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## 5.9 LAND USE

This section provides an assessment of land use setting (present and future), issues and impacts for the Pio Pico Energy Center (PPEC).

An evaluation of the PPEC's conformance with local plans, land use regulations, and general land use compatibility is provided in this section. Land uses within one mile of the project site and one-quarter mile of project linear facilities are described.

PPEC is a proposed 300 megawatt (MW) simple-cycle electrical generating facility located in an industrial area of San Diego County, adjacent to the existing Otay Mesa Generating Project (OMGP). PPEC will supply fast response power to help San Diego Gas & Electric (SDG&E) meet cyclic demand and further utilize renewable resources. The project will be constructed on disturbed, developed land and prepared land. PPEC will include a 230 kilovolt (kV) transmission line, a natural gas supply pipeline, and short connections into adjacent streets for potable and recycled water supply, and sewer and stormwater discharge.

PPEC consists of the project site, linears, and a temporary laydown area (Figure 3.3-1, Facility Plot Plan and Figure 3.3-3, Potential Linears). The project site is located in an unincorporated area of San Diego County known as Otay Mesa. It is comprised of a 9.99 acre parcel located in the southeast quadrant of the Alta Road and Calzada de la Fuente intersection. The proposed project site comprises the entire parcel with Assessor's Parcel Number (APN) 648-040-45, and the laydown area is 6.00 acres of an adjacent parcel to the south (APN 648-040-46) (Figure 3.3-2, Project Location). The existing setting within one-mile of the project site and potential transmission line routes are presented on Figure 3.3-4. The project affects the following areas:

- Plant site – 9.99 acres.
- Temporary laydown and parking area – 6.00 acres, on an adjacent parcel that is contiguous to the project site.
- Natural Gas pipeline – There are two possible routes for the gas supply pipeline. Both routes would connect to an existing SDG&E natural gas pipeline, but at different locations. Route A would extend approximately 8,000 feet south along Alta Road to near the U.S.–Mexico border, at which point it would connect to the existing SDG&E natural gas pipeline. Route B would extend approximately 2,375 feet south along Alta Road, turn west on Otay Mesa Road, and continue approximately 7,920 feet to Harvest Road at which point it would connect to the existing SDG&E natural gas pipeline (Figure 3.3-3, Potential Linears) for a total of approximately 10,300 feet. The pipeline will be constructed, owned, and operated by SDG&E.
- Sewer pipeline – A short connection will be made to an existing 12-inch sewer main along Calzada de la Fuente along the north project site boundary, or to an existing 15-inch sewer main along Alta Road, along the west project site boundary.

- Stormwater pipeline – A short connection will be made from a detention pond located at the northwest corner of the project site to an existing 30-inch stormwater pipeline located along Calzada de la Fuente, adjacent to the project site.
- Power line – Two possible routes are provided for a 230kV transmission line that will connect the project into the existing 230kV Otay Mesa switchyard. Route A would begin as an overhead power line along Calzada de la Fuente, extend approximately 1,700 feet east where it would then be routed underground for approximately 400 feet into the Otay Mesa switchyard (total length of Route A would be approximately 2,100 feet). Route B would begin as an overhead power line from the eastern edge of the project site, run south approximately 550 feet, then turn east along the northern border of the parcels with APN 648-040-48 and APN 648-040-43 for 1,400 feet, and finally turn north for approximately 700 feet into the Otay Mesa switchyard (total length of Route B would be approximately 2,650 feet). The power line will be owned and maintained by the Applicant.
- Water supply pipelines – The project will make a short connection to the potable service system, either at an existing 12-inch main along Calzada de la Fuente, or at an existing 24-inch main along Alta Road. Upon the Otay Water District (OWD)'s completion of the planned Otay Mesa area recycled water system, the project will make a connection to an existing 8-inch recycled water main along Calzada de la Fuente or to a new recycled water main to be constructed in Alta Road.

These features are illustrated on Figure 3.3-1, Facility Plot Plan and Figure 3.3-3, Potential Linears.

Land uses in California are regulated using various methods of land use controls. Cities and counties in California are required by law to adopt a comprehensive, long-term General Plan for the physical development of their jurisdictional areas. The General Plan is the constitution for the local agency and all other planning activities must be consistent with the General Plan. These plans include a Land Use Element that establishes a pattern of appropriate land uses, as well as policies and guidelines for development of those uses. Cities and counties are permitted to adopt specific plans to guide development in particular locations within the jurisdiction. Specific plans act as mini-General Plans, describing specific development requirements and constraints within the boundary of the specific plan area. Local zoning ordinances implement the Land Use Element of the General Plan and any specific plans. It is important to note that the Land Use Element reflects more generalized goals for development and that the zoning ordinances and zoning maps are intended to implement those goals. There may be multiple zoning designations that are compatible with and implement a single General Plan land use designation. All projects must be consistent with the General Plan, any specific plan and the zoning requirements. Building codes establish requirements for safe and sanitary structures. Subdivision controls and building and grading requirements regulate the design and improvement of subdivisions and structures.

PPEC will be consistent with County of San Diego land use ordinances. Project plans have been provided to the County of San Diego Department of Planning and Land Use (DPLU), as an Advisory Agency to the CEC, for review and comment. Reasonably foreseeable future development within the affected area is discussed in Section 5.18, Cumulative Impacts.

With proposed conditions of certification outlined in this section the project will have no significant environmental impacts, and will comply with all laws, ordinances, regulations and standards.

### **5.9.1 AFFECTED ENVIRONMENT**

The affected environment is defined by the CEC based on the study area boundary. The County of San Diego has jurisdiction over the project site and the affected area within one mile of the project and a majority of the area within one quarter mile of project linear facilities. A small portion of a linear facility (gas line) may be located in the City of San Diego. The land use study area, along with major jurisdictional boundaries, is shown on Figure 5.9-1, Jurisdictional Boundaries and Existing Land Uses Surrounding Site.

#### **5.9.1.1 Regional Setting**

The PPEC project site is located within the jurisdictional boundaries of the County of San Diego, California. The project site is approximately two miles east of the South Bay Expressway (Highway 125), one mile north of State Route 11, and approximately 1.5 miles north of the U.S.–Mexico border.

#### **5.9.1.2 Project Site and Vicinity**

PPEC is located in the County of San Diego's Otay Subregional Planning Area. (Figure 5.9-1, Jurisdictional Boundaries and Existing Land Uses Surrounding Site). Adjacent incorporated jurisdictions near the project include the cities of San Diego to the east of the project site, and the City of Chula Vista northwest of the project site. The Zoning and General Plan designations in the immediate vicinity of the project allow for mostly planned industrial uses, however outlying areas include a mix of land use designations including commercial, residential and open space uses (Figures 5.9.2, City and County Zoning Designations and Figure 5.9.3, City General Plan Land Use Designations). The project site is in, and surrounded by parcels with the land use designation Heavy-Industrial.

The project parcel (9.99-acre parcel, with APN 648-040-45) is located on the southeast corner of Alta Road and Calzada de la Fuente, immediately west of an existing power plant facility known as the Otay Mesa Generating Project (OMGP). PPEC is located in the southeast quarter of Section 30 Township 18 South, Range 1 East, on the USGS 7.5-minute Quadrangle Map. The parcel is south of a joint federal/county and City of San Diego correctional/detention facility (George Bailey County/East Mesa Detention Facility) and a state prison (Richard J. Donovan Correctional Facility). Existing land uses are further discussed further below.

Site access will be via Calzada de la Fuente, which is an existing two-lane industrial/commercial collector road.

**Existing Land Uses**

The project site is currently vacant and disturbed, Existing land uses adjacent to the site include disturbed, undeveloped, industrially-zoned land to the immediate north and west, and similar land zoned for technology-business park purposes to the south. Two correctional facilities (state and County) are also located to the north of the project site.

Other land uses near the project include:

- North: Vacant, Undeveloped
- East: Power Plant – OMGP
- South: Vacant, Undeveloped
- West: Vacant, Undeveloped

Existing land uses at and within one-mile of the PPEC site, and one-quarter mile of the project's linear facilities, are shown in Figure 5.9-1, Jurisdictional Boundaries and Existing Land Uses Surrounding Site, and Table 5.9-1, Project Site and Surrounding Land Uses (Within One Mile of Project Site and One-Quarter Mile of Project Linear Facilities).

**Agricultural Resources**

Based on most recent data from the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) (CDOC 2010), the project site, laydown area, and areas within one-mile of the project site and quarter-mile of the project linears do not contain Prime Farmland, Farmland of Statewide Importance, or Unique Farmland (refer to Figure 5.9-5, Properties Within One-Mile of Project Site and Quarter-Mile of Project Linears and FMMP Data). The project site and laydown area are located on land the FMMP categorizes as Other Land, which is considered to be vacant and nonagricultural land. Areas within one-mile of the project site and one-quarter mile of the project linears contain lands categorized as Farmland of Local Importance, Grazing lands, Urban and Built-up Land, and Other Land. The FMMP considers Farmland of Local Importance to be land of importance to the local agricultural economy, as determined by the jurisdictional county. As shown on Figure 5.9-2, City and County Zoning Designations and Figure 5.9-4, Specific Plan Land Use, areas surrounding the project site, laydown area, and project linears do not contain agricultural-designated land uses. Additionally, as shown in Table 5.9-1, Project Site and Surrounding Land Uses (Within One Mile of Project Site and One-Quarter Mile of Project Linear Facilities), which is keyed to Figure 5.9-5, Properties Within One-Mile of Project Site and Quarter-Mile of Project Linears and FMMP Data, there are no existing agricultural land uses in the vicinity of the project area, and undeveloped land within this area is currently vacant, disturbed, or utilized as Open Space Preserve areas. Therefore, the project will not have direct, indirect or cumulative effects on agricultural land uses.

