

### **3.9 Land Use and Planning**

This subchapter describes existing land uses and land use plans and policies governing the Project impact footprint and vicinity.

#### **3.9.1 Regulatory Framework**

Relevant land use plans, policies and ordinances for the Proposed Project are contained in the County General Plan, Otay Subregional Plan (OSP), EOMSP, San Diego County Zoning Ordinance, and SMARA. These plans, policies and ordinances address a variety of issues, including development at appropriate densities and in accordance with existing community character, conservation of sensitive habitats, provision of open space and recreational opportunities, protection of visual amenities, regulation of signage and lighting, and protection against incompatible land uses. Many of these issues are addressed in elements of the General Plan and in the OSP and EOMSP. These land use plans and ordinances are described below. The applicable goals, objectives and policies from the plans and ordinances are listed in Table 1, *Applicable Policies Guiding Project Development*, contained in Appendix N of this EIR, *Applicable Policies Guiding Project Development*, which addresses project consistency with applicable policies.

##### **3.9.1.1 County of San Diego General Plan**

The General Plan (adopted August 3, 2011) designates planned land uses that are considered appropriate for each portion of the County. In the Land Use Element of the General Plan, the existing regional policy categories for the Project impact footprint are Village and Rural, and the land use designation is Specific Plan Area. The Project impact footprint is in the EOMSP that governs land uses and densities, as discussed below in Subsection 3.9.2.3.

Various goals, objectives and policies of the Land Use, Conservation and Open Space, Safety and Noise elements of the General Plan are applicable to the Proposed Project. These are listed in Table 1 in Appendix N.

##### **3.9.1.2 Otay Subregional Plan**

The OSP (adopted May 18, 1983 and amended August 2011) designates planned land uses in the Otay subregional area. The OSP currently shows the Project impact footprint Land Use Element designation as Specific Plan Area, and the larger Project site Land Use Element designations as Specific Plan Area, Open Space (Conservation) and Rural Lands. The applicable policies of the OSP are contained in Table 1 contained in Appendix N.

##### **3.9.1.3 East Otay Mesa Specific Plan**

The OSP was amended December 19, 1990 to designate East Otay Mesa as a Specific Plan Area. The original EOMSP and Site Planning and Design Guidelines were adopted in July 1994. An amended EOMSP was adopted on June 12, 2002 and divided the plan area into two subareas. The Plan amendments governed land within Subarea 1 (the western portion of East Otay Mesa), while Subarea 2 (the eastern portion) remained governed by the EOMSP and Site Planning and Design Guidelines approved in July 1994. On September 15, 2010, the EOMSP was again amended to

recombine Subarea 1 and 2 into a single Specific Plan. The 2010 amendment relies primarily upon the goals and policies of the 1994 Specific Plan and the regulatory provisions of the Subarea 1 Specific Plan, adopted in 2002.

As shown in Figure 3.9-1, *EOMSP Land Use Designations*, the Project site is primarily designated for Mixed Industrial and Rural Residential land uses in the EOMSP. About 15 percent of the overall Project site is designated for industrial uses and 60 percent designated for rural residential uses. The remaining 25 percent of the Project site is not located within the EOMSP but is designated for Open Space (Conservation) uses by the OSP. The EOMSP zoning allows for a density of 0.05 (1 du per 20 acres) in the Rural Residential area, and a lot size of 30,000 sf in the Mixed Industrial portion of the Project site.

The EOMSP designation for a majority of the 105-acre Project impact footprint (approximately 65 percent) is Rural Residential (1 du per 20 acres). This designation is intended for very low-density residential use on land generally unsuitable for intensive development (consisting of steeper slopes and possible significant biological resources). Other allowed land uses (with an MUP) include extractive uses, outdoor and community recreation, clinic services, and services and utilities. The area designated as Rural Residential also is under the G Designator overlay zone, which applies Sensitive Resource Area regulations to further protect sensitive resources. Clustering of residential uses in areas most suitable for development is encouraged in this area.

The designation Mixed Industrial, applies to approximately 35 percent of the Project impact footprint. This designation is intended to accommodate industrial plants that primarily engage in the manufacturing, treatment, warehousing or fabrication of materials or products.

The B Designator overlay also applies to the entire Project impact footprint; this requires approval of a Site Plan that implements specific development and design regulations at the site.

Extractive uses on land zoned as Mixed Industrial and Rural Residential can be allowed with approval of an MUP, according to Table 3.1-1 of the EOMSP, for the area formerly known as Subarea 2.

#### **3.9.1.4 County Zoning Ordinance**

The County Zoning Ordinance (effective December 19, 1978, as amended) identifies the zoning classifications of the Project site, consistent with the land use designations of the General Plan, OSP and EOMSP. The Project impact footprint currently has a zoning designation of Specific Plan Use Regulations (S88), corresponding to the EOMSP. As discussed above, most of the Project impact footprint, particularly areas with a slope greater than 25 percent, is currently designated Rural Residential. The flatter portions of the Project impact footprint are designated Mixed Industrial. The EOMSP and zoning allows for a density of 0.05 du per acre in the Rural Residential portion, and a lot size of 30,000 sf in the Mixed Industrial portion of the project site. Zoning designations beyond the Project impact footprint, in the larger Project site include Specific Plan, Solid Waste Facility, and Holding Area (S90).

