fire services meet the GMOC quality of life threshold standards. A project that is consistent with the city GMO quality of life threshold standards would not result in a cumulative impact.

The Village 9 SPA Plan and TM has been prepared in coordination with the CVFD. According to the CVFD, all areas of Village 9 are within a CVFD five minute response time area. However, mitigation is required to ensure that the project would meet the GMOC standards for fire protection, including paying its fair share of funding for public services with each building permit.

Mitigation Measures

Mitigation measures 5.9.1-1 through 5.9.1-4 (listed above in Section IX and in Final EIR Section 5.9.1.5) would reduce project-related impacts to fire and emergency medical services.

Findings

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 cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.9.1-1 through 5.9.1-4 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce the project's contribution to a significant cumulative impact related to fire and emergency medical services to a less than significant level.

Cumulative Impact: Police Services

Implementation of the SPA Plan and TM in combination with cumulative development in the city would result in an increased demand for police services. If growth outpaces the Chula Vista Police Department's ability to expand and serve new development a cumulative impact would occur.

Explanation

Implementation of the SPA Plan and TM in combination with cumulative development in the city would result in an increased demand for police services. If growth outpaces the Chula Vista Police Department's ability to expand and serve new development a cumulative impact would occur. However, Section 19.09 (Growth Management) provides policies and programs that tie the pace of development to the provision of public facilities and improvements. Section 19.09.040A specifically requires that properly equipped and staffed police units shall respond to 81 percent of priority one emergency calls within seven minutes and maintain an average response time to all priority one emergency calls of 5.5 minutes or less. Section 19.09 also requires a PFFP and the demonstration that public services, such as police services, meet the GMOC quality of life threshold standards. A project that is consistent with the city GMO quality of life threshold standards would not result in a cumulative impact.

Maintaining current response times would require additional police officers. Village 9 is designed to incorporate crime prevention through environmental design features, which would reduce demand on police services. However, mitigation is required to ensure the project would meet the GMOC standards for police protection, including paying its fair share of funding for public services with each building permit.

Mitigation Measures

Mitigation measures 5.9.2-1 through 5.9.2-3 (listed above in Section IX and in Final EIR Section 5.9.2.5) would reduce project-related impacts to fire and emergency medical services.

Findings

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 cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.9.2-1 through 5.9.2-3 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce the project's contribution to a significant cumulative impact related to police services to a less than significant level.

Cumulative Impact: Libraries

Implementation of the SPA Plan and TM and cumulative development in the city would result in an increased demand for library services. A shortfall of approximately 28,080 square feet currently exists.

Explanation

Implementation of the SPA Plan and TM and cumulative development in the city would result in an increased demand for library services. Based on the GMO threshold standard of 500 square feet of library space per 1,000 residents, the total library space needed to serve the existing population of the city would be approximately 123,500 square feet. As approximately 95,400 square feet of library space is currently provided, a shortfall of approximately 28,080 square feet currently exists. Therefore, a cumulative impact currently exists. Mitigation is required to ensure that payment of the PFDIF to provide the SPA Plan's fair share contribution to meet the city's threshold standard for library space.

Mitigation Measures

Mitigation measures 5.9.4-1 and 5.9.4-2 (listed above in Section IX and in Final EIR Section 5.9.4.5) would reduce project-related impacts to fire and emergency medical services.

Findings

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 cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.9.4-1 and 5.9.4-2 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure will reduce the project's contribution to a significant cumulative impact related to libraries to a less than significant level.

SIGNIFICANT AND UNAVOIDABLE CUMULATIVE IMPACTS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The project will implement mitigation measures to reduce significant environmental changes to a less than cumulatively considerable level for all issues except the following, which would result in significant and unavoidable cumulative impacts: aesthetics/landform alteration (degradation of rolling hills), transportation/traffic (Olympic Parkway/I-805 Northbound ramps intersection); air quality (consistency with existing plans, increased criteria pollutants), cultural resources (cumulative disturbance of archaeological resources and human remains), potential effects of climate change (exacerbate air quality problems), agricultural resources (conversion of agricultural resources), and public utilities (water, wastewater, energy, and cumulative recycled water demand). A brief summary of each environmental topic that would result in a significant and unavoidable impact is provided below.

Aesthetics/Landform Alteration

The project, in combination with the cumulative projects, would contribute to a cumulative loss of views of natural open space and loss of open, rolling topography. This impact would be cumulatively considerable and unavoidable.

Transportation/Traffic

The proposed project would result in a cumulative impact to the Olympic Parkway/I-805 Northbound ramps intersection.

Air Quality

The Village 9 project alone would result in potentially significant nitrogen oxides, PM_{10}, and $PM_{2.5}$ emissions during construction. If any cumulative project is constructed during the same time period, emissions of criteria pollutants would combine to further exacerbate the violations. Following construction, the project would result in unavoidably significant emissions of nitrogen oxides, VOCs, and PM_{10} during operation. The SPA Plan would exceed regional growth projections and therefore the project would result in a cumulatively considerable and unavoidable impact to consistency with adopted air quality plans.

Cultural Resources

The extent of potential cultural resources is unknown at this time and unknown resources are potentially located in Village 9 While any individual project may avoid or mitigate the direct loss of a specific resource, the effect is considerable when considered cumulatively.

Global Climate Change

The potential to exacerbate air quality problems as a result of ozone precursor emissions remains significant. No mitigation measures are available to reduce this impact to below a level of significance without regulating the habits and purchases of individuals. This impact remains cumulatively considerable and unavoidable.

Agricultural Resources

The incremental loss of farmland as a result of the project in combination with other projects in Otay Ranch would result in a cumulatively significant impact with respect to agricultural resources. No mitigation measures are available to reduce this impact to below a level of significance without restricting the development proposed in the Village 9 SPA Plan and cumulative projects. This incremental loss remains significant and unavoidable.

Public Utilities

No mitigation measures are available to guarantee a long-term water supply would be available to serve the project or cumulative development. As such, any increase in water demand would be considered significant. Therefore, impacts would be significant and unavoidable. The project in combination with foreseeable growth may require sewerage treatment that exceeds the City's existing wastewater treatment capacity. As the location and scope of construction for any future expanded or newly developed treatment facilities is unknown, the development of treatment capacity beyond the city's existing and allocated capacity may result in potentially significant and unavoidable impacts associated with construction of new or expanded facilities. Existing

recycled water facilities do not have capacity to serve the proposed project and cumulative development. A cumulatively considerable and unavoidable impact would occur until recycled water from the South Bay Water Treatment Plant is available to meet the projected future recycled water demand. No mitigation measures are available to assure that energy resources will be available to adequately serve the projected increase in population resulting from the project and cumulative development.

DETAILED ISSUES DISCUSSION FOR SIGNIFICANT AND UNAVOIDABLE CUMULATIVE IMPACTS

Aesthetics/Landform Alteration

Impact: Scenic Vistas, Scenic Resources, and Visual Character or Quality

The project would contribute to a loss of views of natural open space and loss of open, rolling topography (Final EIR Section 6.2.2).

Explanation of Impact

Implementation of Village 9 would not result in any significant direct impacts on scenic vistas and scenic resources because scenic views would continue to be available throughout the site and the project design guidelines. However, the project, in combination with the cumulative projects, would contribute to a cumulative loss of views of natural open space and loss of open, rolling topography (Final EIR Section 6.2.2).

Mitigation Measures

No mitigation is available to reduce this cumulatively significant impact to a less than significant level.

Finding

There is no feasible mitigation measure to maintain the undeveloped character of the site to reduce this impact to below significance. Implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would not reduce this impact compared to the project. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this project alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Transportation/Traffic

Impact: Traffic/Level of Service Standards and Congestion Management

The proposed project would result in a cumulative impact to the Olympic Parkway/I-805 Northbound ramps intersection.

Explanation

The Olympic Parkway/I-805 Northbound ramps intersection would operate at a LOS F under the Year 2020 scenario. The percentage of segment trips attributable to the project in the Year 2020 would be less than five percent at the Olympic Parkway/I-805 northbound ramps intersection. Therefore, no direct impact to this intersection would occur. However, a cumulative impact would occur.

