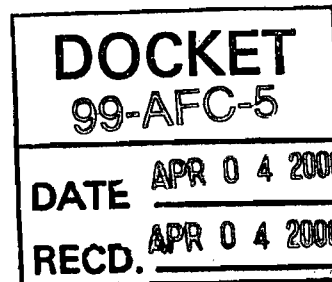


LAW OFFICE  
**ALLAN J. THOMPSON**

21 "C" Orinda Way, #314  
Orinda, CA 94563  
(925) 258-9962  
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April 4, 2000

CALIFORNIA ENERGY COMMISSION  
Docket Unit, MS-4  
1516 Ninth Street  
Sacramento, CA 95814-5512



Re: Docket No. 99-AFC-5

Dear Sir/Madame:

Enclosed for filing with the California Energy Commission are an original and 12 (twelve) copies of the County of San Diego Planning Report in the above captioned matter.

Sincerely,

Allan J. Thompson  
One of Counsel  
Otay Mesa Generating Project

AJT:dmg  
Enclosures  
Cc: Service List

**STATE OF CALIFORNIA  
Energy Resources Conservation  
and Development Commission**

In the Matter of:	)	
	)	
Application for Certification	)	Docket No. 99-AFC-5
for the Otay Mesa Generating	)	
Project (PG&E Generating)	)	
_____	)	

**PROOF OF SERVICE**

I, Diane M. Gilcrest, declare that on April 4, 2000 I deposited copies of the attached **County of San Diego Planning Report** in the United States mail in Walnut Creek, CA with first class postage thereon fully prepaid and addressed to the following:

**DOCKET UNIT**

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 99-AFC-5  
DOCKET UNIT, MS-4  
1516 Ninth Street  
Sacramento, CA 95814-5512

**APPLICANT**

Sharon Segner, Project Manager  
Otay Mesa Generating Company  
100 Pine Street, Suite 2000  
San Francisco, CA 94111

Bill Chilson  
Manager of Environmental Permitting  
Otay Mesa Generating Company  
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San Francisco, CA 94111

**COUNSEL FOR APPLICANT**

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San Diego, CA 92101

Independent System Operator  
Steve Mavis, Manager  
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Gary Heath, Executive Director  
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Bill De Capo  
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Livingston & Mattesich Law Corporation  
1201 K Street, Suite 1100  
Sacramento, CA 95814

I declare that under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Diane M. Gilcrest



# COUNTY OF SAN DIEGO

## PLANNING REPORT

BOARD OF SUPERVISORS

GREG COX  
First District

DIANNE JACOB  
Second District

PAM SLATER  
Third District

RON ROBERTS  
Fourth District

BILL HORN  
Fifth District

DATE: April 12, 2000

TO: Board of Supervisors

SUBJECT: EAST OTAY MESA ENERGY PLANT: CONSIDERATION OF A RESOLUTION OF RECOMMENDATION TO THE CALIFORNIA ENERGY COMMISSION, EAST OTAY MESA SPECIFIC PLAN, OTAY SUBREGIONAL PLAN (District: 1)

### SUMMARY:

#### Overview

Otay Mesa Generating, LLC, has filed an application to the California Energy Commission requesting authority to construct and operate an energy plant within the East Otay Mesa Specific Plan. Although the County has no permitting authority for the proposed energy plant, the operators are required by the California Energy Commission to design a project that is consistent with the local jurisdiction's General Plan, Zoning Ordinance, and other relevant regulations. If this type of project were under the permitting authority of the County it would require the granting of a Major Use Permit. Thus, staff has reviewed and hereby presents recommended conditions of approval that would otherwise been included in such a permit. Staff has also included in the Resolution of Recommendation to the California Energy Commission comments on the adequacy of the environmental assessment set forth in the Application for Certification. The project site is subject to the (21) Specific Plan Area Land Use Designation of the Otay Subregional Plan which denotes the East Otay Mesa Specific Plan Area. The S88 Specific Planning Area Use Regulations provide for industrial uses at the proposed site. The site is located east of Alta Road approximately 1,600 feet north of the intersection with Otay Mesa Road.

#### Recommendations

##### DEPARTMENT OF PLANNING AND LAND USE:

1. Adopt a Resolution of Recommendation to the California Energy Commission regarding the Application for Certification by Otay Mesa Generating Company, LLC, seeking authority to construct and operate a power plant within the East Otay Mesa Specific Plan.
2. Authorize the Director of Planning and Land Use to continue to work with the California Energy Commission and permit the Director to modify, if necessary, any condition in this Resolution if needed to comply with California Energy Commission's requirements. This recommendation is intended to provide flexibility in the event the California Energy Commission recommends conditions in their permitting process not addressed in this Board Resolution.

APR 3 2000

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**SUBJECT: EAST OTAY MESA ENERGY PLANT: CONSIDERATION OF A  
RESOLUTION OF RECOMMENDATION TO THE CALIFORNIA ENERGY  
COMMISSION, EAST OTAY MESA SPECIFIC PLAN, OTAY  
SUBREGIONAL PLAN (District: 1)**

**Fiscal Impact**  
Not Applicable.

**Business Impact Statement**

The Application for Certification (AFC) document indicates that the construction and operation of a facility such as this will have positive economic effects for the region in general (See AFC Section 5.10, Socioeconomics).

**Involved Parties:**

Ownership Interest: Otay Mesa Generating, LLC, Francis X. De Rosa, Sharon Segner  
PG&E Generating; Consultants: URS Greiner Woodward Clyde, Shapouri and  
Associates; Attorney: Allen J. Thompson.

**BACKGROUND:**

This is a request for the Board of Supervisors to adopt a Resolution that make recommendations to the California Energy Commission (CEC) regarding a proposed energy plant to be located within the East Otay Mesa Specific Plan. The proposed project site is located east of Alta Road about 1,600 feet north of the intersection with Otay Mesa Road. The proposed facility is a nominally rated 510 megawatt natural gas-fired, combined cycle electric generating project. The project site is a 46 acre portion of an 80 acre parcel. The site has gentle slopes that go from an elevation of 708 feet above sea level in the northeasterly corner of the project site to 625 in the south central property line. There is a natural drainage in the southeasterly portion of the site that is proposed to remain in its natural state.

The plant facilities include two 65 foot-tall heat recovery steam generators and their 131 foot high stacks, two 70 foot-tall generation buildings and two 75 foot air cooled condensers. Buildings on the site will be from 12-20 feet high, the tanks will be 20-32 feet high, and the switch yard, busses and towers will be 35 feet in height. All other facilities will be from 10-40 feet high. The facility will rely on dry cooling via air-cooled condenser, thus cooling towers and associated steam plumes are not applicable to this project. Although the rendering in the project documents shows that the facility will be beige in color, the County is recommending that the color be more of a medium shade of olive green so that it blends better with the color of the hillsides seen in the background. Other project features include the access and loop roads, fencing, and lighting. Additional power lines will be reconducted on the existing Miguel-Tijuana 230 kV transmission line. No modification to the existing transmission poles is proposed. Other development includes a natural gas supply line, a potable water supply line, a wastewater discharge line and an access road. The period of construction is expected to take about 20 months. Construction will entail heavy construction equipment, temporary office facilities, laydown and storage area, and truck traffic.

SUBJECT: EAST OTAY MESA ENERGY PLANT: CONSIDERATION OF A  
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COMMISSION, EAST OTAY MESA SPECIFIC PLAN, OTAY  
SUBREGIONAL PLAN (District: 1)

The County does not have permitting authority for the proposed energy plant, however, the operators are required by the CEC to design a project that is consistent with the local jurisdiction's General Plan, Zoning Ordinance, and other relevant regulations. <sup>1</sup>If this type of project were under the permitting authority of the County it would require the granting of a Major Use Permit. Thus, staff has reviewed and hereby presents recommended conditions of approval that would otherwise have been included in such a permit.

