

5.6 Land Use

This section provides an inventory of existing and designated land uses, including agricultural uses, in the vicinity of the Chula Vista Energy Upgrade Project (CVEUP). For the purposes of this analysis, the affected environment study area is defined as those areas within 1 mile of the existing MMC Chula Vista Power Plant property, within the boundaries of which the proposed project will be sited. Section 5.6.1 describes the environment that could be affected, including existing agricultural uses. Section 5.6.2 identifies potential environmental consequences, if any, from project development. Section 5.6.3 discusses potential cumulative effects. Section 5.6.4 discusses possible mitigation measures. Section 5.6.5 presents the laws, ordinances, regulations, and standards (LORS) applicable to land use. Section 5.6.6 describes the required permits. Section 5.6.7 lists the state and local agencies involved in permitting the project and provides agency contacts. Section 5.6.8 provides the references used to develop this section.

5.6.1 Affected Environment

5.6.1.1 Existing Land Uses within the Study Area

The proposed 3.8-acre project site is located within the city of Chula Vista (City) in southern San Diego County, California. The power plant site is located in Chula Vista's Main Street Industrial Corridor and is zoned for industrial use. There are two alternative construction laydown and worker parking areas for the project: (1) a currently vacant, 5.0-acre former pallet storage yard immediately south and west of the project site; (2) a 2.75-acre parcel currently used for construction laydown at 2000 Heritage Road (APN 644-050-11-00), 3.4 miles east of the CVEUP site. Both of the laydown areas are located in Chula Vista. Both parcels are currently undeveloped land. The project study area, which includes areas located within 1 mile of the site, also extends into San Diego.

The proposed project site is currently occupied by a 44.5-megawatt peaking-power plant approved by the City in 2000 and purchased by MMC in 2006. The existing facility, which occupies the southern portion of the project site, consists of a simple-cycle combustion turbine and operational equipment, including gas compressors, a gas let-down station, a generator step-up transformer, electrical switchgear, a control room and control system, a lube oil system, and an ammonia storage and delivery system.

The site is set back from the south side of Main Street approximately 835 feet, with access provided via a private easement located on the adjacent property to the east and along the eastern edge of the CVEUP site. This easement also provides access to employee parking for newly constructed industrial buildings immediately east of the project site.

Existing uses adjacent to the proposed project site include light industrial/ commercial businesses directly to the west, a commercial warehouse directly to the east, a salvage yard directly to the north (between the project site and Main Street), and the Otay Valley Regional Park directly to the south (within the San Diego city limits). The closest residential uses are located approximately 350 feet to the west of the project site. One of the two parcels proposed as potential laydown areas is vacant land, and the other is currently used as a construction laydown area.

There are ten schools within a 1-mile radius of the project site. Figure 5.6-1 shows the names and locations of the schools.

The Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation (CDC) provides statistics on conversion of farmland to nonagricultural uses for San Diego County where the CVEUP site is located (CDC, 2005). In 2004, San Diego County had approximately 210,763 acres of Important Farmlands (including Prime Farmland, Farmland of Statewide and Local Importance and Unique Farmlands) and an additional 107,327 acres of grazing land. In the period between 2002 and 2004, Important Farmlands had shown a net decrease of almost 3,153 acres (1.5 percent) within the county. A review of the “Important Farmlands” mapping by the FMMP shows that the project site and surrounding areas are designated as “Urban and Built-Up Land.”

While not designated for agricultural use, one area was observed during field visits to the site and surrounding area that is currently being used for crop cultivation. This small area, located to the west of the project site along Main Street, is currently being used for the cultivation of strawberries. There is no land within one mile of the project site that is listed or mapped as classified farmland.

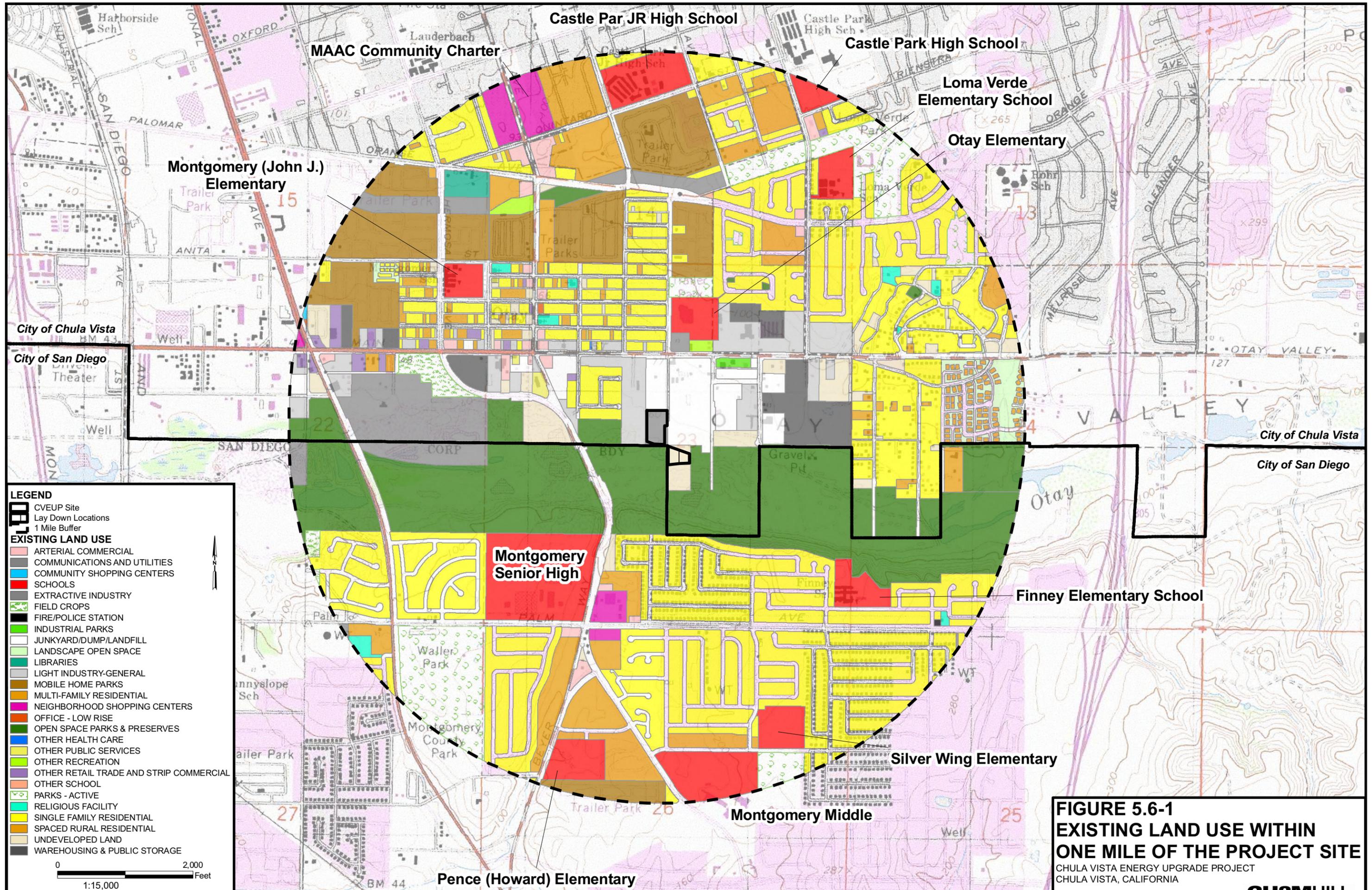
Figure 5.6-1 shows existing land uses within 1 mile of the project site, including sensitive receptors, such as residential uses and schools. Figure 5.6-2 shows the General Plan Designations within one mile of the project site. Figure 5.6-3 shows the zoning designations within one mile of the project site.