Mitigation Measures

Payment of TDIF as required by mitigation measure 5.3-17 would reduce cumulative impacts to the Olympic Parkway/I-805 northbound ramps intersection but not to below cumulatively considerable (listed above in Section IX and in the Final EIR Section 5.3.6).

Finding

The I-805 northbound ramps at Olympic Parkway are within the Caltrans right-of-way and are not within the City's TDIF program. However, there are a number of improvements in the surrounding areas that are within the TDIF program, such as the construction of Heritage Road from Main Street to Olympic Parkway, extension of Main Street, and the Palomar Street DAR, as well as planned improvements by Caltrans for the I-805 corridor, that would reduce the traffic volumes through the Olympic Parkway/I-805 interchange. While the payment of TDIF as required by mitigation measure 5.3-17 would reduce cumulative impacts to the Olympic Parkway/I-805 northbound ramps intersection, no TDIF improvement has been identified for the interchange; therefore, it cannot be determined that impacts would be reduced to a less than significant level. Improvements to the I-805 northbound ramps are within the Caltrans ROW and outside of the jurisdiction of the City. Caltrans can and should implement such improvements. Therefore, in accordance with Section 15091(a)(2) of the CEQA Guidelines, the City cannot ensure implementation of improvements to reduce impacts to a less than significant level. Impacts to the Olympic Parkway/I-805 northbound ramps intersection would remain significant and unavoidable.

Implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would not avoid or reduce this impact compared to the project. It would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Air Quality

Impact: Air Quality Violations

The project would result in unavoidably significant nitrogen oxides, PM_{10}, and $PM_{2.5}$ emissions during construction and unavoidably significant emissions of nitrogen oxides, VOCs, and PM_{10} during operation (Final EIR Section 6.2.4).

Explanation

The project would contribute to a cumulative impact during construction if air pollutant emissions from simultaneous construction activities would combine to exceed the significance thresholds for criteria air pollutants. The closest cumulative projects to Village 9 with the potential to generate cumulative construction emissions are the EUC to the north and the University/RTP site to the east. Village 8 East is located approximately 400 feet west of the Village 9 site and would potentially be under construction the same time as Village 9 as well as Village 8 West, located within 2,000 feet from Village 9, where both projects would be within cumulative impact screening distance for nitrogen oxides and VOC emissions, but not for PM_{10} or $PM_{2.5}$. The Village 9 project alone would result in potentially significant nitrogen oxides, PM_{10}, and $PM_{2.5}$ emissions during construction. If any cumulative project is constructed during the same time period, emissions of criteria pollutants would combine to further exacerbate the violations. Cumulative daily operational air quality emissions are regulated on a regional level by the RAQS. If a project is not consistent with the growth assumptions included in the RAQS, then the project would result in a significant cumulatively considerable contribution to an air quality impact. Village 9 would exceed the growth projections of the RAQS. Additionally, the project would result in unavoidably significant emissions of nitrogen oxides, VOCs, and PM_{10} during operation (Final EIR Section 6.2.4).

Mitigation Measures

Mitigation measures 5.4-1, 5.4-2, and 5.4-3 would also minimize impacts related to conflicts with air quality violations but not to a level below cumulatively significant (listed above in Section IX and in the Final EIR Section 5.4.6).

Finding

As discussed in Section IX, all applicable measures of the Otay GDP Final Program EIR mitigation measures to reduce vehicular emissions have already been incorporated into the SPA Plan. There are no other feasible mitigation measures available at the project level to reduce vehicular emissions. Additionally, there are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Operation emissions of nitrogen oxides, VOCs, and PM_{10} would be significant and unavoidable (Final EIR Section 5.4.7). Mitigation measures 5.4-1, 5.4-2, and 5.4-3 would minimize construction emissions, but not to below the significance thresholds. Infrastructure and fuel needed to further reduce construction emissions is not readily available.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make

the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Impact: Air Quality Plans

The project would result in a significant and unavoidable cumulative air quality impact related to inconsistencies with applicable air quality plans (Final EIR Section 6.2.4).

Explanation

A project that conflicts with the RAQS growth projections would be inconsistent with the RAQS and State Implementation Plan and result in cumulative impact. The SPA Plan would exceed regional growth projections and, as discussed under the previous issues, would result in significant and unavoidable emissions of pollutants. Therefore the project would result in a cumulatively considerable and unavoidable impact to consistency with adopted air quality plans (Final EIR Section 6.2.4).

Mitigation Measures

Mitigation measures 5.4-1, 5.4-2, and 5.4-3 would also minimize impacts related to conflicts with air quality plans but not to a level below cumulatively significant (listed above in Air Quality, Impact: Air Quality Violations heading and in the Final EIR Section 5.4.6).

Finding

As discussed in Section IX, all applicable measures of the Otay GDP Final Program EIR mitigation measures to reduce vehicular emissions have already been incorporated into the SPA Plan. There are no other feasible mitigation measures available at the project level to reduce vehicular emissions. Additionally, there are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Operation emissions of nitrogen oxides, VOCs, and PM_{10} would be significant and unavoidable (Final EIR Section 5.4.7). Mitigation measures 5.4-1, 5.4-2, and 5.4-3 would minimize construction emissions, but not to below the significance thresholds. Infrastructure and fuel needed to further reduce construction emissions is not readily available. Further, the amount of growth accommodated by the project is inconsistent with the RAQS. There is no mitigation available without restricting the development proposed in the SPA Plan and TM. Therefore, impacts related to consistency with applicable air quality plans would also be significant and unavoidable.

While implementation of the Reduced Project Alternative #1 and Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Cultural Resources

Impact: Archaeological Resources and Human Remains

The project plus cumulative development would incrementally convert more land into developed uses, which would result in a greater potential to impact cultural resources (Final EIR Section 6.2.7).

Explanation

The continued pressure to develop or redevelop areas would result in incremental impacts to the historical record in the San Diego region. Regardless of the efforts to avoid impacts to cultural resources, the more land that is converted to developed uses, the greater the potential for impacts to cultural resources. While any individual project may avoid or mitigate the direct loss of a specific resource, the effect is considerable when considered cumulatively. The 2005 GPU EIR concluded that the loss of historic or prehistoric resources from the past, present, and probable future projects in the Southern California/Northern Baja California, Mexico areas would contribute to cumulatively significant impacts to cultural resources.

The project would not result in a significant impact to known archaeological resources. However, the project could result in significant impacts to unknown archaeological resources or human remains that may be uncovered during project development. While mitigation has been proposed that would reduce project-related impacts to cultural resources to a less than significant level, because the extent of potential cultural resources is unknown at this time, cumulative impacts are concluded to be significant, consistent with the findings in the 2005 GPU EIR (Final EIR Section 6.2.7).

Mitigation Measure

Mitigation measures 5.7-1, 5.7-2, and 5.7-3 would minimize impacts related to archaeological resources and human remains but not to a level below cumulatively significant (listed above in Cultural and Paleontological Resources, Impact: Archaeological Resources and Impact: Human Remains headings and in the Final EIR Section 5.7.3).

Finding

No mitigation measures are available to reduce this impact to below a level of significance without restricting the development proposed for the project and cumulative development to prevent any ground disturbance in areas potentially containing cultural resources. Implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would not reduce this cumulative impact compared to the project because implementation would include ground disturbing activities for construction. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the project alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Global Climate Change

Impact: Potential Effects of Global Climate Change

The project would result in cumulatively significant and unavoidable emissions of ozone precursors that would potentially exacerbate air quality problems (Final EIR Section 6.2.10).

Explanation

Global climate change would have the potential to increase the frequency and duration of air quality problems in the San Diego region. The project would have a cumulatively considerable impact related to regional and local air quality resulting from vehicular emissions of ozone precursors. Increased temperatures would have the potential to increase the creation of ground-level ozone (smog) in the basin, which could exacerbate to health impacts associated with ozone, such as asthma. There are no feasible mitigation measures currently available to further reduce the potential criteria pollutant emissions of the project. Therefore, emissions of ozone precursors that would potentially exacerbate air quality problems would be cumulatively considerable and unavoidable (Final EIR Section 6.2.10).

Mitigation Measures

There are no feasible mitigation measures currently available to reduce project emissions of ozone precursors without regulating the purchases of individual consumers.

