

Mitigated Negative Declaration

PROJECT NAME: Otay River Business Park Specific Plan

PROJECT LOCATION: Main Street and Fourth Avenue Chula Vista, CA 91910

ASSESSOR'S PARCEL NO.: APN 629-030-04, 629-030-05, 629-040-09, 629-040-10, 629-040-12, 629-040-16, 629-040-20, 629-040-23, 629-040-24, 629-040-27, 629-050-05, 629-061-01

PROJECT APPLICANT: Sudberry Properties, Inc.

CASE NO.: MPA15-0022

DATE OF DRAFT DOCUMENT: October 26, 2017

DATE OF FINAL DOCUMENT: XXXX XX, 2017

Revisions made to this document subsequent to the issuance of the notice of availability of the draft Negative Declaration are denoted by underline.

A. Project Setting

The 52.87-acre project site is located just north of the existing City of Chula Vista boundary in southern San Diego County and consists of multiple contiguous parcels. The project site is situated within the City's Southwest Planning Area along the north side of the Otay River, east of Interstate 5 (I-5) and west of Interstate 805 (I-805). It is within the Main Street District, which functions as a commercial-industrial service corridor, with residential neighborhoods located generally north of the corridor and the Otay River Valley open space to the south. The project area is bordered on the north by Main Street, on the west by Broadway/Beyer Boulevard, on the east by Fourth Avenue/Beyer Way, with the Otay River along the southern boundary.

The project site's former uses have included both mining/industrial uses and agricultural uses. Approximately one-third of the property, in the area immediately south of Main Street on the eastern portion, is characterized by former agricultural row-crop fields. The majority of the project site has been graded or disturbed, with both paved and unpaved parking, driveways and roads throughout the parcels, and various structures associated with the previous heavy industrial uses, former concrete batch operations, and former agricultural field activities.

The project site is zoned as Limited Industrial with a Precise Plan Overlay (ILP) and designated as Limited Industrial by the General Plan, with a designation for a future Community Park in the vicinity of this property. Land use within the Otay River is designated Open Space.

The Otay River Business Park Specific Plan (Specific Plan) project includes an area set aside for a park site, which is adjacent to the Otay Valley River Park (OVRP). The Specific Plan

area is also adjacent to a parcel to the south located in the City of San Diego zoned Open Space Floodplain. The southern portion of the Specific Plan area directly adjacent to the City boundary is a planning area designated as a floodway, with limited open space uses allowed per Chula Vista Municipal Code.

B. Project Description

The Otay River Business Park Specific Plan project proposes business park uses and retail services to serve the existing community and proposes a Specific Plan to allow development of a high quality industrial business park with ancillary support commercial services. The proposed Specific Plan establishes the land use, intensity, development regulations, design standards, and primary infrastructure components to support future development of the project. The Specific Plan proposes industrial and commercial lots served by new street connections to the existing street system and an area for a future Community Park, as designated by the City of Chula Vista, in the area situated adjacent to and above the Otay River Valley.

- **Planning Area 1 (Commercial)** – Situated adjacent to Main Street, between Fourth Avenue and Seventh Avenue at the north edge of the Specific Plan area. Allowed uses under the commercial designation include general industry; light industry and research; services (except for major automobile repair centers, commercial recreation facilities, social organizations and hotel uses; commercial retail; and food services.
- **Planning Area 2 (Transitional Limited Commercial/Business Park)** – Area of property south of Planning Area 1 and north of Faivre Street between Fourth Avenue and Seventh Avenue, and lots adjacent to Broadway to the south of Faivre Street. Allowed uses in the transitional area include general industry; light industry and research; services (except for personal care services, commercial recreation, social organizations or hotel uses); commercial retail; and some food services.
- **Planning Area 3 (Business Park)** – Remainder of lots to be developed within the project site excluding Planning Areas 1 and 2. These include lots north of Faivre Street and west of Seventh Avenue, and lots south of Faivre Street that do not border the frontage with Broadway. Allowed uses in the business park include general industry; light industry; services associated with medical laboratories, veterinary offices or animal hospitals, business offices, copy services, major automobile and repair centers; commercial retail including plant nurseries, and building material sales and equipment rental; and food services in the form of an accessory tasting room.
- **Planning Area 4 (Floodway and Habitat Area)** – Located along the southern boundary of the Specific Plan Area. The floodway and habitat area are designated as open space and general grading and development are not permitted within the floodway, except as allowed in CVMC 19.50.040 and subject to all regulations by FEMA and in CVMP 19.50 and 14.18.
- **Planning Area 5 (Park Site)** – Situated in the eastern portion of the Specific Plan Area, from Fourth Avenue south to Specific Plan boundary. Land uses within the park site are

restricted to public park with related structures. This Planning Area is designated as open space and is subject to the provisions of CVMC 19.50 Flood Zone Regulations.

As stated above, Planning Area 5 is designated as undeveloped land available for use as a community park. Figure 3, *Preliminary Park Graphic*, shows preliminary park uses that include three multi-purpose fields with lighting, two tennis courts with lighting, two basketball courts with lighting, ten picnic tables, two play areas with play equipment, restrooms/maintenance building, dog park, and open lawn areas. Support facilities for the park would include paved walkways with lighting, trail linkages to Otay River Valley Park, parking lot, and ten bicycle racks.

C. Compliance with Zoning and Plans

The Otay River Business Park Specific Plan area is regulated by the City of Chula Vista land use and zoning standards. The project site is within the ILP zone and is designated in the General Plan as Limited Industrial, with a designation for a future Community Park in the vicinity of this property. The Precise Plan Overlay of the Limited Industrial zone allows for certain industrial uses but limits others that create a greater nuisance or impact on nearby residents and businesses. Land use within the Otay River portion of the project site is designated Open Space in the Chula Vista General Plan. The park area of the Specific Plan is adjacent to the OVRP and park design would utilize the OVRP Design Standards and Guidelines.