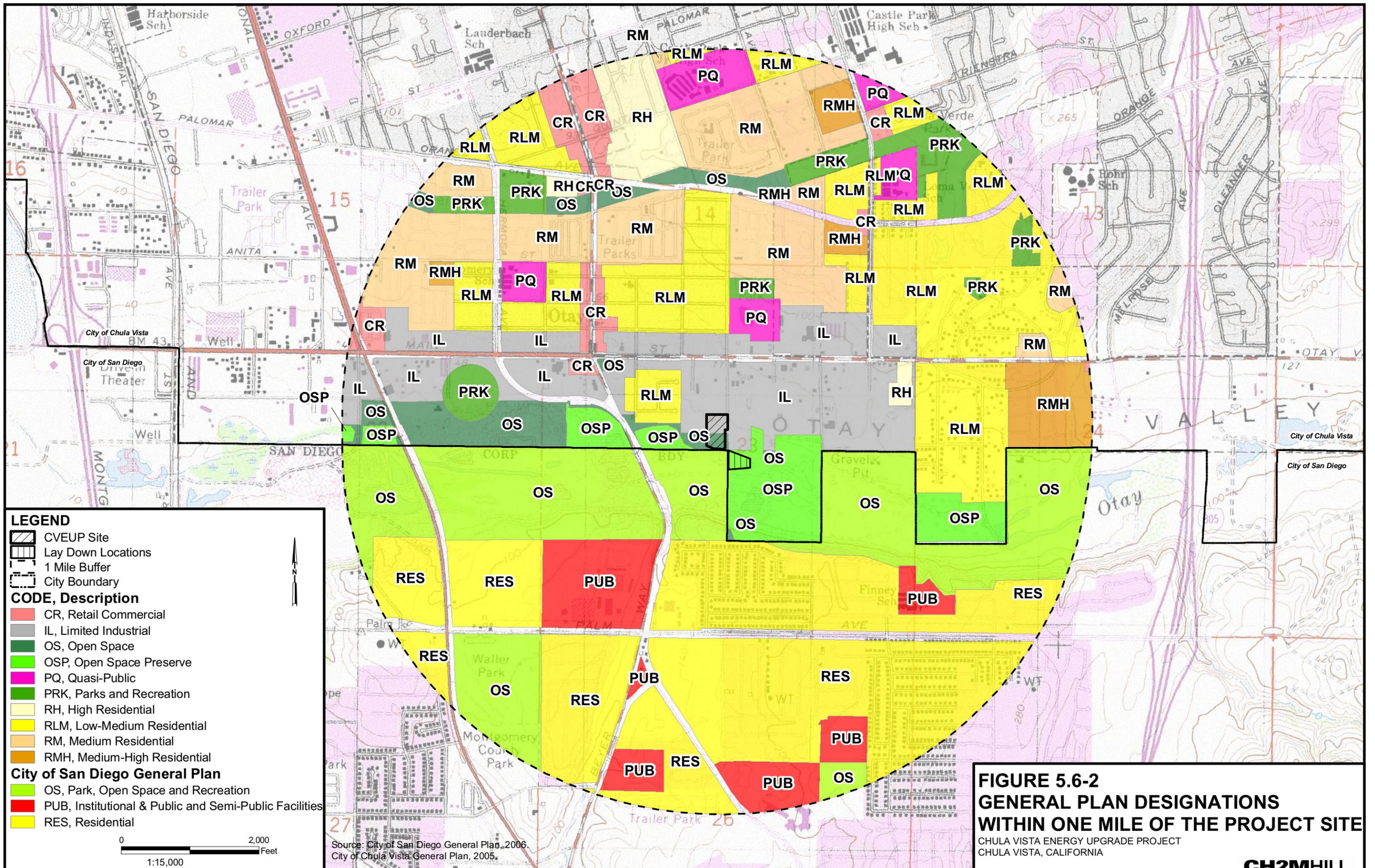
5.6.1.2 Current Land Use Plans for the Study Area

Plans and policies governing physical development within the project study area include the City of Chula Vista General Plan and Zoning Ordinance, the City of San Diego General Plan and Zoning Ordinance, the Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan, and the Otay Valley Regional Park Concept Plan. A Redevelopment Plan for the Southwest Area of Chula Vista also exists; however, the plan is currently out of date and will be replaced in the near term with the Southwest Specific Plan (Piece, 2007, personal communication). Project conformity with current land use plans, policies and regulations is addressed in greater detail in Section 5.6.5.

5.6.1.3 General Plan Land Use Designations within the Study Area

Land use provisions included in every California city and county general plan (California State Planning Law, Government Code §65302 et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction. For purposes of this Application for Certification (AFC), the project is analyzed in terms of its conformity with land use designations and policies described in the general plans of the cities within which the project study area falls. This includes the cities of Chula Vista and San Diego.





LEGEND

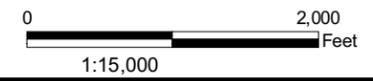
- CVEUP Site
- Lay Down Locations
- 1 Mile Buffer
- City Boundary

CODE, Description

- CR, Retail Commercial
- IL, Limited Industrial
- OS, Open Space
- OSP, Open Space Preserve
- PQ, Quasi-Public
- PRK, Parks and Recreation
- RH, High Residential
- RLM, Low-Medium Residential
- RM, Medium Residential
- RMH, Medium-High Residential

City of San Diego General Plan

- OS, Park, Open Space and Recreation
- PUB, Institutional & Public and Semi-Public Facilities
- RES, Residential



Source: City of San Diego General Plan, 2006.
City of Chula Vista General Plan, 2005.

**FIGURE 5.6-2
GENERAL PLAN DESIGNATIONS
WITHIN ONE MILE OF THE PROJECT SITE**
CHULA VISTA ENERGY UPGRADE PROJECT
CHULA VISTA, CALIFORNIA