**TABLE 5.9-1  
PROJECT SITE AND SURROUNDING LAND USES  
(WITHIN ONE MILE OF PROJECT SITE AND ONE-QUARTER MILE OF PROJECT  
LINEAR FACILITIES)**

APN #	Zoning	Specific Plan Land Use Designation**	General Plan Land Use	Property Owner	Description of Existing Land Use
<i>Within one mile of project site:</i>					
648-040-45	East Otay Mesa Specific Plan (SP)	Heavy Industrial	Specific Plan	Alta Parcels, L.P.	Vacant/Undeveloped (PROJECT SITE)
64604020	Holding Area	N/A	Public/Semi-Public Uses	State Of California	Jail/Prison
64608011	East Otay Mesa SP	Technology Business Park	Specific Plan	Rabago Investment Group LLC	Vacant/Undeveloped
64608012	East Otay Mesa SP	Technology Business Park	Specific Plan	Rabago Investment Group LLC	Residential
64608016	Holding Area	N/A	Public/Semi-Public Uses	State Of California	Jail/Prison
64608017	East Otay Mesa SP	Technology Business Park	Specific Plan	International Industrial Park Inc	Vacant/Undeveloped
64613027	East Otay Mesa SP	Light Industrial	Specific Plan	Hanna Makram A & Maureen T	Vacant/Undeveloped
64613039, 64613040, 64613041, 64613042	East Otay Mesa SP	Technology Business Park	Specific Plan	South County Commerce Center LLC	Vacant/Undeveloped
64631004, 64631005, 64631016	East Otay Mesa SP	Technology Business Park	Specific Plan	First American Trust Tr No 1082-0284-00	Vacant/Undeveloped
64801032, 64801034	Holding Area	N/A	Public/Semi-Public Uses	County Of San Diego	Jail/Prison
64801102	East Otay Mesa SP	Conservation/Limited Use & Heavy Industrial	Specific Plan	D&D Landholdings	Open Space Park/Preserve
64801103	East Otay Mesa SP	Conservation/Limited Use & Heavy Industrial	Specific Plan	American International Racing Inc	Open Space Park/Preserve
64801104	Holding Area	N/A	Public/Semi-Public Uses	State Of California	Jail/Prison
64802007	Holding Area	N/A	Estate Residential	International Industrial Park Inc	Open Space Park/Preserve
64802008	Holding Area	N/A	Estate Residential	Rancho Vista Del Mar	Open Space Park/Preserve
64804011	East Otay Mesa SP	Heavy Industrial	Specific Plan	CCA Western Properties Inc	Vacant/Undeveloped
64804013	East Otay Mesa SP	Technology Business Park	Specific Plan	Fong-Hsu Trust 06-29-04	Vacant/Undeveloped
64804014	East Otay Mesa SP	Technology Business Park	Specific Plan	TO Development LLC	Vacant/Undeveloped
64804015	East Otay Mesa SP	Heavy Industrial	Specific Plan	Rancho Vista Del Mar	Salvage Yard
64804020	East Otay Mesa SP	Technology Business Park	Specific Plan	Rancho Vista Del Mar	Vacant/Undeveloped
64804017, 64804023	East Otay Mesa SP	Heavy Industrial	Specific Plan	Rancho Vista Del Mar	Vacant/Undeveloped
64804025	East Otay Mesa SP	Technology Business Park	Specific Plan	International Industrial Park Inc	Vacant/Undeveloped
64804026	Holding Area	N/A	Public/Semi-Public Uses	State Of California	Jail/Prison
64804027, 64804028	East Otay Mesa SP	Heavy Industrial	Specific Plan	International Industrial Park Inc	Vacant/Undeveloped

## SECTION 5.0

## ENVIRONMENTAL INFORMATION

APN #	Zoning	Specific Plan Land Use Designation**	General Plan Land Use	Property Owner	Description of Existing Land Use
64804031, 64804034	East Otay Mesa SP	Conservation/Limited Use & Heavy Industrial	Specific Plan	Rancho Vista Del Mar	Vacant/Undeveloped
64804035	East Otay Mesa SP	Technology Business Park	Specific Plan	O M C Properties LLC	Vacant/Undeveloped
64804036, 64804037	East Otay Mesa SP	Heavy Industrial	Specific Plan	O M C Properties LLC	Vacant/Undeveloped
64804038	East Otay Mesa SP	Heavy Industrial	Specific Plan	Calpine Corp OMC Properties LLC	Vacant/Undeveloped
64804039, 64804040, 64808013, 64808014, 64808025	East Otay Mesa SP	Heavy Industrial	Specific Plan	D&D Landholdings	Vacant/Undeveloped
64804041, 64804042, 64804043	East Otay Mesa SP	Mixed Industrial & Heavy Industrial	Specific Plan	Alta Parcels LP	Vacant/Undeveloped
64804046, 64804048	East Otay Mesa SP	Heavy Industrial	Specific Plan	Alta Parcels, L.P.	Vacant/Undeveloped
64804047	East Otay Mesa SP	Heavy Industrial	Specific Plan	Calpine Corp DGEN LP	Power Plant
64805005	Holding Area	N/A	Multiple Rural Use	USA - Bureau Of Land Management	Open Space Park/Preserve
64805013, 64805014	East Otay Mesa SP	Rural Residential	Specific Plan	Otay Hills LLC	Vacant/Undeveloped
64805017	East Otay Mesa SP	Rural Residential	Specific Plan	Kyddlf&Rdlfg Ft No 1 LLC	Vacant/Undeveloped
64805020	East Otay Mesa SP	Conservation/Limited Use	Specific Plan	KYDDLf & RDLFGFT No 1 LLC	Open Space Park/Preserve
64807003, 64808027	East Otay Mesa SP	Mixed Industrial	Specific Plan	Kearny PCCP Otay 311 LLC	Vacant/Undeveloped
64807009	East Otay Mesa SP	Technology Business Park	Specific Plan	TPO LLC	Vacant/Undeveloped
64807013	East Otay Mesa SP	Technology Business Park	Specific Plan	Kouladjian Family Revoc Trust	Auto Auction
64807014	East Otay Mesa SP	Technology Business Park	Specific Plan	Mckany Michael J	Vacant/Undeveloped
64807017	East Otay Mesa SP	Light Industrial	Specific Plan	Hawano Corporation NV	Vacant/Undeveloped
64807018	East Otay Mesa SP	Light Industrial	Specific Plan	Otay Water District	Vacant/Undeveloped
64807021	East Otay Mesa SP	Mixed Industrial	Specific Plan	Otay Business Park LLC	Vacant/Undeveloped
64807031, 64807032	East Otay Mesa SP	Light Industrial	Specific Plan	Otay Logistics Industrial LLC	Vacant/Undeveloped
64808016, 64808017	East Otay Mesa SP	Mixed Industrial	Specific Plan	Rancho Vista Del Mar	Vacant/Undeveloped
64808018	East Otay Mesa SP	Mixed Industrial	Specific Plan	Rancho Vista Del Mar	Vacant/Undeveloped
64808026	East Otay Mesa SP	Mixed Industrial	Specific Plan	D&D Landholdings	Vacant/Undeveloped
<i>Within one-quarter mile of project linear facilities</i>					
64608032, 64608033 64631001 thru 64631015	East Otay Mesa SP	Technology Business Park	Specific Plan	First American Trust Tr No 1082-0284-00	Vacant/Undeveloped
64612109, 64612110 64612113, 64612114, 64613057	Planned District	N/A	Industrial	Owner Information Not Available	Vacant/Undeveloped
64613026	East Otay Mesa SP	Light Industrial	Specific Plan	Scannell Properties No 102 LLC, HS LLC et al, c/o James C Carlino	Manufacturing/Industrial
64613027	East Otay Mesa SP	Light Industrial	Specific Plan	Hanna Makram A & Maureen T	Vacant/Undeveloped

APN #	Zoning	Specific Plan Land Use Designation**	General Plan Land Use	Property Owner	Description of Existing Land Use
64613039, 64613040 64613041, 64613042	East Otay Mesa SP	<i>Technology Business Park</i>	Specific Plan	South County Commerce Center LLC	Vacant/Undeveloped
64613045	Planned District	N/A	Industrial	San Diego Gas&Electric Co Public Facility	
64613050	Planned District	N/A	Industrial	San Diego Gas&Electric Co, c/o Office Services EB 5	Public Facility
64613056	Planned District	N/A	Industrial	Pico Biomass LLC, c/o James F Mosier	Vacant/Undeveloped
64613059	Planned District	N/A	Industrial	Larkspur Energy LLC	Manufacturing/Industrial
64613101	Planned District	N/A	Industrial	Pinos Produce Inc	Vacant/Undeveloped
64613103 thru 64613106	Planned District	N/A	Industrial	P G Films LLC	Manufacturing/Industrial
64613108	Planned District	N/A	Industrial	Pinos Produce Inc	Manufacturing/Industrial
64613109 thru 64613112	Planned District	N/A	Industrial	LBA Realty Fund III- Company I LLC, Attn: Hilary Raymond	Manufacturing/Industrial
64613116	Planned District	N/A	Industrial	Otay Ridge LLC	Manufacturing/Industrial
64614218	Planned District	N/A	Industrial	Majestic Otay Partners LLC	Manufacturing/Industrial
64624030	East Otay Mesa SP	<i>Technology Business Park</i>	Specific Plan	Sunroad Otay Partners LP, c/o Aaron Feldman	Vacant/Undeveloped
64624081	East Otay Mesa SP	<i>Light Industrial</i>	Specific Plan	Otay Mesa Crossing LLC, c/o Regency Realty Group Inc	Vacant/Undeveloped
64807023	East Otay Mesa SP	<i>Light Industrial</i>	Specific Plan	Millican, Patricia G	Vacant/Undeveloped
64807025	East Otay Mesa SP	<i>Mixed Industrial</i>	Specific Plan	Millican, Patricia G	Vacant/Undeveloped
64807024	East Otay Mesa SP	<i>Light Industrial</i>	Specific Plan	United States Of America	Vacant/Undeveloped
64807026	East Otay Mesa SP	<i>Mixed Industrial</i>	Specific Plan	United States Of America	Vacant/Undeveloped
64807029, 64807030	East Otay Mesa SP	<i>Light Industrial</i>	Specific Plan	RLR Investments LLC, Attn: Corporate Legal	Vacant/Undeveloped

\*\*Land use designations have been identified on the official Land Use Map adopted with the Specific Plan document. See Section 5.9.1.3 for details regarding Specific Plan relationship to Zoning Code and related regulations.

Source: County of San Diego, Department of Planning and Land Use, December 8, 2010

### 5.9.1.3 General Plan and Zoning Designation

#### General Plan Designation – Specific Plan

The County of San Diego General Plan includes the Otay Subregional Plan, which was adopted as part of its Land Use Element in April 1994. The General Plan and Subregional Plan identify the land use designation of the project site and surrounding area as Specific Plan (Figure 5.9-3, City General Plan Land Use Designations).

The Specific Plan designation is intended for areas designated on the map of any subregional or community plan of the County General Plan where the Board of Supervisors has determined that more detailed planning is required prior to development. The PPEC project is located within an adopted Specific Plan, known as the East Otay Mesa Business Park Specific Plan, which is further discussed below under the Zoning Designation section.

**Project Site Zoning Designation – East Otay Mesa Business Park Specific Plan, Heavy Industrial**

Zoning for the project site is Specific Plan (S88), which is intended to accommodate Specific Plan areas as provided in the County General Plan. The Specific Plan zoning designation allows for an unlimited variety of land uses, as further established through an adopted Specific Plan document. As further established in Chapter 2888(c) of the County's Zoning Ordinance (Appendix M-3), all uses established pursuant to an applicable Specific Plan shall be subject to all of the conditions and restrictions set forth in the Specific Plan, and said Specific Plan conditions and restrictions concerning uses shall prevail over the Zoning Ordinance regulations to the extent of any conflict between them.

The East Otay Mesa Business Park Specific Plan was originally adopted by the County in 1994, and subsequently amended in September 2010 (Appendix M-2). The document includes a land use plan for the area, identifying land use designations within the boundaries of the Specific Plan area (Figure 5.9.4, Specific Plan Land Use). The PPEC site falls within the 'Heavy Industrial' land use designation of the Specific Plan. The Heavy Industrial zone allows for the development of manufacturing operations and most uses allowed in the Technology Business Park and Light Industrial land use designations of the Specific Plan, but also allows for more intense industrial uses such as recycling plants, salvage yards, and outdoor storage.