A comprehensive environmental assessment is presented in the Application for Certification (AFC) and it is intended to comply with California Environmental Quality Act requirements as well and the requirements of the California Energy Commission. The environmental resources that were analyzed include:

- ◆ Air Quality
- ◆ Geologic Hazards and Resources
- ◆ Agriculture and Soils
- ◆ Water Resources
- ◆ Biological Resources
- ◆ Cultural Resources
- ◆ Paleontological Resources
- ◆ Land Use
- ◆ Socioeconomics
- ◆ Traffic and Transportation
- ◆ Noise
- ◆ Visual Resources
- ◆ Waste Management
- ◆ Hazardous Waste Materials Handling
- ◆ Public Health
- ◆ Worker Safety
- ◆ Cumulative Impacts

---

<sup>1</sup> California Public Resources Code Section 25500 and following describes the method by which a generating facility is certified. Section 25500 provides that the California Energy Commission shall have the exclusive power to certify all sites and related facilities in the state. The issuance of a certificate by the commission shall be in lieu of any permit, certificate or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local or regional agency, or federal agency to the extent permitted by federal law. The commission is required to request the appropriate local, regional, state, and federal agencies to make comments and recommendation regarding the design, operation, and location of the facilities designated in the notice, in relation to environmental quality, public health and safety, and other factors on which they may have expertise. (Public Resources Code Section 25506.)

SUBJECT: EAST OTAY MESA ENERGY PLANT: CONSIDERATION OF A  
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SUBREGIONAL PLAN (District: 1)

Staff has reviewed these studies and recommendations for changes to these studies are included in the Resolution located at Attachment B of this report. It should be noted that the Air Pollution Control District will separately be providing a Preliminary Determination of Compliance and a Final Determination of Compliance to the California Energy Commission in the next several months. These documents will address compliance of the proposed project with applicable air Quality regulations. Generally staff found the studies in the AFC adequate but there are some potential design related changes that need to be discussed at this point regarding land use. The East Otay Mesa Specific Plan was adopted in July 1994. The Specific Plan sets forth the framework for future development, including policies, standards and guidelines that guide and facilitate private development over time. The Specific Plan further establishes an implementation program that includes zoning for the project site.

The application for Certification analyzes the project's consistency with the Specific Plan. The project is a power plant which is generally consistent with the industrial uses allowed by the plan. The East Otay Mesa Specific Plan has an Urban Design Element that presents an overall urban design concept for East Otay Mesa. The intent is to create a modern industrial business park with well-landscaped streets and high quality structures that has a distinctive signature image. One of the key elements of the Specific Plan design program is implementation of the Site Planning and Design Guidelines as set forth by the following Urban Design Policy UD-1:

Promote high quality design of buildings and landscaping on private property throughout East Otay Mesa to create a strong identity and image of high quality urban design for the area.

This policy has been implemented through the adoption of Community Design Review Special Area Regulations (B Designator) which include a finding of compliance with the Site Planning and Design Guidelines adopted by the Board of Supervisors. The applicant has submitted a detailed plot plan that staff has reviewed for compliance with said Guidelines. The Zoning Ordinance categorizes an energy plant as a Major Impact Services and Utilities Use Type. This Use Type refers to public services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Although this is the type of use where a relaxation of design standards would be reasonable, staff believes that every effort should be made to comply with these standards for this project because it may be the first development approved pursuant to the East Otay Mesa Specific Plan. As such, it will set a precedent, to a certain extent, for all of the



**SUBJECT: EAST OTAY MESA ENERGY PLANT: CONSIDERATION OF A RESOLUTION OF RECOMMENDATION TO THE CALIFORNIA ENERGY COMMISSION, EAST OTAY MESA SPECIFIC PLAN, OTAY SUBREGIONAL PLAN (District: 1)**

Specific Plan Urban Design Element at this early stage in the development of East Otay Mesa. Staff's recommendations for changes to project design are included in the Resolution and are summarized as follows:

**A. Change the proposed plot plan as follows:**

1. Make the grading more consistent with the Site Planning and Design Guidelines which require a maximum slope height of 15 feet and a maximum slope ratio of 3:1.
2. Change the landscape concept plan as follows:
  - a. Reduce the number of palms because they are incongruous and invasive.
  - b. Paint the building so that is blends with the natural backdrop.
  - c. Move fencing and landscaping out of the natural drainage and place at the top of the slope above the drainage.
  - d. Provide more trees for screening and groundcover for erosion control.

In other areas, the Department of Public Works has provided conditions of approval. These are intended to ensure that the applicant provides their fair share of the Specific Plan circulation program improvements. The applicant will also be required to participate in the construction of the East Otay sewer system to the extent required to serve the project. Finally, the project site is served by the Rural Fire Protection District and the District has submitted a list of requirements and an exhibit showing locations of required fire hydrants that will be made recommended conditions of approval.

**PROJECT ISSUES:**

For a more detailed discussion of this project, please see the Land Use Analysis, ATTACHMENT E.

**ENVIRONMENTAL STATUS:**

The Resolution located at Attachment B contains recommended changes to the studies contained in the California Energy Commission Application for Certification. The final environmental determination will be made by the California Energy Commission. These changes are:

- A. In order to be consistent with the Multiple Species Conservation Program (MSCP) the project must make the off-site purchase of the following:

SUBJECT: EAST OTAY MESA ENERGY PLANT: CONSIDERATION OF A RESOLUTION OF RECOMMENDATION TO THE CALIFORNIA ENERGY COMMISSION, EAST OTAY MESA SPECIFIC PLAN, OTAY SUBREGIONAL PLAN (District: 1)

1. A total of 9.3 acres of Coastal sage scrub (or other Tier II or higher habitat).
  2. A total of 0.55 acres of Southern mixed chaparral (or other Tier III or higher habitat).
  3. A total of 33.7 acres of Non-native grasslands (or other Tier III or higher habitat).
- B. A biological monitor shall be on-site during all construction activities to ensure no sensitive resources are impacted.

The final environmental determination will be made by the California Energy Commission.

**PREVIOUS ACTIONS:**

None

**OTHER RELATED INFORMATION:**

This project will require the processing of a Tentative Parcel Map in order to create 3 parcels out the existing single 80 acre parcel. The applicant may file their application for a Tentative Parcel Map with the County at any time.

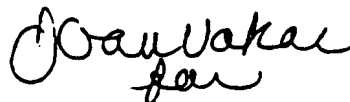
**PUBLIC INPUT:**

The Otay Subregion does not have a citizen planning group. No comments have been received by the public.

**DEPARTMENT REASONS FOR RECOMMENDATION:**

The California Energy Commission requests the local jurisdictions to make a recommendation regarding a proposed project's compliance with the General Plan, Zoning Ordinance and other relevant regulations. The recommendations set forth in the Resolution located at Attachment B of this report are intended to ensure that the project maintains compatibility with the future development expected within the East Otay Mesa Specific Plan Area and with the County's Multiple Species Conservation Plan

Respectfully submitted,



GARY L. PRYOR, Director  
Department of Planning and Land Use

**BOARD OF SUPERVISORS  
LAND USE AGENDA ITEM  
INFORMATION SHEET**

**SUBJECT:** EAST OTAY MESA ENERGY PLANT: CONSIDERATION OF A  
RESOLUTION OF RECOMMENDATION TO THE CALIFORNIA ENERGY  
COMMISSION, EAST OTAY MESA SPECIFIC PLAN, OTAY  
SUBREGIONAL PLAN (District: 1)