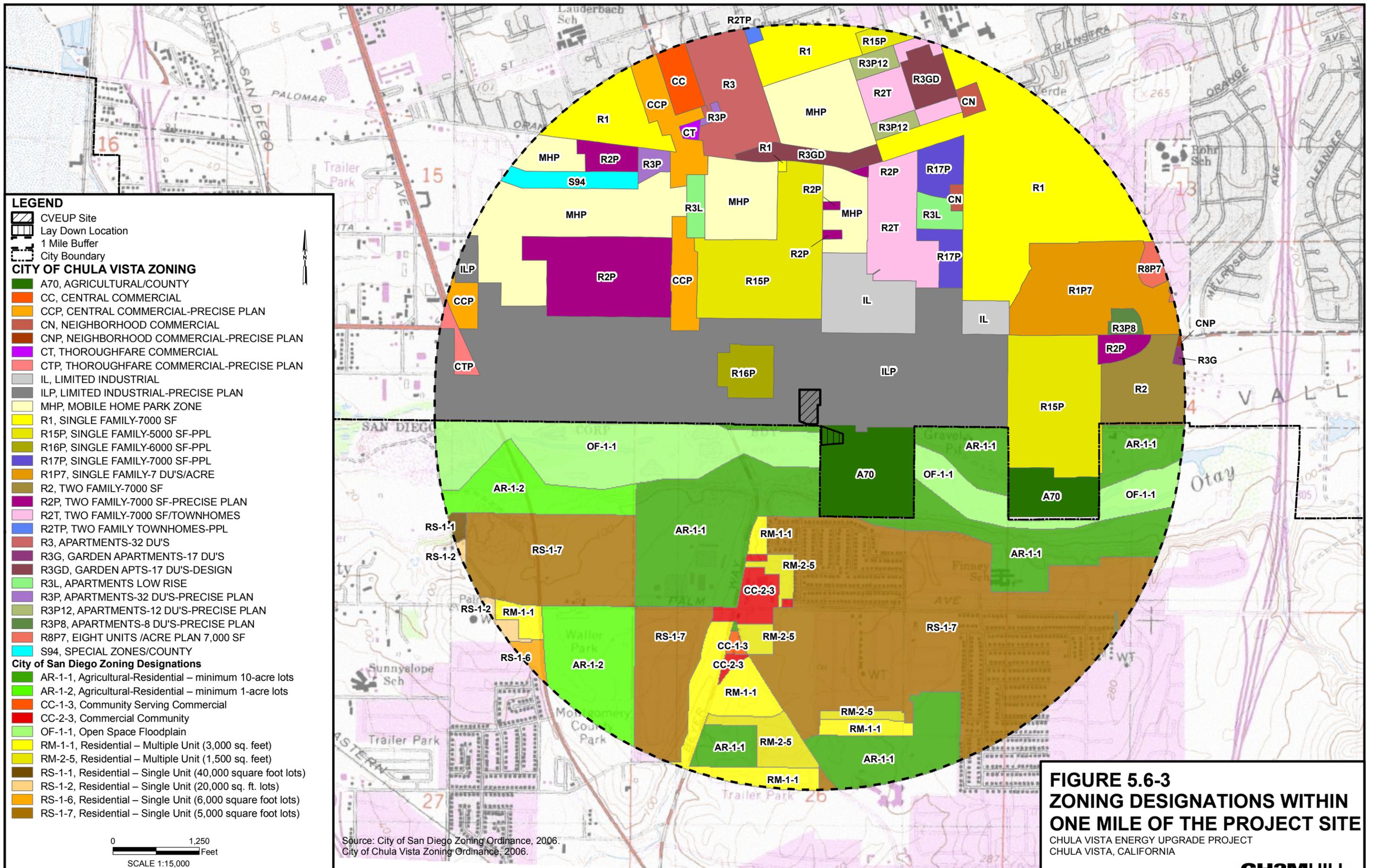


FIGURE 5.6-3
ZONING DESIGNATIONS WITHIN
ONE MILE OF THE PROJECT SITE
 CHULA VISTA ENERGY UPGRADE PROJECT
 CHULA VISTA, CALIFORNIA

Source: City of San Diego Zoning Ordinance, 2006.
 City of Chula Vista Zoning Ordinance, 2006.

The project site is located in the City of Chula Vista Southwest Planning Area. As described in the City of Chula Vista General Plan, this planning area consists of approximately 5,753 acres, and is generally bounded on the north by L Street, on the south by the Otay River, on the east by Interstate 805, and on the west by the San Diego Bay. Within the Southwest Planning Area, the site is situated within the Main Street District. The Main Street District, which extends between Interstate 5 and Interstate 805, is predominantly an industrial corridor, which functions as a commercial-industrial service area and interfaces with the Otay Town residential neighborhoods north of Main Street and with the Otay River Valley open space area to the south. The Main Street District is the focus of limited industrial uses within western Chula Vista. Limited industrial uses, such as manufacturing, warehousing, and auto repair, extend within previously disturbed development areas south of Main Street to the edge of the Otay River Valley open space. Design standards for this district encourage protection of adjacent residential uses.

City of Chula Vista General Plan land use designations for parcels located within 1 mile of the project site include: Limited Industrial; Retail Commercial; High, Low-Medium, Medium, and Medium-High Residential; Open Space; Open Space Preserve; Parks and Recreation; and Quasi-Public. The 1-mile radius around the project site extends to the south into the City of San Diego's Otay Mesa-Nestor Planning Area. General Plan land uses within the city of San Diego portion of the project study area consist of Residential, Institutional and Public and Semi-Public Facilities, and Park, Open Space, and Recreation.

The project site is designated in the City of Chula Vista General Plan as Limited Industrial. The Limited Industrial designation is intended for light manufacturing; warehousing; auto repair; auto salvage yards; and flexible use projects that combine these uses with associated office space. The floor area ratio (FAR) for this land use category ranges from 0.25 to 0.5. The existing power plant is consistent with this General Plan designation. The City of Chula Vista General Plan land use designation for both of the two proposed laydown areas is Open Space Preserve. Table 5.6-1 lists General Plan designations within one mile of the project site.

TABLE 5.6-1
General Plan Land Use Designations and Allowable Uses Within a 1-mile Radius of the Project Site

Land Use Designation	Allowable Uses
City of Chula Vista	
Limited Industrial	Light manufacturing, warehousing, auto repair, auto salvage yards, and flexible use projects that combine these uses with associated office space. FAR ranges from 0.25 to 0.5.
Retail Commercial	Allows a range of retail shopping services, including neighborhood, community and regional shopping areas. The category may include limited thoroughfare retail and automobile-oriented services. FAR ranges from 0.25 to 0.75.

TABLE 5.6-1
General Plan Land Use Designations and Allowable Uses Within a 1-mile Radius of the Project Site

Land Use Designation	Allowable Uses
Residential (Low-Medium, Medium-High, High)	<p><i>Low-Medium Density:</i> Maximum density of 6 dwelling units per acre, consisting primarily of detached single-family dwellings on medium-sized lots.</p> <p><i>Medium Density:</i> Maximum density of 11 dwelling units per acre, consisting of small-lot detached single-family homes, duplexes, triplexes, garden apartments, planned developments, and townhomes.</p> <p><i>Medium-High Density:</i> Maximum density of 18 dwelling units per acre, allowing for moderate-density apartments, townhomes, condominiums, and planned unit developments.</p> <p><i>High Density:</i> Maximum density of 27 dwelling units per acre, accommodating higher-intensity multiple-family dwellings where adequate support infrastructure exists. Housing units typically consist of apartments, planned unit developments, condominiums, and townhomes.</p>
Open Space	<p>Intended for lands to be protected from urban development, including floodplains, canyon, mountain, and agricultural uses. May include lands in natural condition or provide scenic vistas, or areas to be set aside that have potential exposure to hazards such as earthquakes, landslides, fires, floods, erosion, or high levels of roadway noise. Passive recreation uses, such as trails, staging areas, scenic overlooks, and picnic areas may occur within these areas.</p>
Open Space Preserve	<p>Intended for areas designated within the Chula Vista MSCP Subarea Plan for the permanent conservation of biological resources.</p>
Public/Quasi-Public	<p>Includes existing areas used by schools, churches, hospitals, civic centers, fire stations, and libraries.</p>
Parks and Recreation	<p>Intended for parks, sports fields, playgrounds, golf courses, and other passive and active recreation uses. May also include community centers and urban parks.</p>
City of San Diego	
Park, Open Space, and Recreation	<p>Open Space: Applies to land or water areas generally free from development of developed with very low-intensity uses that respect natural environmental characteristics. Open Space is generally non-urban in character and may have utility for: park and recreation purposes, primarily passive; conservation of land, water, or other natural resources; or historic or scenic purposes.</p>
Institutional and Public and Semi-Public Facilities	<p>Provides a designation for uses that are identified as public or semi-public facilities in the community plan and which offer public and semi-public services to the community. Uses may include but are not limited to: airports, military facilities, community colleges, university campuses, landfills, communication and utilities, transit centers, water sanitation plants, schools, libraries, police and fire facilities, cemeteries, post offices, hospitals, park-and-ride lots, government offices and civic centers.</p>