The San Diego County Zoning Code classifies uses into certain use types. A power plant is considered a Major Impact Services and Utilities Use (San Diego County Alphabetical List of Individual Uses prepared pursuant to Zoning Ordinance, § 1220) and is classified as a Civic Use type (San Diego County Zoning Ordinance, § 1350). Major Impact Services and Utilities uses are permitted in the heavy industrial land use designation of the Specific Plan upon issuance of a Major Use Permit from the County. (East Otay Mesa Business Park Specific Plan, Table 3.1-1.) The PPEC, therefore, is consistent with the existing land use designation and zoning classification for the site.

*Specific Plan Regulatory Provisions:* The Specific Plan document includes a chapter which sets forth the policies, regulatory procedures and standards for implementing the East Otay Mesa Specific Plan. This includes land use regulations and developments standards, such as building setbacks and height restrictions, required parking standards, and landscaping requirements. Regulatory provisions also include applicable development review and approval procedures for projects proposed within the limits of the Specific Plan.

**Zoning Ordinance**

Development standards and regulations not expressly identified in the East Otay Mesa Business Park Specific Plan are subject to the County of San Diego Zoning Ordinance. All uses in the Specific Plan area shall comply with applicable portions of Section 6300 et seq. of the County Zoning Ordinance: Performance Standards. Regarding noise measurements, uses in the Heavy and Mixed Industrial areas shall comply with Section 6310.e.

**5.9.1.4 Multiple Species Conservation Program (MSCP)**

The project site is within the County of San Diego MSCP South County Subarea Plan, which is a comprehensive, long-term habitat conservation plan that addresses the needs of multiple species and the preservation of natural vegetation communities in San Diego County. The MSCP addresses the potential impacts of urban growth, loss of natural habitat, and species endangerment, and creates a plan to mitigate for the potential loss of Covered Species and their habitat due to the direct, indirect, and cumulative impacts of future development of public and private lands within the MSCP area. The MSCP is a subregional plan under the California Natural Community Conservation Planning (NCCP) Act of 1991. The MSCP is implemented through the Subarea Plan.

The South County MSCP Subarea Plan (October 1997) was prepared for an area encompassing 12 jurisdictions and 582,000 acres. The PPEC site is located in a Minor Amendment area of the Subarea Plan. Further discussion of the Minor Amendment process is provided in Section 5.6 Biological Resources.

**5.9.1.5 Worker Parking and Equipment Laydown Locations**

A 6.00-acre temporary laydown area located immediately south of the project site has been identified to provide a material and equipment staging area, vehicle parking, office trailers, and small fabrication areas to accommodate project construction. This site is also zoned for Heavy Industrial uses in the East Otay Mesa Business Park Specific Plan. Temporary construction support, including the uses identified, is permitted under Section 6102(d) and 6110 of the General Regulations section of the San Diego County Zoning Ordinance. The area will be restored or improved upon completion of construction of the PPEC project, and therefore is consistent with the land use regulations of the County of San Diego.

**5.9.1.6 Summary of Recent General Plan Amendments and Zone Changes**

The County of San Diego is currently in the process of approving a comprehensive revision of its General Plan, anticipated for adoption in February 2011. Prior to this, the County's General Plan was last comprehensively updated in 1979. The Otay Subregional Plan of the County General Plan, which was adopted as part of its Land Use Element in April 1994, provides the framework for development in the project area.

According to the County of San Diego DPLU, the Otay Subregional Planning Area experienced significant growth between the years 1990-2000. As further indicated in the Otay Subregional Plan, development in the area was anticipated to increase significantly due to the following reasons:

- A second international border crossing, the State Correctional Facility and the increased industrial development immediately across the Mexican Border have increased development pressures on the subregion in general and on Otay Mesa in particular; and
- Otay Mesa contains large, level, undeveloped and relatively inexpensive parcels of land, and is located near a large labor pool, moderately priced housing and a general aviation airport - which makes it highly suitable for large scale industrial development.

Both the General Plan land use designation and Zoning designation of the project site and surrounding area within one mile of the site and one-quarter mile of the project linear facilities is Specific Plan. There have been no General Plan Amendments approved within the past two years for the area and the Specific Plan land use and zoning designation has been the same since its original adoption in 1994.

The East Otay Mesa Business Park Specific Plan has not changed significantly in recent years and only one Specific Plan Amendment (SPA) application has been approved for the area in the last two years. SPA 01-001, was approved on September 15, 2010. No major revisions were made to the land use or circulation plans with the 2010 amendment and its primary purpose was to simplify and clarify permitting and development requirements. The project site's heavy industrial land use designation set forth in the East Otay Mesa Business Park Specific Plan has not changed.

### 5.9.1.7 Summary of Recent Discretionary Reviews

There have been a number of discretionary projects within the Otay Subregional Plan area that have been submitted for review and approval to the County of San Diego in recent years. The majority of these projects include industrial-related uses or land subdivisions, however commercial uses are also included. A list of projects are provided in Table 5.9-2, Recent Discretionary Applications – East Otay Mesa.

**TABLE 5.9-2  
RECENT DISCRETIONARY APPLICATIONS – EAST OTAY MESA**

Project Name (APN)	County Project Number	Project Description
<b>ONGOING</b>		
<b>California Crossings</b> APN: 646-240-48	P06-102 TPM 21046 (06-0073729)	<b>Retail Commercial Center:</b> 325,502 SF of retail space anchored by a Target Store.
<b>COPART County Sales Yard Time Extension</b> APN: 648-070-13.	P 88-020W1 (06-0058981) (06-0058981)	<b>Auto Auction Use Permit:</b> Major Use Permit Modification to allow for a 5 year time extension to an existing MUP that allows for storage of 8,000 vehicles, a 42,000 sf butler type building, weekly auctions, 40 employees, 562 parking spaces.
<b>Hawano Subdivision</b> APN: 648-070-17.	3992 10-006 Major Preapplication Meeting	<b>Industrial (or Technology Park) Subdivision:</b> Tentative Map for 22 lots an 80-acre parcel. The project site is located in the southeastern portion of the East Otay Mesa Specific Plan in an area that is designated as Light Industrial. The project is located south of Airway Road north of Via de Amistad, and west of Alta Road.
<b>Insurance Auto Auctions</b>	P00-012TE (08-0097555)	<b>Auto Auction Use Permit:</b> Major Use Permit Time Extension for Insurance Auto Auctions (IAA) to extend the expiration period of the use permit for 5 years. The permit is for a temporary use for an auto processing and auto auction facility.
<b>International Industrial Park</b> APN: 648-040-20,25 and 646-080-17	TM 5549 (07-0074561)	<b>Technology/Business Park:</b> Tentative Map to subdivide vacant land into 10 parcels for technology/business park use.
<b>OMC Properties 4-Lot Split</b> APN: 648-040-35.	TPM 21140 (08-0102894)	<b>Subdivision:</b> Minor subdivision to divide the subject property into three lots. The site is currently vacant.
<b>Otay Business Park</b> APN: 648-070-21.	TM 5505 (06-0064186)	<b>Industrial Subdivision:</b> TM will subdivide an undeveloped 161.6 gross acre parcel into 59 industrial lots. No specific uses are identified.

Project Name (APN)	County Project	Project Description
<b>Otay Crossings Commerce Park</b> APN: 648-070-03, 648-080-27	TM 5405 SPA 04-006 ER 93-19-006Q (05-0060344)	<b>Industrial Subdivision:</b> Includes Specific Plan Amendment. The TM will subdivide the parcel into 56 industrial lots. The future right-of-way for SR-11 traverses the site, as well as the future U.S Port-of-Entry is located on the southern boundary of the site.
<b>Otay Hills Mining</b> APN: 648-050-13,14,15,16,17, 648-080-13,14&25, 648-040-34	P 04-004 RP 04-001  (10-0123562)	<b>Aggregate Excavation:</b> MUP and Reclamation Plan for excavation of construction.
<b>Robago Subdivision</b> APN: 646-080-11 & 12	Major Preapplication Meeting	<b>Industrial Subdivision:</b> The project is a proposed subdivision of 71.1 acres to create 19 lots for business park development in the East Otay Mesa Specific Plan area.
<b>Rowland Vehicle Transfer Facility</b> APN 648-080-11 & 12	3301 03-001-02 (10-0127820)	<b>Vehicle Transfer Facility - Interim Use:</b> Major Use Permit Modification of P 03-001 to expand the usable area of the project site from approximately 29 to 31 acres with additional grading and fill. In addition, this extension request will trigger the requirement to construct the half-width road Improvements for Enrico Fermi Drive and Lone Star Roads. The Modification will also extend the Interim Use of P 03-001 that is due to expire June 24, 2010. There is no change of use of the property from that previously approved.
<b>RTX Truck Parking and Storage</b> APN: 648-070-23	S08-022 (previously S07-002) (08-0099087)	<b>Truck Storage:</b> Site plan review for a storage lot for tractor-trailers and containers for a trucking firm.
<b>Salvage Yards/ National Enterprises Recycling</b>	3992 10-003 (Preapplication)	<b>Automotive and Green Waste Recycling Center:</b> Modification to original project to accommodate a portion of property for CCA and include CCA's previous site.
<b>Sunroad / Otay Tech Center</b> APN: 646-080-08, -30, -31; 646-240-30	SPA 07-003 TM 5538 (07-0079920)	<b>Business Park / Interim Uses:</b> TM for a 58-lot major subdivision of 218.1 acres and SPA to increase and move commercial overlay. The eastern portion of the property includes a previously approved subdivision of 250 acres into 56 industrial lots and one 51.5 acre open space lot (TM5139RPL6R2). Applications submitted in April '09 for interim uses and a change in project description for the SPA/TM.
<b>Sunroad Interim Uses</b> APN: 646-080-08, -30, -31; 646-240-30		<b>Vehicle Storage, Construction Sales and Services, and Wholesale Nursery.</b> New applications submitted in April '09 for interim uses at same location as permanent uses.
<b>Sunroad Centre I</b>	P09-009	<b>Vehicle Storage and Construction Sales and Services</b>
<b>Harvest Ranch Nursery</b>	P09-005	<b>Wholesale Nursery</b>
<b>APPROVED PROJECTS</b>		
<b>CCA San Diego Correctional Facility</b> APN: 648-040-34	P06-074W1 09-0112114	<b>Detention Facility:</b> Modified MUP for a secure detention facility to be constructed in two phases. Original project is proposed to be relocated to the southeasterly portion of the previously approved MUP 98-001.
South County Commerce Center REVISED APN: 646-130-39,40,41,&42	TM 5394R ER 93-19-006EE (08-0091020)	<b>Industrial Subdivision:</b> Revised TM for an approximately 80-acre parcel to make this map consistent with the changes made in the County initiated Specific Plan Amendment in 2007.
Saeed Revised Map REVISED APN: 646-130-26	TM 5304R (07-0090054)	<b>Business Park.</b> Revision of previously approved TM for Airway Business Center to make this map consistent with Specific Plan Amendment, SPA 06-003, and GP Circulation Element Amendment (GPA 06-013).
<b>CCA San Diego Correctional Facility</b> APN: 648-040-11	SPA 06-005 P 06-074 ER 93-19-006X (06-0065889)	<b>Detention Facility:</b> SP Amendment and MUP. The MUP proposes a secure detention facility to be constructed in two phases on a 32-acre portion of an approximately 40-acre site.
<b>FEDEX Site Plan</b>	S08-018	<b>Fedex Facility:</b> Fedex facility on the western most lot of the Saeed TM.