D. Public Comments

On February 28, 2017, a Notice of Initial Study was circulated to property owners within a 500-foot radius of the proposed project site. The public review period ended March 13, 2017. No comments were received.

E. Identification of Environmental Effects

An Initial Study conducted by the City of Chula Vista (including the attached Environmental Checklist form) determined that, although the proposed project could have a significant environmental effect, there would not be a significant effect in this case because mitigation measures described in Section F, below, have been added to the project. The preparation of an Environmental Impact Report will not be required. This Mitigated Negative Declaration has been prepared in accordance with Section 15070 of the State CEQA Guidelines.

Biological Resources

A Biological Assessment Report was prepared by BLUE Consulting Group, dated October 16, 2017, to assess the potential biological resource impacts of the project. This report is on file and available for review with the City of Chula Vista Development Services Department. The Biological Assessment Report analyzes the potential impacts from light industrial/commercial business park development proposed for the western two-thirds of the project site, its grading impacts and dedication of the proposed open space. The Biological Assessment also addresses future development of a City park located within the eastern one-third of the property.

Within the approximately 52.87-acre project site, a total of seven vegetation communities were observed on-site: southern willow scrub (SWS), disturbed open water/disturbed freshwater marsh (FWM), arundo scrub, disturbed tamarisk scrub, eucalyptus woodland, general agriculture, and urban/developed land. The project site supports jurisdictional wetlands and waters, a jurisdictional flood control channel, and the following sensitive habitat types: disturbed wetlands- freshwater marsh, tamarisk scrub, arundo scrub, and SWS. One wildlife (bird) SSC was observed on-site: the yellow warbler which has a moderate potential to nest on-site. Off-site to the south within the Otay River, two additional SSC were observed: Clark's marsh wren and yellow-breasted chat. Least Bell's vireo, southwestern willow flycatcher, California horned lark, Clark's marsh wren (MAWR) and yellow-breasted chat (YBCH) were not observed on-site. However, due to the presence of potentially appropriate habitat, it has been determined that these species have a moderate chance to occur.

A single sensitive plant community, identified as jurisdictional and City wetlands (SWS), was observed on-site. The 0.33 acre of SWS is located in the southwestern corner of the project site and is regarded as Army Corps of Engineers (ACOE) and California Department of Fish and Wildlife (CDFW) jurisdictional wetlands and City wetlands.

No plant listed as sensitive by the Multiple Species Conservation Program (MSCP) (rare, sensitive, narrow endemic, etc.) was observed on-site. Due to the developed/highly disturbed condition of the site, no sensitive plants are expected to occur. Several other sensitive species are known to occur in the vicinity of the project site. However, due to the ruderal nature of the property, these species are not considered as potentially occurring on-site based on the historical and ongoing impacts, uses, and maintenance.

Project Impact

The project site is located within the City of Chula Vista MSCP area but outside of any Major/Minor Amendment Area, City of San Diego Multi-Habitat Planning Area (MHPA), and City of Chula Vista Preserve boundary. Jurisdictional and City wetlands were observed on-site. Development of a future City park would potentially impact 1.66 acres of FWM jurisdictional wetlands and 0.17 acres of City disturbed wetlands (arundo scrub). These impacts, totaling 1.83 acres, would require wetland compensatory mitigation and permitting in consultation with the City/ACOE/Regional Water Quality Control Board (RWQCB). To mitigate for direct impacts to jurisdictional and City wetlands, mitigation measures listed in Section F of this Mitigated Negative Declaration would be implemented reduce direct impacts to below a level of significance.

As described below, potential indirect impacts resulting from the proposed development are unlikely to occur. However, because there is a potential for indirect impacts, this is regarded as an impact from the project.

Nesting Birds. The proposed project both supports and is located proximate to appropriate habitat for nesting migratory birds and raptors. However, preconstruction nesting surveys shall be implemented that reduce potential impacts to below significance.

Therefore, the project shall not result in potentially significant indirect impacts to nesting birds.

Water Quality. The proposed project site is located proximate to an ephemeral drainage and will continue to partially drain into it, within the existing concrete brow ditches which drain into the canyon and the existing ephemeral drainage at its center. Water quality has the potential to be adversely affected by potential surface runoff and sedimentation during the construction and operation of the project; however, Best Management Practices (BMPs) would be implemented that would reduce potential impacts to below significance. Therefore, the project is not expected to decrease water quality or affect vegetation, aquatic animals, or terrestrial wildlife that depends upon the water resources.

Habitat Disturbance. Development of residential, commercial, office, and/or restaurant uses typically lead to an increase in human presence on and around project sites. However, this is a re-development project which is predominantly within the pre-existing developed envelope. Therefore, while there may be an increase in total human activity in the area, the area has already absorbed the biological loss to function and value and it is unlikely that the project could lead to further fragmentation of habitat and the degradation of sensitive habitat if people or pets wandered outside the developed area. Additionally, illegal dumping of green waste, trash, and other refuse, which currently negatively impacts the adjacent habitat in the canyon, would be curtailed.

Edge Effects. Edge effects occur when blocks of habitat are fragmented by development. These edges make it easier for non-native plant species to invade native habitats. Edge effects can also make it easier for both native and non-native predators to access prey that may have otherwise have been protected within large, contiguous blocks of habitat. In addition, the disruption of predator-prey, parasite-host, and plant-pollinator relations can occur.