Finding

The applicable mitigation measures from previous EIRs have already been incorporated into the project to reduce vehicular emissions of ozone precursors. However, some measures cannot be implemented at the SPA level, such as providing video-conference facilities in work places or requiring flexible work schedules. There are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Therefore, emissions of ozone precursors that would potentially exacerbate air quality problems would be significant and unavoidable.

While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, because less development would occur, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Agricultural Resources

Impact: Direct Conversion of Agricultural Resources and Land Use Zoning Conflicts

The project would result in the loss of Farmland of Local Importance and Grazing Land, which would have a significant impact with respect to agricultural resources. (Final EIR Section 6.2.12).

Explanation

The SPA Plan is within the development scope of the General Plan. Prime farmlands or farmlands of statewide importance do not occur within the General Plan area; however, Village 9 is identified as containing Farmland of Local Importance and Grazing Land. The GDP EIR (EIR 90-01) identified the incremental and cumulative loss of agricultural lands in the Otay Ranch as a significant impact. As the project would result in the loss of Farmland of Local Importance and Grazing Land it would have a significant impact with respect to agricultural resources. The incremental loss of farmland as a result of the project in combination with other projects in Otay Ranch would result in a cumulatively significant impact with respect to agricultural resources, consistent with the GDP PEIR (EIR 90-01) (Final EIR Section 6.2.12).

Mitigation Measures

No mitigation is available to reduce this cumulatively significant impact to a less than significant level.

Finding

Agricultural uses would continue to be allowed in Village 9 in the interim until buildout of the SPA. However, no mitigation measures are available to reduce long-term impacts to below a level of significance without restricting the development proposed in the SPA Plan and TM to allow interim agricultural uses to continue in perpetuity. Therefore, this impact would remain cumulatively considerable and unavoidable.

There is no feasible mitigation measure to reduce this impact to below significance. While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the project alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Public Utilities

Impact: Water Supply

The project plus cumulative development would incrementally increase water use, resulting in an increase in water demand for which the future supply cannot be assured (Final EIR Section 6.2.15).

Explanation

According to the GPA/GDPA SEIR, the cumulative area, including Village 9, would result in an increase in water demand of 1.7 million gallons per day. As discussed in Section 5.15, Public Utilities in the Final EIR, the project-specific water analysis for Village 9 determined that the project would result in an increase in water demand of 1.3 million gallons per day. A WSAV was prepared based on the most recent water supply information available during assessment preparation (Final EIR, Appendix K1). The report determined that sufficient water supplies are planned for and are intended to be available over a 20-year planning horizon, under normal conditions and in single-dry and multiple-dry water years to meet the projected demand of the project and the existing and other planned development projects to be served by the OWD.

However, long-term water supply cannot be guaranteed; therefore, any increase in water demand would be considered significant. Although the proposed project and the cumulative projects would comply with applicable regulations to reduce water demand, an increase in water demand would occur as a result in development. Cumulative impacts related to water supply would be significant and unavoidable (Final EIR Section 6.2.15).

Mitigation Measures

No mitigation measures are available to guarantee a long-term water supply would be available to serve the project**.**

Finding

The proposed project has obtained a WSAV and the cumulative projects would also be required to obtain WSAVs in compliance with SB 610 and SB 221. Additionally, the proposed project and the cumulative projects would be required to comply with the Chula Vista Landscape Water Conservation Ordinance, which calls for greater water conservation efforts and more efficient use of water in landscaping. The requirements of this ordinance would be implemented into the design of the proposed project. The proposed project would promote water conservation through the use of low water use plumbing fixtures and the use of recycled water for the irrigation of parks, open space slopes, schools, parkway landscaping, and the common areas of multi-family residential and commercial sites. OWD also requires the implementation of 14 water conservation BMPs. The proposed project and cumulative projects would implement the BMPs for water conservation, including requiring installation of dual flush toilets, development of a water conversation plan, and use of recycled water. However, long-term water supply cannot be guaranteed; therefore, any increase in water demand would be considered significant and no mitigation is available.

There is no feasible mitigation measure to reduce this impact to below significance. While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, it would not be reduced to below a level of

significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the project alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Impact: Wastewater

The project plus cumulative development would incrementally increase wastewater generation, resulting in an exceedance of wastewater treatment capacity (Final EIR Section 6.2.15).

Explanation

According to the GPA/GDPA SEIR, the cumulative area, including Village 9, would result in an increase in sewer demand of 2.3 million gallons per day. The project-specific sewer analysis for Village 9 determined that the proposed project would result in an increase in wastewater of 907,105 gallons per day. As discussed in Section 5.15, Public Utilities in the Final EIR, the City would need to acquire an additional 11.68 million gallons per day of treatment capacity above current capacity rights to serve the buildout of Village 9 and cumulative development in the city. 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 (Final EIR Section 6.2.12).

Mitigation Measures

No mitigation is available to reduce this cumulatively significant impact to less than significant levels.

Finding

The means by which additional treatment capacity would be acquired is unknown and the development of additional capacity may require the expansion of existing or construction of new treatment facilities. Existing policies require major developments to prepare a PFFP that articulates needed facilities and identifies funding mechanisms as well as provides the authority to withhold discretionary approvals and other measures. Implementation of these policies would therefore avoid significant cumulative impacts associated with a shortfall of treatment capacity. Mitigation measures are also provided to ensure that adequate wastewater facilities are provided concurrently with demand. Building permits for any project in the city will be issued only if the City Engineer at that time has determined that adequate wastewater treatment capacity exists to serve the proposed development. However, the location and scope of construction for any future expanded or newly developed treatment facilities is unknown and the development of additional treatment capacity may result in potentially significant and unavoidable cumulative impacts associated with construction of new or expanded treatment facilities even understanding that such projects would likely be subject to environmental review. Because no specific treatment facilities have been proposed, no mitigation measures can be developed.

There is no feasible mitigation measure to reduce this impact to below significance. While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the project alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Impact: Recycled Water

The project plus cumulative development would incrementally increase recycled water use, resulting in a significant cumulative impact to recycled water (Final EIR Section 6.2.15).

Explanation

Implementation of the SPA Plan and TM and cumulative development in the city would result in an increased demand for recycled water. The proposed project would result in a demand for recycled water of approximately 116,380 gallons per day. Based on the cumulative factor of 3.1, the cumulative project area would result in a demand for approximately 360,778 gallons per day of recycled water. Historically, the only source of recycled water for the OWD has been the Ralph W. Chapman Water Recycling Facility. This facility currently has a rated capacity of 1.3 million gallons per day with a maximum production of approximately 1.1 million gallons per day. Typically, summer demands exceed the 1.1 million gallons per day plant capacity and, as such, a potentially significant cumulative impact exists. However, as discussed in Section 5.15, Public Utilities in the Final EIR, the South Bay Water Treatment Plant has an ultimate rated capacity of 15 million gallons per day and the OWD obtained capacity rights to 6 million gallons per day of recycled water. This additional source of recycled water will allow OWD to meet existing and future recycled water demands. OWD has master planned and begun constructing a series of pump stations, reservoirs, and transmission lines to integrate this source of water into the existing recycled water system, including service to the project site. However, a cumulatively considerable and unavoidable impact would occur until recycled water from the South Bay Water Treatment Plant is available to meet the projected future recycled water demand (Final EIR Section 6.2.15).

Mitigation Measure

No mitigation is available to reduce this cumulatively significant impact to less than significant levels.

Finding

Obtaining additional recycled water from the South Bay Water Treatment Plant to meet the projected future recycled water demand is the responsibility of OWD and outside the jurisdiction of the City. Therefore, pursuant to Section 15091(a)(2) of the CEQA Guidelines, such changes or alterations are within the responsibility and jurisdiction of another public agency and not the

agency making the finding. Such changes can and should be adopted by such other agency; however, at this time, the impact would remain significant and unmitigable.

There is no feasible mitigation measure to reduce this impact to below significance. While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the project alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

Impact: Energy

The project plus cumulative development would incrementally increase energy use, resulting in an increase in energy demand for which the future supply cannot be assured (Final EIR Section 6.2.15).