### 3.9.1.5 Resource Conservation Area

The nearest designated Resource Conservation Area (RCA), Otay Mountain RCA, overlaps the Project impact footprint, with the Otay Mountain itself, considered a Major Scenic Landmark, located approximately 3.5 miles northeast of the Project site. The EOMSP, the OSP and the Conservation and Open Space Element of the General Plan all identify Otay Mountain as an RCA that is significant for scenic and visual resources and for biological habitat. The designation (included in each plan) states:

Otay Mountain–Lower Otay Lake – This area is of Statewide significance. It includes Lower Otay Reservoir, rare and endangered plants on the lower mesa areas, and Otay Mountain. Otay Mountain contains the world’s largest population of the rare Tecate cypress (*Cupressus forbesii*) and numerous other rare and endangered plants, such as Gander’s pitcher sage (*Lepechinia gander*), Otay manzanita (*Arctostaphylos otayensis*), Orcutt’s brodiaea (*Brodiaea orcuttii*), Dunn’s mariposa lily (*Calochortus dunnii*), and dense reed grass (*Calamagrostis densa*). The Mexican fremontia (*Fremontodenron mexicanum*) may occur on the slopes of Otay Mountain in areas adjacent to the Otay Ranch/San Ysidro Planning Area No. 17 where the only known U.S. population of this species is located. Otay Mountain is predominantly under the BLM ownership. California Natural Area Coordinating Council lists it as a Significant Natural Area. Vernal pools and their attendant rare species occur on the mesas around the Lower Otay Reservoir. Otay Mountain is also a major scenic landmark for the region.

### 3.9.1.6 California Surface Mining and Reclamation Act of 1975

Under SMARA (PRC Section 2710 et. seq.), all extractive operations are required to have a Reclamation Plan approved by the lead agency. A Reclamation Plan defines the activities to be carried out when extraction has been completed at a particular site. The extracted land must be returned to a useful, approved alternative purpose. The State Mining and Geology Board certifies lead agencies after the adoption of ordinances that embody the requirements of SMARA. Through the adoption of Ordinance 87.701 and as further clarified in Section 6556 of the County Zoning Ordinance, the County has been recognized as Lead Agency for the implementation of SMARA.

## 3.9.2 Environmental Setting

### 3.9.2.1 Existing Land Uses

#### Project Impact Footprint

The Project impact footprint is currently undeveloped. An SDG&E power line easement is located along the eastern perimeter of the extraction footprint; several large power line towers and some smaller power poles are located within this easement. A gas line easement is located along the western perimeter of the extraction footprint. Historically, the flat lands on the Project impact footprint and in the surrounding area were used for grazing and to grow grain crops in the south and vegetable crops in the north, but no agricultural activities are currently in operation.

### Surrounding Area

Figure 1-2, an aerial photograph of the Project site and neighboring areas, illustrates the surrounding land uses. Undeveloped land and industrial complexes surround the Project impact footprint. The closest developments to the Project impact footprint include the Calpine power plant on a lot abutting the northwestern edge of the Project impact footprint and the Vulcan Materials Company asphalt plant on a lot abutting the southwestern edge of the impact footprint; the land adjacent to the remainder of the impact footprint is undeveloped. There are also some recently graded pads for industrial development located immediately south of the power plant. The George F. Bailey County Detention Facility is located approximately one mile to the northwest of the Project impact footprint and the R.J. Donovan State Correctional Facility is located approximately 1.1 miles to the northwest. West and southwest of the Project impact footprint, starting approximately 0.5 to 1 mile away and spreading westward, are industrial developments consisting of large buildings; automobile and/or equipment yards; and a municipal, small-airplane airport (Brown Field). Undeveloped lots are scattered between the various facilities.

The U.S.-Mexico international border is located approximately 0.75 mile south of the Project impact footprint. Land uses on the Mexican side of the border consist of undeveloped lands and industrial portions of the City of Tijuana, as well as some multi-family residential development.