The proposed project would not lead to significant edge effects. The project's proposed landscape plan does not include any invasive plant species. Steep slopes that rim development areas are within the BMZ 1 and 2 and would be landscaped in Fire Marshal approved native and naturalized plant material and serve as a buffer to native habitat to the north of the project site. Additionally, the project does not affect contiguous blocks of habitat.

Night-time Lighting. Development of the project site would introduce night-time lighting in the form of street and parking lights, car headlights, and residential lights. Night-time lighting on native habitats can provide nocturnal predators with an unnatural advantage over their prey. This could cause an increased loss in native wildlife that could be a significant impact unless mitigated. Nighttime lighting would be consistent with the City's lighting requirements and would not cause significant impacts on wildlife habitat.

Fugitive Dust. Fugitive dust produced by construction could disperse onto vegetation. Effects on vegetation due to airborne dust could occur adjacent to construction. A continual cover of dust may reduce the overall vigor of individual plants by reducing

their photosynthetic capabilities and increasing their susceptibility to pests or disease. This, in turn, could affect animals' dependent on these plants (e.g., seed eating rodents or insects or browsing herbivores). Fugitive dust impacts would not be considered significant because the project would be required to implement mandatory dust control requirements that ensure dust control and significant impacts would not occur.

The project has the potential to result in significant indirect impacts to biological resources located adjacent to the proposed project. To mitigate potential indirect impacts associated with the project, mitigation measures presented in Section F of this Mitigated Negative Declaration would be implemented. Implementation of those measures would mitigate the potential for indirect impacts to below a level of significance.

Additionally, preventative measures, as described below, are recommended to be implemented and noted as conditions of approval.

- Prior to initiating any construction related activities, including clearing, grubbing, grading and construction, a qualified, City approved biological monitor shall be retained by the Projects proponent and shall be on-site during clearing, grubbing, and/or grading activities. The biological monitor shall attend all preconstruction 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. In addition, the biological monitor shall be on site during construction to ensure that vehicles stay within the limits of the existing access road. The biological monitor shall be authorized to halt all associated Projects activities that may be in violation of the City's MSCP Subarea Plan and/or permits issued by any other agencies having jurisdictional authority over the Projects.
- Prior to initiating any construction related activities, including clearing, grubbing, grading and construction, all workers shall be educated by a City approved biologist to recognize and avoid those areas which have been marked as sensitive biological resources.
- Prior to initiating any construction related activities, including clearing, grubbing, grading and construction, biological fencing (i.e., ESA-type fencing) shall be installed in accordance with (Chula Vista Municipal Code (CVMC) 17.35.030. Prominently colored, well-installed fencing and signage shall be in place wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the qualified monitoring biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on grading plans for areas adjacent to and/or within the Preserve.

Hazards/Hazardous Materials

Geocon Incorporated prepared a Phase I and II Environmental Site Assessment Report for the proposed project (January 27, 2017). This report is on file and available for review at the City of Chula Vista Development Services Department.

The northern portion of the project site was used historically for cultivated agriculture. Pesticide use on these parcels was reported in the records provided by the County of San Diego, Department of Agriculture, Weights and Measures (DAWM). Because the project site is being developed for industrial/commercial use, potential past use of pesticides and possible pesticides in the soil would not pose a significant risk to on-site users.

Project Impact

Based upon the age of the on-site structures, the potential exists for asbestos containing material (ACM) and/or lead-containing paints (LCP) to be present in structures at the project site. An ACM and LCP survey prior to demolition of the on-site structures to confirm the absence or presence of these materials and to determine appropriate health and safety requirements for demolition and appropriate disposal of demolition debris would be conducted. Any undocumented subsurface structures or areas of apparent contamination encountered during site redevelopment activities, including additional septic tanks, underground storage tanks (USTs), wells, etc., would be properly abandoned/removed prior to site development in accordance with County Department of Environmental Health (DEH) regulatory requirements.

Based on the findings of the Phase I and Phase II records search, there is evidence of illegal dumping; and it is apparent that undocumented fill, consisting of concrete and other debris is buried in the subsurface of the site. The burial of concrete and other materials is only allowed as part of a pre-approved and planned engineered fill. Therefore, the proposed project has the potential to result in a hazard associated with undocumented fill.

The project would be required to submit a Soil Management Plan for review and approval by DEH. The project would also be required to go through the DEH's Voluntary Assistance Program (VAP) (see Section F of this Mitigated Negative Declaration). With the implementation of the mitigation measure presented in Section F of this Mitigated Negative Declaration, the proposed project would not create a significant hazard to the public or the environment through the release or hazardous materials into the environment. Impacts would be less than significant.

Noise

A Noise Analysis Report was prepared by dBF Associates, Inc. (June 14, 2017) for the proposed project. This report is on file and available for review at the City of Chula Vista Development Services Department.

Project Impact

Construction of the project would generate a temporary increase in noise in the project area. Short-term noise impacts would be associated with grading and construction activities of the proposed project. Construction-related short term noise levels would be higher than existing ambient noise levels in the project area, but would no longer occur once construction is completed. Construction of the project would occur within the hours designated by the City of Chula Vista and City of San Diego Municipal Codes. Construction noise levels would be below the 75 dBA Leq (12 hour) sound level allowed by the City of San Diego Municipal Code. Project construction noise impacts to residences would be less than significant.