Explanation

Implementation of the SPA Plan and TM and cumulative development in the city would result in an increased energy demand of approximately 17.3 million kilowatt per hour and natural gas demand by 66.9 million cubic feet. A significant cumulative impact to energy resources would occur if implementation of the SPA Plan and TM and the cumulative projects result in a demand for energy that exceeds the city's available supply and causes a need for new and expanded facilities.

Although City programs and policies would result in more efficient use of energy, they do not ensure that increased resources will be available when needed. SDG&E has indicated that without an increased import capacity, future energy needs could not be assured. Therefore, there is no assurance of a long-term supply of energy in the future and any increase in energy consumption associated with cumulative development would be significant (Final EIR Section 6.2.15).

Mitigation Measure

No mitigation is available to reduce this cumulatively significant impact to less than significant levels.

Finding

Implementation of Village 9 would result in an increased consumption of electricity and natural gas. The SPA Plan and TM and other cumulative projects are required to meet the mandatory energy standards of the Chula Vista Energy Code, current CCR Title 24, Part 6 California Energy Code, and Part 11 California Green Building Standards. Additionally, the project includes a non-renewable energy conservation plan addressing preservation of energy resources. Compliance with these policies and the energy conservation plan would ensure that

average energy consumed by future occupants of Village 9 would not be wasteful, inefficient, or unnecessary. However, while individual cumulative projects may be able to reduce their energy consumption through energy conservation measures, there remains no assurance that an adequate energy supply will be available to serve the cumulative increase in energy demand. Any increase in energy demand would be significant; therefore, no mitigation is available.

There is no feasible mitigation measure to reduce this impact to below significance. While implementation of the Reduced Project Alternative #1 or Reduced Project Alternative #2 would reduce this impact compared to the project, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the project alternative infeasible. Additional findings related to the project alternatives are discussed in Section XI, below.

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

XI.

FEASIBILITY OF 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 Village 9.

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 projects as mitigated (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376 [253 Cal.Rptr. 426]; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515 [147 Cal.Rptr. 842]; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650]). 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 Section 21061.1). The CEQA Guidelines provide a broader definition of "feasibility" that also encompasses "legal" factors. 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 also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr.410]).

Accordingly, "feasibility" is a term of art under CEQA and thus may not 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 Section 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 Section 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 Section 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 [183 Cal. Rptr. 898]). " '[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 [29 Cal.Rptr.2d 182]).

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 detailed discussion in Section IX and Section X demonstrates that all but seven significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR. The remaining unmitigated impacts are the following:

- Aesthetics/Landform Alteration (direct impacts to visual character or quality; and cumulative impacts to scenic vistas and resources, visual character or quality)
- Transportation/Traffic (cumulative impacts to Olympic Parkway/I-805 Northbound intersection)
- Air Quality (direct and cumulative impacts to air quality violations, air quality plans)
- Cultural Resources (cumulative impacts to unknown archaeological resources and human remains)
- Global Climate Change (direct and cumulative potential effects of global climate change)
- Agricultural Resources (direct and cumulative impacts to conversion of agricultural resources)
- Public Utilities (direct and cumulative demand for water, wastewater capacity, and energy, and cumulative demand for recycled water)

To fully account for these unavoidable significant effects and the extent to which particular alternatives might or might not be environmentally superior with respect to them, these findings will focus on the impacts listed above, but may also address the environmental merits of the alternatives with respect to all broad categories of impacts – even though such a far-ranging discussion is not required by CEQA. The findings will also assess whether each alternative is feasible in light of the City's objectives for the project.

The City's review of project alternatives is guided primarily by the need to reduce potential impacts associated with the project, while still achieving the basic objectives of the project. The SPA Plan defines, in more detail, the development parameters for Village 9, including the intensity and location of development, the character and form of each neighborhood, design criteria, primary transportation patterns, open space and recreational amenities, and infrastructure and services necessary to support the community. According to the GDP, Village 9 is to provide single-family and multi-family residential units, a Town Center containing commercial uses, parks, a community purpose facility site, schools, affordable housing and a transit stop. Specific objectives include those previously listed in Section III.

The City evaluated three alternatives to the project, which are discussed below: No Project (No Build) Alternative, Reduced Project Alternative #1, and Reduced Project Alternative #2. Table 10-5 in the EIR provides a summary table comparing each of the alternatives. As the following discussion will show, no identified alternative qualifies as both feasible and environmentally superior with respect to the unmitigated impacts.

NO PROJECT (NO BUILD) ALTERNATIVE

CEQA Guidelines Section 15126.6 (e)(3)(B) states that the No Project (No Build) alternative is "a circumstance under which a project does not proceed" and may be considered the environmental effects of the property remaining in its existing state.

The No Project (No Build) Alternative assumes that no SPA Plan would be implemented for Village 9 and that the project area would remain unchanged. Accordingly, the site characteristics of this alternative would be equivalent to the existing conditions for each category analyzed in the EIR.

Impacts

Aesthetics/Landform Alteration

The No Project (No Build) Alternative would avoid all aesthetic/landform alteration impacts compared to the project. Under this alternative, views of the project and the character of the site would remain unchanged. The project's direct and cumulatively considerable aesthetic impacts related to scenic vistas, scenic resources, and landform alteration would be avoided. Similar to the project, this alternative would result in a less than significant impact related to consistency with General Plan and GDP policies related to aesthetics and landform alteration.

Transportation and Traffic

The No Project (No Build) Alternative would result in reduced direct impacts to traffic and level of service standards and congestion management compared to the project because no new vehicular trips would be generated by this alternative. The cumulative impact to the Olympic Parkway/I-805 Northbound ramps intersection would be avoided.

Air Quality

The No Project (No Build) Alternative would avoid the project's significant and unavoidable direct and cumulative impacts related to air quality violations and air quality plans because no construction or operational emissions would result from this alternative. Impacts related to sensitive receptors would also be avoided because no new potential toxic air contaminant sources or sensitive receptors would be developed in Village 9. Similar to the project, the No Project (No Build) Alternative would result in less than significant impacts related to consistency with General Plan and GDP air quality policies.

Cultural Resources

Potentially significant direct and cumulative impacts related to archaeological resources, human remains, and paleontological resources would be avoided under the No Project (No Build) Alternative because no earth-disturbing construction activities would occur. Similar to the project, the No Project (No Build) Alternative would be consistent with General Plan and GDP policies related to cultural resources, and impacts would be less than significant. Since there are no historical resources located on the Village 9 site, potential impacts to these resources would not change with this alternative (no impact).

Global Climate Change

The No Project (No Build) Alternative would not result in any impact related to GHG emissions and compliance with AB 32 because no construction or operation emissions of GHGs would occur under this alternative. Additionally, 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 this alternative because the No Project (No Build) Alternative would not result in any emissions of ozone precursors that would contribute to exacerbation of air quality problems as a result of climate change.

Agricultural Resources

The direct and cumulative significant and unavoidable impact related to conversion of agricultural resources would not occur under this alternative because no development would be implemented on the site, and no potential agricultural land would be converted to non-agricultural use. Potentially significant impacts related to land use conflicts would be avoided because no development would occur on site. Similar to the project, the No Project (No Build) Alternative would not result in any conflict with agricultural policies.

Public Utilities

The No Project (No Build) Alternative would not result in any impacts related to water, wastewater treatment, solid waste, recycled water, and energy compared to the project because no development would occur. The No Project (No Build) Alternative would not result in any increased demand for these services. The potentially significant and unavoidable direct and cumulative impacts related to long-term guarantee of water supply and energy, capacity of wastewater treatment facilities, and recycled water supply would be avoided under this alternative.

Findings

This alternative would avoid all of the project's significant and unavoidable impacts associated with aesthetics/landform alteration, transportation/traffic, air quality, cultural resources, global climate change, agricultural resources, and public utilities. However, the No Project (No Build) Alternative would not meet the overall goals and objectives of the City for future growth as outlined in the City's General Plan and the GDP. The regional metropolitan planning organization, SANDAG, has projected a specific growth in population by 2050. If development is eliminated in Village 9, the planned future growth would be accommodated elsewhere, potentially inducing unplanned growth in another area of the city. Additionally, the City has identified the proposed development of the Village 9 site as necessary to support future development of the University and RTP, and support BRT Ridership east of SR-125. In addition, it would include impacts related to traffic and level of service standards, congestion management, emergency access, and consistency with transportation policies because the portion of the planned regional network in Village 9 would not be implemented. This alternative would increase impacts related to parks and recreation standard and consistency with park policies because planned parks to serve future residents would not be developed. All other environmental impacts would be lessened by this alternative.