**CONCURRENCE(S)**

**COUNTY COUNSEL** Approval of Form <sup>CFA</sup>  Yes  N/A

Type of Form:  Standard Form  Ordinance  Resolution  Contract

Review Board Letter  Yes  N/A

<sup>CFA</sup>  
**CHIEF FINANCIAL OFFICER/AUDITOR**  Yes  N/A


Requires Four Votes  Yes  No

**CHIEF TECHNOLOGY OFFICER**  Yes  N/A

**DEPARTMENT OF HUMAN RESOURCES**  Yes  N/A

**CONTRACT REVIEW PANEL**  Yes  N/A

**Other Concurrence(s):** Department of Public Works 

Department of Environmental Health 

**BUSINESS IMPACT STATEMENT:**  Yes  N/A

**PREVIOUS RELEVANT BOARD ACTIONS:** None

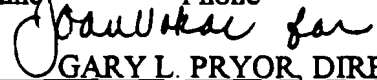
**BOARD POLICIES APPLICABLE:** None

**ORIGINATING DEPARTMENT:** Department of Planning and Land Use

**CONTACT PERSON:**

Stella Caldwell (858) 495-5375 (858) 694-3373 O650 scaldwpl@co.san-diego.ca.us

Name Phone Fax Mail Station E-Mail

  
GARY L. PRYOR, DIRECTOR

DEPARTMENT AUTHORIZED REPRESENTATIVE

April 12, 2000

Meeting Date

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ATTACHMENTS

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Attachment A - Planning Documentation .....	11
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Attachment C - Public Documentation.....	32
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Attachment E- Land Use Analysis.....	42

cc: William Stocks, DPLU, MS 0650  
Stella Caldwell, DPLU, MS 0650  
Pat Laybourne, DPLU, MS 0650  
David Hulse, DPLU, MS 0650  
Joan Vokac, DPLU, MS 0650  
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Otay Mesa Generating, LLC, 7500 Old Georgetown Road, Suite 1300,  
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WRS Greiner Woodward Clyde, 130 Robin Hill Road, Ste. 100, Santa  
Barbara, CA 93117  
Shapouri & Associates, P.O. Box 676221, Rancho Santa Fe, CA 92067  
John Peterson, CEQA Regulatory Manager, DPLU, M.S. 0650  
D.J. McLaughlin, Case Tracking System, DPLU, M.S. 0650  
Security Title Insurance Co., P.O. Box 121589, San Diego, CA 92112.  
Robert Egger Jr. Trust, 538 Calle De La Sierra, El Cajon, CA 92019.  
Hector Margin, P.O. Box 1892, La Jolla, CA 92038  
Valle De Oro Bank, c/o Charles Adolphe, Burnham Real Estate Services, 2252  
Main Street, Suite 1, Chula Vista, CA 91911  
John & Chlodella Pauter Trust, c/o Lawrence & Tamara Pauter, 4243 Acacia  
Ave. Bonita, CA 91902  
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Zinser-Furby Inc., 3052 Clairemont Dr. "A", San Diego, CA 92117  
Don Rose, Sempra Engery Land Planning & Natural Resources, 101 Ash St.  
HQ5C San Diego, CA 92101-3017  
Roque De La Fuente, National Enterprises, Inc, American International Racing  
Inc, D&D Landholdings, Rancho Vista Del Mar, International Industrial Park,  
Inc. 5440 Morehouse Dr. #4000, San Diego, CA 92121

Continued on next 2 pages . . .

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Clifton Investment Co., 5450 E. Broadway Blvd., Tucson, AZ 85710  
Otay Mesa Investors LTD, c/o Dan O'Connell, 3573 E. Sunrise ,Tucson, AZ  
85718  
Carl & Jean Roll Trust, P.O. Box 879, Chula Vista, CA 91912  
Hermiz & Bushra Halbo Trust, c/o Al Atallah, P.O. Box 578, Pine Valley, CA  
91692  
Mary E. Canas Trust, c/o George Ellis, 2985 Plaza Leonardo, Bonita, CA 91902  
Reflex Corp. & John Snyder, 1461 Vaquero Glen, Escondido, CA 92026  
Gorman & Ora Fong Trust, 5117 Remington Rd. San Diego, CA 92115  
KYKY, c/o Lawyers Foreclosure Service, 4130 La Jolla Village Drive, La Jolla,  
CA 92037  
Traditional Reality LLC, c/o Richard Rice, 655 2<sup>nd</sup> St., Encinitas, CA 92024  
Swallow Holding LTD, c/o Elsa Arnaiz Rosa, P.O. Box 431658, San Ysidro, CA  
92143  
East Otay Mesa Associates, c/o Linda Gasper, 2333 San Ramon Valley Blvd.  
#450 San Ramon, CA 94583  
Hawano Corp., c/o PM Wood, P.O. Box 261369, San Diego, CA 92196  
Cholagh Family Living Trust, c/o John Farida, P.O. Box 13135, El Cajon, CA  
92022  
Trust Services of America Inc., 594 Poli St., Ventura, CA 93001  
OTVSD, c/o Bill Whitaker, 707 Broadway, #1500, San Diego, CA 92121  
Mesa 45, c/o Barry Simons, 1330 Neptune Ave., Encinitas, CA 92024  
Solidus Property Systems, Inc., c/o Joe Ellis, 1350 Rosecrans St., San Diego,  
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2000, San Francisco, CA 94111  
Eileen Allen, Project Manager, California Energy Commission, Environmental  
Protection Division, 1516 9<sup>th</sup> Street, MS 15, Sacramento, CA 95814  
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Jeffery M. Ogata, Senior Staff Counsel, California Energy Commission, Office of  
General Counsel, 1516 9<sup>th</sup> Street, MS 14, Sacramento, CA 95814  
Pat Fleming, Regulatory Affairs, Sempra Energy, 101 Ash Street, San Diego,  
CA 92101  
Steve Mavis, Independent System Operator, 151 Blue Ravine Road, Folsom,  
CA 95630  
Gary Heath, Electricity Oversight Board, 770 L Street, Ste 1250, Sacramento,  
CA 95814  
Dave Morse, CPUC - Office of Ratepayer Advocates, 770 L Street, Suite 1050  
Sacramento, CA 95814  
Dan McKenna, San Diego Rural Fire Protection Dist., 14145 Hwy 94, Jumal, CA  
91935

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U.S. Environmental Protection Agency, San Diego Border Liaison Office, 610  
West Ash St, Suite 703, San Diego, CA 92101  
Port of San Diego, Plan Review Division, 3165 Pacific Highway, San Diego, CA  
92101  
Myles Pomeroy, San Diego Planning Dept., 202 C St., MS 4A, San Diego, CA  
92101  
Rick Rossler, Chula Vista Planning Dept., 276 4<sup>th</sup> Avenue, Chula Vista, CA  
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CA  
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San Diego, CA 91123  
Terry Deane, US Army Corps of Engineers, Regulatory Branch, 16885 W.  
Bernardo Drive, Suite 300A, San Diego, CA 92127  
Kim Marsden, US Fish and Wildlife, 2730 Loker Avenue West, Carlsbad, CA  
Tim Dillingham, CDFG, 4949 View Ridge Drive, San Diego, CA 92123  
Julie Meier Wright, San Diego Regional Economic Development Corporation  
401 B Street, Suite 1100, San Diego, CA 92101  
Sue Walton, San Diego County Sheriff Department, 9621 Ridgehaven Court,  
MS 041 San Diego, CA 92142  
Frank Gabrien, Department of Environmental Health, 5201 Ruffin Road, MS  
0564, San Diego, CA 92123  
Alejandra Mier y Teran, Otay Mesa Chamber of Commerce, 9163 Siempre Viva  
Road, Suite I-2, Otay Mesa, CA 92154  
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Street San Francisco, CA 94105  
US Immigration & Naturalization Service, 880 Front St., Ste. 1234, San Diego,  
CA 92101  
Joe Convery, LAFCo, 1600 Pacific Highway, Room 452, San Diego, CA 92101