Operational noise sources associated with industrial park land uses typically include truck deliveries, loading dock activities, outdoor mechanical equipment, and maintenance activities such as parking lot sweepers and trash collection trucks. Other noise sources associated with these uses may include shop tools and forklifts. The noise levels generated by the project parcels would vary depending on the specific use. Variables include: size of equipment, location and orientation of equipment, and number and location of loading docks, parking areas, etc. Although the exact noise levels generated cannot be specifically quantified at this time because of the many variables involved, typical noise levels associated with these land uses generally range from approximately 50-75 dBA Leq at 50 feet. On-site project noise sources placed within Lots 2, 3, 4, 5, or 6 and closer than 75 feet from a project property line, could exceed City of Chula Vista Municipal Code noise limits at a residential land use. Without mitigation, the project would have the potential to generate noise levels in excess of established standards and result in a significant noise impact.

Approximately 12 acres (Lot A/PA 5) of this Specific Plan area are set aside for a future Community Park site. The primary noise source associated with a park is typically children yelling and playing in designated play areas. Based on sound level measurements of similar facilities, approximately 150 elementary-aged children playing produces approximately 62 dBA Leq at 55 feet from the edge of the play area. All primary park activities would occur at least 55 feet from the park boundary. Under the assumption that no more than 150 children would utilize any discrete area of the park at any given time, the park would produce a noise level of 65 dBA Leq or less at adjacent land uses. The park would comply with the City of Chula Vista Municipal Code daytime noise limits at all adjacent permitted land uses. Project-generated community park noise impact would be less than significant.

The proposed project would generate traffic along existing roadways in the project area. An analysis was conducted of the project's effect on traffic noise conditions at off-site land uses. Existing-without-project traffic noise levels were compared to existing-with-project traffic noise levels. Traffic noise modeling was used to estimate noise levels at general reference distance of 50 feet from the centerline of the nearest roadway. The addition of project traffic would increase noise levels by up to 1 dBA CNEL along all project roadway segments assessed. Sound level variations of less than 3 dBA are not detectable by the typical human ear. Project-generated traffic noise impacts at off-site land uses would be less than significant.

The southern project property line, which is the boundary between the cities of Chula Vista and San Diego, is also the boundary between the City of Chula Vista MSCP Preserve

(Preserve) and the City of San Diego MSCP area and MHPA. The sizes and locations of the project buildings, and the mechanical equipment plans, layouts, and operations are not yet known. However, noise associated with truck deliveries, loading dock activities (including trash compactors), outdoor mechanical equipment (such as air compressors, pumps, fans and cooling towers) and maintenance activities (such as parking lot sweepers and trash collection trucks) on Lots 9, 10, 11, and 12 have the potential to exceed 60 dBA Leq within the Preserve and result in a significant noise impact.

Construction related activities including clearing, grubbing, and construction on Lots 9, 10, 11 and 12 have the potential to exceed 60 dBA Leq within the Preserve and result in a significant noise impacts if performed during the breeding season of the least Bell's vireo (March 15 to September 15), California gnatcatcher (February 15 to August 15), or southern willow flycatcher (May 1 to August 31) and the birds are present. Significant noise impacts would not occur if construction was performed outside of the breeding season or if the birds were not present.

To mitigate for construction and operational noise impacts, as well as noise impacts to biological resources to below a level of significance, the mitigation measures listed in Section F of this Mitigated Negative Declaration would be implemented.

Transportation/Traffic

LOS Engineering, Inc. prepared a Traffic Impact Analysis for the proposed project (March 22 2017). This report is on file and available for review at the City of Chula Vista Development Services Department.

As part of the Traffic Impact Analysis, two trip generation rates were applied: a driveway rate for project access points and a cumulative rate (accounts for primary and diverted trips) that was applied for all other analyzed roadways. Based on project acreage, the project driveway volumes were calculated at 7,908 average daily traffic (ADT) with 658 morning (AM) peak hour trips and 857 evening (PM) peak hour trips. The cumulative traffic volumes were calculated at 6,414 ADT with 601 AM peak hour trips and 717 PM peak hour trips.

Based on the Traffic Impact Analysis, all of the study street segments were calculated to operate at LOS B or better and the intersections were calculated to operate and LOS D or better with no significant direct project impacts under existing conditions with project buildout. Under horizon year 2035 with project conditions, the study intersections were calculated to operate at LOS D or better, except for:

- 1) Intersection of Main Street/I-805 SB Ramps (LOS F AM & PM)
- 2) Intersection of Main Street/I-805 NB Ramps (LOS F PM)

Additionally, the study segments were calculated to operate at LOS C or better, except for four study segments of Main Street from Industrial/Hollister to I-805 (LOS D daily). The project is calculated to have cumulatively significant impacts to the aforementioned two intersections and to one segment on Main Street from Third Avenue to I-805.

Project Impact

The project has zero (0) direct impacts and three (3) cumulative impacts. Under horizon year with project conditions, the project is calculated to have cumulative impacts at:

- 1) Intersection of Main Street/I-805 SB Ramps (LOS F AM & PM)
- 2) Intersection of Main Street/I-805 NB Ramps (LOS F PM)
- 3) Segment of Main Street from Third Avenue to I-805 (LOS D)

To mitigate the four cumulatively significant horizon year impacts to below a level of significance, the mitigation measures listed in Section F of this Mitigated Negative Declaration would be implemented.

F. Mitigation Necessary to Avoid Significant Impacts

Biological Resources

1. To avoid any direct impacts to raptors and/or any migratory birds, 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 September 15). If removal of habitat on the proposed area of disturbance must occur during the breeding season, a qualified, City approved biologist shall conduct a preconstruction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The preconstruction survey must be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the reconstruction survey 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 is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's Mitigation Monitor shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.
2. For any work proposed during the least Bell's vireo or southern willow flycatcher nesting season (LBV: March 15 to September 15; SWF: May 1 to August 31), prior to initiating any construction related activities, including clearing, grubbing, grading and construction, a preconstruction survey shall be performed in order to determine the presence/absence of these species and extent of any occupied habitat. The preconstruction survey area for these species shall encompass all suitable habitats within the project work zone, as well as a 300-foot buffer. The preconstruction survey shall be performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the City of Chula Vista MSCP Subarea Plan. The results of the preconstruction survey must be submitted in a report to the Development Services Director (or their designee) for review and approval prior to initiating any construction activities. If the species are detected, a minimum 300-foot buffer delineated by orange biological fencing shall be established around the detected species to ensure that no work shall occur within the occupied habitat

during their respective nesting season and onsite noise reduction techniques have been incorporated, as appropriate. 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 preconstruction 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 preconstruction report.