Additionally, the No Project (No Build) Alternative would not attain any of the 14 objectives of the project because no SPA Plan or TM would be adopted and no development would occur. Therefore, the No Project (No Build) Alternative would not accomplish any of the following:

1. Create a recognizable place, develop design standards;

2. Encourage an orderly growth pattern;

3. Design neighborhoods with compact and multi-dimensional land use patterns;

4. Create a town center;

5. Establish a pedestrian-oriented village;

6. Encourage community development in mixed use and compact pedestrian oriented forms;

7. Retain and recruit a skilled and motivated workforce to ensure economic stability into the future by providing attainable housing opportunities;

8. Encourage diverse, informal centers of creativity, learning, and interaction that support the University;

9. Foster a compact form facilitated by form-based planning;

10. Promote transitions with and between SPAs;

11. Provide a broad range of housing types and styles;

12. Implement the goals of the General Plan and GDP; or

13. Establish a plan that is fiscally responsible and viable with consideration of existing and anticipated economic conditions.

The No Project (No Build) Alternative is inconsistent with the City's objectives to plan the project area in a comprehensive manner in a way that deals with the logical extension of public services and utilities; to plan for parks and open space to serve residents; to complete the City's circulation; to create densities sufficient to pay for all required services and infrastructure and to encourage employment opportunities within the City. The alternative also fails to meet objectives favoring an accommodation of future projected population in an area reasonably close to future job-growth areas within the City, as well as the construction of affordable housing consistent with the City's goals. It also fails to implement the previously approved Otay Ranch GDP. Therefore, pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible.

REDUCED PROJECT ALTERNATIVE #1

As shown in Table 10-1 in the EIR, Reduced Project Alternative #1 (the 2,799 dwelling unit plan) would include the development of 2,799 residential units, compared to 4,000 units under the proposed Village 9 SPA Plan and TM. This alternative was derived from the intention to provide a more suburban approach to development in the SPA Plan area. This alternative reduces

residential development by approximately 30 percent, and promotes a more horizontal mixed-use pattern in place of the more vertical mixed-use plan for the Town Center and Urban Center. In addition, a maximum of 1,030,000 square feet of commercial development would occur under this alternative, compared to 1,500,000 square feet under the proposed project. The reduction in commercial uses would occur primarily in the Urban Center to promote a more horizontal building pattern rather than high-rise structures. The Neighborhood Park would also be reduced by 2.3 acres to accommodate this building pattern. One of the pedestrian parks proposed for the project would be eliminated under this alternative (Planning Area HH). This additional open space area would provide additional transition from developed areas to the MSCP Preserve, but would not be incorporated into the Preserve. Figure 10-1 summarizes the Reduced Project Alternative #1 site utilization plan.

Impacts

Aesthetics/Landform Alteration

Compared to the project, the Reduced Project Alternative #1 would result in similar less than significant direct impacts related to scenic vistas, scenic roadways, and steep slopes. This alternative would result in similar grading. Although densities would be reduced, similar land uses would be developed across Village 9. Similar to the project, implementation of the design guidelines in the SPA Plan would reduce direct impacts to a less than significant level. However, significant direct and cumulatively considerable impacts related to visual character and loss of rolling hits would be significant and unavoidable under this alternative, similar to the project because loss of open rolling hills would still occur. Significant impacts related to lighting and glare, including shading, would also occur under this alternative, but would be reduced because this alternative encourages horizontal rather than vertical mixed-use development and would result in fewer high-rise buildings. Similar to the project, this alternative would result in a less than significant impact related to consistency with General Plan and GDP policies related to aesthetics and landform alteration, including steep slopes.

Transportation and Traffic

The Reduced Project Alternative #1 would result in reduced direct and cumulative impacts to traffic and level of service standards and congestion management compared to the project. However, the significant and unavoidable impact to the Olympic Parkway/I-805 northbound ramps intersection would still occur under this alternative.

Air Quality

The Reduced Project Alternative #1 would result in reduced impacts related to air quality violations compared to the project because fewer construction and operational emissions would result from this alternative. Similar to the project, direct and cumulative construction emissions would remain significant and unavoidable under this alternative due to the amount of grading required.

Operational emissions would be reduced because vehicle trips and area sources would be reduced compared to the project. Carbon monoxide emissions associated with the proposed project would be reduced by approximately 14 percent. Significant VOC emissions would be reduced by approximately 26 percent compared to the proposed project. Significant nitrogen oxides emission would be reduced by approximately 20 percent. Significant PM_{10} impacts would be reduced by approximately 10 percent compared to the proposed project. This alternative

would avoid the project's significant impact related to carbon monoxide emissions. However, as shown in Table 10-2 in the EIR, nitrogen oxides, VOC, and PM_{10} emissions would still exceed the significance thresholds. Direct and cumulative Impacts would be significant and unavoidable, similar to the project.

Impacts related to sensitive receptors would be comparable to the project because similar land uses would be allowed under this alternative, including gas stations and development along the western boundary of the site adjacent to SR-125. Impacts would be less than significant with mitigation, similar to the proposed project.

Impacts related to odors would be the same under this alternative. No new receptors would be located in the vicinity of Otay Landfill. The Reduced Project Alternative #1 would not exceed the RAQS growth assumption for Village 9 (3,614 residential units). However, this alternative would still result in new significant and unavoidable criteria pollutant emissions. Direct and cumulative Impacts would remain significant and unavoidable, similar to the project. Less than significant impacts related to consistency with General Plan air quality policies would be similar to the project under the Reduced Project Alternative #1.

Cultural Resources

Impacts related to historical resources would be less than significant under the Reduced Project Alternative #1, similar to the project, because no historical resources are located in Village 9. Potentially significant impacts related to archaeological resources, human remains, and paleontological resources would be the same as the proposed project because this alternative would have the same development footprint as the project and would require ground disturbing activities. The mitigation measures required for the project would also be required for Reduced Project Alternative #1. Similar to the proposed project, even with implementation of these mitigation measures, impacts to unknown resources and human remains would be cumulatively considerable and unavoidable due to the potential for discovery of these resources in Village 9. Similar to the project, the Reduced Project Alternative #1 would be consistent with General Plan policies related to cultural resources, and impacts would be less than significant.

Global Climate Change

The Reduced Project Alternative #1 would result in a less than significant impact related to GHG emissions and compliance with AB 32, similar to the proposed project. Total construction and operational emissions of GHGs would be reduced under this alternative. Commercial and residential land uses would be reduced by approximately 30 percent compared to the proposed project; therefore, it is assumed that GHG emissions from implementation of the proposed project would also be reduced approximately 30 percent.

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, as discussed under Air Quality. However, direct and cumulative impacts related to the potential effects of climate change would still be significant and unavoidable, similar to the project.

Agricultural Resources

A significant and unavoidable direct and cumulative impact related to conversion of agricultural resources would occur under this alternative, similar to the project, because this alternative would have the same development footprint as the project would result in the conversion of land to non-agricultural use. Similar to the project, the Reduced Project Alternative #1 would potentially result in land use conflicts that would be mitigated with an agricultural plan that would be implemented to prevent land use conflicts. This alternative would not result in any conflict with agricultural policies and impacts would be less than significant.

Public Utilities

The Reduced Project Alternative #1 would result in reduced demand for water, wastewater treatment, solid waste, recycled water, and energy compared to the project because less development would occur. However, the mitigation measures identified for the project to ensure provision of public utilities concurrent with development would also be required under this alternative. Similar to the project, future water supply, wastewater treatment, and energy availability cannot be guaranteed; therefore, impacts would remain significant and unavoidable under this alternative although demand would be reduced. Additionally, similar to the proposed project, recycled water impacts would remain significant and unavoidable until recycled water from the South Bay Water Treatment Plant is available to meet the projected future recycled water demand.