TABLE 5.6-1
General Plan Land Use Designations and Allowable Uses Within a 1-mile Radius of the Project Site

Land Use Designation	Allowable Uses
Residential	Very Low – Single-family (0-4 dwelling unit per acre [du/ac])
	Low – Single-family and multi-family (5-9 du/ac)
	Low Medium – Single-family and multi-family (10-14 du/ac)
	Medium – Single-family and multi-family (15-29 du/ac)
	Medium High – Multi-family (30-44 du/ac)
	Very High – Multi-family (45-74 du/ac)

5.6.1.4 Zoning Designations within the Study Area

The zoning ordinance is a regulatory tool used to implement the General Plan. It defines zones that dictate permitted uses as well as design requirements such as setbacks and height limits. The city zoning ordinances are enforced by their respective planning and building departments.

The project site is zoned I-L (Limited Industrial) by the City of Chula Vista. Allowable activities within this zone include, but are not limited to manufacturing, wholesale businesses, storage and warehousing, laboratories, electrical substations and gas regulator stations, car washing establishments, and other manufacturing uses determined by the Planning Commission to be of the same general character as other uses in the area. The zoning designations for the two alternative laydown areas are A-70 (Agricultural/County) for the laydown area near the CVEUP site, and RS-1-14 (Single Family Residential) for the laydown area that is 3 miles from the site

The zoning designations for land that is within a 1-mile radius of the project site are listed in Table 5.6-2. The distribution of the zoning relative to the project site is shown in Figure 5.6-3.

TABLE 5.6-2
Zoning Designations and Allowable Activities Within a 1-mile Radius of the Project Site

Zoning Designation	Allowable Uses
City of Chula Vista	
I-P	General Industrial / Precise Plan: permits manufacturing, processing, assembling, research, wholesale or storage uses which are of the same character; accessory uses also permitted; other uses allowable subject to conditional use permit. P District requires that the use of land and buildings, including height, setbacks and open areas be developed in accordance with the approved precise plan. The plan will take precedence over the restrictions of the underlying zone.

TABLE 5.6-2
Zoning Designations and Allowable Activities Within a 1-mile Radius of the Project Site

Zoning Designation	Allowable Uses
I-L/I-L-P	<p>Limited Industrial: Permits manufacturing, printing, assembling, processing repairing, or packaging of products from previously prepared materials, as well as wholesale and warehousing, storage yards, minor auto repair, and manufacture of food products. Accessory uses such as offices, restaurants, and incidental services to serve employees and retail sales of products produced on the site. Other uses subject to a conditional use permit such as machine shops, restaurants, major auto repair, service stations, synthetics manufacturing and trucking terminals. (min. lot size = 10,000 square feet [ft²]); Precise plan takes precedence over restrictions of the underlying zone.</p>
A-8	<p>Agricultural (min. lot size 8 acres): permits agricultural uses, single-family dwellings and accessory uses such as stables, public and private noncommercial recreational facilities. Other uses allowable subject to conditional use permit.</p>
A70/A708	<p>Agricultural/County: Agricultural uses, single-family dwellings and accessory uses such as stables, public and private non-commercial recreational facilities.</p>
C-N	<p>Neighborhood Commercial: Permits retail and service establishments such as shops, stores, offices, banks, nightclubs, printing, hotels, parking lots and garages, and business and technical schools. Other uses allowable subject to conditional use permit.</p> <p>C-N-P: Neighborhood Commercial/Precise Plan – land and buildings, including height, setbacks and open areas be developed in accordance with the approved precise plan. The plan will take precedence over the restrictions of the underlying zone.</p>
C-T	<p>Commercial Thoroughfare: Permits uses adjacent to thoroughfares where they are dependent upon or cater to through traffic, supplying commodities or services to the community.</p> <p>C-T-P: Thoroughfare Commercial/Precise Plan – land and buildings, including height, setbacks and open areas be developed in accordance with the approved precise plan. The plan will take precedence over the restrictions of the underlying zone.</p>
F-1	<p>Floodway Zone: regulates land use and development in an area designated for a flood control channel; all uses subject to conditional use permit; no permanent structures allowed.</p>
R-15-P/R-16-P/R-17-P	<p>Single-Family Residence Zone/Precise Plan: Permits single-family dwellings and accessory uses such as large family day care and foster homes. Other uses subject to a conditional use permit such as schools, churches, and other quasipublic uses. (15 = min. lot size 15,000 ft²; 16 = min. lot size 16,000 ft²; 17 = min. lot size 17,000 ft²). Subject to provisions of precise plan overlay.</p>

TABLE 5.6-2
Zoning Designations and Allowable Activities Within a 1-mile Radius of the Project Site

Zoning Designation	Allowable Uses
R-2	<p>R-2-T: One and Two Family Residence Zone – Permits single-family dwellings, duplexes and attached single-family dwellings. Accessory uses and conditional uses similar to R-1. (min. lot size 3,500 ft²)</p> <p>R-2-T-P: Two Family Townhomes – subject to precise plan.</p> <p>R-2-P: One and Two Family Residence Zone – Permits single-family dwellings, duplexes and attached single-family dwellings. Accessory uses and conditional uses similar to R-1. (min. lot size 7,000 ft²); subject to precise plan.</p>
R-3	<p>Apartment Residential Zone: Permits apartments, townhouses, and duplexes; rooming and boarding for not more than two persons as an accessory use. Other uses subject to conditional use permit such as single-family homes, boarding or lodging houses, day nurseries or nursery schools</p> <p>R-3-G: Garden Apartments</p> <p>R-3-G-D: Garden Apartments – 17 dwelling units (du)</p> <p>R-3-L: Apartments – 32 du/Precise Plan</p> <p>R-3-P-8: Apartments – 8 du/Precise Plan</p> <p>R-3-P-12: Apartments – 12 du/Precise Plan</p>
R1	<p>Single Family Residential: Single-family dwellings and accessory uses such as large family day care and foster homes</p>
C-C/C-C-P	<p>Central Commercial: Permits stores, shops and offices for the residents of the city and surrounding community in a shopping center atmosphere such as department stores, banks, business offices, restaurants, nightclubs, and personal services. Other uses subject to conditional use permit such as carwashes, service stations, and commercial recreational facilities. (min. lot size 5,000 ft²)</p> <p>Central Commercial Zone/Precise Plan: Development must take place in accordance with the approved precise plan. The plan will take precedence over the restrictions of the underlying zone.</p>
MHP	<p>Exclusive Mobile Home Park Zone: Permits development of mobile home parks on minimum 5-acre lots through the application of a conditional use permit. The density and design standards shall be governed by the City's adopted development policy for mobile home parks.</p>
S94	<p>Special Zones/County</p>
S80	<p>Special Zones/County</p>
PC	<p>Planned Community: Provides for the orderly development of large tracts of land, which may contain a variety of land uses, but are under unified ownership or control.</p>