3. Prior to the issuance of grading/development permits for the future park, additional Agency permitting and consultation would be required. The permitting agencies would be the USACE (404 nationwide permit) and RWQCB (401 certification). As part of site development as a light industrial, commercial business park, the avoided wetlands would be placed within an open space easement in Lot B, totaling 0.44 acre.
4. Impacts to the 1.66 acres of freshwater marsh would require mitigation and permitting consultation with ACOE/RWQCB. For this habitat type, the City mitigation requirements range from 1:1 to 2:1.
5. Impacts to the 0.17 acre of arundo scrub would require mitigation and permitting consultation with ACOE/RWQCB. For this habitat type, the City mitigation requirements range from 1:1 to 2:1.

Hazards and Hazardous Materials

1. Prior to City issuance of any grading plans for the site, the Project owner/permittee shall prepare a Soil Management Plan for review and approval by DEH as part of DEH's Voluntary Assistance Plan (VAP). The Soil Management Plan shall address soil conditions that might be encountered during site grading due to undocumented fill buried on the project site. If unsuitable material is encountered during excavation, the material shall be segregated, characterized, and disposed of in a manner acceptable to DEH.

Noise

1. In order to mitigate potential operational noise impacts to existing noise-sensitive land uses, concurrent with design review and prior to the approval of building permits for Lot 2, 3, 4, 5, or 6, each applicant shall be responsible for the preparation of a lot-specific analysis ensuring that noise from loading docks and outdoor mechanical equipment (trash compactors, air compressors, pumps, fans and cooling towers, etc.) comply with City of Chula Vista Municipal Code noise limits. The analysis must identify the noise source locations, noise levels, and noise control measures, as necessary, to demonstrate compliance with the noise limits in the City of Chula Vista Municipal Code and ensure that the appropriate measures are incorporated into the project lot plans. Noise control measures may include, but are not limited to, setbacks, sound walls, parapet walls, mechanical equipment enclosures, silencers and/or mufflers.

2. In order to mitigate potential operational noise impacts to biological resources, concurrent with design review and prior to the approval of building permits for Lots 9, 10, 11 and 12, each applicant shall be responsible for the preparation of a lot-specific noise analysis ensuring that noise from loading docks and outdoor mechanical equipment (trash compactors, air compressors, pumps, fans and cooling towers, etc.) does not exceed 60 dBA Leq at the boundary of the Preserve. The analysis must identify the noise source locations, noise levels, and noise control measures, as necessary, to demonstrate compliance with the MHPA 60 dBA Leq noise limit and ensure that the appropriate measures are incorporated into the project lot plans. Noise control measures may include, but are not limited to, setbacks, sound walls, parapet walls, mechanical equipment enclosures, silencers and/or mufflers.
3. The following measures would be implemented to mitigate potential impacts to migratory birds:
 - To avoid direct impacts to least Bell's vireo, California gnatcatcher, southern willow flycatcher and other migratory birds, construction related activities shall not be performed, including clearing, grubbing, grading and construction, between February 15 to September 15, unless absence of nesting activity is confirmed.
 - In order to mitigate construction noise, prior to initiating any construction related activities during the least Bell's vireo, California gnatcatcher or southern willow flycatcher breeding seasons, including clearing, grubbing, and grading, a preconstruction survey shall be performed to determine the presence/absence of these species and extent of any occupied habitat. The preconstruction survey area shall encompass all suitable habitats within the project work zone, as well as a 300-foot buffer. The preconstruction survey shall be performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the City of Chula Vista MSCP Subarea Plan. The results of the preconstruction survey must be submitted in a report to the Development Services Director (or their designee) for review and approval prior to initiating any construction activities.
 - If a nesting bird species is detected, a minimum 300-foot buffer delineated by orange biological fencing shall be established around the detected species to ensure that no work shall occur within the occupied habitat during their respective nesting season and onsite noise reduction techniques have been incorporated, as appropriate. 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 preconstruction survey determine that the survey area is unoccupied, the work may commence at the discretion of the Development Services Director (or their designee).
 - At least 10 days prior to the start of work, each applicant shall be responsible for the preparation of a lot-specific noise analysis ensuring that noise from construction does not exceed 60 dBA Leq at the boundary of the Preserve. The

analysis must identify the noise source locations, noise levels, and noise control measures, as necessary, to demonstrate compliance with the MHPA 60 dBA Leq noise limit and ensure that the appropriate measures are incorporated into the project construction plan.

