

RESOLUTION NUMBER R- 313735

DATE OF FINAL PASSAGE OCT. 05 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT ADDENDUM NO. 597523 TO ENVIRONMENTAL IMPACT REPORT NO. 169653/SCH NO. 2010121014 FOR THE TIJUANA CROSS BORDER AMENDMENT PROJECT NO. 597523.

WHEREAS, on November 25, 2008, Otay Tijuana Venture, LLC submitted an application to Development Services Department for a GENERAL PLAN/COMMUNITY PLAN AMENDMENT, PLANNED DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT, VACATION OF PUBLIC-RIGHT-OF-WAY, TENTATIVE MAP (TM), for the Otay-Tijuana Cross Border Facility Development project (Project); and

WHEREAS, on January 10, 2012 the City Council adopted Resolution No. R-307234 certifying Environmental Impact Report No. 169653/SCH No. 2010121014, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on April 23, 2018, Otay Tijuana Venture, LLC submitted an application to the Development Services Department for a GENERAL PLAN/COMMUNITY PLAN AMENDMENT, PLANNED DEVELOPMENT PERMIT, and TENTATIVE MAP to amend the Otay-Tijuana Cross Border Facility Development project (Project); and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Environmental Impact Report if such Addendum meets the requirements of CEQA; and

BE IT RESOLVED, by the City Council of the City of San Diego as follows:

1. That the information contained in the final Environmental Impact Report No. 169653/SCH No. 2010121014 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report No. 169653/SCH No. 2010121014 for the Project.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report No. 169653/SCH No. 2010121014 or that any significant

effects previously examined will be substantially more severe than shown in the Environmental Impact Report No. 169653/SCH No. 2010121014.

4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.

5. That pursuant to State CEQA Guidelines section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum No. 597523 to Environmental Impact Report No. 169653/SCH No. 2010121014 with respect to the Project, a copy of which is on file in the office of the Development Services Department.

6. That pursuant to CEQA section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

7. That City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc
09/14/2021
10/04/2021 COR. COPY
Or.Dept:DSD
CC No.: N/A
Doc. No.: 2758474

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

VACATION OF PUBLIC RIGHT-OF-WAY TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP) AMENDMENT, GENERAL PLAN/COMMUNITY PLAN AMENDMENT (CPA)

PROJECT NO. 597523

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to Environmental Impact Report No. 169653/SCH No. 2010121014 shall be made conditions of General Plan/Community Plan Amendment No. 2120327, Tentative Map No. 2542691 (including a Public Right-of-Way Vacation), and Planned Development Permit No. 2538300 as may be further described below.

VI. MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP) INCORPORATED INTO THE PROJECT

The Tijuana Cross Border Amendment project shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program of the previously certified EIR No. 169653/SCH No. 2010121014. The Otay-Tijuana Cross Border Facility Development Project EIR listed mitigation measures required for **Transportation/Circulation, Noise, Paleontological Resources, and Biological Resources**. The project site has been fully graded in accordance with VTM No. 609579. The CBX Facility has been constructed in the southwest corner of the project site; permanent surface parking has been constructed north and east of the CBX Facility on building lots 1-7, 9, and 10; the remainder of the lots have been graded but are not yet developed. Mitigation measures outlined in the MMRP for the Otay-Tijuana Cross Border Facility Development Project EIR relating to **Paleontological Resources and Biological Resources** have been fully implemented. **Noise** mitigation measures have been implemented for portions of the Otay-Tijuana Cross Border Facility Development Project that have been constructed. Noise mitigation presented in the Otay-Tijuana Cross Border Facility Development Project EIR would apply to any portions of the Otay-Tijuana Cross Border Facility Development Project which have not yet been constructed. Mitigation measures related to **Transportation/Circulation** outlined in the Otay-Tijuana Cross Border Facility Development Project EIR MMRP for Phase I have also been fully implemented, except for mitigation measures Tra-1, Tra-3, Tra-5, Tra-6, and Tra-8, which have been deferred via a City-approved Deferred Improvement Agreement No. 1048213 until prior to issuance of the first building permit for CBX Facility Phase 2 development.

In addition to deferred mitigation measures Tra-1, Tra-3, Tra-5, Tra-6, and Tra-8, the proposed Tijuana Cross Border Amendment project requires implementation of transportation/circulation mitigation measures associated with Phases 2 and 3 of the Otay-Tijuana Cross Border Facility Development Project. Additionally, as addressed in the 2019 TIS for the Tijuana Cross Border Amendment project, the proposed one-way circulation of the private CBX Facility streets would require installation of a traffic signal during Phase 2 of the project's construction, which is earlier than identified in the previously approved 2011 TIS. Additional turn lanes would be required for two intersections when compared to the 2011 TIS for Phase 3 of project construction. Therefore, the following mitigation measures specifically apply to the Tijuana Cross Border Amendment project.

A summary of Transportation/Circulation mitigation measures included in the Otay-Tijuana Cross Border Facility Development Project EIR and required as part of the proposed Tijuana Cross Border Amendment project is outlined below:

Otay-Tijuana Cross Border Facility Development Project

The Owner/Permittee shall be fully responsible for all mitigation measures under the Phase 2 and any Proposed Project scenario prior to issuance of any building permits beyond Phase 1, in addition to all mitigations required under Phase 1.