TABLE 5.6-2
Zoning Designations and Allowable Activities Within a 1-mile Radius of the Project Site

Zoning Designation	Allowable Uses
City of San Diego	
R-S	<p>R-S-1-1: Residential – Multiple Unit (min. 3,000 ft² lots)</p> <p>R-S-1-2: Residential – Single Unit (min. 20,000 ft² lots)</p> <p>R-S-1-6: Residential – Single Unit (min. 6,000 ft² lots)</p> <p>R-S-1-7: Residential – Single Unit; Urbanized Communities (min. 5,000 ft² lots)</p> <p>R-S-1-14: Residential – Single Unit; Planned Urbanizing Communities (min. 5,000 ft² lots)</p>
RM	<p>R-M-1-1: Residential – Multiple Unit (maximum density of one dwelling unit for each 3,000 square feet of lot area)</p> <p>R-M-2-4: Residential- Multiple-Unit; medium density multiple dwelling units (max. 1 du per 1,750 ft² lot area)</p> <p>R-M-2-5: Residential – Multiple Unit (maximum density of one dwelling unit for each 1,500 square feet of lot area)</p>
OF-1-1	<p>Open Space Floodplain: Controls development within floodplains to protect public health, safety, and welfare and to minimizes hazards due to flooding in areas identified by the Flood Insurance Rate Map on file with the city engineer; development that will not constitute a dangerous condition or an impediment to the flow of flood waters is permitted.</p>
AR	<p>A-R-1-1: Agricultural-Residential – Accommodates a wide range of agricultural uses while permitting development of single-family homes at a very low density (minimum 10-acre lots)</p> <p>A-R-1-2: Agricultural-Residential – Accommodates a wide range of agricultural uses while permitting development of single-family homes at a very low density (minimum 1-acre lots)</p>
OMDD-INDUST-SUBD	<p>Otay Mesa Development District: Industrial Subdistrict</p>
CN-1-2	<p>Commercial-Neighborhood: Provides residential areas with a limited number of convenient retail and personal service uses; small-scale, low-intensity developments consistent with the scale of the surrounding neighborhood with an auto orientation.</p>

5.6.1.5 Recent Discretionary Review by Public Agencies

The City of Chula Vista Community Development division has jurisdiction over land use planning within the Southwest Planning Area in which the proposed project site is located. In addition to being located within the City's Southwest Planning Area, the project site is situated within the Southwest Redevelopment Area. The site is also located within close proximity to other Redevelopment Areas designated by the City. The following is a list of projects proposed within designated Redevelopment Project Areas in close proximity to the project site. Applications have been submitted for these projects within the last 12 months. These projects have been reviewed by the Redevelopment Advisory Committee, and in

some cases, also by the Chula Vista Redevelopment Corporation, and for which public hearings will be held.

- 144 27th Street – design review application for a proposed multi-tenant industrial building
- 3712 Main Street – design review application for a commercial project consisting a new office building and three additional storage buildings
- 3525-3537 Main Street – design review application for a proposed multi-tenant industrial complex
- 1501 Broadway – affordable rental housing project for very-low, low-income residents
- 1310 Third Ave – design review application for proposed retail and medical office buildings
- 3436 Main Street – design review application for a proposed industrial building

Appendix 5.6A includes a list of current major development projects within the city of Chula Vista as a whole. Development proposals for these projects have been submitted to the City within the last 18 months. Project status ranges from preliminary review to complete.

5.6.1.6 Population and Growth Trends

Land use and growth trends identified for the study area are based on population estimates and projections, current land use plans, and approved development projects within that area.

Chula Vista's 2004 population was 222,300 (City of Chula Vista GP/1/2004 DOF estimate/2000 Census for unincorporated areas). Residents of the Southwest Planning Area number 53,560, or approximately 41 percent of the 2004 population. At build-out, Chula Vista is expected to accommodate a population of approximately 323,900, an increase of about 46 percent over the 2004 estimated population. The estimated 2030 population within the Southwest Planning Area is 61,900, a 13 percent increase over the City's 2004 population. San Diego's 2005 population was estimated at 1,305,736. By 2030, the City's population is expected to increase by approximately 20 percent, to 1,656,820.

5.6.2 Environmental Consequences

5.6.2.1 Significance Criteria

Significance criteria for impacts to land use were determined through review of applicable state and local regulations. Because of the California Energy Commission's (CEC) Site Certification Process under the Warren-Alquist Act, a certified agency program under CEQA, the following criteria developed from the CEQA Guidelines and the CEQA Checklist were used to evaluate the potential environmental impacts of the project:

- Will the project physically divide an established community?
- Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan,

specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?
- Will the project convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?
- Will the project involve other changes in the existing environment which, given their location and nature, could result in conversion of Farmland to nonagricultural use?

5.6.2.2 Potential Effects on Land Use During Project Construction and Operation

5.6.2.2.1 Divide an Established Community

The presence of the proposed project would not physically divide any community within Chula Vista or San Diego. The project involves upgrading an existing peaking power plant within an industrial area of Chula Vista. The project would not involve the displacement of any existing development; nor would it result in new development that would physically divide an existing neighborhood.

5.6.2.2.2 Conflict with an Applicable Land Use Plan, Policy, or Regulation

The proposed project site is situated on an existing power plant site, and is located on land that is designated Limited Industrial by the City of Chula Vista General Plan. Allowable uses for the Limited Industrial land use designation include varied light manufacturing, warehousing, auto repair, auto salvage yards, and flexible use projects that combine these uses with associated office space. The project is an upgrade of a power plant facility, which represents an existing allowable use under the City of Chula Vista General Plan.

Furthermore, the production of electricity is often considered to be a manufacturing type use and would provide a more appealing presence in the neighborhood than an auto salvage yard. Therefore, although not specifically listed in the group of allowable uses, it is comparable to those uses that are listed.

The proposed project is also allowable under the City of Chula Vista Limited Industrial (I-L) zoning designation, which permits activities such as manufacturing, processing, assembling, research, wholesale or storage, and other uses which are of the same general character. Other uses, including, but not limited to hotels, restaurants, service stations, manufacturing involving production from raw materials, are allowable in the I-L zone subject to a conditional use permit. As stated above, electric generation is often considered a type of manufacturing. Like the allowable uses listed in General Plan, electric generation is similar to the activities directly allowed in this zoning district such as manufacturing and processing as well as those allowed with a conditional use permit such as manufacturing involving production from raw materials. Since the license granted by the California Energy Commission is in lieu of a conditional use permit, the California Energy Commission will address the issues typically reviewed by a local agency in granting a conditional use permit. The project would not require any change in either City of Chula Vista General Plan or zoning designations for the property, and it would be consistent with uses allowable under existing City of Chula Vista Limited Industrial land use designations.

The project would be consistent with General Plan policies for this area, insofar as it would help to maintain Main Street as a limited industrial corridor and encourage the preservation and expansion of existing industrial uses in areas designated as industrial. The project would also comply with General Plan policies to ensure adequate energy supplies throughout Chula Vista and to encourage the use of best available control technologies (BACT) for such facilities to the greatest extent feasible. The project's conformity with these and other General Plan policies is outlined in detail in Table 5.6-3.