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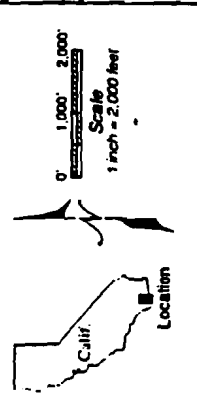
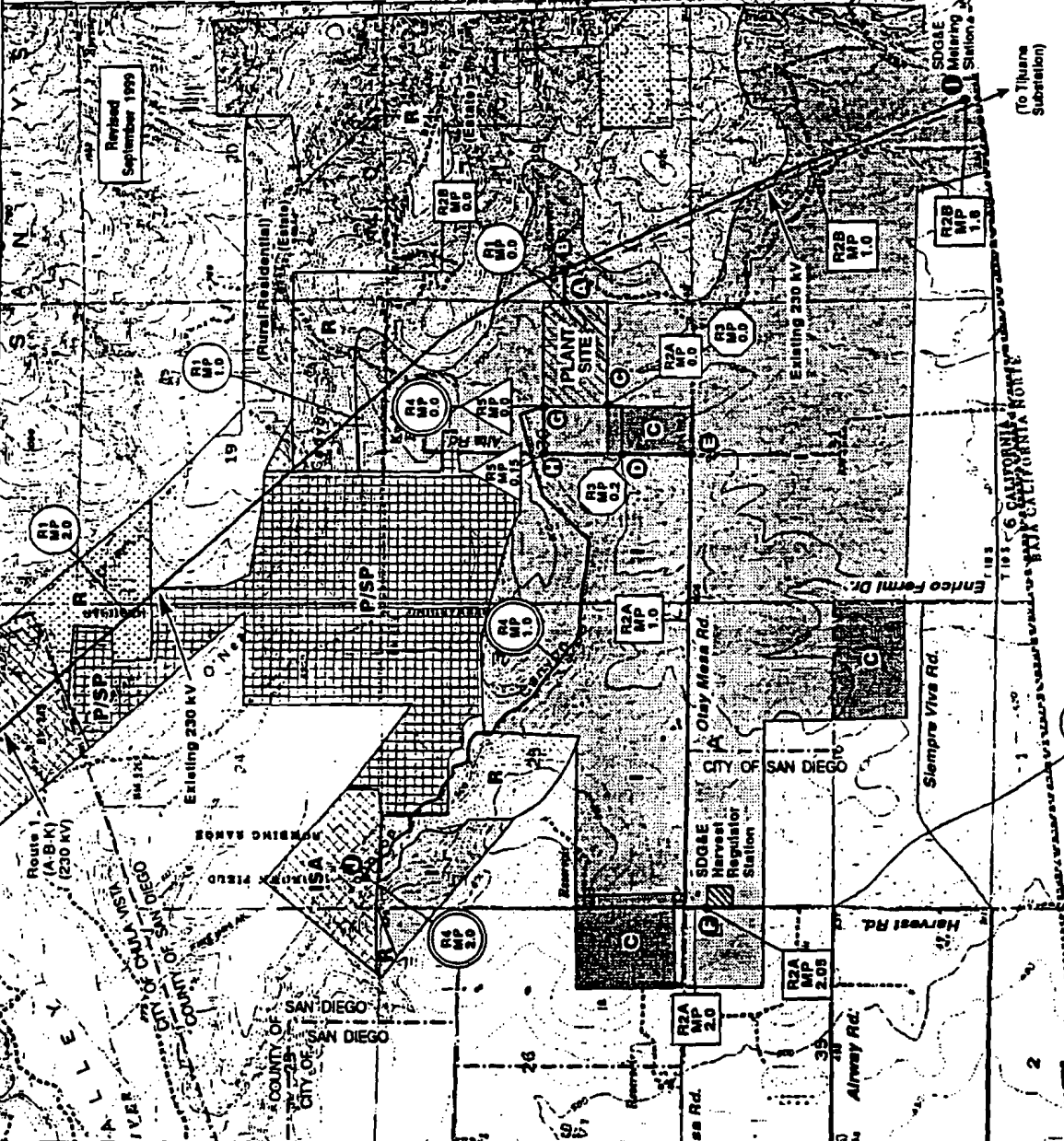
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# ATTACHMENT A

000011

**Planned Land Use Designations**

R	Residential
C	Commercial
I	Industrial
OS	Open Space
P/SP	Public/Semi Public
OW	Open Water
ISA	Impact Sensitive Area
AG	Intensive Agriculture
R	Multiple Rural Use



**Legend**

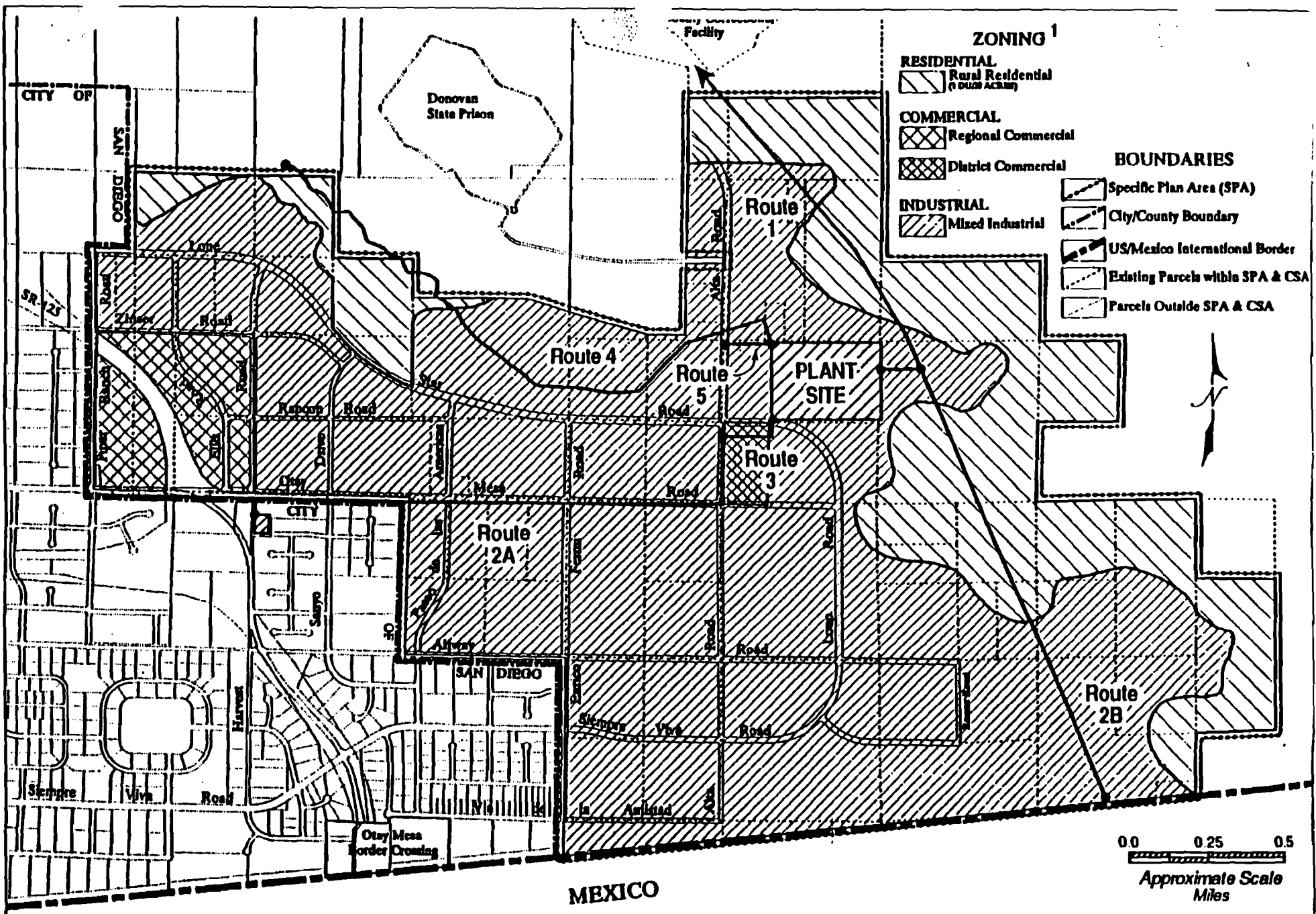
	Route 1 (A-B-K) 230 KV Reconnector to Existing Miguel Substation
	Route 2A (C-D-E-F) Proposed Natural Gas Supply Line
	Route 2B (A-B-I) Alternate Natural Gas Supply Line
	Route 3 (C-D) Potable Water Supply Line
	Route 4 (G-J) Wastewater Discharge Line
	Route 5 (G-H) Access Road

Revised September 1999  
 (To Tilhune Substation)  
 Map 5.9-1. PLANNED LAND USE DESIGNATION  
 Otay Mesa Generating Project  
 Otay Mesa Generating Company, LLC  
 Map 1 of 3  
 1999