Findings

This alternative would attain six of the 14 objectives of the project and would partially attain the remaining eight objectives. The Reduced Project Alternative #1 would meet Objective 1 because it would create a recognizable place designed to provide 1,030,000 square feet of commercial development in well designed urban districts. It would meet Objectives 2 because it would develop design standards. This alternative would meet Objectives 4 and 6 because it would design neighborhoods with compact and multi-dimensional land use patterns and establish a pedestrian-oriented village. This alternative would implement form-based planning; therefore, it would meet Objective 8. The Reduced Project Alternative #1 would meet Objective 14 because it would establish a plan that is fiscally responsible and viable with consideration of existing and anticipated economic conditions.

The Reduced Project Alternative #1 would create a mixed-use urban center and town center, but under this alternative these would include only limited residential uses. The Urban Center and Town Center would not be appropriately scaled in comparison to town centers in neighboring villages, to promote synergistic uses and graceful transitions between villages, or to serve the daily needs of residents in Village 9 as well as surrounding development, including the University and RTP. The reduced density in the Urban Center would not implement a strong relationship between Village 9 and the EUC or encourage supporting centers of creativity, learning, and interaction to extent of the proposed project. The range of residential densities would be limited compared to the proposed project and would not accommodate all income levels and lifestyles. This alternative would not provide housing opportunities to the extent of the proposed project to attract future University and related uses. This alternative would partially implement the goals of the General Plan and GDP because it would provide similar land uses, but not to the extent planned for in the GDP and General Plan. Additionally, the number of mixed-used residential units that would have the potential to provide affordable housing would be reduced by approximately 30 percent because total housing development

would be reduced by approximately 30 percent. Opportunities for public spaces that encourage interactivity would also be reduce compared to the project because two proposed pedestrian parks would not be constructed. Therefore, the Reduced Project Alternative #1 would only partially meet Objectives 3, 5, 7, 9, 10, 11, 12, and 13.

Additionally, this alternative would not avoid or substantially lessen any of the project's significant and unavoidable impacts associated with aesthetics (cumulative), air quality (direct and cumulative), archaeological resources and human remains (cumulative), potential effects of climate change (direct and cumulative), agricultural resources (direct and cumulative), water supply (direct and cumulative), wastewater treatment capacity (cumulative), recycled water (cumulative), and energy (direct and cumulative). Therefore, this alternative does not qualify as environmentally superior with respect to the unmitigated impacts.

REDUCED PROJECT ALTERNATIVE #2

As shown in Table 10-1 in the EIR, Reduced Project Alternative #2 (the 1,803 dwelling unit plan) would include the development of 1,803 residential units, compared to 4,000 units under the proposed project. This alternative is a low-density alternative based on the minimum densities accommodated by the proposed land uses, shown in Figure 3-3. The lower density alternative is intended to provide more open space and eliminate mixed-use development.

The greatest reduction in development would occur in the Urban Center. Under this alternative, residential development would be reduced by approximately 65 percent. Residential densities would also be reduced in the Town Center, Urban Neighborhood, Neighborhood Edge, Neighborhood General, and Neighborhood Center Zones. Commercial development in the Town Center would also be reduced to 532,000 square feet, compared to 1,500,000 square feet under the project. Additionally, the Neighborhood Park (Planning Area L) proposed for the project would be reduced in size, and two pedestrian parks (Planning Areas HH and II) would be eliminated under this alternative. The pedestrian park areas (Planning Areas HH, and II) would provide additional open space, 14.3 acres of open space compared to 9.6 acres under the proposed project. This additional open space area would provide additional transition from developed areas to the MSCP Preserve, but would not be incorporated into the Preserve. One potential elementary school site (Planning Area G) would be eliminated. Under this alternative, Planning Area G would be developed with mixed-use residential and commercial development as part of the Urban Neighborhood Zone. Figure 10-2 summarizes the Reduced Project Alternative #2 site utilization plan.

Impacts

Aesthetics/Landform Alteration

Compared to the project, the Reduced Project Alternative #2 would result in similar less than significant direct impacts related to scenic vistas and scenic roadways. Similar to the proposed project, this alternative would accommodate structures with heights up to 215 feet tall. Therefore, potentially significant impacts related to shadow and wind would also occur under this alternative.

This alternative would require the same grading footprint as the proposed project and, although densities would be reduced, similar land uses would be developed. Similar to the project,

implementation of the design guidelines in the SPA Plan would reduce visual character impacts; however, this alternative would still result in a significant and unavoidable direct and cumulative impact to visual character and quality because the loss of rolling hills would occur. Similar to the project, this alternative would result in less than significant impact related to consistency with General Plan policies related to aesthetics and landform alteration, including steep slopes.

Transportation and Traffic

The Reduced Project Alternative #2 would result in reduced direct and cumulative impacts to traffic and level of service standards and congestion management compared to the project. However, the significant and unavoidable impact to the Olympic Parkway/I-805 northbound ramps intersection would still occur under this alternative.

Air Quality

Compared to the project, the Reduced Project Alternative #2 would result in reduced impacts related to air quality violations because a smaller volume of construction and operational emissions would result from this alternative. Construction emissions would be reduced; however, similar to the project, construction emissions would remain significant and unavoidable under this alternative due to the amount of grading required, and the potential for simultaneous construction activities. Operational emissions would also be reduced compared to the proposed project because vehicle trips and area sources would be reduced compared to the project. As shown in Table 10-3 in the EIR, carbon monoxide, nitrogen oxides, PM_{10}, and $PM_{2.5}$ emissions would be reduced to a less than significant level under this alternative. VOC emissions would be reduced by approximately 55 percent; however, direct and cumulative impacts for VOC emissions would remain significant and unavoidable for this pollutant, similar to the project.

Impacts related to sensitive receptors would still potentially occur as a result of gas stations in the Town Center and Urban Center because they would be exposed to similar uses in these areas as the proposed project. Impacts would be less than significant with the mitigation required for the project. Fewer residences would be developed along the western boundary of Village 9 adjacent to SR-125. However, site specific studies for toxic air contaminant levels at sensitive land use areas would still be required.

Impacts related to odors would be the same under this alternative because no new receptors would be located in the vicinity of Otay Landfill as the project. The Reduced Project Alternative #2 would not exceed the RAQS growth assumption for Village 9 (3,614 residential units); however, this alternative would still result in new significant and unavoidable criteria pollutant emissions and would remain inconsistent with the RAQS and State Implementation Plan. Similar to the project, direct and cumulative impacts would remain significant and unavoidable. Less than significant impacts related to General Plan and GDP air quality policies would be similar to the project under the Reduced Project Alternative #2.

Cultural Resources

Similar to the project, impacts related to historical resources would be less than significant under the Reduced Project Alternative #2 because no historical resources are located in Village 9. Potentially significant impacts related to archaeological resources, human remains, and paleontological resources would be reduced under this alternative because the alternative development footprint would be reduced compared to the project. However, impacts to unknown resources would still have the potential to occur as a result of ground-disturbing construction

activities. The mitigation measures required for the project would also be required for Reduced Project Alternative #2. Similar to the project, even with implementation of these mitigation measures, cumulative impacts related to unknown archaeological resources and human remains would be significant and unavoidable. . Similar to the project, the Reduced Project Alternative #2 would be consistent with General Plan and GDP policies related to cultural resources, and impact would be less than significant.

Global Climate Change

The Reduced Project Alternative #2 would further minimize the less than significant impact related to GHG emissions and compliance with AB 32 identified for the proposed project because construction and operational emissions of GHGs would be reduced under this alternative. Additionally, 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. However, the Reduced Project Alternative #2 would still have the potential to exacerbate air quality problems because it would result in significant and unavoidable VOC and nitrogen oxides emissions. Direct and cumulative impacts related to effects of climate change would be significant and unavoidable, similar to the project.

Agricultural Resources

A significant and unavoidable direct and cumulative impact related to conversion of agricultural resources would occur under this alternative, similar to the project. This alternative would result in the same conversion of land to non-agricultural use compared to the project. Potentially significant impacts related to land use conflicts would also occur under this alternative unless an agriculture plan is implemented. Similar to the project, the Reduced Project Alternative #2 would not result in any conflict with agricultural policies. Impacts related to agricultural zoning and policies would be less than significant.