Project Name (APN)	County Project	Project Description
<b>Piper Otay Park</b> APN: 646-240-74	TM 5527 (06-0073639)	<b>Industrial Subdivision:</b> TM will subdivide an undeveloped 24.84 gross acre parcel into 13 industrial lots ranging from 1.03 acres to 2.61 acres.
<b>Salvage Yards/ National Enterprises Recycling</b> APN: 648-040-15,17,23,27,28,31,34	P 98-001 ER 93-19-006F (05-0053690)	<b>Automotive and Green Waste Recycling Center:</b> The project will develop areas for automobile storage, scrap and recycling operations, and wood and green material recycling.
<b>Travel Plaza</b> APN: 648-070-09	P 98-024W1 TPM 20414 ER 93-19-006N (04-15749) Associated: L14632	<b>Truck Storage and Truck Stop:</b> MUP Modification for site located on northeast corner of Enrico Fermi Drive and Airway Road in SubArea for truck storage facility and truck stop.
<b>Vulcan</b> APN: 648-040-36	S 07-038 (07-0084498)	<b>Concrete &amp; Asphalt Batch Plant:</b> The project is a Site Plan to construct and operate concrete and asphalt batch plants.

### 5.9.2 ENVIRONMENTAL CONSEQUENCES

This section discusses the potential effects of site preparation, construction, and operation on existing land uses and land use resources of the project area. Potential environmental consequences were analyzed for the study area within one mile of the proposed project site and within one quarter mile of project linear facilities (Figure 5.9-3, City General Plan Land Use Designation and Figure 5.9-5, Properties Within One-Mile of Project Site and Quarter-Mile of Project Linears and FMMP Data). Potential land use impacts relate to both the construction and operation of PPEC and any ancillary facilities.

There are no existing sensitive land uses (schools, churches, day care facilities) within a one mile radius of the project site. The proposed electrical generating facility is consistent with the industrial nature of the Specific Plan and consistent with the heavy industrial land use designation. In addition to complying with the General Plan, Specific Plan, and Zoning designations, the placement of the power plant in proximity to existing and planned industrial uses, State prison, and County detention center is compatible with the surrounding land use character consisting primarily of industrial uses. As such, PPEC will not have any significant adverse impacts on land use. The project will not result in any physical division of communities. Established residential communities further away from the project site will not be significantly affected. All other proposed County of San Diego land use plans and policies will not be significantly altered by the operation of the proposed project. Potential impacts related to the County of San Diego MSCP South County Subarea Plan are further addressed in Section 5.6 Biological Resources.

#### 5.9.2.1 Abandonment/Closure

Planned permanent closure impacts will be incorporated into the facility closure plan and evaluated at the end of the generating station's operating life.

### 5.9.3 CUMULATIVE IMPACTS

The purpose of this section is to identify past, present, and reasonably foreseeable actions in the PPEC project area that could affect the same resources as those of the project and provide the following analysis:

- Determine if the impacts of PPEC and the other actions would overlap in time or geographic extent.
- Determine if the impacts of the proposed project would interact with, or intensify, the impacts of the other actions.
- Identify any potentially significant cumulative impacts.

The assessment of cumulative impacts for this project includes a review of other projects where an application has been filed with San Diego County, and the Cities of San Diego and Chula Vista, as well as projects anticipated by the CEC. Section 5.18 presents a list of these potential projects that could result in cumulative impacts with the proposed project

This project area and the surrounding area have had a small number of development projects in the past 18 months, though several potential projects may be considered in the foreseeable future. Because the PPEC is consistent with existing land use policies and regulations and compatible with adjacent uses, PPEC will not contribute to cumulative land use impacts.

### 5.9.4 MITIGATION MEASURES AND CONDITIONS OF CERTIFICATION

The project will have less than significant impact on land use and will not conflict with existing land use activities in the area. Conditions of certification are not required as PPEC has no significant impacts and conforms to all LORS.

### 5.9.5 LAWS, ORDINANCES, REGULATIONS AND STANDARDS (LORS)

LORS related to land use and their applicability to the project are summarized in Table 5.9-3, LORS and Compliance for Land Use. PPEC will be constructed and operated in compliance with all applicable land use LORS, as discussed below.

#### 5.9.5.1 Federal

There are no federal LORS related to the land use associated with PPEC.

#### 5.9.5.2 State

**California Public Resources Code \*25523 (a); 20 CCR \*\*1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Appendix B, Part (I) (3) and (4)** These codes require that the applicant evaluate the compatibility of the proposed project with relevant land use plans. This requirement is met via Section 5.9.5.3, below.

*Administering agencies:* The administering agency for the above is the CEC.

**California State Planning Law, Government Code Section 65300 through 65302.** This code requires each planning agency to prepare and the legislative body of each county and city to adopt a comprehensive General Plan for the physical development of the county. The General Plan shall address seven mandatory elements including a land use element. Conformance is discussed in Section 5.9.5.3.

*Administering agencies:* The administering agency for these state requirements is the County of San Diego.

**California Department of Conservation Farmland Mapping and Monitoring Program (Assembly Bill 966 (Lehman), Chapter 13, Statutes of 1982).** The CDOC administers the Farmland Mapping and Monitoring Program (FMMP), which was established in 1982 to continue the Important Farmland mapping efforts begun in 1975 by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). FMMP has the purpose to provide data for use in planning the present and future of California's agricultural land resources, and applies the NRCS soil classifications to identify agricultural lands and designations. The CDOC has a minimum mapping unit of ten acres, with smaller than ten-acre parcels being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the CDOC:

- **Prime Farmland.** Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date to qualify as "Prime Farmland."
- **Farmland of Statewide Importance.** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- **Unique Farmland.** Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date. Unique Farmland also excludes abandoned orchards.
- **Farmland of Local Importance.** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- **Grazing Land.** Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- **Urban and Built-up Land.** Land occupied by structures with a building density of at least 1

unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

- **Other Land.** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

### 5.9.5.3 Local

The County of San Diego General Plan, adopted in 1979, reflects the values and contains the goals of the community with respect to development. The General Plan is general in nature and provides a vision of the future. The General Plan contains an evaluation of existing conditions and provides long-term goals and policies to guide growth and development for the next 20 to 30 years. The General Plan is implemented by the County through its zoning, subdivision ordinances, specific plans, growth management policies, planned development districts, development agreements, development review, code enforcement, land use database, capital improvement programs, environmental review procedures, building and housing codes, and redevelopment plans.

The project site is governed by the generally applicable goals, objectives and policies in the General Plan, as well as those that apply specifically to the Otay Subregional Plan and the East Otay Mesa Business Park Specific Plan. The proposed PPEC project is compatible with these plans, as further identified below.

### **San Diego County General Plan/Otay Subregional Plan Goals and Policies**

#### ***GOALS***

The Subregional Plan goals form the basic framework upon which the subsequent and more specific policies have been developed.

- A. LAND USE GOAL: Provide a land use pattern sensitive to the opportunities and the constraints of the subregion.
  - 1) the planned second international border crossing, the State Correctional Facility and the increased industrial development immediately cross the Mexican Border have increased development pressures on the subregion in general and on Otay Mesa in particular, and
  - 2) Otay Mesa contains large, level, undeveloped and relatively inexpensive parcels of land, and is located near a large labor pool, moderately priced housing and a general aviation airport - which makes it highly suitable for large scale industrial development, and

- 3) the anticipated development of Otay Mesa represents potentially significant economic benefits to the subregion, and
- 4) the subregion contains much valuable agricultural land, which, although adversely affected by high water and labor costs, should be encouraged during the extended build out period of Otay Mesa.

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO WORK WITH THE PRIVATE SECTOR IN CAPITALIZING ON THE UNIQUE DEVELOPMENT OPPORTUNITIES EXISTING NEAR THE MEXICAN BORDER WHILE CONCURRENTLY ENCOURAGING INTERIM AGRICULTURAL PRODUCTION AS MUCH AS ECONOMICALLY FEASIBLE.

**B. PUBLIC SERVICES AND FACILITIES GOAL:** Provide adequate and equitably financed public services and facilities.

- 1) most of the subregion is presently undeveloped with only very limited services and facilities, and
- 2) the orderly and cost effective development of the Otay Mesa requires that public services and facilities be provided in a planned manner involving cooperation and coordination on the part of all affected agencies with the private sector, and
- 3) local government cannot be expected to have the fiscal resources required to finance most needed services - property owners and developers will therefore be expected to bear these costs, and
- 4) the economic feasibility of the Otay Mesa is largely dependent upon maintaining land costs which will attract developers and investors in competition with other industrial areas along the International Border with Mexico.

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO THAT PUBLIC SERVICES AND FACILITIES BE PROVIDED IN A PLANNED, ORDERLY FASHION AND THAT THEY WILL BE PHASED IN RESPONSE TO EVOLVING AND CHANGING MARKET DEMANDS AS WELL AS THE SERVICE CAPACITIES OF PROVIDER AGENCIES - AND FINANCED THROUGH THE EQUITABLE PARTICIPATION OF ALL AFFECTED PROPERTY OWNERS AND DEVELOPERS.

**C. CIRCULATION GOAL:** Provide a circulation network capable of handling subregional traffic.

- 1) transportation facilities have an important effect on community character in terms of design, location and environmental impacts, and
- 2) the Otay Mesa area in particular, will at ultimate build out generate substantial traffic volumes, and
- 3) the second international border crossing will also impact the local and regional road and highway network, and
- 4) the industrial character of expected development of the Otay Mesa will require rail freight access at some time in the future, and

- 5) there is an increasing need for public and non-motorized modes of travel,

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO PLAN FOR THE ORDERLY DEVELOPMENT OF AN ULTIMATE HIGHWAY, STREET AND RAIL TRANSPORTATION NETWORK ADEQUATE TO HANDLE SUBREGIONAL TRAFFIC AT ACCEPTABLE SERVICE LEVELS AND CAPABLE OF ACCOMMODATING AUTOMOBILE AND TRUCK AS WELL AS PUBLIC AND NON-MOTORIZED MODES OF TRAVEL WITH THE SUBREGION.

D. CONSERVATION GOAL: Protect environmental resources.

- 1) the subregion contains vernal pools, endangered plants and wildlife habitats which are not suitable for urbanization, and
- 2) Resource Conservation Areas have been identified to help protect valuable resources throughout the area,

IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO PROTECT THE ENVIRONMENTAL RESOURCES DESIGNATED AS "RESOURCE CONSERVATION AREAS" ON THE CONSERVATION ELEMENT.

**POLICIES**

A. LAND USE:

1) ADOPT GENERAL PLAN CATEGORIES

- i. the Otay Subregional Plan must conform to the County General Plan, and
- ii. the General Plan contains a full description of the land use designations which will be used to implement each of the County's Community and Subregional Plans,

THE LAND USE CATEGORIES AND DESIGNATIONS CONTAINED IN THE COUNTY GENERAL PLAN LAND USE ELEMENT ARE HEREBY ADOPTED BY REFERENCE AND WILL BE USED TO IMPLEMENT THIS SUBREGIONAL PLAN.