Source: Base Maps from U.S.G.S. 7.5 Minute Topographic Maps of Otay Mesa, Calif. (Photorevised 1971 and 1975) Jamul Mountains, Calif. (Photorevised 1971 and 1975)



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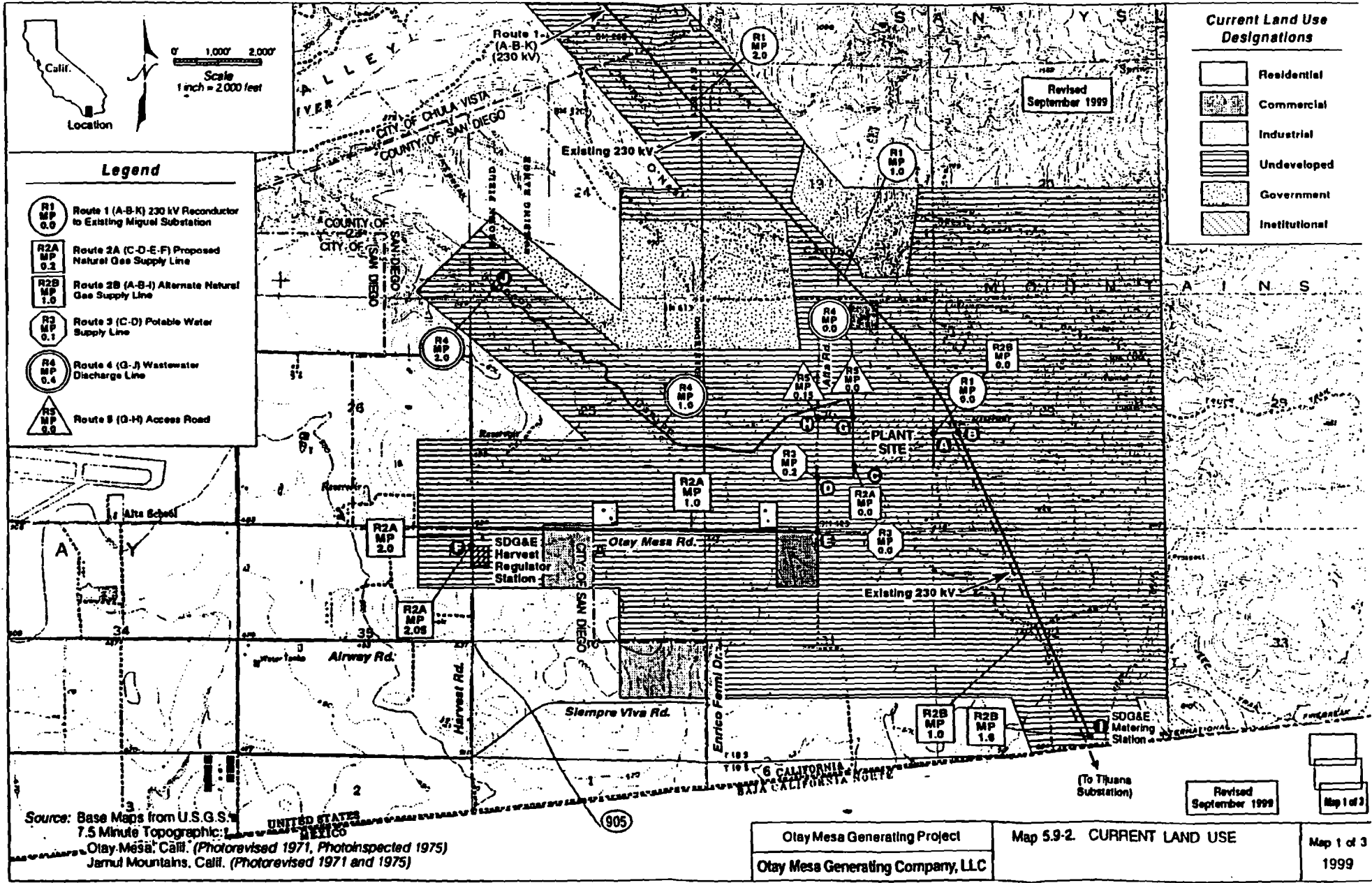


<sup>1</sup> Source: County of San Diego, 1994. E. Otay Mesa Specific Plan.

Olay Mesa Generating Project  
 Olay Mesa Generating Company, LLC

Map 5.9-5. OTAY MESA SPECIFIC PLAN ZONING DESIGNATIONS

September 1999



**Current Land Use Designations**

- Residential
- Commercial
- Industrial
- Undeveloped
- Government
- Institutional

**Legend**

- Route 1 (A-B-K) 230 kV Reconnector to Existing Miguel Substation
- Route 2A (C-D-E-F) Proposed Natural Gas Supply Line
- Route 2B (A-B-I) Alternate Natural Gas Supply Line
- Route 3 (C-D) Potable Water Supply Line
- Route 4 (G-J) Wastewater Discharge Line
- Route 5 (D-H) Access Road

Revised  
September 1999

Revised  
September 1999

Map 1 of 3

Source: Base Maps from U.S.G.S.  
7.5 Minute Topographic:  
Olay Mesa, Calif. (Photorevised 1971, Photospected 1975)  
Jamul Mountains, Calif. (Photorevised 1971 and 1975)

Olay Mesa Generating Project  
Olay Mesa Generating Company, LLC

Map 5.9-2. CURRENT LAND USE

Map 1 of 3  
1999



# ATTACHMENT B

000016

April 12, 2000

RESOLUTION OF THE SAN DIEGO COUNTY )  
BOARD OF SUPERVISORS )  
RECOMMENDATION TO THE CALIFORNIA ENERGY COMMISSION )  
APPLICATION FOR CERTIFICATION )  
EAST OTAY MESA GENERATING PLANT, P00-000 )

ON MOTION of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the following resolution is adopted:

WHEREAS, Otay Mesa Generating, LLC, has filed an application with the California Energy Commission (CEC) requesting authority to construct and operate an energy plant within the East Otay Mesa Specific Plan.

WHEREAS, the site is a 46 acre portion of a 80 acre parcel located east of Alta Road approximately 1,600 feet north of the intersection with Otay Mesa Road.

WHEREAS, the project site is subject to the (21) Specific Plan Area Land Use Designation of the Otay Subregional Plan which denotes the East Otay Mesa Specific Plan Area; the S88 Specific Planning Area Use Regulations provide for industrial uses at the proposed site.

WHEREAS, while the County has no permitting authority for the proposed energy plant, the operators are required by the CEC to design a project that is consistent with the local jurisdiction's General Plan, Zoning Ordinance, and other relevant regulations.

WHEREAS, the CEC has transmitted the details of said application in an extensive document referred to as an "Application for Certification (AFC)" that includes a comprehensive environmental assessment; and, pursuant to Section 1714 of the State Power Plant Siting Regulations, the Commission has requested that the County submit comments and recommendations on any aspect of the application.

WHEREAS, if this type of project were under the permitting authority of the County it would require the granting of a Major Use Permit. Thus, the County has reviewed and hereby presents recommended conditions of approval that would otherwise have been included in such a permit.

WHEREAS, comments on the adequacy of the environmental assessment set forth in the AFC are also included herein.

WHEREAS, the applicant has stated the intent to:

1. Prepare 46 acres of land for the construction of an energy plant.

2. Reconductor, if necessary, the existing Miguel-Tijuana 230 kV transmission line.
3. Install potable water lines, sewerage and a natural gas pipeline.
4. Construct improvements consistent with the circulation program for the East Otay Mesa Specific Plan.
5. Provide landscaping pursuant to a conceptual landscape plan that will help the project be compatible with the Urban Design Element of the East Otay Mesa Specific Plan.