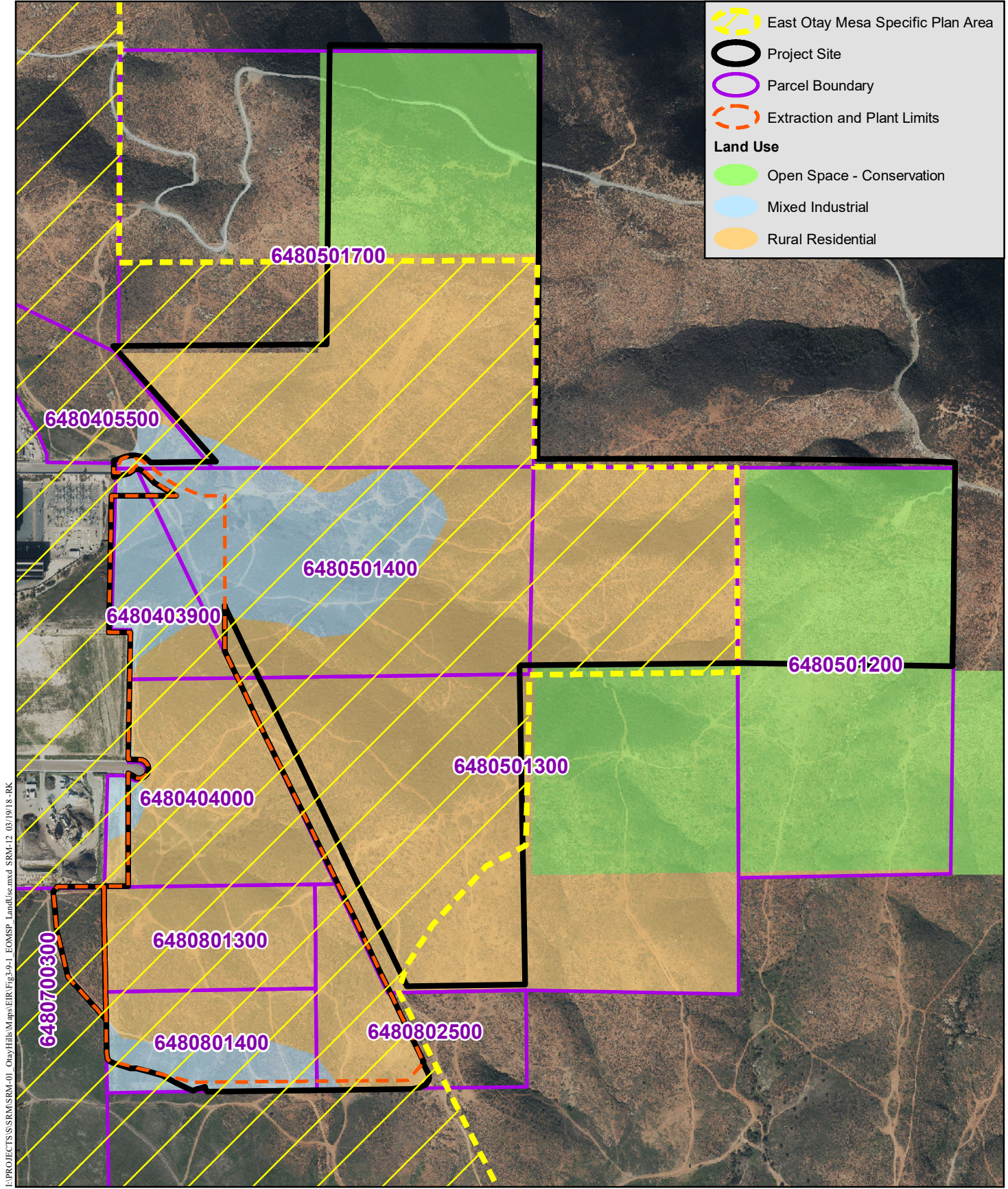
The San Ysidro Mountains and foothills lie north and east of the Project impact footprint and are largely undeveloped. A few roads, such as the Otay Mountain Truck Trail and some dirt trails, transect these mountains. A San Diego County RCA for Biologically Sensitive lands overlays most of these mountains. The Otay Mountain Cooperative Land and Wildlife Management Area and the Bureau of Land Management (BLM) Otay Mountain Wilderness Area, National Wilderness Preservation System land also overlay areas east of the Project impact footprint. The Otay Mountain Truck Trail provides access to the BLM Otay Mountain Wilderness Area, portions of which are located within one mile of the Project impact footprint to the east. The Otay Mountain Truck Trail is located approximately 0.3 mile north of the Project impact footprint. The trail is used mainly by U.S. Border Patrol agents and by motorists desiring a scenic view; some mountain bikers also use the trail. Besides the Border Patrol, fewer than 1,000 recreationalists use the trail each year. A future trail is proposed near the Project impact footprint in EOMSP. The trail would trend southward along the eastern edge of the former Kuebler Ranch, at the base of the foothills, and would turn westward at the north edge of the power plant. From there it would extend westward across Alta Road to eventually span Johnson Canyon and continue westward. The proposed location of the future trail is not located within the Project impact footprint or Project boundaries.

The closest mapped recreational facilities to the Project impact footprint are the Lower Otay County Park and the Otay River Valley County Open Space Preserve, approximately two miles north of the impact footprint.

The scattered rural residential uses nearby consist of five private residential farms/ranches located within approximately two miles of the Project impact footprint. The properties include facilities for animals such as horses and sheep, multiple usable and derelict vehicles, as well as homes and scattered outbuildings. The closest house to the Project impact footprint is located off Alta Road via Kuebler Ranch Road (the former Kuebler residential ranch is currently a commercial

establishment, R & F Metal, Inc.). Three houses are located on the north side of Old Otay Mesa Road, directly west of the Project impact footprint, approximately midway between Harvest Road and Alta Road. The fifth house is located between the two prison facilities, accessed via a dirt road off of Alta Road before Alta Road reaches the County Detention facility.

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## EOMSP Land Use Designations

OTAY HILLS EIR

Figure 3.9-1