Public Utilities

The Reduced Project Alternative #2 would result in less demand for water, wastewater treatment, solid waste, recycled water, and energy compared to the project because less development would occur and less population growth would be generated. However, the mitigation measures identified for the project to ensure provision of public utilities concurrent with development would also be required under this alternative. Similar to the project, future water supply, wastewater treatment, and energy availability cannot be guaranteed; therefore, impacts related to water supply, wastewater and energy would remain significant and unavoidable under this alternative although demand would be reduced.

Additionally, similar to the proposed project, recycled water impacts would remain significant and unavoidable until recycled water from the South Bay Water Treatment Plant is available to meet the projected future recycled water demand. This impact would be reduced under the Reduced Project Alternative #2 because demand for recycled water would be reduced under this alternative.

Findings

This alternative would attain six of the 14 objectives of the project, would partially attain eight objectives. The Reduced Project Alternative #2 would create a recognizable place, well

designed to accommodate 532,000 square feet of commercial use and would therefore meet Objective 1. This alternative would meet Objective 2 because it would develop design standards. It would meet Objectives 4 and 6 because it would design compact and mixed use neighborhoods and establish a pedestrian-oriented village. This alternative would meet Objective 8 because it would foster a compact form facilitated by form-based planning. This alternative would establish a plan that is fiscally responsible and viable with consideration of existing and anticipated economic conditions and would therefore meet Objective 14.

The Reduced Project Alternative #1 would create a mixed-use urban center and town center, but under this alternative these would include less residential and commercial uses. The Urban Center and Town Center would not be appropriately scaled in comparison to town centers in neighboring villages, to promote synergistic uses and graceful transitions between villages, or to serve the daily needs of residents in Village 9 as well as surrounding development, including the University and RTP. This alternative would implement an orderly growth pattern, but would not establish relationships between Village 9, the EUC, and the University, or encourage supporting centers of creativity, learning, and interaction, to the extent of the project. This alternative would partially implement the goals of the General Plan and GDP because it would provide similar land uses, but not to the extent planned for in the GDP and General Plan.

The Reduced Project Alternative would provide range of housing types and styles; however, choices would be limited compared to the proposed project. Additionally, the number of mixed-used residential units that would have the potential to provide affordable housing would be reduced by approximately 55 percent because total housing development would be reduced by approximately 55 percent. Employment opportunities would be reduced under this alternative, which would hinder the ability of the City to ensure economic stability, promote jobs for existing residents, and attract a University, RTP, and related uses. Opportunities for public spaces that encourage interactivity would also be reduce compared to the project because two proposed pedestrian parks would not be constructed. Therefore, the Reduced Project Alternative #1 would only partially meet Objectives 3, 5, 7, 9, 10, 11, 12, and 13. Additionally, this alternative would not substantially lessen any of the significant and unavoidable environmental effects of the proposed project. Therefore, this alternative does not qualify as environmentally superior with respect to the unmitigated impacts.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an EIR identify the environmentally superior alternative among all of the alternatives considered, including the project. If any No Project alternative is selected as environmentally superior, then the EIR is required to identify an environmentally superior alternative among the other alternatives.

The Reduced Project Alternative #2 is identified as the environmentally superior alternative as it would reduce traffic (direct and cumulative), air quality (direct and cumulative), noise (direct and cumulative), biological resources (direct), public services (direct), water quality (direct), and public utilities (direct and cumulative) impacts. Mitigation measures 5.3-12 through 5.3-16, 5.3-19, 5.3-20, and 5.3-21 identified for potential traffic impacts would not be required under this alternative. However, as with the Reduced Project Alternative #1, this alternative would not avoid any of the project's significant and unavoidable impacts associated with traffic (cumulative impacts to the Olympic Parkway/I-805 northbound ramps intersection), aesthetics (cumulative), air quality (direct and cumulative), archaeological resources (cumulative), potential effects of

climate change (direct and cumulative), agricultural resources (direct and cumulative), wastewater treatment capacity (cumulative), recycled water (cumulative), and energy (direct and cumulative). This alternative would reduce significant carbon monoxide and $PM_{2.5}$ emissions by approximately 25 percent to a less than significant level. The findings as to the infeasibility of the Reduced Project Alternative #2 are provided above.

XII.

STATEMENT OF OVERRIDING CONSIDERATIONS

The project would have significant, unavoidable impacts on the following areas, described in detail in Section IX of these Findings of Fact:

- Aesthetics/Landform Alteration (direct impacts to visual character or quality; and cumulative impacts to scenic vistas and resources, visual character or quality)
- Transportation/Traffic (cumulative impacts to Olympic Parkway/I-805 Northbound intersection)
- Air Quality (direct and cumulative impacts to air quality violations, air quality plans)
- Cultural Resources (cumulative impacts to unknown archaeological resources and human remains)
- Global Climate Change (direct and cumulative potential effects of global climate change)
- Agricultural Resources (direct and cumulative impacts to conversion of agricultural resources, and cumulative impact to land use zoning conflicts)
- Public Utilities (direct and cumulative demand for water, wastewater, and energy; cumulative impacts to recycled water)

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 none of the alternatives: (1) meets project objectives, and (2) is environmentally preferable to the project.

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 Section 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 [132 Cal.Rptr. 377]). Nevertheless, decision-makers benefit from information about project benefits. These benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines Section 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 IV.

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.

The Otay Ranch Village 9 SPA Plan would be used as a tool to guide and direct new development, economic development, streetscape and traffic improvements, parking, pedestrian amenities, and mixed land uses in the specific plan area. A total of 4,000 new dwelling units and 1,500,000 additional square feet of retail and office development is proposed for the area.

PROJECT BENEFITS

Through implementation of the project, the following benefits would be provided to the specific plan area, and the City as a whole:

1. **Implementation of City's General Plan and Otay Ranch GDP**

    a. The project would implement the land uses planned by the City for Village 9 in the General Plan and GDP. Implementation of the Village 9 SPA Plan and TM would aid the City in meeting the goals and objectives for citywide growth, including important connections in the projected future roadway network. Specifically, the project as proposed would fully implement Land Use and Transportation Policies 86, 87 and 95, as described below:

        1) **Objective LUT 86:** Develop a corridor of integrated, high-intensity urban uses; office and business parks; retail centers; residential uses; and a major higher educational institution along the SR-125 corridor to serve the East Planning Area and the broader south county region.

The project would develop high-intensity urban uses, office, retail, and residential development along SR-125. High-intensity uses would be provided in the Urban Center, at the proposed Main Street/SR-125 ramps to serve the East Planning Area and south county region.

2) **Objective LUT 87:** Establish a distinctly identifiable corridor that creates a unique sense of place through its integration of diverse uses and land uses within a cohesive development pattern that result in interconnected uses and facilities between the District's Focus Areas and to adjoining communities, open spaces and the sub-region.

   As discussed under Threshold 1, the SPA Plan includes development guidelines and design regulations to create a cohesive development pattern consistent character throughout Village 9. The proposed development in Village 9 is consistent with the GDP and includes land uses to support the future University, RTP, and EUC, and regional development. Land uses in Village 9 would decrease in density to the south to transition to single-family residential development and open space near the MSCP Preserve. Form-based code would locate buildings, public spaces, and landscaping to create a development patterns that would foster pedestrian activity and enhance community livability. The SPA Plan includes two potential elementary school sites, several types of parkland, two community purpose facility sites, and connections to the University/RTP to support proposed commercial and residential land uses. The buildings in the Village 9 Town Center in Village 9 are oriented toward the University/RTP site. Campus Boulevard has been strategically located and designed to create a strong visual and physical connection between the neighborhood park, and the future University/RTP.

3) **Objective LUT 95**: Establish a pedestrian-oriented, mixed use Town Center that serves as the interface, or common meeting ground, of the University, RTP, and surrounding residential development and serves the university campus at the size and location shown on the General Plan as well as the RTP workforce.