Transportation/Traffic

1. To mitigate for horizon year cumulative intersection impact, the applicant would pay appropriate Western Transportation Development Impact Fees (WTDIF) because the project traffic comprises less than five percent of the total background volume. The WTDIF lists a project identified as “Facility I-806-2” that includes the widening of the Main Street undercrossing (beneath I-805) for an eastbound to northbound left turn lane. With the noted improvement, the intersection operations improve to LOS C and D at these two cumulative impact locations. The percentage of project traffic as compared to horizon year traffic for the intersections, along with the WTDIF mitigation LOS, are shown below.

| Cumulative Impact Location | Project Traffic Percentage (less than or greater than 5%) | WTDIF Facility I-805-2 LOS |
|--|--|--|
| 1) Intersection of Main Street/I-805 SB Ramp | AM project trips = 129; PM background trips = 3,410 (129/3,410 = 3.8%); therefore, less than 5% PM project trips = 133; PM background trips = 4,700 (133/4,700 = 2.8%); therefore, less than 5% | With noted WTDIF improvement, intersection operations improved to LOS C (AM) and LOS D (PM). |
| 2) Intersection of Main Street/I-805 NB Ramp | AM project trips = 47; PM background trips = 3,640 (47/3,640 = 1.3%); therefore, less than 5% PM project trips = 84; PM background trips = 5,270 (84/5,270 = 1.6%); therefore, less than 5% | With noted WTDIF improvement, intersection operations improved to LOS C (AM) and LOS D (PM). |

2. To mitigate for the horizon year cumulative segment impact, the applicant would pay appropriate WTDIF because the project traffic comprises less than five percent of the total background volume. The cumulative segment impact is no longer considered significant if the controlling ends of the segment are at acceptable LOS, which occurs with implementation of WTDIF I-805-2 as previously described. However, the WTDIF includes two projects on Main Street identified as “Facility RAS-17: Main Street Improvement from I-5 to I-805” and “Facility BP-4: Main Street bike lanes from Industrial Blvd to I-805”. The percentage of project traffic as compared to horizon year traffic for the segment and segment operations are shown below.

| Cumulative Impact Location | Project Traffic Percentage (less than or greater than 5%) | Segment Operations |
|---|---|--|
| 3) Segment of Main Street from 3 rd Ave to I-805 | Daily project trips = 1,395; daily background trips = 31,700 (1,395/31,700 = 4.4%); therefore, less than 5% | Segment LOS D is considered acceptable when the intersection LOS at Main Street/I-805 is acceptable as shown in TRAFFIC-1. |

3. In addition to the required cumulative mitigation noted above, the applicant would implement the following improvements to be secured and constructed to the satisfaction of the City Engineer:
 - a. Install a traffic signal at Main Street/Seventh Avenue (as identified in the Main Street Streetscape Master Plan approved by City Council on 9/22/15) to be completed with the development of the 2.94-acre commercial portion of the project fronting Main Street. This signal was identified in the Main Street Streetscape Master Plan; therefore, a fee credit reimbursement would be established to off-set the cost of this signal.
 - b. Construct Street A/Faivre Street (extension of Faivre Street) from Broadway to Fourth Avenue and extend Seventh Avenue to Street A/Faivre Street. All project roadways and intersections are to be constructed at one time – no phasing is proposed.
 - c. Install a traffic signal at Broadway/Street A/Faivre Street and close the existing driveway immediately across from Faivre Street (currently provides driveway access to Deseret Industries). Two new Deseret Industries’ driveways would be constructed on Street A/Faivre Street along their project frontage. All project roadways and intersections are to be constructed at one time – no phasing is proposed
 - d. Install an all-way stop control for Street A/Faivre Street and Seventh Avenue. All project roadways and intersections are to be constructed at one time – no phasing is proposed.
 - e. Install a traffic signal at Street A/Faivre Street/Fourth Avenue. All project roadways and intersections are to be constructed at one time – no phasing is proposed.
 - f. Improve the alley located along the northerly edge of Lots 1 and 2. Improvement details and limits are included on the civil plans. Alley improvements to be completed concurrent with Street A/Faivre Street improvements.

G. Agreement to Implement Mitigation Measures

By signing the line(s) provided below, the Applicant and Operator stipulate that they have each read, understood and have their respective company’s authority to and do agree to the mitigation measures contained herein, and will implement same to the satisfaction of the Environmental Review Coordinator. Failure to sign the line(s) provided below prior to posting of this Mitigated Negative Declaration with the County Clerk shall indicate the Applicant’s and Operator’s desire that the Project be held in abeyance without approval and that the Applicant and Operator shall apply for an Environmental Impact Report.

Charles J. Todd, COO October 27, 2017
Printed Name and Title of Applicant Date
(or authorized representative)

Charles J Todd, C.O.O. October 27, 2017
Signature of Applicant Date
(or authorized representative)

N/A _____
Printed Name and Title of Operator Date
(if different from Applicant)

N/A _____
Signature of Operator Date
(if different from Applicant)

H. Consultation

1. Individuals and Organizations

City of Chula Vista:

- Caroline Young, Development Planning Division
- Mark Caro, Land Development Division
- Tom Adler, Land Development Division
- Rima Thomas, Land Development Division
- David Kaplan, Land Development Division
- Roberto Yano, Waste Water/Engineering Division
- Jamal Naji, Waste Water/Engineering Division
- Frank Rivera, Public Works Division
- Darin Golden, Fire Department
- Cheryl Goddard, Advance Planning Division
- Dave McRoberts, Public Works Division
- Chris Bauer, Land Development Division
- Miguel Tapia, Development Planning Division

Others:

- Jason Mettler, Sweetwater Authority
- Luis Valdez, P.E., Sweetwater Authority

2. Documents

City of Chula Vista General Plan, Adopted December 13, 2015, Amended March 2015.

Otay River Business Park Specific Plan, prepared by Lightfoot Planning Group,
December 2016.

Biological Assessment Report for the Nelson Mine Redevelopment Project, prepared by Blue Consulting Group, October 16, 2017

Traffic Impact Analysis, prepared by LOS Engineering, Inc. March 22, 2017.

Noise Analysis Report Otay River Business Park Specific Plan, prepared by dBFA Associates, Inc., June 14, 2017.