2) TREAT THE OTAY MESA AS A SINGLE PLANNING AND DEVELOPMENT UNIT

- i. the Otay Mesa represents an unusual opportunity to plan a major regional and international industrial center in a comprehensive manner,
- ii. and the cost-effective development of the Otay Mesa requires that land use and facility programming and financing be done in a comprehensive manner,

THE COUNTY WILL WORK WITH ALL AFFECTED PARTIES IN BOTH THE PUBLIC AND PRIVATE SECTORS TO MONITOR THE DEVELOPMENT OF THE OTAY MESA ON A CONTINUING BASIS AND TO MAKE SUCH CHANGES IN POLICIES, PLANS, AND REGULATIONS AS ARE NECESSARY TO MAINTAIN ITS DEVELOPMENT FEASIBILITY AND MARKET COMPETITIVENESS.

## 3) DEVELOP INDUSTRIAL DESIGN CRITERIA

- i. the area proposed for industrial development is located near the international border, and
- ii. maintaining a certain quality and cohesiveness of development will make the area more attractive and marketable, and
- iii. efforts will be made to achieve acceptable design standards without unreasonable cost,

ALL PROPOSED INDUSTRIAL DEVELOPMENT SHOULD COMPLY WITH THE DESIGN CRITERIA TO BE CONTAINED IN THE PROPOSED M56, MIXED INDUSTRIAL USE REGULATIONS.

## 4) DISCOURAGE POLLUTING INDUSTRIES

- i. keeping the industry along the border pollution and nuisance free will make the area more attractive and marketable, and
- ii. consideration should be given to residential areas immediately across the border,

THE COUNTY WILL DISCOURAGE INDUSTRIES THAT DISPLAY POLLUTION OR OTHER NUISANCE CHARACTERISTICS FROM LOCATING NEAR THE MEXICAN BORDER.

## 5) PHASE DEVELOPMENT ACCORDING TO AVAILABLE PUBLIC SERVICES AND FACILITIES

- i. development coordinated with the planned expansion of public services and facilities is not economical, and
- ii. adequate services and facilities will not become available throughout the entire plan area for a considerable period of time, and
- iii. premature development regardless of plan designation, is not only uneconomical, but may also disrupt carefully prepared capital improvement plans,

THE COUNTY WILL SUPPORT WELL COORDINATED DEVELOPMENT, IN ACCORDANCE WITH AN ADOPTED FACILITIES FINANCING PLAN.

## 6) SPECIFIC PLAN AREAS: East Otay Mesa Specific Plan Area

**Description**

- i. The East Otay Mesa Specific Plan Area (SPA) encompasses an area of approximately 3,374 acres extending generally from the Otay River Valley southerly to the international border. The area is bordered on the west by the City of San Diego and on the east by the San Ysidro Mountains. The focus of this Specific Plan is industrial development. The purpose of the Specific Plan is to establish a planning framework for a comprehensive approach to the development of the East Otay Mesa area. Development of this area shall be in accordance with all County goals, objectives and policies.
- ii. A majority of the SPA area is comprised of the generally level terrain of Otay Mesa. This mesa is one of a series of marine wave-cut terraces, typical of the San

Diego region. Two major canyons, O'Neal and Johnson, have been deeply cut into the northern most edge of the mesa and drain into the Otay River located within the Otay Valley. The Otay Valley, comprising the northerly portion of the area, contains at its center the relatively flat Otay River floodplain. The topography to the east of the mesa is characterized by low, gently rolling hills which gradually evolve into the deep slopes of the San Ysidro Mountains. Most of the land is either vacant or under cultivation.

## B. PUBLIC SERVICES AND FACILITIES

### 1) FORMULATE PUBLIC FACILITIES PROGRAM AND FINANCING PLAN

- i. a full range of facilities and services will be required for the orderly and cost-effective development of the Otay Mesa, and
- ii. the equitable financing of such facilities and services will directly influence the development feasibility and marketability of Otay Mesa, and
- iii. there is a need to determine which agencies will be responsible for providing various facilities and services during the stages of development of the Otay Mesa, and
- iv. the private sector will have primary responsibility for financing needed facilities and services, and
- v. appropriate studies should be undertaken to determine service and facilities requirements and costs, alternative methods of financing, and the most efficient manner in which affected agencies can provide such services and facilities,

**THE COUNTY WILL ENCOURAGE AND SUPPORT PUBLIC SERVICE AND FACILITY PLANNING AND PROGRAMMING FOR THE OTAY MESA AND WILL WORK WITH ALL AFFECTED PROPERTY OWNERS AND DEVELOPERS TO ASSURE EQUITABLE FINANCING OF SUCH SERVICES AND FACILITIES.**

### 2) RESOLVE WATER DEMAND AND SUPPLY

- i. there may be a reduction in the supply of Colorado River water sometime between 1985 and 1990, and
- ii. high water costs have acted as a deterrent to future agricultural use, and
- iii. high water costs may also affect proposed industrial development on Otay Mesa, and
- iv. reclaimed water may supplement future supplies, and
- v. services are generally most efficient when provided by one single water agency,

**THE COUNTY WILL ENCOURAGE AND SUPPORT STUDIES TO DETERMINE ULTIMATE WATER NEED, THE MOST LOGICAL SERVICE PROVIDER, COOPERATION BETWEEN AGENCIES AND THE USE OF RECLAIMED WATER.**

**C. CIRCULATION****1) DESIGN LOCAL ROADS WITH THE NATURAL LANDSCAPE**

- i. The design and construction of roads have an important visual effect on the surrounding landscape and may cause significant environmental impacts in areas of rugged terrain and/or sensitive soils

THE COUNTY WILL REQUIRE THAT LOCAL ROADS BE DESIGNED WITH EMPHASIS ON SCENIC BEAUTY BY FOLLOWING NATURAL CONTOURS AND AVOIDING INAPPROPRIATE GRADING TO THE EXTENT POSSIBLE.

**2) PROVIDE BICYCLE AND PEDESTRIAN NETWORK**

- i. Non-motorized travel is an integral part of the Subregional Transportation System

THE COUNTY WILL PROMOTE A BICYCLE NETWORK THAT SERVES THE SUBREGION FOR SAFE CYCLING AND ALSO CONFORMS TO THE OVERALL REGIONAL NETWORK. PUBLIC PEDESTRIAN TRAILS SYSTEMS SHALL BE ENCOURAGED THROUGHOUT THE SUBREGION.

**D. CONSERVATION****1) PROTECT RESOURCE CONSERVATION AREAS**

- i. the U.S. Fish and Wildlife Service, the Army Corps of Engineers, and the California Department of Fish and Game have identified vernal pools as critically sensitive habitats on Otay Mesa, and
- ii. there are additional areas within the Subregion that contain endangered plants and Golden Eagle habitats,

THE COUNTY WILL PROTECT THE SENSITIVE BIOLOGICAL RESOURCES WITHIN THE RESOURCE CONSERVATION AREAS ADOPTED IN THE CONSERVATION ELEMENT (SEE APPENDIX A).

**2) DEVELOP ADEQUATE PRESERVATION METHODS**

- i. the County already has adopted a plan to protect the high priority vernal pools on Otay Mesa by "V" (Vernal Pool) and "P" (Planned Development) special area designation, and
- ii. similar special area designations will be applied to the other RCAs which will require CEQA review and Major Use Permits,

THE COUNTY WILL CAREFULLY REVIEW ANY PROPOSED DEVELOPMENT IN THE RCAs THROUGH THE ENVIRONMENTAL REVIEW PROCESS AND MAJOR USE PERMIT PROCESS REQUIRED BY THE "V" AND "P" SPECIAL AREA DESIGNATIONS.

The PPEC project is consistent with applicable Otay Subregional Plan goals and policies.

**East Otay Mesa Specific Plan**

The Specific Plan is intended to promote coordinated development of individual parcels consistent with policies designed to address land use, conservation and open space, circulation, urban design, and public facilities as well as site planning and design guidelines. The Specific Plan includes regulations governing use, intensity and bulk; site access; parking; grading; building location and orientation; usable open space; service areas; fencing, walls and hedges; lighting; landscaping; and architectural standards.

The PPEC project is consistent with applicable Specific Plan development standards and regulations.

**County of San Diego Zoning Ordinance**

This document includes the regulatory and penal ordinances, as well as the administrative ordinances of the County of San Diego, applicable to the project that are not expressly identified in the East Otay Mesa Business Park Specific Plan. A list of applicable County of San Diego Zoning Ordinance sections is included in Table 5.9-3, LORS and Compliance for Land Use. As provided in this table, the PPEC Project is consistent with the Zoning Code.

The PPEC project is consistent with applicable Zoning Ordinance requirements.

**TABLE 5.9-3  
LORS AND COMPLIANCE FOR LAND USE**

<b>Conformance (Section)</b>	<b>LORS</b>	<b>Jurisdiction</b>	<b>Applicability/Compliance</b>
<b>Federal</b>			
<i>No federal LORS have been identified</i>			
<b>State</b>			
5.9.5.2	California Public Resources Code *25523 (a); 20 CCR **1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Appendix B, Part (l) (3) and (4)	CEC	Evaluate compatibility of the proposed project with relevant land use plans. This AFC includes such evaluation.
5.9.5.2	California State Planning Law, Government Code Section 65300 through 65302	County of San Diego Department of Planning and Land Use	Requires each city and county to adopt a comprehensive, general plan for the physical development of the county or city. Identify required contents of General Plan. San Diego County has adopted a General Plan. No project action is required.
5.9.1.2	California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (Assembly Bill 966 (Lehman), Chapter 13, Statutes of 1982	CDOC	Evaluate impacts to Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as defined by the CDOC. The project would result in no impacts to Prime Farmland, Farmland of Statewide Importance, and Unique Farmland.
<b>Local</b>			
5.9.1.3, 5.9.5.3	County of San Diego General Plan and Otay Subregional Plan,	County of San Diego Department of Planning and Land Use	Comply with all applicable land use provisions of the General Plan and Otay Subregional Plan. The PPEC project is consistent with land use provisions of the General Plan and Subregional Plan.

Conformance (Section)	LORS	Jurisdiction	Applicability/Compliance
5.9.5.3	County of San Diego General Plan and Otay Subregional Plan	County of San Diego Department of Planning and Land Use	Comply with applicable General Plan goals and policies. The PPEC project is consistent with the Subregional Plan.
5.9.1.3	County of San Diego Zoning Ordinance and East Otay Mesa Specific Plan	County of San Diego Department of Planning and Land Use	Comply with applicable Specific Plan development standards and requirements, and all applicable County Zoning Ordinance requirements. The PPEC project will comply with all applicable County ordinances and development standards in the Specific Plan
5.9.1.3	County of San Diego East Otay Mesa Specific Plan	County of San Diego Department of Planning and Land Use	Obtain required discretionary approvals (Major Use Permit). This requirement is not applicable given CEC jurisdiction
5.9.1.3	County of San Diego Noise Ordinance (Section 36.404)	County of San Diego Department of Planning and Land Use	Regulates construction-related noise to reduce impacts on adjacent uses in accordance with the County's Noise Ordinance. The project incorporates construction noise regulations to reduce noise impacts.
5.9.1.4	County of San Diego South County Subarea Plan – Multiple Species Conservation Program	County of San Diego Department of Planning and Land Use	Provides a comprehensive, long-term habitat conservation plan developed to address the needs of multiple species and the preservation of natural vegetation communities in southwestern San Diego County. The project is consistent with the MSCP.