WHEREAS, the Board of Supervisors has considered the recommendations of the Department of Planning and Land Use, the Department of Public Works, the Department of Environmental Health, and other public and semi-public agencies, and with respect thereto, has determined that the recommended requirements hereinafter enumerated are necessary to ensure that the project will be consistent with the East Otay Mesa Specific Plan and all ordinances, policies, rules, standards, and improvement and design requirements of the County of San Diego;

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby recommends to the CEC approval of the East Otay Mesa Energy Plant and that the following requirements be included in the Commission's permitting documents:

- A. Before the State grants the permit to construct and operate the subject power plant the applicant shall:
  1. Obtain approval from the Director of Planning and Land Use of a revised plot plan that shows the following revisions:
    - a. The project shall submit a revised grading plan that complies with the intent of the Specific Plan Site Planning and Design Guidelines for the requested change in slope ratio along the northern edge of the switchyard.
    - b. The distance between the driveway pavement and the northerly property line is required to be a minimum of 15 feet. The current conceptual landscape plan shows about 10 feet.
    - c. Provide a more suitable area for solid waste storage than the single trash receptacle at the northwesterly corner of the parking area. The best location for the solid waste storage area is adjacent to the administration building.

- d. **Make the following changes to the conceptual landscape plan so that the project is consistent with the East Otay Mesa Site Planning and Design Guidelines.**
- (1) **Reduce the number of Queen palms and Mexican fan palms because they tend to add to the visual incongruity of the project with its surrounding area. In addition, Mexican fan palms can be invasive. Replace the palms with trees that will provide visual screening.**
  - (2) **Alter the color of the building to blend in with the natural surroundings. A color of a medium shade of olive green or other similar earth tone would help blend the appearance of the structure with the existing nature vegetation growing on the hillsides in the background when viewed from the west.**
  - (3) **Relocate fencing and landscape buffer to the slope that is located above the drainage. If the drainage is to be left in its natural state it should be unfenced and unlandscaped. Additional visual screening shall be provided on all sides of the facility and closer in to the structures.**
  - (4) **Throughout the site there are trees shown to be randomly planted without any vegetative groundcover. If these areas are to be graded and existing vegetation is to be removed, then the conceptual landscape plan needs to show planting (groundcover, hydroseed, shrubs, trees, etc.) for these areas. If these areas are to be used for future expansion, then this must be noted and a temporary hydroseed or groundcover must be established to prevent erosion. If the existing vegetation is to remain, then this must be noted as well, with a condition that, if disturbed during construction, the areas will be revegetated with a hydroseed, groundcover, etc.**
  - (5) **The plans need to call out a 3 inch layer of bark mulch in all planting areas.**
2. **Make the following changes to the text of the environmental assessments set forth in the AFC.**

The discussion on Page 5.4-13 of the AFC regarding potential impacts must be revised as follows:

- a. Based on a review of Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance for San Diego County (CDC, 1995), approximately one-half of the overall 46-acre Otay Mesa Generating Plant property is comprised of candidate Farmland of Statewide Importance. ~~However, the plant site has not been actively used for irrigated agricultural production within the last 5 years and, therefore, does not actually qualify as Farmland of Statewide Importance.~~ Several sections of the transmission line and natural gas pipeline routes qualify as candidate Prime Farmland and Farmland of Statewide Importance (CDC, 1995). In addition, portions of the wastewater discharge pipeline, potable water supply pipeline, and the access road qualify as candidate Farmland of Statewide Importance (CDC, 1995). Refer to Table 5.4-3. ~~Since none of the areas traversed by proposed project components have been used for irrigated agricultural production in the last 5 years, these candidate soils do not actually qualify as prime or statewide importance farmlands. They~~ These soils may, however, also qualify as farmlands of local importance.

The last paragraph on Page 5.4-17 that continues on to Page 5.4-18 of the AFC must be revised as follows:

- b. The proposed power plant site includes land designated as candidate soils for prime or statewide importance farmland. ~~Since the generating plant site has not been used for irrigated agricultural production for at least 5 years, these candidate soils do not actually qualify as prime or statewide importance farmlands.~~ The Final Environmental Impact Report for the East Otay Mesa Specific Plan (GPA94-02, SP93-004, Log. No. 93-19-6) analyzed impacts to important farmlands. Based on the relatively small amount of important farmlands that would be lost at specific plan build-out, the EIR determined that there would be no significant impact to agricultural resources. Development of the plant site will not result in significant effects on agriculture.

Cultural Resources: Change the last paragraph on Page 5.7-55 of the AFC as follows:

- c. Section 5.18 describes past, present and reasonably foreseeable projects that could affect the same cultural resources in the same cumulative impact area as the Otay Mesa Generating Project. The

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potential for cumulative impacts from the Otay Mesa Generating Project on the regional cultural resource base is limited because implementation of the mitigation measures proposed below for cultural resources will reduce project-related impacts to a less than significant level. The cultural resource sites identified for this project derive their potential significance from their potential to yield information important on prehistory. Data recovery at significant sites and/or site avoidance ensures that the information content of significant cultural resource sites will be retained and thus limits the contribution of cumulative impacts of the Otay Mesa Generating Project on the regional cultural resources base. Because, this project and other past, present, and reasonably foreseeable projects in the cumulative impact area will mitigate potential impacts to significant cultural resources through avoidance or data recovery, there will be no cumulatively significant impacts to cultural resources. The same conclusion was reached in the Final EIR for the East Otay Mesa Specific Plan (GPA94-02, SP93-004, Log No. 93-19-6).

- d. **Noise:** The noise assessment is generally adequate. However, the five worksheets or tables submitted by the applicant must be attached or included in a technical appendix along with a glossary of terms to explain any notations. To demonstrate the project's compliance to the property line limits of the County of San Diego Noise Ordinance, the map exhibit generated by Black and Veatch labeled "Plant Site Sound Levels" must be included in some form with the final documentation.
- e. **Section 5.15.2.2 (Operational Phase) of the AFC lists several "Major" hazardous materials to be used on-site.** Based on the actual quantities and concentration of the substances stored on-site, the facility will have to meet varying degrees of regulatory requirements as required by Federal, State, and local laws, regulations and ordinances. When a building permit is issued for this site, an HMD hazardous materials questionnaire must be completed. A Hazardous Materials Business Plan/Contingency Plan will be required before a final occupancy for the site is granted. A County Health Permit will also be required for the proposed site. Please Contact Gloria Estolano at (619) 338-2232 for more information.
- f. **Section 5.15.2.2 (Acutely Hazardous Materials) of the AFC identifies several regulated hazardous substances (hydrogen, sulfuric acid, and cyclohexylamine) that may be subject to the**

California Accidental Release Prevention (CalARP) program. However, based on the quantities and concentrations presented in the EIR, these substances would be exempt from the CalARP program. If the actual quantities used at the site exceed designated threshold levels, the site would not be exempt from CalARP for these chemicals.

- g. The SCR system described would use quantities of aqueous ammonia in 19.5% concentration that would be subject to the CalARP program. Section(s) 5.15.2.2.3, etc. (Off-site Consequences Analysis for SCR Alternative) asserts that there would be no off-site consequence in the event of a "worst-case" release. This assertion is dependent on a facility design that provides sufficient "passive" mitigation to prevent an off-site impact.

Concurrence with these assertions could not be made based on the information provided in the draft EIR. The release from the liquid storage tanks was chosen as the worst-case scenario, involving a tank failure and the release of the contents into a secondary containment located inside of an enclosed space. The calculations of the release rate presented could not be verified as presented. These release rate calculations must be checked for correctness as presented. Also, a worst-case release from a delivery truck on the outdoor pad must also be considered. This would add the release of ammonia vapors while liquid flows over the sloped pad into the same enclosed containment area. The above-described factors may result in a release with off-site consequences. HMD cannot concur that this site would not have an off-site impact based on the information presented. Further evaluation can be made during a formal CalARP screening process. This process must be completed before aqueous ammonia is first brought to the facility. Please contact Matthew Trainor at (619) 338-2372 or Brad Long at (619) 338-2453 for additional information.

3. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use and the Department of Public Works.
- B. Before proceeding under any other permit (excluding a grading permit and the State permit), the applicant shall:
1. Cause to be granted to the County of San Diego, an easement for road purposes that provides a one-half right-of-way width of forty-nine (49') plus slope rights and drainage easements for Loop Road (SA 1111) (a Major

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Road plus bike lanes) along the frontage of the project to a point approximately 700 feet easterly of Alta Road. The easement is to be accepted for public use. The alignment of Loop Road (SA 1111) shall conform to the County Circulation Element of Roads and consistent with the East Otay Mesa Specific Plan.