Phase I and II Environmental Site Assessment Report, prepared by Geocon Inc., January 27, 2017.

3. Initial Study

This environmental determination is based on the attached Initial Study, any comments received on the Initial Study and any comments received during the public review period for this Mitigated Negative Declaration. The report reflects the independent judgment of the City of Chula Vista. Further information regarding the environmental review of this project is available from the Chula Vista Planning and Building Department, 276 Fourth Avenue, Chula Vista, CA 91910.

Steve Power
Principal Planner/Project Manager

Date: _____



Figure 1. Land Use Map



Figure 2. Mass Grading Plan

* This is a schematic illustration of the proposed grades. Detailed grading information is provided on the grading plans and TPM by K&S Engineering dated November 2016.



Figure 3. Preliminary Park Graphic

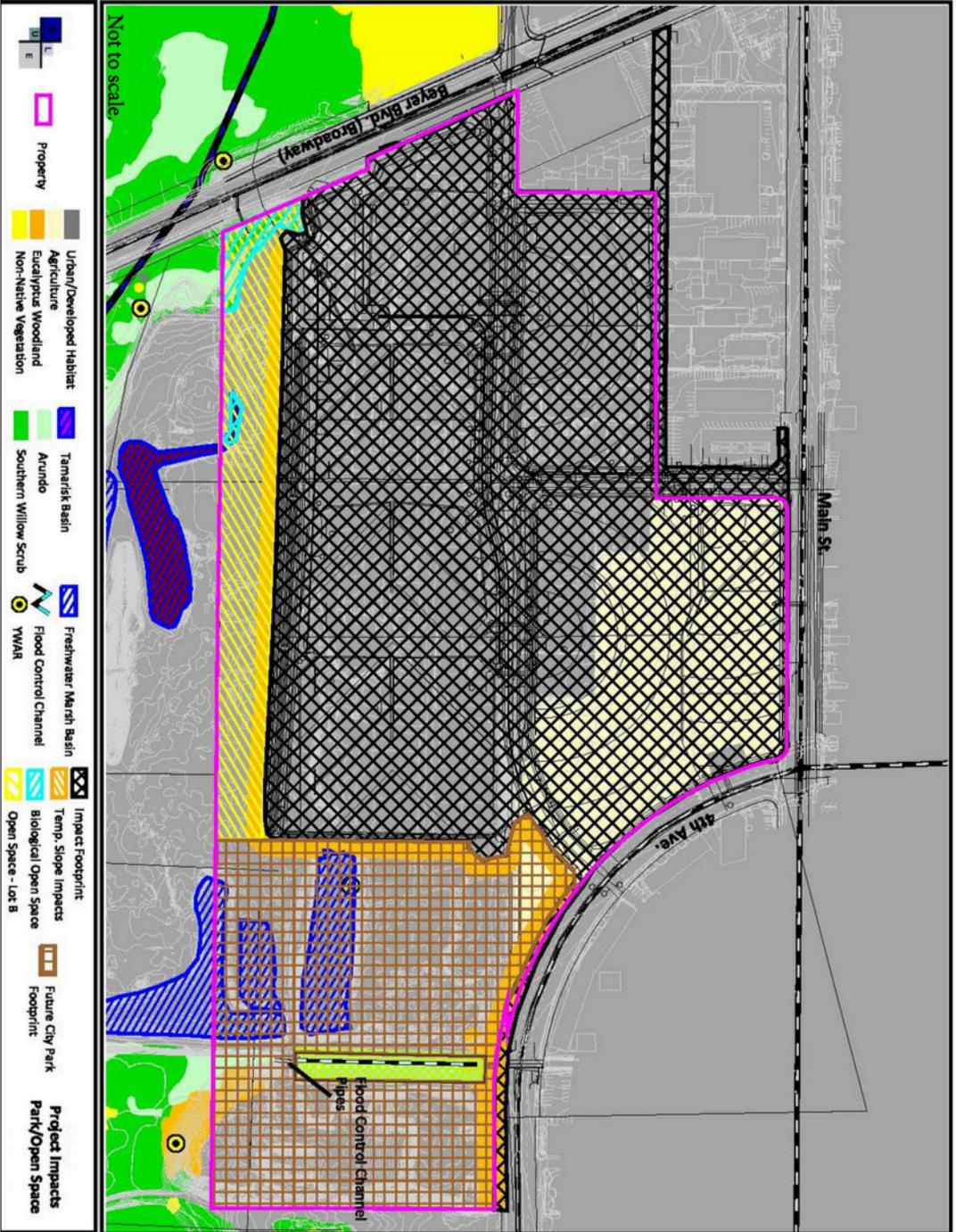


Figure 4. Vegetation Map

Table 1. Land Use Matrix

| P = Permitted CUP = Permitted with CUP --- = Prohibited | Planning Areas | | | | |
|---|--------------------|------------------------------|--------------------------|---|---------------------|
| | PA-1 Commercial | PA-2 Transitional Area | PA-3 Business Park | PA-4 Floodway and Habitat Area | PA-5 Future Park |
| Light Industry and Research | | | | | |
| Manufacture, research, assembly, repair, processing, and packaging of products from previously prepared materials. | P | P | P | --- | --- |
| Manufacture, processing, and packaging of food products, pharmaceuticals, or similar. | P | P | P | --- | --- |
| Research, testing, processing, packaging, and associated light manufacturing of biochemical and chemical materials, electronics, pharmaceuticals, medical equipment, medical and dental labs, and compatible products and materials. | P | P | P | --- | --- |
| Businesses engaged in the storage, warehousing, distribution, or wholesale sales of products similar to permitted Light Industry and Research products. | P | P | P | --- | --- |
| Other accessory uses associated with permitted light industry uses, such as but not limited to administration offices, incidental services, such as restaurants to serve employees when conducted on the premises, and other accessory uses customarily appurtenant to a permitted use. | P | P | P | --- | --- |
| Other light industry and research uses determined by the Zoning Administrator to be of the same general character as the above permitted uses | CUP | CUP | CUP | --- | --- |
| Services | | | | | |
| Medical, optical and dental laboratories, not including related products for general sale or distribution except as an accessory use. | P | P | P | --- | --- |
| Medical, optical, and dental offices and clinics. | P | P | --- | --- | --- |