Source: County of San Diego General Plan (1979), Otay Subregional Plan (1994), Zoning Ordinance (1978), East Otay Mesa Specific Plan (2010), and South County Subarea Plan – Multiple Species Conservation Program (1997)

#### 5.9.5.4 Involved Agencies and Agency Contacts

Agency contacts for agencies with jurisdiction to issue applicable permits and/or enforce LORS related Land Use regulations are provided in Table 5.9-4, Agency Contacts. A complete list of applicable County of San Diego Ordinances is included in Table 5.9-3, LORS and Compliance for Land Use.

**TABLE 5.9-4  
AGENCY CONTACTS**

Agency	Contact	Title	Telephone
County of San Diego, Department of Planning and Land Use 5201 Ruffin Road, Suite D San Diego, CA 92123-4310	Rosemary Rowan*	Planning Manager	619-694-2976 <a href="mailto:rosemary.rowan@sdcounty.ca.gov">rosemary.rowan@sdcounty.ca.gov</a>
County of San Diego, Department of Planning and Land Use 5201 Ruffin Road, Suite D San Diego, CA 92123-4310	Daniella Rosenberg	Environmental Planner III	(858) 694-3829 <a href="mailto:daniella.rosenberg@sdcounty.ca.gov">daniella.rosenberg@sdcounty.ca.gov</a>
County of San Diego, Department of Planning and Land Use 5201 Ruffin Road, Suite D San Diego, CA 92123-4310	Leanne Carmichael	Regional Planner	(858) 694-3739 <a href="mailto:leann.charmichael@sdcounty.ca.gov">leann.charmichael@sdcounty.ca.gov</a>

Agency	Contact	Title	Telephone
County of San Diego, Department of Public Works 5201 Ruffin Road, Suite D San Diego, CA 92123-4310	Ed Sinsay	Civil Engineer	(858) 694-2486 <a href="mailto:Edwin.sinsay@sdcounty.ca.gov">Edwin.sinsay@sdcounty.ca.gov</a>
County of San Diego, Department of Public Works 5201 Ruffin Road, Suite D San Diego, CA 92123-4310	Rene Vidales	Civil Engineer	(858) 694-3246 <a href="mailto:Rene.vidales@sdcounty.ca.gov">Rene.vidales@sdcounty.ca.gov</a>

\*County Official to serve as contact for CEC Staff.

### 5.9.5.5 County of San Diego Permits and Approvals Required

The CEC will consider consistency of the project with applicable County permit requirements.

Table 5.9-5, Permits and Approvals, lists the permits and approvals that may be required, but for the exclusive authority of the CEC to site this project.

**TABLE 5.9-5  
PERMITS AND APPROVALS**

Issuing Agency	Section	Permit or Approval	Type
County of San Diego	Specific Plan Table 3.1-1	Major Use Permit	Discretionary
County of San Diego	Chapter 2, Division 7, Title 8 of the San Diego County Code	Grading Permits	Discretionary
County of San Diego	Title 9 of the San Diego County Code	Building, and Construction Permits	Non-Discretionary
County of San Diego	Chapter 6, Division 1 Title 7 of the San Diego County Code	Encroachment Permit	Non-Discretionary
County of San Diego	Chapter 6, Division 1 Title 7 of the San Diego County Code	Excavation Permit	Non-Discretionary
County of San Diego	Sec 72.75. County Code of Regulatory Ordinances	Traffic Control Plan	Non-Discretionary

### 5.9.6 REFERENCES

California Energy Commission. 2000a. Improvements to the Energy Commission's Energy Facility Licensing Process. March.

2000b. Energy Facility Licensing Process: Developer's Guide of Practices and Procedures. Staff Report/Draft. December 7.

California Department of Conservation. 2010. San Diego County Important Farmland 2008.

County of San Diego. 2010. Code of Administrative Ordinances.

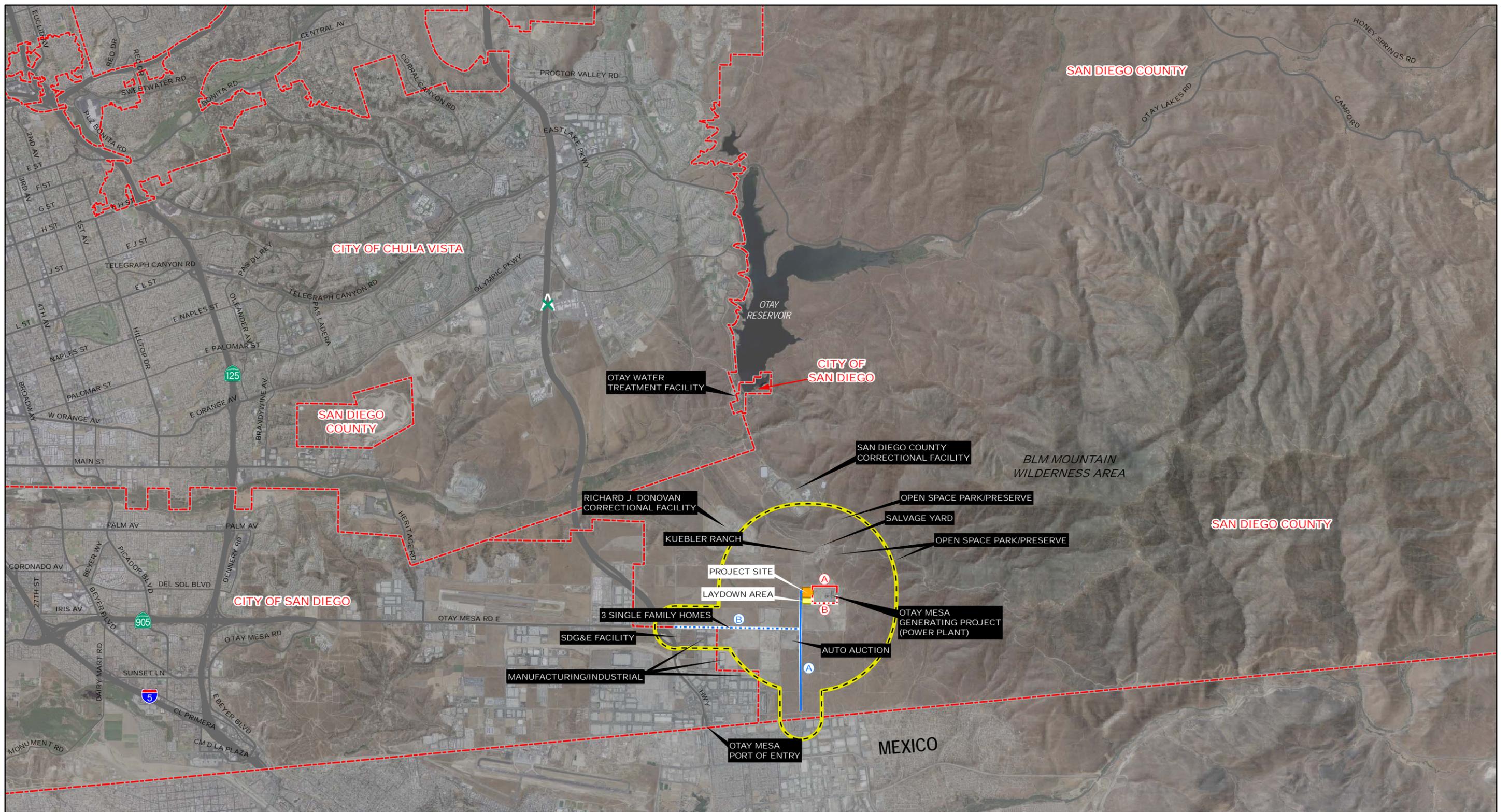
County of San Diego. 2010. Code of Regulatory Ordinances.

County of San Diego. 1979 (as updated). General Plan.

County of San Diego. 1994. Otay Subregional Plan.

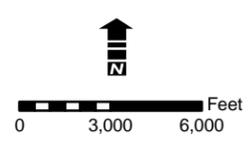
County of San Diego. 2010. East Otay Mesa Business Park Specific Plan.

County of San Diego. 1978 (as updated). Zoning Ordinance.



**Legend**

Jurisdictional Boundary	Route A 230 kV Transmission Line
One-Mile Project Site Radius and Quarter-Mile Linears Radius	Route B 230 kV Transmission Line
Project Site	Route A Natural Gas Line
Laydown Area	Route B Natural Gas Line

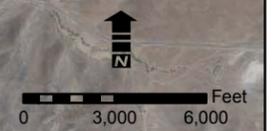
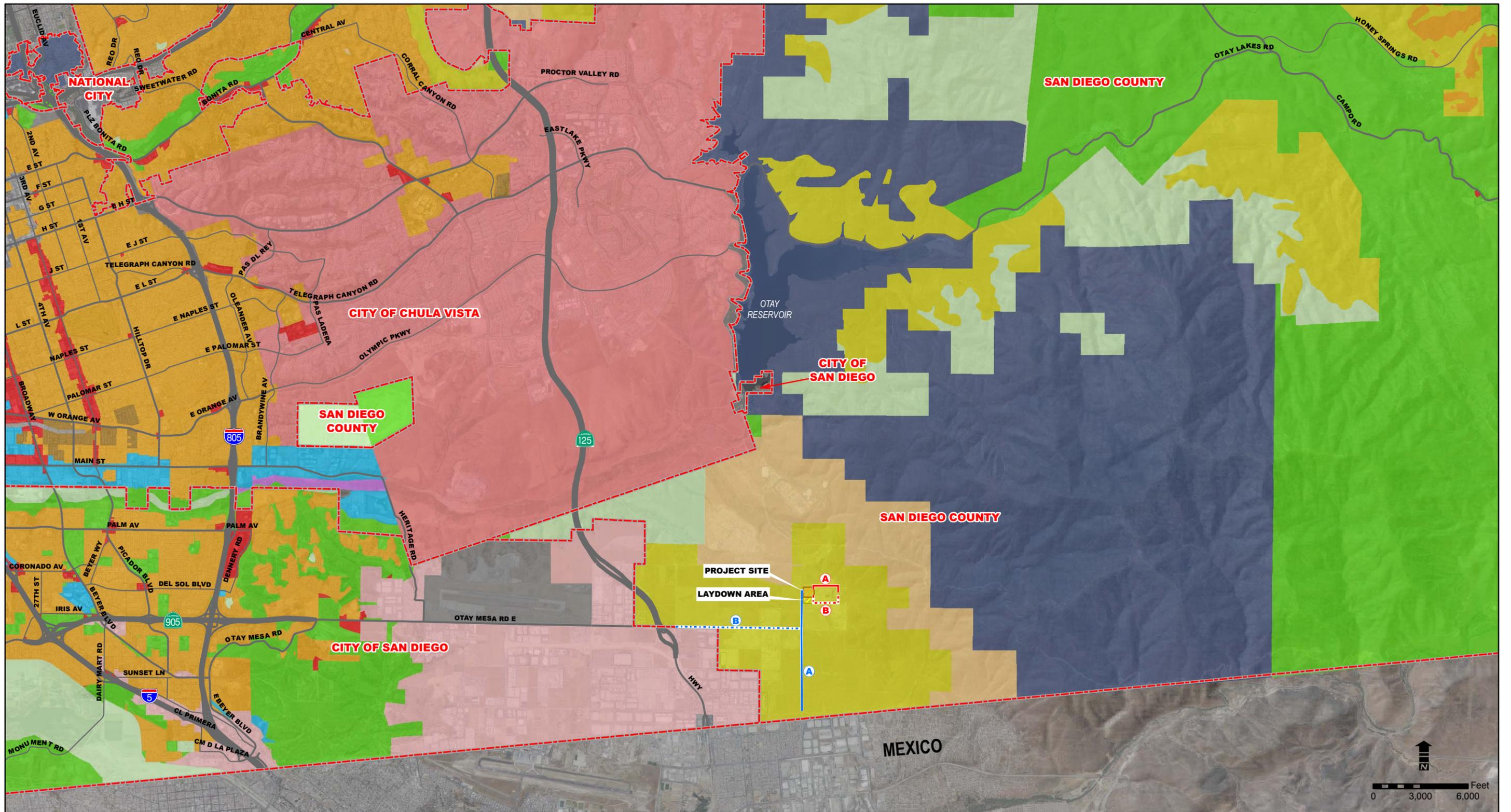