Intersections. The Owner/Permittee shall perform the following mitigation measures to mitigate the project's Phase 2 significant direct impacts to intersections to below a level of significance.

Tra-9 Caliente Avenue/Otay Mesa Road: Prior to issuance of any construction permit for development in excess of 13,683 ADTs, the Owner/Permittee shall assure by permit and bond the widening of the east side of Caliente Avenue to construct an additional northbound exclusive right-turn lane at the intersection of Caliente Avenue/Otay Mesa Road, satisfactory to the City Engineer.

Roadway Segments. The Owner/Permittee shall perform the following mitigation measures to reduce the project's Phase 2 significant direct traffic impacts to below a level of significance:

Tra-12 Siempre Viva Road between Britannia Boulevard and Las Californias Drive: Prior to issuance of any construction permit for development in excess of 13,683 ADTs, the Owner/Permittee shall assure by permit and bond the widening of Siempre Viva Road between Otay Pacific Drive and Las Californias Drive to provide a four-lane collector without a two-way left turn lane, satisfactory to the City Engineer.

Tra-16 Airway Road between Caliente Avenue and Old Otay Mesa Road: Prior to issuance of any construction permit for development in excess of 13,683 ADTs, the Owner/Permittee shall assure by permit and bond the widening of Airway Road between Caliente Avenue and Old Otay Mesa Road to a four-lane collector arterial, satisfactory to the City Engineer.

Tra-17 Otay Mesa Road between SR-125 southbound ramp and La Media Road: Prior to issuance of any construction permit for development in excess of 13,683 ADTs, the Owner/Permittee shall assure by permit and bond the widening of the south side of Otay Mesa Road between SR-125 southbound ramp and La Media Road to provide a six-lane major arterial, satisfactory to the City Engineer.

The following mitigation measure shall be implemented by the project as each lot of the project builds out.

Tra-86 For each development proposed within the project, the Owner/Permittee shall submit to the City a Tracking Table that provides a summary of total ADT generated, AM peak hour in, AM peak hour out, PM peak hour in, and PM peak hour out to allow for a flexible development program while ensuring that the total ADT and peak hour thresholds for the project are not exceeded. Should the buildout of the project result in an excess of any of the above trip thresholds, an amendment to this permit, or further traffic analysis demonstrating that no new significant traffic impacts would result, shall be completed by the Owner/Permittee.

The Tijuana Cross Border Amendment project would require the following modifications to mitigation measures to accommodate the proposed one-way travel on Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive:

ATra-1 Otay Pacific Drive between Siempre Viva Road and Otay Pacific Place: Prior to issuance of any construction permit for development in excess of 13,683 ADT, the Owner/ Permittee shall restripe Otay Pacific Drive, from Siempre Viva Road and Otay Pacific Place with 60 feet curb-to-curb (10-foot parallel parking, two-foot buffer, six-foot Class II bicycle lane, 12-foot southbound travel lane, 12-foot southbound travel lane, 18-foot angled parking) within 80 feet of right-of-way and provide curb, gutter, and a minimum 5.5-foot contiguous sidewalk within a 10-foot curb-to-property line distance on both sides, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

ATra-2 Otay Pacific Place: Prior to issuance of any construction permit for development in excess of 13,683 ADT, the Owner/ Permittee shall restripe Otay Pacific Place between Otay Pacific Drive and Las Californias Drive with 70 feet curb-to-curb (20-foot angled parking, 16-foot eastbound travel lane, 16-foot eastbound travel lane with a marked Class III shared bicycle facility, and 20-foot angled parking) within 94 feet of right-of-way and provide curb, gutter, and five-foot non-contiguous sidewalk within a 14-foot curb-to-property line distance on the south side, and a five and a half-foot contiguous sidewalk within a 10-foot curb-to-property distance on the north side, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

ATra-3 Las Californias Drive between Otay Pacific Place and Siempre Viva Road: Prior to issuance of any construction permit for development in excess of 13,683 ADT, the Owner/ Permittee shall restripe Las Californias Drive between Otay Pacific Place and Siempre Viva Road with 44 feet curb-to-curb (18-foot angled parking, 12-foot northbound travel lane, 14-foot northbound travel lane with a marked Class III shared bike facility) within 64 feet of right-of-way and provide curb, gutter, and 5.5-foot contiguous sidewalk within a 10-foot curb-to-property line distance on both sides, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

ATra-4 Intersection #1 – Otay Pacific Drive/Siempre Viva Road: Prior to issuance of any construction permit for development in excess of 24,652 ADTs, the Owner/Permittee shall install dual westbound left-turn lanes at the intersection of Otay Pacific Drive/Siempre Viva Road, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 3.

ATra-5 Intersection #2 – Las Californias Drive/Siempre Viva Road: Prior to issuance of any construction permit for development in excess of 13,683 ADTs, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal Intersections at the intersection of Las Californias Drive/Siempre Viva Road, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 2.

Atra-6 Intersection #3 – Otay Pacific Drive/Otay Pacific Place: Prior to issuance of any construction permit for development in excess of 24,652 ADTs, the Owner/Permittee shall install dual southbound left-turn lanes at the intersection of Otay Pacific Drive/Otay Pacific Place, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 3.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Passed by the Council of The City of San Diego on OCT 05 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT, 05 2021.

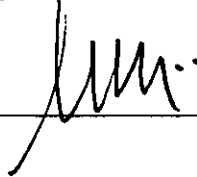
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313735