Table 1. Land Use Matrix (cont.)

| P = Permitted CUP = Permitted with CUP --- = Prohibited | Planning Areas | | | | |
|--|--------------------|------------------------------|--------------------------|---|---------------------|
| | PA-1 Commercial | PA-2 Transitional Area | PA-3 Business Park | PA-4 Floodway and Habitat Area | PA-5 Future Park |
| Veterinarian offices or animal hospitals, subject to the provisions of CVMC 19.58.050. | P | P | P | --- | --- |
| Veterinarian offices or animal hospitals with outdoor facilities for large animals, subject to the provisions of CVMC 19.58.050. | CUP | CUP | CUP | --- | --- |
| Administrative, business or professional offices. | P | P | P | --- | --- |
| Financial offices such as banks and similar, real estate services, and other financial services. | P | P | --- | --- | --- |
| Blueprinting, copy services, photographic services, printing, publishing. | P | P | P | --- | --- |
| Specialized studios for arts and crafts, photography, music, dance, art galleries, and similar, in accordance with the provisions of CVMC 19.58.220. | P | P | --- | --- | --- |
| Personal care services, such as barbershop and beauty salons and similar. | P | --- | --- | --- | --- |
| Automobile service stations, subject to the provisions of CVMC 19.58.280, and car washes subject to the provisions of CVMC 19.58.060. | CUP | CUP | CUP | --- | --- |
| Automobile minor maintenance and repair | CUP | P | --- | --- | --- |
| Automobile major repair centers | --- | CUP | P | | |
| Health or athletic clubs, sports and health classes and clinics, and other businesses of the same character. | P | P | --- | --- | --- |
| Commercial recreation facilities such as bowling alleys and skating rinks, subject to CVMC 19.58.040. | --- | --- | --- | --- | --- |
| Commercial recreation facilities, outdoor. | --- | --- | --- | --- | --- |
| Social or fraternal organizations subject to the provisions of CVMC 19.58.100 | --- | --- | --- | --- | --- |
| Hotels, motels, and similar uses. | --- | --- | --- | --- | --- |

Table 1. Land Use Matrix (cont.)

| P = Permitted CUP = Permitted with CUP --- = Prohibited | Planning Areas | | | | |
|---|--------------------|------------------------------|--------------------------|---|---------------------|
| | PA-1 Commercial | PA-2 Transitional Area | PA-3 Business Park | PA-4 Floodway and Habitat Area | PA-5 Future Park |
| Other service and office uses determined by the Zoning Administrator to be of the same general character as the above permitted uses. | CUP | CUP | CUP | --- | --- |
| Commercial Retail | | | | | |
| Retail commercial businesses. | P | --- | --- | --- | --- |
| Coin-operated laundry, with maximum capacity washing units of 20 pounds and comparable drying equipment, and dry-cleaners. | P | --- | --- | --- | --- |
| Building material retail sales and equipment rental. | P | P | P | --- | --- |
| Plant nurseries and the sale of related items. | P | P | P | --- | --- |
| Other commercial uses determined by the Zoning Administrator to be of the same general character as the above permitted uses. | CUP | CUP | CUP | --- | --- |
| Commercial, Food Services | | | | | |
| Grocery, general or specialty (such as bakery products, produce, meat, bread), with or without associated delicatessen. | P | --- | --- | --- | --- |
| Restaurants, delicatessens, coffee shops, and similar uses with associated seating. | P | P | --- | --- | --- |
| Fast food or similar uses with drive-through lanes. Limited to 3 drive-through establishments within the Specific Plan. | CUP | --- | --- | --- | --- |
| Drive-in restaurants where food is ordered from and consumed in the parked car on the premises. | CUP | --- | --- | --- | --- |
| Tasting Room, only as an accessory use to on-site brewery or distillery, or social or fraternal organization. | P | P | P | --- | --- |
| Liquor store (package, off-sale only), in accordance with the procedures of CVMC 19.58.340. | CUP | --- | --- | --- | --- |
| Bars, tasting rooms not associated with on-site brewery or distillery, and cocktail lounges. | CUP | CUP | --- | --- | --- |

Table 1. Land Use Matrix (cont.)

| P = Permitted CUP = Permitted with CUP --- = Prohibited | Planning Areas | | | | |
|---|--------------------|------------------------------|--------------------------|---|---------------------|
| | PA-1 Commercial | PA-2 Transitional Area | PA-3 Business Park | PA-4 Floodway and Habitat Area | PA-5 Future Park |
| Restaurants with dance floors or areas designated for live entertainment, and night clubs. | P | CUP | --- | --- | --- |
| Other food service uses determined by the Zoning Administrator to be of the same general character as the above permitted uses. | CUP | CUP | --- | --- | --- |
| Other | | | | | |
| Open Space without permanent structures, subject to the provisions of CVMC 19.50 Flood Zone Regulations. | --- | --- | --- | P | P |
| Public park with related structures such as restrooms, play areas, athletic fields, courts and similar recreational uses with associated seating, parking, lighting, and landscaping. | --- | --- | --- | --- | P |