General Plan Policy E 6.4 states that the Agency should "Avoid siting new or re-powered energy facilities and other major toxic emitters within 1,000 feet of a sensitive receiver..." Although the project is within 1,000 feet of a residence, and this would be considered a sensitive receiver, the CVEUP does not qualify as a "major toxic emitter." Because the General Plan does not define the term "major toxic emitter," the most reasonable and applicable definition would be to define "major toxic emitter" the same as the term "major source" of hazardous air pollutants per the federal Clean Air Act (CAA) and San Diego Air Pollution Control District (SDAPCD) regulations (42 U.S.C. Section 7412[a][1]; SDAPCD Rule 14). The CAA and SDAPCD regulations clearly apply to the CVEUP and would also apply to any "new or re-powered energy generation facilities." Therefore, Policy E 6.4 does not apply to the CVEUP, as it will not be a "major source" for hazardous air pollutants as those terms are defined in the CAA and SDAPCD regulations.

In addition, the CVEUP is not a repowering of the existing project; neither is it an entirely new project, as it will make use of a limited amount of the existing project's infrastructure (ammonia tank; gas, water and electrical transmission connections). Instead, it is an upgrade to power generation capabilities at an existing site. Furthermore, the CVEUP will result in a significant reduction of certain aspects of public health risk from air emissions because the new technology proposed is cleaner and more efficient than the existing facility's (see Section 5.9, Public Health).

5.6.2.2.3 Conflict with an Applicable Habitat Conservation Plan

While properties within one-mile of the project site are located within the MSCP Subarea, the project site itself is not situated within the boundaries of the Subarea Plan, and would not conflict with the goals of the Plan. The project is designed to be compatible with adjacent uses and nearby natural resource areas, including the Otay Valley Regional Park, which is situated to the south of the site. The project would provide native landscaping along the southern boundary of the site to ensure compatibility with the adjacent Regional Park. In addition, the project would adhere to City landscape restrictions that disallow the planting of species that may introduce non-native and invasive species to the Regional Park; it would also incorporate shielded lighting and noise abatement features to ensure that impacts to wildlife species are minimized.

5.6.2.2.4 Convert Farmland to Nonagricultural Uses

The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), to nonagricultural use. The project site and adjacent parcels within the study area are designated as "Urban and Built-Up Land" by the CDC, and are therefore not designated as Important Farmland, Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance or Unique Farmland. In addition, the project site is not located in an area that is under a Williamson Act contract. Therefore,

implementation of the project would not result in the conversion of any classification of farmland to nonagricultural use.

5.6.2.2.5 Cause Changes in the Environment Resulting in Conversion of Farmland

Neither project operation nor construction would bring about any other changes in the environment that could result in the conversion of farmland to nonagricultural use. The project site and surrounding areas have been developed for industrial, commercial, and urban residential uses or are associated with an undeveloped, natural area (i.e., the Otay Valley Regional Park to the south). Given the current land use, these areas are now unsuitable for commercial crop production.

The use of either of the two proposed laydown areas would not result in any permanent land use changes. Both of the proposed areas are currently undeveloped land. Temporary use of these properties during project construction would not result in the division of any existing community; nor would it conflict with applicable City of Chula Vista land use or zoning designations, the MSCP Subarea Plan, or the Otay Regional Park Concept Plan.

5.6.2.3 Compatibility with Existing and Designated Land Uses and Applicable Planning Policies

Table 5.6-3 lists applicable local plans and policies and describes the project's conformity with them.

TABLE 5.6-3
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
City of Chula Vista General Plan	
<i>Land Use and Transportation</i>	
LUT 1.1 – Ensure that land uses develop in accordance with the Land Use Diagram and Zoning code in an effort to attain land use compatibility.	The project is consistent with the Limited Industrial General Plan designation and the Limited Industrial zoning of the site.
LUT 4.2 – Protect existing, stable, single-family neighborhoods through zoning or other regulations that discourage the introduction of higher density residential or other incompatible or potentially disruptive uses and/or activities.	The project is consistent with the Limited Industrial zoning and General Plan designations. Adjacent residential uses would be shielded from the project with landscaping and noise control measures.
LUT 6 – Ensure adjacent land uses are compatible with one another.	The project is an upgrade of an existing power plant, and would be compatible with current industrial uses both on and adjacent to the site. The project has been designed to be visually compatible with the surrounding area and to minimize impacts on surrounding property. More specifically, the proposed facility would not be visible from Main Street or from the open space area to the south. Noise levels would be minimized via noise control measures, and all appropriate air quality permits would be secured to ensure compatibility with adjacent uses.
LUT 6.2 – Require that proposed development plans and projects consider and minimize project impacts upon surrounding neighborhoods.	The project is a continuation of an existing industrial use and is compatible with adjacent industrial land uses. Project features, including landscaping and noise abatement measures, will ensure that impacts on adjacent residential uses are minimized.

TABLE 5.6-3
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
LUT 6.8 – Require that any land use that handles, generates and/or transports hazardous substances will not negatively impact existing or future sensitive receptors / land uses, as defined by state and federal regulations.	Hazardous substances necessary to plan operation will be stored on site. To ensure that the storage of such substances does not negatively impact sensitive receptors, the project will obtain and comply with all necessary City Fire and County Health Department permits. Ammonia and water containment areas are provided.
LUT 7 – Appropriate transitions should be provided between land uses.	The project would include fencing, sound barriers, and landscaping in order to ensure that appropriate transitions between land uses are provided.
LUT 7.3 – Require that commercial and industrial development adjacent to residential or educational uses be adequately screened and buffered to minimize noise, light, glare, and any other adverse impacts upon these uses.	The project is not immediately adjacent to residential or educational uses. Adverse effects to nearby residential uses will be minimized through fencing, sound abatement features, and landscaping. Lighting to be installed for security purposes will be shielded to reduce glare.
LUT 10.5 – Require undergrounding of utilities on private property and develop a priority-based program of utility undergrounding along public rights of way.	The project site is not located along a public right-of-way. The existing and proposed power generation facilities have power lines that extend from the generation plant to transmission lines. The proposed energy efficiency upgrade will result in no change to the existing transmission line within the adjacent offsite easement. The project will not introduce new overhead power lines to the area. The existing offsite power line is owned by San Diego Gas and Electric (SDG&E), and is not within the control of the project applicant.
LUT 11.5 – Require a design review process for all public and private discretionary projects (which includes architectural, site plan, landscape and signage design) to review and evaluate projects prior to issuance of building permits to determine their compliance with the objectives and specific requirements of the City's Design Manual, General Plan, and appropriate zone or Area Development Plan.	The project is subject to City and Redevelopment review processes. The project is consistent with the existing General Plan designation and zoning requirements.
LUT 45 – Provide for and enhance a strong business district along Main Street that can be balanced between meeting the community's economic needs and establishing a strong open space connection with nearby neighborhoods.	The project is not adjacent to residential uses. The site is situated approximately 750 feet south of Main Street. The proposed efficiency upgrade will increase the property value/tax base and will be compatible with existing open space (Otay Valley Regional Park) to the south.
LUT 45.6 – Maintain Main Street primarily as a limited industrial corridor.	The project is a limited industrial use and is consistent with the existing General Plan and zoning designations for the site.
LUT 45.11 – Allow a maximum floor area ratio of 0.5 and low-rise buildings in Limited Industrial designated areas in the Main Street Corridor.	The project is consistent with the 0.5 FAR requirement.