   The Village 9 Town Center would connect to and be oriented toward the University. Campus Boulevard would serve as the plaza of the Town Center and provide a common meeting ground with the university. This street would be a two-lane plaza roadway that would include a special street section that allows the street to be closed to traffic and serve as a public space for community events. Campus Boulevard has been strategically located and designed to create a strong visual and physical connection between the neighborhood park, and the future University and RTP. Retail, office, entertainment, cultural, restaurant, and mixed-use structures would be accommodated adjacent to the University in the Town Center, Urban Center, and, to a limited extent, the Neighborhood Center Zones adjacent to the University site/RTP. A variety of housing types would be provided in Village 9, including mixed-use and multi-family structures, attached single-family homes, and detached single-family homes. The SPA Plan indentifies the land uses that would be allowable in Village 9. Future development would be required to comply with the SPA Plan, which would preclude the development of incompatible land uses, such a big box stores and automotive dealerships, as shown in Section 3.3, Zone Standards. The highest intensity development would occur in the northern area of the site, adjacent to the proposed EUC, including retail and office uses.

Street A would provide an urban couplet through the mixed-use Urban Center and Town Center, which would provide the highest-intensity development. The Town Center would be directly linked to the University/RTP by Campus Boulevard. Main Street, Street A, and Street B would connect Village 9 to the EUC. Main Street would also connect Village 9 to the RTP. As discussed under Threshold 1, the SPA Plan guidelines and regulations would ensure continuity through urban form; the massing and scale of buildings; interconnected street network and sidewalks; and landscaping.

Land uses in Village 9 would transition from the high-intensity Urban Center in the north to single-family residential development in the south. The single-family residential planning areas would only be located south of Otay Valley Road, adjacent to open space, and would separate the open space to the south of Village 9 from the Town Center.

The SPA Plan proposes a grid system of streets in the central area of the site that provide multiple connections to the University and a permeated frontage along Street B adjacent to the University. The Urban Center, Town Center, and Neighborhood Center would accommodate land uses to support the University, including opportunities for arts, cultural, retail, and entertainment. Development in the Town Center would be pedestrian oriented with parking to the rear or in structures. Ground floor uses would be pedestrian-active uses, include retail sales and restaurants.

The proposed Village 9 circulation system includes an interconnected grid street system with narrow streets that foster pedestrian activity.

The design guidelines in the SPA Plan and a Master Precise Plan would ensure a well-designed program of landscape, furniture, lighting, signage, and other amenities along the Town Center's sidewalks and public places.

An off-street village pathway would run along Campus Boulevard and connect to the University site. A regional trail is proposed along the entire length of Otay Valley Road in the project area and would connect to the University site/RTP. The regional trail would ultimately extend south from the site to the Otay Valley Regional Park trail system. The project would also contribute to the implementation of a pedestrian bridge over SR-125 that would connect Village 9 to Village 8 East and development west of SR-125.

As described above, the ground floor of the Town Center would include pedestrian-active uses. Parking would be oriented to the rear or structures.

The SPA Plan includes guidelines and regulations for residential neighborhoods that require orientation of residences toward the public right-of-way and building placement that would diminish the visual dominance of the garage, such as placing garages in lanes rather than along the public street.

Village 9 would accommodate uses in the Urban Center and Town Center to serve the University, RTP, and residents, including cultural and entertainment opportunities, retail, and food service.

A transit station is proposed in the Town Center. Bus transit service is planned for Village 9 and would connect Village 9 to the University site, RTP, and other surrounding areas. Village 9 would provide a mix of single-family attached townhomes, apartment/condominiums, mixed residential-commercial units, and single-family detached homes. Residential densities would transition from high-intensity multi-family residential development in the Urban Center and Town Center, to lower density residential types in the southern area of Village 9, including attached single-family residences. Detached single-family residences would be located at the southern edge of Village 9, adjacent to permanent open spaces. Residential density of up to 45 dwelling units per acre would be accommodated in the Town Center and up to 60 dwelling units per acre in the Urban Center, both in the transit service area.

2. Transit Oriented Development

a. Multi-Dimensional Land Use Patterns. Design neighborhoods with compact and multi-dimensional land use patterns that ensure a mix of uses and joint optimization of transportation modes to minimize the impact of cars, promote walking and bicycling, and provide access to employment, education, recreation, entertainment, shopping, and services.

b. Smart-Growth Community. The project would create a place where residents can live, work, shop, and play. The project would allow residents in the SPA to shop and work in their community by providing attractive amenities close to home.

c. Efficient Public Transit and Increased Ridership. Establish a pedestrian and transit-oriented village with an intense, vibrant Town Center to reduce reliance on the automobile and promote walking and the use of bicycles, buses, and regional transit. The village concept also promotes more efficient public transit and increased ridership by providing strong activity centers in each village and making transit close and convenient for most residents. The project would also contribute to the implementation of a pedestrian bridge over SR-125 that would connect Village 9 to Village 8 East and development west of SR-125.

d. Higher Residential Densities. Higher residential densities at the core are intended to support commercial uses by activating the village core during all hours of the day and promote more walkable communities by providing facilities and services within a quarter mile of most homes.

3. Economic Benefits

a. Employment Opportunities. The Otay Ranch Village 9 SPA Plan would help grow the local economy in several ways. It will create new employment opportunities in the City with the provision of new proposed retail, office, and commercial uses that would create a variety of employment opportunities, as well as support development of a University. The construction of development under the Otay Ranch Village 9 SPA Plan would generate substantial revenue to the local economy and provide a significant number of construction-related jobs over a 20+ year construction period. Those that would benefit from employment from development under the Otay Ranch Village 9 SPA Plan would range from students and adults filling part-time and full-time positions, skilled tradesmen

filling certain commercial positions, and professionals filling commercial and office positions. Persons that live in the surrounding residential portion of the specific plan area could be prime candidates for employment opportunities created by the development of the project area.

b. New Property and Sales Tax Revenue. Development of vacant parcels will result in an increase of property tax revenues over the 20+ year build-out period. In addition, it is anticipated that the area could generate an additional 1,500,000 square feet of commercial retail and office space which would generate significant sales tax dollars.

4. Aesthetic Benefits

a. Zoning and Development Code. The specific land uses and development regulations proposed in the Otay Ranch Village 9 SPA Plan would ensure orderly, high quality development of the area. The general development regulations that would create cohesive and enhanced visual quality in the area include the following:

- Development Concept
- Zone Standards
- Building Configurations
- Frontage Types
- Performance Standards
- Sign Regulations
- Shared Parking
- Design Guidelines

Typical design guidelines include requirements for strong architectural design standards, streetscape amenities, building orientation, vehicle access and avoidance of features that would create pedestrian or vehicular conflicts. Landscape requirements are also included to soften the appearance of building facades and hard surfaces, and provide shade for residents and visitors.

5. Recreational Benefits

a. Recreational Development. The project would provide a total of 27.5 acres of parks, of which 23 acres are eligible for credit to meet city and GDP parkland requirements:

1) 14.8 acre neighborhood park would be located in the western portion of the project.

2) 5.1 acres of town squares in Planning Areas C and I, which would consist of small plazas or open spaces in the high-density areas.

3) Planning Areas GG, HH, and II are designated for a total of 7.6 acres of pedestrian parks to support neighboring residences and provide trail connections.

b. Trail Connections. The project would provide an off-street village pathway that would run along Campus Boulevard and connect to the University site. A regional trail is proposed along the entire length of Otay Valley Road in the project area and would connect to the University site/RTP. The regional trail would ultimately extend south from the site to the Otay Valley Regional Park trail system.

6. Housing Benefits

a. Regional Need for Housing. The project will help meet a projected long term regional need for housing through the provision of future additional housing. San Diego Association of Governments housing capacity studies indicate a shortage of housing will occur in the region within the next 20 years. Over the 20+year anticipated build out, the project could increase the housing stock in the City by up to 4,000 dwelling units, including approximately 400 affordable units. Phasing will occur in response to market conditions, which will help fulfill the demand for housing.

The City finds that there is substantial evidence in the administrative record of benefits to transit orientated development, employment, economic effects, aesthetics, recreational/public space, and housing which would directly result from approval and implementation of the project. The City finds that the need for these benefits specifically overrides the impacts of the project on aesthetics/landform alteration; air quality; cultural resources; global climate change; agricultural resources; and public utilities. Thus, the adverse effects of the project are considered acceptable.