2. Cause to be granted to the County of San Diego an easement for road purposes that provides a width of forty feet (40') plus slope rights and drainage easements for an industrial/commercial road from the southwest corner of the proposed Parcel 2 southerly to Loop Road (SA 1111).
3. Process the necessary right-of-way documents. Provide a Lot Book Report less than three months old showing all Deeds of Trust, a Grant Deed, and a \$600 deposit to the Department of Public Works for document processing fees (contact T. Hubbard at [858] 694-2299).
4. The grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation.
5. Execute a secured agreement to improve Loop Road (SA 1111) from Alta Road along the project frontage, to a point approximately 700 feet easterly from Alta Road, to a one-half graded width of forty-nine feet (49') with Portland cement concrete curb, gutter, and sidewalk, asphaltic concrete pavement over approved base, street lights, all traffic striping and asphaltic concrete dike tapers and transitions to existing pavement to the satisfaction of the Director of Public Works.  
  
Face of curb shall be thirty-nine feet (39') from centerline.
6. Execute a secured agreement to improve the public industrial/commercial road from the southwest corner of the proposed Parcel 2 southerly to Loop Road (SA 1111) to a graded width of thirty-two feet (32') with twenty-eight feet (28') of asphaltic concrete pavement over approved base, all traffic striping, all to the satisfaction of the Director of Public Works. This secured agreement shall include a secondary emergency access road to the satisfaction of the San Diego Rural Fire Protection District and the Director of Public Works.
7. Secured agreement requires posting security in accordance with Section 7613 of The Zoning Ordinance. It also requires the improvements be completed by 24 months from the date approving the Major Use Permit or prior to use or occupancy of the facility, whichever is earlier.

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8. Obtain approval of a Tentative Parcel Map from the Department of Planning and Land Use and record a parcel map for the three lots shown on the plot plan proposed for this project.
  9. In order to be consistent with the Multiple Species Conservation Program the project must make the off-site purchase of the following:
    - a. A total of 9.3 acres of Coastal sage scrub (or other Tier II or higher habitat).
    - b. A total of 0.55 acres of Southern mixed chaparral (or other Tier III or higher habitat).
    - c. A total of 33.7 acres of Non-native grasslands (or other Tier III or higher habitat).
  10. A biological monitor shall be on-site during all construction activities to ensure no sensitive resources are impacted, including but not limited to Otay tarplant, California gnatcatcher, burrowing owls and vernal pool habitat. If any of these or other highly sensitive resources are identified near the project's impact area, the exact location of the resource will be well marked with signs to avoid accidental impact. Construction in those areas should be relocated whenever allowable or minimized to the maximum extent possible. In addition, timing of construction activities in areas where a particular species has been identified should be limited so that the species is not impacted during its breeding season.
- C. Prior to obtaining any building permit pursuant to the Permit, the applicant shall:
1. Provide a grading plan (L-Grading Plan) and obtain a grading permit. The project shall have a flood-free building site (100-year flood) to the satisfaction of the Director of Public Works. Provide a detention basin so that the downstream discharge (100-year flood) is no greater than the pre-developed peak flow. If the detention basin is constructed on-site, the detention basin shall be privately maintained. If the detention basin is constructed off-site, the applicant shall establish an appropriate funding mechanism for maintenance, to the satisfaction of the Director of Public Works and consistent with the East Otay Mesa Specific Plan.
  2. Provide a certification from a Registered Civil Engineer or Registered Traffic Engineer that the construction and operation of the project truck traffic can safely negotiate the existing intersection of Otay Mesa Road and SR 905, or provide alternative truck routing to the satisfaction of the Director of Public Works and the City of San Diego, or construct

necessary intersection improvements (at the aforementioned intersection) to facilitate truck turning movements to the satisfaction of CalTrans, the City of San Diego and the Director of Public Works.

3. Building permit plans must conform in detail to this approved design subject to changes approved by the County or the California Energy Commission. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.
4. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans and review fee shall be submitted to the Current Planning Division, Zoning Counter. Plans shall include:
  - a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.
  - b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
  - c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.
  - d. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.

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- e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.
  - f. Additionally, the following items shall be addressed as part of the Landscape Plans:
    - (1) Landscape plans shall substantially conform with the Landscape Concept Plan approved as part of the revised plot plan required under section A above.
5. All proposed lighting shall be conditioned as follows:
- a. All lighting except bollard or pole lighting up to 12 feet in height shall be indirect or shall incorporate a full cut-off type fixture, no output above 90 degrees. No lighting fixtures shall exceed 35 feet in height. No private lighting shall spill onto another property.
  - b. The project shall provide side and rear property line pole lighting mounted on a cylindrical concrete base with a fixture height sufficient to provide the minimum standard site lighting. The light source shall be an improved color corrected high pressure sodium lamp (GE deluxe lucalox or equal).
  - c. The parking area illumination level shall achieve a uniformity ratio of 3:1 (average to minimum) with a maintained average of 1 foot candle and a minimum of .5 foot candle.
  - d. High pressure sodium lamp output is limited by the Light Pollution Code to 4,050 lumens per lamp maximum. A waiver of this requirement will be applied for, due to the need for additional security lighting in the border region.
  - e. Building illumination and architectural lighting shall be indirect in character (no light source visible). Architectural lighting should articulate and animate entrances and other prominent architectural elements, such as the wall and the entry gate, as well as provide the required functional lighting for safety and clarity of pedestrian movement. Indiscriminate wall washing of an entire facade shall be avoided.

6. The following are the Fire Protection requirements:
- a. All access roads serving the project shall be per the current county road standards as they pertain to industrial/commercial roads.
  - b. No on-street parking shall be permitted and the proper signage shall be installed every 150 feet.
  - c. The cul-de-sac turn around shall be per the site plan dated February 28, 2000 with a 60 foot minimum radius.
  - d. Any proposed access gates serving the facility shall be equipped with Fire Department access key switch. (Knox Entry System)
  - e. A total of four fire hydrants shall be required (see attached exhibit for locations). The minimum fire flow required for this project shall be 1,500 gallons per minute.
  - f. All structures within the project shall be protected with an approved fire sprinkler system where appropriate for the nature of this project.
  - g. Prior to any construction the developer shall submit drawings of the proposed underground fire main and calculations verifying the required flow and residual pressure.
  - h. Prior to any construction the developer shall submit construction documents for approval by the fire district.
  - i. All alarm systems associated with fire protection shall be per NFPA 72.
  - j. The developer shall also provide to the serving fire protection agency training, which is associated with the type of emergencies that could potentially happen at this type of facility (i.e. hazardous material spills associated with chemicals used in daily operations of the plant, high voltage emergencies, etc.).
  - k. Agree to participate on a fair share basis in the funding strategy for facility and operations of a fire protection agency.
7. Construction activities must comply with provisions of the Noise Abatement and Control Ordinance except Section 36.417(c) or when deviation is authorized by Variance under Section 36.424.