TABLE 5.6-3
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
LUT 45.14 – Require development adjacent to the Otay Valley Regional Park to orient buildings for maximum public access to open space and to provide compatible landscaping along the Park's edge.	The project site abuts the Otay Valley Regional Park; however, given the industrial uses in the area and the absence of a public right-of-way, there is no access from the site to the Regional Park. The project would provide native landscaping along the southern boundary of the site to ensure compatibility with the adjacent Regional Park.
<i>Economic Development</i>	
ED 1.3 – Encourage the preservation and expansion of existing industrial uses in areas designated as industrial.	The project involves the continued use of the site for peak energy generation in an existing industrial area.
<i>Public Facilities and Services</i>	
Objective PFS-22 – Ensure adequate energy supplies throughout Chula Vista.	The project will be an upgrade to an existing power plant.
PFS 22.4 – Review energy facility requests and encourage siting and design techniques that minimize community impacts. Such techniques may include undergrounding facilities, where possible, co-locating new facilities with existing utility infrastructure; locating facilities in non-residential areas...The development and operation of natural gas-fired plants within the City shall utilize 'best available control technology' to the greatest extent practicable.	The project involves efficiency upgrades to an existing power plant. The project site is located in an area designated for industrial use; the project includes landscaping enhancements as well as implementation of BACT for air emissions.
<i>Environmental</i>	
E 6.4 – Avoid siting new or re-powered energy generation facilities and other major toxic air emitters within 1,000 feet of a sensitive receiver, or the placement of a sensitive receiver within 1,000 feet of a major toxic emitter.	Sensitive receivers, including residential and school uses, are located within 1,000 feet of the project site. However, the project is not a "major toxic air emitter," because it will not be a "major source" for hazardous air pollutants as those terms are defined by the CAA and SDAPCD regulations. (42 U.S.C. § 7412(a)(1); SDAPCD Rule 14.
E 6.15 Site industries in a way that minimizes the potential impacts of poor air quality on homes, schools, hospitals, and other land uses where people congregate.	The closest residential uses are located approximately 350 feet from the project site; other residential uses and a school are located within 1,000 feet. However, the site is already occupied by an existing, operational power plant; and, the project will improve current efficiency and be a cleaner source of energy than the existing facility. The project will use BACT to minimize air emissions and will comply with all SDAPCD requirements related to air quality.
E 23.3 – Avoid siting industrial facilities and uses that pose a significant hazard to human health and safety in proximity to schools or residential dwellings.	The project will not pose a "significant hazard" to human health.
Objective GPI 2 – Provide consistency between the City of Chula Vista General Plan and subsequent documents, plans, projects and development.	The project is consistent with the General Plan, and would not in any way hinder the Plan's consistency with subsequent documents, plans, projects or development.

TABLE 5.6-3
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
<i>Original and Amended Southwest Constituent Areas</i>	
Promote planned light industrial development within the Main Street Corridor.	The project is consistent with existing and planned industrial development in this area.
<i>Multiple Species Conservation Program</i>	
<p>The MSCP is a comprehensive, long-term habitat conservation plan developed to address the needs of multiple species and the preservation of natural vegetation communities in San Diego County. The MSCP Subregional Plan was adopted by the City of San Diego and San Diego County in 1997, and conditionally approved by the City of Chula Vista in October 2000. The MSCP Subregional Plan encompasses an area of approximately 580,000 acres and 12 jurisdictions, including the City of Chula Vista and the City of San Diego.</p> <p>The City of Chula Vista approved the MSCP SubArea Plan in 2003. Any project approved by the City must be in conformance with the Subarea Plan. Subarea Plan Goals are as follows:</p> <ul style="list-style-type: none"> • To conserve Covered Species and their habitats through the conservation of interconnected significant habitat cores and linkages. • To delineate and assemble a Preserve using a variety of techniques, including public acquisition, on- and offsite mitigation, and land use regulations. • To provide a preserve management program that, together with the federal and state management activities, will be carried out over the long term, further ensuring the conservation of Covered Species. • To provide necessary funding for a Preserve management program and biological monitoring of the Preserve. • To reduce or eliminate redundant federal, state, and local natural resource regulatory and environmental review of individual projects by obtaining federal and state authorizations for 86 species. 	<p>While properties within 1-mile of the project site are located within the MSCP Subarea, the project site itself is not within the boundaries of the Subarea. The project is designed to be compatible with adjacent uses, including the Otay Valley Regional Park, which is situated to the south of the site. The project would provide native landscaping along the southern boundary of the site to ensure compatibility with the adjacent Regional Park. In addition, the project will adhere to City landscape restrictions that disallow the planting of species that may introduce non-native and invasive species to the Regional Park; it will also incorporate shielded lighting and noise abatement features.</p>
City of San Diego General Plan Land Use Goals	
<ul style="list-style-type: none"> • Mixed-use villages located throughout the City and connected by high quality transit • Land use categories and designations that remain consistent with the General Plan Land Use Categories as community plans are updated and/or amended • Community plans that are clearly established as essential components of the General Plan to 	<p>A portion of the project study area is located within the Otay-Mesa Nestor planning area of the City of San Diego. The project site is in Chula Vista, and, therefore, is not subject to approval by the City of San Diego. Neither construction nor operation of the project would interfere with the goals or underlying policies set forth in the City of San Diego General Plan. The project is designed to minimize impacts on surrounding land uses, including those located outside of City of</p>

TABLE 5.6-3
Project Conformity with Local Land Use Plans and Policies

Goal/Objective/Policy	Project Consistency
<p>provide focus on community-specific issues</p> <ul style="list-style-type: none"> • Community plans that are structurally consistent yet diverse in their presentation and refinement of citywide policies to address specific community goals • Community plans that maintain or increase planned density of residential land uses in appropriate locations. • Approve plan amendments that better implement the General Plan and community plan goals and policies • A well-defined process that addresses how plan amendments occur • Allow for changes that will assist in enhancing and implementing the community's vision. • Certification of community plans as the City of San Diego's Local Coastal Program Land Use Plans • Preservation and enhancement of coastal resources • Adopted zoning concurrently with community plan updates and amendments to ensure consistency with plan land use designations. • Protection of health, safety, and welfare of persons within an airport influence area by minimizing the public's exposure to high levels of noise and risk of aircraft accidents. • Ensure diverse and balanced neighborhoods and communities with housing available for households of all income levels. • Community and neighborhood-specific strategies and implementation measures to achieve equitable development. • Ensure a just and equitable society by increasing public outreach and participation in the planning process. • Equitable distribution of public facilities, infrastructure and services throughout all communities. • Improve mobility options and accessibility in every community. • Promote and ensure environmental protection that will emphasize the importance of safe and healthy communities. 	<p>Chula Vista boundaries, by providing noise abatement and light shielding measures, as well as appropriate, resource-sensitive landscaping. Through compliance with all local regulations, the project would also be designed and constructed in a manner that ensures the health and safety of surrounding communities. The project would not alter any land use or land use designation within the city of San Diego. The project would not impact any properties located within the coastal zone or within an airport influence area.</p>

5.6.3 Cumulative Effects

A cumulative impact refers to a proposed project's incremental effect together with other closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project (Pub. Resources Code § 21083; Cal. Code Regs., tit. 14, §§ 15064(h), 15065(c), 15130, and 15355).