**FIGURE 5.9-1**  
**JURISDICTIONAL BOUNDARIES**  
**AND EXISTING LAND USES**  
**SURROUNDING SITE**

PIO PICO  
ENERGY CENTER

PROJECT NO.: 29874839  
DATE: DECEMBER 2010

Source: DigitalGlobe, 2009



Legend		Zoning		
Jurisdictional Boundary	Route A 230 kV Transmission Line	Agriculture	Limited Control	Residential
Project Site	Route B 230 kV Transmission Line	Commercial	Mobile Home Park	Specific Plan
Laydown Area	Route A Natural Gas Line	Floodway	Open Space	Transportation and Utility
	Route B Natural Gas Line	Holding Area	Planned Community	Unclassified
		Industrial	Planned District	

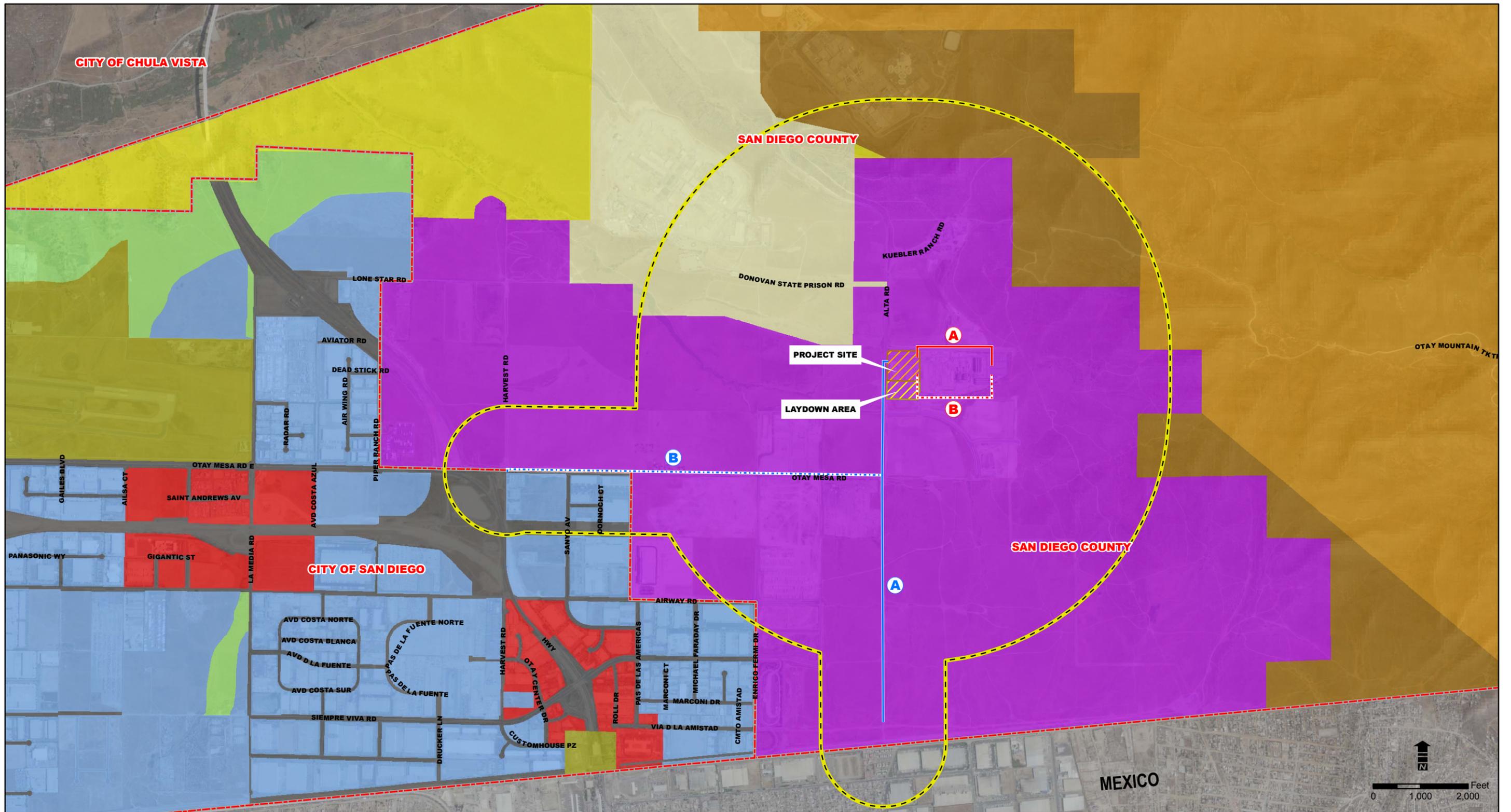
**FIGURE 5.9-2**  
CITY AND COUNTY  
ZONING DESIGNATIONS

**PIO PICO**  
ENERGY CENTER

PROJECT NO.: 29874839  
DATE: DECEMBER 2010



Source: SanGIS (City of San Diego and County of San Diego, 2008). City of Chula Vista, 2004.



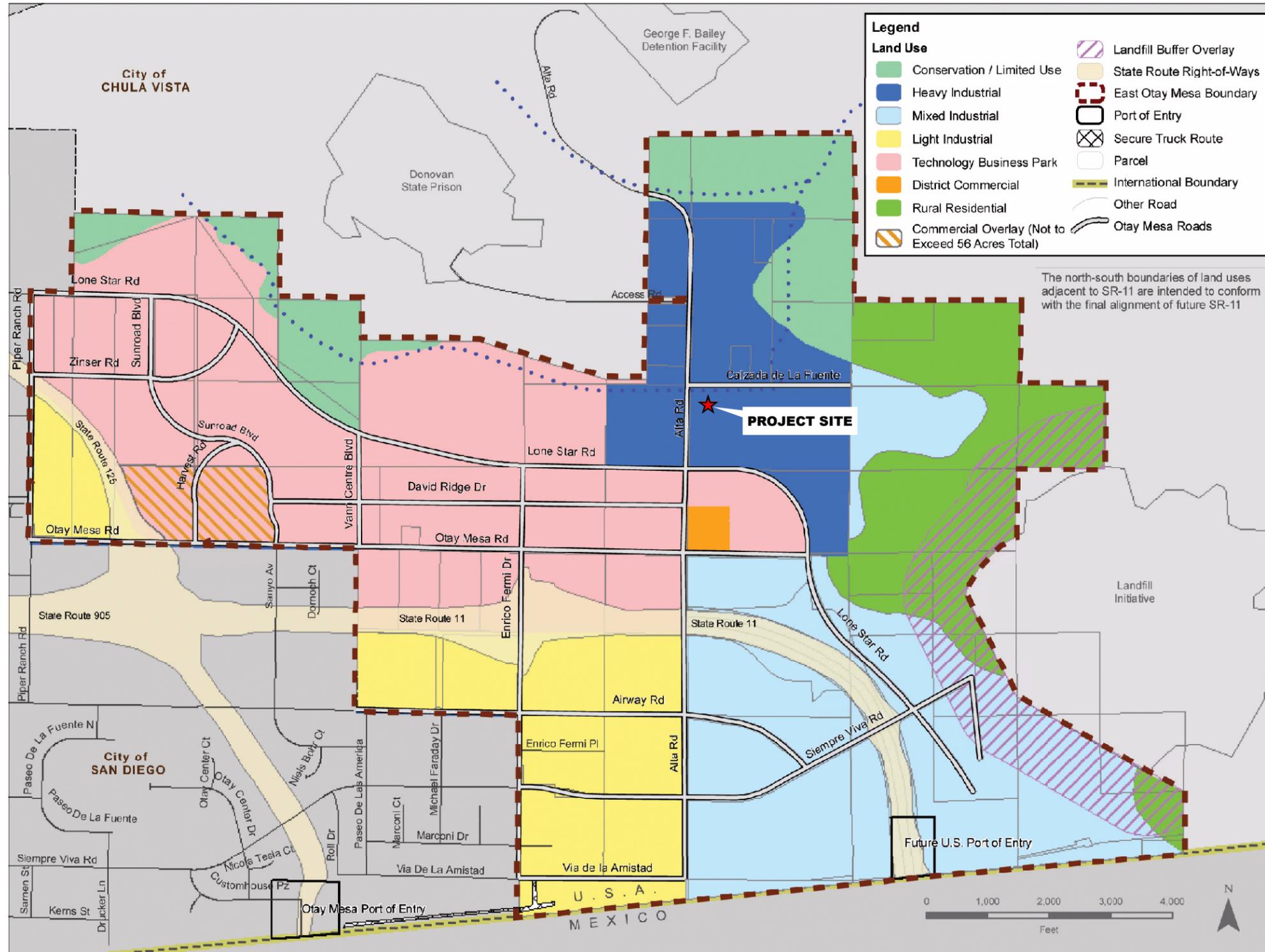
Legend		
Jurisdictional Boundary	Route A 230 kV Transmission Line	Roads / Freeways / Transportation
One-Mile Project Site Radius and Quarter-Mile Linears Radius	Route B 230 kV Transmission Line	Industrial Employment
Project Site	Route A Natural Gas Line	Commercial Employment, Retail, & Services
Laydown Area	Route B Natural Gas Line	Park, Open Space, & Recreation
		Impact Sensitive 1 DU/4,8,20 Acres
		Public/Semi-Public Lands
		Multiple Rural Use 1 DU/4,8,20 Acres
		Estate Residential 1 DU/2,4 Acres
		Specific Plan Area
		Institutional & Public and Semi-Public Facilities

**FIGURE 5.9-3**  
**EXISTING LAND USE**  
**SURROUNDING PROJECT SITE**

**PIO PICO**  
**ENERGY CENTER**

PROJECT NO.: 29874839  
 DATE: DECEMBER 2010

Source: City of San Diego General Plan Land Use (2008) and General Plan for the County of San Diego (1995).