Applications for 26 proposed projects have been filed in the City of Chula Vista. These are mostly residential development projects, with some commercial developments, and one warehouse development and one manufacturing development. One of these projects, a proposed sewing manufacturing and wholesale sales business, is located within 1,000 feet of the CVEUP.

As stated above, the CVEUP would not cause any adverse impacts in terms of land use. Nearby planned land uses, such as the proposed sewing manufacturing development, are consistent with the industrial nature of the local zoning and with the CVEUP's power generation use. For these reasons, the CVEUP will not cause any adverse cumulative land use impacts.

5.6.4 Mitigation Measures

No significant land use impacts are anticipated from implementation of the proposed project. Therefore, no mitigation measures are proposed. Project implementation will occur in compliance with all LORS applicable to the construction and operation of power plant facilities, including the City of Chula Vista General Plan and Municipal Code, the City of San Diego General Plan and Municipal Code, the City of Chula Vista MSCP Subarea Plan, and the Otay Valley Regional Park Concept Plan. Further, project construction and operation will be consistent with all City of Chula Vista and CEC conditions of approval.

5.6.5 Laws, Ordinances, Regulations and Standards

This subsection lists and discusses the land use LORS that apply to the project. Consistent with CEC AFC requirements, all plans and polices applicable to the 1-mile area surrounding the CVEUP site are summarized below. The CVEUP site, including all project components (plant site, natural gas, water, and sewer lines, and the transmission interconnections to the SDG&E system), are located in Chula Vista and as described above, are subject to all of the City of Chula Vista's General Plan policies and objectives. The study area, comprised of lands within the 1-mile radius surrounding the site, extends into the city of San Diego. Thus, certain parcels located with the project study area are subject to City of San Diego General Plan policies. Table 5.6-3 lists the applicable land use plans and policies within the 1-mile area surrounding the site, as described in more detail, below.

5.6.5.1 Federal LORS

No federal LORS for land use are applicable to the site or the proposed project.

5.6.5.2 State LORS

The AFC process is the CEQA-equivalent under the Warren-Alquist Act and, therefore, fulfills the requirements of CEQA. CEQA is codified in the California Public Resources

Code, Section 21000-21178.1. Guidelines for implementation of CEQA are codified in the California Code of Regulations (CCR) Sections 15000-15387.

5.6.5.3 Local LORS

Land use provisions that are included in every California city and county General Plan (California State Planning Law, Government code §65302 et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction. The city and county zoning ordinances are enforced by their respective planning and building departments.

Subregional Plans for the MSCP are administered by both the City of Chula Vista and the City of San Diego. The plans consist of comprehensive, long-term habitat conservation plans developed to address the needs of multiple species and the preservation of natural vegetation communities in San Diego County. MSCP Subarea plans were adopted by City of San Diego and San Diego County in 1997 and conditionally approved by the City of Chula Vista in 2000.

The Otay Valley Regional Park Concept Plan applies to areas immediately to the south of the project site. Jointly administered by the cities of Chula Vista and San Diego, as well as San Diego County, the Concept Plan establishes a plan for multi-jurisdictional regional open space of 8,700 acres that will contain a substantial preserve area, active recreation, and passive park opportunities.

TABLE 5.6-4
Laws, Ordinances, Regulations, and Standards and Regulating Agencies for Land Use

LORS	Purpose	Regulating Agency	AFC Section Explaining Conformance
Jurisdiction for the Project Site			
CEQA California Public Resources Code, Sections 21000-21178.1, including Guidelines for implementation of CEQA are codified in the CCR Sections 15000-15387.	Establishes policies and procedures for review of proposed power plants in California	California Energy Commission	Section 5.6.5.2
Warren-Alquist Act (Public Resources Code Section 25000 et seq.)	Legislation that created and gives statutory authority to the California Energy Commission.	California Energy Commission	Section 5.6.5.2
City of Chula Vista General Plan, Land Use and Transportation, Economic Development, and Environmental Elements (2004a)	Comprehensive, long-range plan to serve as the guide for the physical development of the City.	City of Chula Vista Community Development Department 276 Fourth Avenue Chula Vista, CA 91910	Table 5.6-3

TABLE 5.6-4
Laws, Ordinances, Regulations, and Standards and Regulating Agencies for Land Use

LORS	Purpose	Regulating Agency	AFC Section Explaining Conformance
City of Chula Vista Municipal Code (2004b)	Establishes zoning districts governing land use and the placement of buildings and district improvements.	City of Chula Vista Community Development Department 276 Fourth Avenue Chula Vista, CA 91910	Table 5.6-3
City of Chula Vista Redevelopment Plan (Southwest Area)	To assist city in eliminating blight from a designated area, and to achieve desired development, reconstruction and rehabilitation	Chula Vista Redevelopment Agency 276 Fourth Avenue Chula Vista, CA 91910	Section 5.6.1.2
City of San Diego General Plan, Land Use Element (2007)	Comprehensive, long-range plan to serve as the guide for the physical development of the City.	City Planning and Community Investment Planning Division 202 C Street, MS 5A San Diego, CA 92101	Table 5.6-1
City of San Diego Municipal Code (2007)	Establishes zoning districts governing land use and the placement of buildings and district improvements.	City Planning and Community Investment Planning Division 202 C Street, MS 5A San Diego, CA 92101	Section 5.6-2
City of Chula Vista / City of San Diego MSCP Subarea Plans (Adopted by City of San Diego and San Diego County in 1997; conditionally approved by the City of Chula Vista in 2000)	Comprehensive, long-term habitat conservation plans developed to address the needs of multiple species and the preservation of natural vegetation communities in San Diego County.	Subregional Plans are administered by both the City of Chula Vista and the City of San Diego.	Section 5.6.1.2
City of Chula Vista, City of San Diego, San Diego County Otay Valley Regional Park Concept Plan (2001)	Establishes a plan for multi-jurisdictional regional open space of 8,700 acres that will contain a substantial preserve area, active recreation, and passive park opportunities.	City of Chula Vista, City of San Diego	Section 5.6.1.2

5.6.6 Involved Agencies and Agency Contacts

TABLE 5.6-5
Summary of Agency Contacts for Land Use

Topic	Applicable Agency	Regulatory Contact
Land Use Plans and Permits	City of Chula Vista	Miguel Tapia City of Chula Vista Community Development 619-691-5291
Building Permits	City of Chula Vista	Tom McDowell City of Chula Vista Building Department 619-476-5339
Environmental Compliance	City of Chula Vista	Michael Meacham City of Chula Vista Department of Conservation and Environmental Services 619-409-5870
Planning and Zoning, City of San Diego	City of San Diego	Mary Wright City of San Diego Planning Department 619-533-4528

5.6.7 References

California Department of Conservation (CDC). 2005. Farmland Mapping and Monitoring Program Statistics web page at http://www.consrv.ca.gov/dlrp/FMMP/fmmp_stats.htm. July.

City of Chula Vista. 2004a. Chula Vista Vision 2020 Draft General Plan, Land Use and Transportation, Economic Development, and Environmental Elements. December.

City of Chula Vista. 2004b. City of Chula Vista Municipal Code.

City of San Diego. 2007. City of San Diego General Plan, Land Use and Community Planning Element. July.

City of San Diego. 2007. City of San Diego Municipal Code.

Johnson, Sarah. 2007. City of Chula Vista Community Development Department. Personal communication. July 20, July 23.

Piece, Anne. 2007. City of Chula Vista Planning Department. Personal communication. June 29.