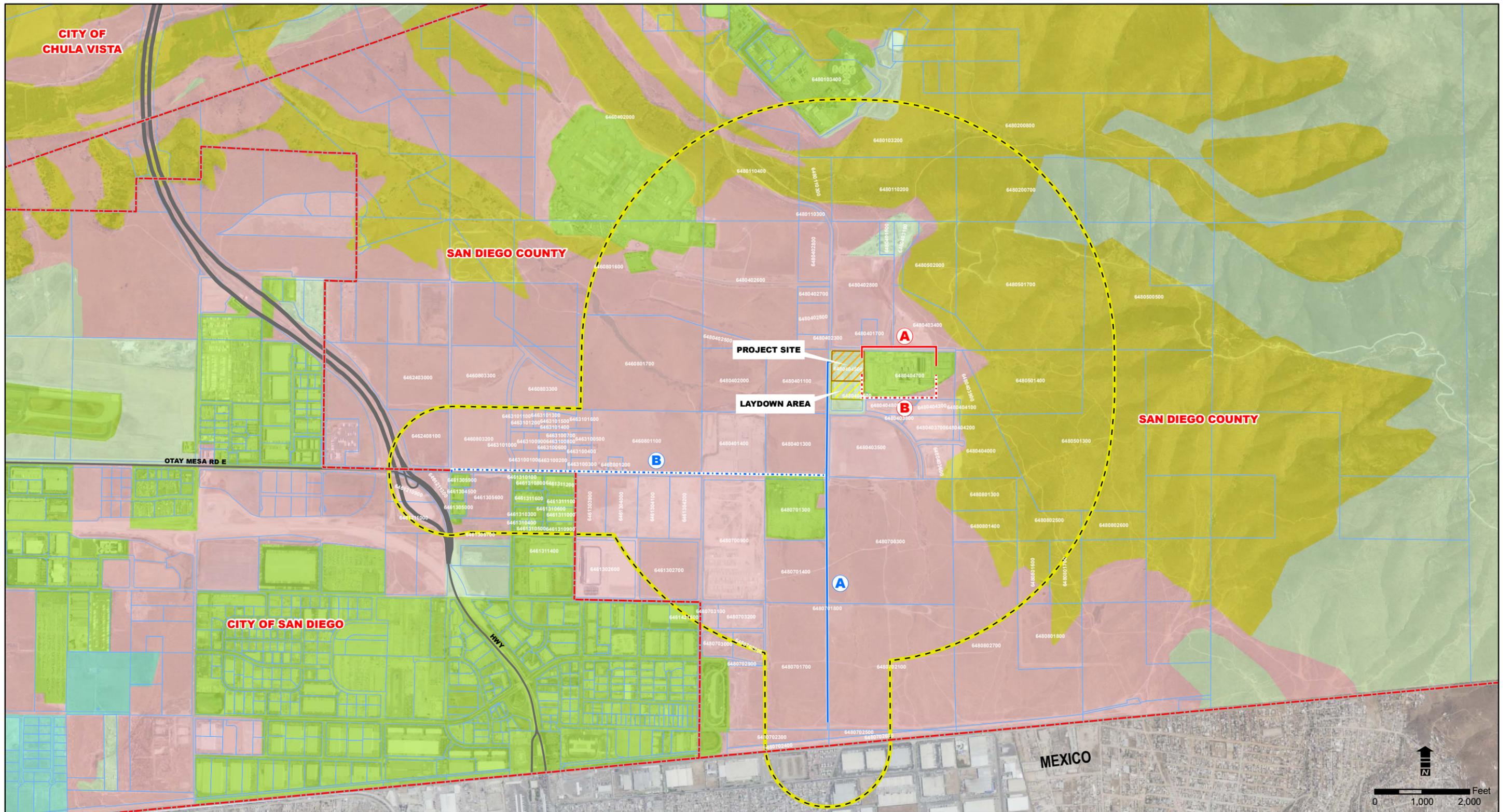


**FIGURE 5.9-4  
SPECIFIC PLAN LAND USE**

**PIO PICO  
ENERGY CENTER**

PROJECT NO.: 29874839  
DATE: DECEMBER 2010





Legend	
	Jurisdictional Boundary
	One-Mile Project Site Radius and Quarter-Mile Linears Radius
	Project Site
	Laydown Area
	Parcel Boundary

CDOC FMMP Farmland Classifications	
	Route A 230 kV Transmission Line
	Route B 230 kV Transmission Line
	Route A Natural Gas Line
	Route B Natural Gas Line
	Farmland of Statewide Importance
	Farmland of Local Importance
	Grazing Lands
	Other Land
	Urban and Built-Up Land

**FIGURE 5.9-5**  
**PROPERTIES WITHIN ONE-MILE OF**  
**PROJECT SITE AND QUARTER-MILE**  
**OF PROJECT LINEARS, AND FMMP DATA**

**PIO PICO**  
**ENERGY CENTER**

PROJECT NO.: 29874839  
 DATE: DECEMBER 2010

Source: Department of Conservation, Farmland Mapping & Monitoring Program, 2008.

Adequacy Issue: Adequate \_\_\_\_\_ Inadequate \_\_\_\_\_ **DATA ADEQUACY WORKSHEET** Revision No.: \_\_\_\_\_ Date: \_\_\_\_\_

Technical Area: **LAND USE** Project: Pio Pico Energy Center Technical Staff: \_\_\_\_\_  
 Project Manager: \_\_\_\_\_ Docket: \_\_\_\_\_ Technical Senior: \_\_\_\_\_

SITING REGULATIONS	INFORMATION	AFC PAGE NUMBER AND SECTION NUMBER	ADEQUATE YES OR NO	INFORMATION REQUIRED TO MAKE AFC CONFORM WITH REGULATIONS
Appendix B (g) (1)	...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.	Section 5.9.1, Section 5.9.2, Section 5.9.3, and Section 5.9.4		
Appendix B (g) (3) (A)	A discussion of existing land uses and current zoning at the site, land uses and land use patterns within one mile of the proposed site and within one-quarter mile of any project related linear facilities. Include:	Section 5.9.1 and Table 5.9-1		
Appendix B (g) (3) (A) (i)	An identification of residential, commercial, industrial, recreational, scenic, agricultural, natural resource protection, natural resource extraction, educational, religious, cultural, and historic areas, and any other area of unique land uses;	Section 5.9.1.2 and Table 5.9-1		
Appendix B (g) (3) (A) (ii)	A discussion of any recent or proposed zone changes and/or general plan amendments; noticed by an elected or appointed board, commission, or similar entity at the state or local level;	Section 5.9.1.3, Section 5.9.1.5, and Section 5.9.1.6		
Appendix B (g) (3) (A) (iii)	Identification of all discretionary reviews by public agencies initiated or completed within 18 months prior to filing the application for those changes or developments identified in subsection (g)(3)(A)(ii); and	Section 5.9.1.7 and Table 5.9-2		
Appendix B (g) (3) (A) (iv)	Legible maps of the areas identified in subsection (g)(3)(A) potentially affected by the project, on which existing land uses, jurisdictional boundaries, general plan designations, specific plan designations, and zoning have been clearly delineated.	Figure 5.9-1, Figure 5.9-2, Figure 5.9-3, Figure 5.9-4, and Figure 5.9-5		

Adequacy Issue: Adequate \_\_\_\_\_ Inadequate \_\_\_\_\_ **DATA ADEQUACY WORKSHEET** Revision No.: \_\_\_\_\_ Date: \_\_\_\_\_

Technical Area: **LAND USE** Project: Pio Pico Energy Center Technical Staff: \_\_\_\_\_  
 Project Manager: \_\_\_\_\_ Docket: \_\_\_\_\_ Technical Senior: \_\_\_\_\_

<p>Appendix B (g) (3) (B)</p>	<p>A discussion of the compatibility of the proposed project with present and expected land uses, and conformity with any long-range land use plans adopted by any federal, state, regional, or local planning agencies. The discussion shall identify the need, if any, for land use decisions by another public agency or as part of the commission's decision that would be necessary to make the project conform to adopted federal, state, regional, or local coastal use plans, or zoning ordinances plans, land.</p> <p>Examples of land use decisions include: general plan amendments, zoning changes, lot line adjustments, parcel mergers, subdivision maps, Agricultural Land Conservation Act contracts cancellation, and Airport Land Use Plan consistency determinations.</p>	<p>Section 5.9.1, Section 5.9.2, and Section 5.9.5</p>		
<p>Appendix B (g) (3) (C)</p>	<p>A discussion of the legal status of the parcel(s) on which the project is proposed. If the proposed site consists of more than one legal, method and timetable for parcel describe the merging or otherwise combining those parcels so that the proposed project, excluding linears and temporary laydown or staging area, will be located on a single legal parcel. The merger need not occur prior to a decision on the Application but must be completed prior to the start of construction.</p>	<p>Section 5.9.1.2</p>		
<p>Appendix B (g) (3) (D)</p>	<p>A map at a scale of 1:24,000 and written description of agricultural land uses found within all areas affected by the proposed project. The description shall include:</p>	<p>Section 5.9.1.2 and Figure 5.9-5.</p>		
<p>Appendix B (g) (3) (D) (i)</p>	<p>Crop types, irrigation systems, and any special cultivation practices;</p>	<p>Section 5.9.1.2</p>		
<p>Appendix B (g) (3) (D) (ii)</p>	<p>Whether farmland affected by the project is prime, of statewide importance, or unique as defined by the California Department of Conservation; and</p>	<p>Section 5.9.1.2 and Figure 5.9-5.</p>		

Adequacy Issue: Adequate \_\_\_\_\_ Inadequate \_\_\_\_\_ **DATA ADEQUACY WORKSHEET** Revision No.: \_\_\_\_\_ Date: \_\_\_\_\_

Technical Area: **LAND USE** Project: Pio Pico Energy Center Technical Staff: \_\_\_\_\_  
 Project Manager: \_\_\_\_\_ Docket: \_\_\_\_\_ Technical Senior: \_\_\_\_\_

Appendix B (g) (3) (D) (iii)	Direct, direct and cumulative effects on agricultural land uses. If the proposed site or related facilities are subject to an Agricultural Land Conservation contract provide a written, copy and a discussion of the status of the expiration or canceling of such contract.	Section 5.9.1.2		
Appendix B (i) (1) (A)	Tables which identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed; and	Section 5.9.5 Table 5.9-3, Table 5.9-4, Table 5.9-5		
Appendix B (i) (1) (B)	Tables which identify each agency with jurisdiction to issue applicable permits, leases, and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the commission to certify sites and related facilities.	Section 5.9.5.4 and Section 5.9.5.5 Table 5.9-3, Table 5.9-4, and Table 5.9-5		
Appendix B (i) (2)	The name, title, phone number, address (required), and email address (if known), of an official who was contacted within each agency, and also provide the name of the official who will serve as a contact person for Commission staff.	Table 5.9-4		
Appendix B (i) (3)	A schedule indicating when permits outside the authority of the commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.	Section 5.9.5.5		