8. Contact the Hazardous Division of the Department of Environmental Health (Gloria Estolan [619] 338-2232) to obtain an HMD hazardous questionnaire, which must be completed prior to issuance of a building permit.
  9. Obtain a County Health Permit.
- D. Prior to any occupancy or use of the premises pursuant to the State Permit, the applicant shall:
1. Provide a certification by a Registered Civil Engineer, Licensed Land Surveyor or Registered Traffic Engineer that the intersectional sight distance along Alta Road looking in both directions from Loop Road (SA 1111) is a minimum of five hundred and fifty feet (550') to the satisfaction of the Director of Public Works.
  2. Provide a certification by a Registered Civil Engineer, Licensed Land Surveyor or Registered Traffic Engineer that the intersectional sight distance along Loop Road (SA 1111) looking in both directions from the industrial/commercial road is a minimum of five hundred and fifty feet (550') to the satisfaction of the Director of Public Works.
  3. Sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
  4. Street lighting requirements are as follows (contact Rowel Francisco at (858) 571-4258).
    - a. Allow transfer of the property into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer.
    - b. Install or arrange to install street lights to County standards and the satisfaction of the Director of Public Works, and deposit with the County of San Diego, through the Department of Public Works, a cash deposit sufficient to energize and operate the street lights until the property has been transferred into Zone A.
  5. Sewerage: Contact George Ream at (858) 874-4099.
    - a. Plans and specifications for the installation of a sewer system must be approved by the East Otay sewer maintenance district. The



- a. Plans and specifications for the installation of a sewer system must be approved by the East Otay sewer maintenance district. The owner shall dedicate all necessary easements along with that portion of the sewer system, which is to be public sewer.
  - b. A commitment to serve the project must be purchased from the East Otay Sewer Maintenance District. In addition to the capacity commitment fees, the developer shall pay all of the appropriate district fees at the issuance of the Wastewater Discharge Permit.
  - c. No sewer commitment shall be issued until all conditions in this permit have been satisfied, the final map or parcel map, grading plan and improvement plan have been approved by the Department of Public Works and all fees and deposits paid and improvement security posted.
  - d. The developer shall install the sewer system and dedicate the portion of the sewer system, which is to be public sewer as shown on the approved plans and specifications.
  - e. The developer may be required to grade an access road to maintain any public sewers constructed within easements and may be required to dedicate additional access easements to maintain the public sewers.
6. Obtain a construction permit from the Department of Public Works for work in the County right-of-way (contact Sharon Roderick at [858] 694-3275).
  7. Obtain a construction permit, traffic control permit for any work in the City of San Diego and CalTrans right-of-way.
  8. Furnish the Director of Planning and Land Use, along with their request for final inspection, a letter from the Director of Public Works, stating Conditions B.1 through B.7 through C.1, C.2 and D.1 through D.5 have been completed to that department's satisfaction.
  9. Improve all parking areas and driveways shown on the approved plot plan with a minimum of one and one-half inches of road oil mix, two inches of asphaltic concrete, or five inches of Portland cement concrete, all over approved base and delineate parking spaces.
  10. Finished grading shall be certified by a registered civil engineer and inspected by the Director of Public Works for drainage clearance.

Approval of the rough grading does not certify finished grading because of potential surface drainage problems that may be created by landscaping accomplished after rough grading certification. If a grading permit is not required for the project, a registered civil engineer's certification for the drainage clearance shall still be required.

11. Adequacy of the road structural section and surface drainage shall be certified by a registered civil engineer and approved by the Director of Public Works.
12. Property owners shall agree to preserve and save harmless the County of San Diego and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
13. Submit to the Director of Planning and Land Use a statement from the project California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans.
14. Obtain approval of a Hazardous Material Business Plan/Contingency Plan from the Hazardous Materials Division of the Department of Environmental Health (contact Gloria Estolan at (619) 338-2232).

Upon certification for occupancy or establishment of use allowed by this Permit, the following conditions shall apply:

- E. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to Section 6324 of The Zoning Ordinance.
- F. No loudspeaker or sound amplification system shall be used to produce sounds in violation of the County Noise Ordinance.
- G. The parking areas and driveways shall be well maintained.
- H. All landscaping shall be adequately watered and well maintained at all times.
- I. The water supply for all uses and activities conducted within the premises shall be imported to the site by the Otay Water District. Use of any other water source (including groundwater) is prohibited. Modification of this use permit to delete or modify this requirement so as to permit the use of groundwater shall be reviewed by the County Groundwater Geologist.

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BE IT FURTHER RESOLVED, that the following evidence is incorporated herein by this reference and serves as further evidence to support the findings, requirement, and conclusions:

The maps, exhibits, written documents, and material contained in the files regarding application P00-000, on record at the County of San Diego, the written documents referred to and the oral presentations made at the public hearing.

BOARD03\EOTAYMESA-RES;jcr;tf

# ATTACHMENT C

000032

# Site Plan

Sheet 1 of 3

Clay Mesa Generating Plant  
(a portion of A.P.N. 648-046-23)

Division of Planning & Public Works

A. Main Access Road to the Proposed Power Plant to be improved with 37' of pavement  
one @ 19'-0" (1/2 section of the existing Loop Road Pavement and R.O.W).

B. Secondary easements & emergency access road.

C. Main entry gate: 1' wide around area, security gate, assessment signage, safety lighting.

Proposed gate layout provided by  
BLACK & VEATCH.

Area Improvements and boundary survey provided by  
All Rivers Construction.

See also a proposed improvement provided by  
Division of the District.

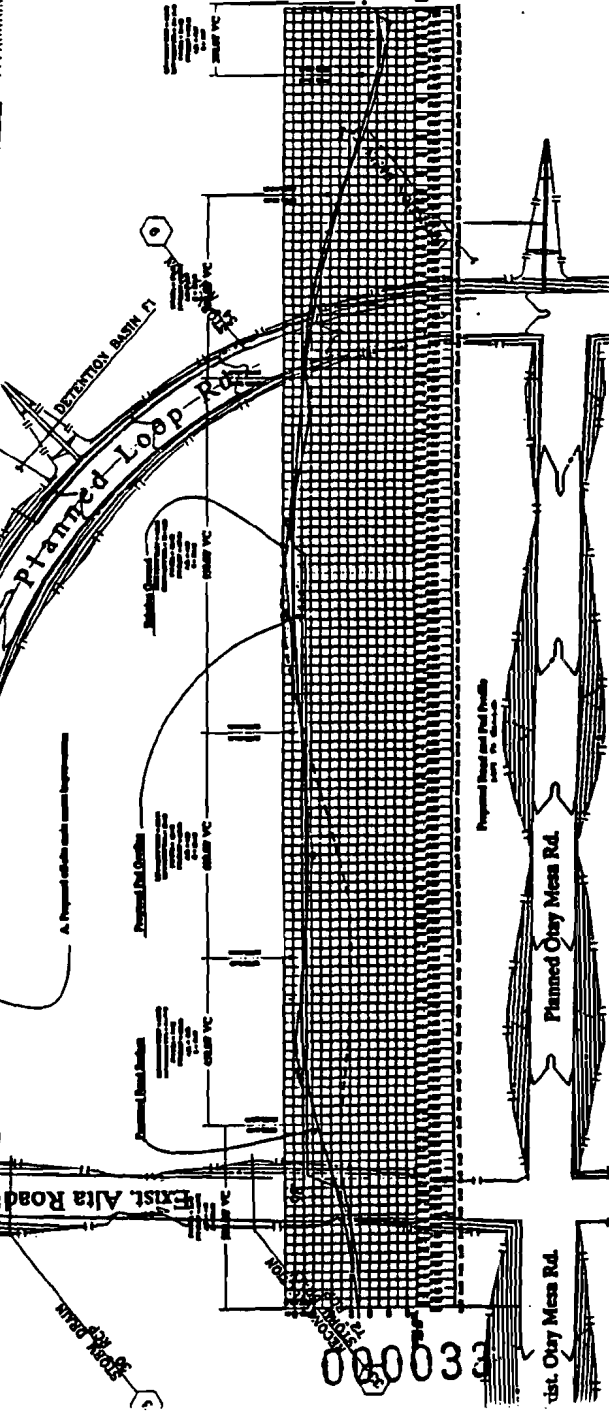
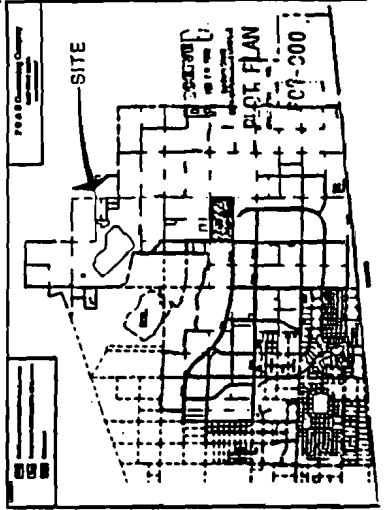
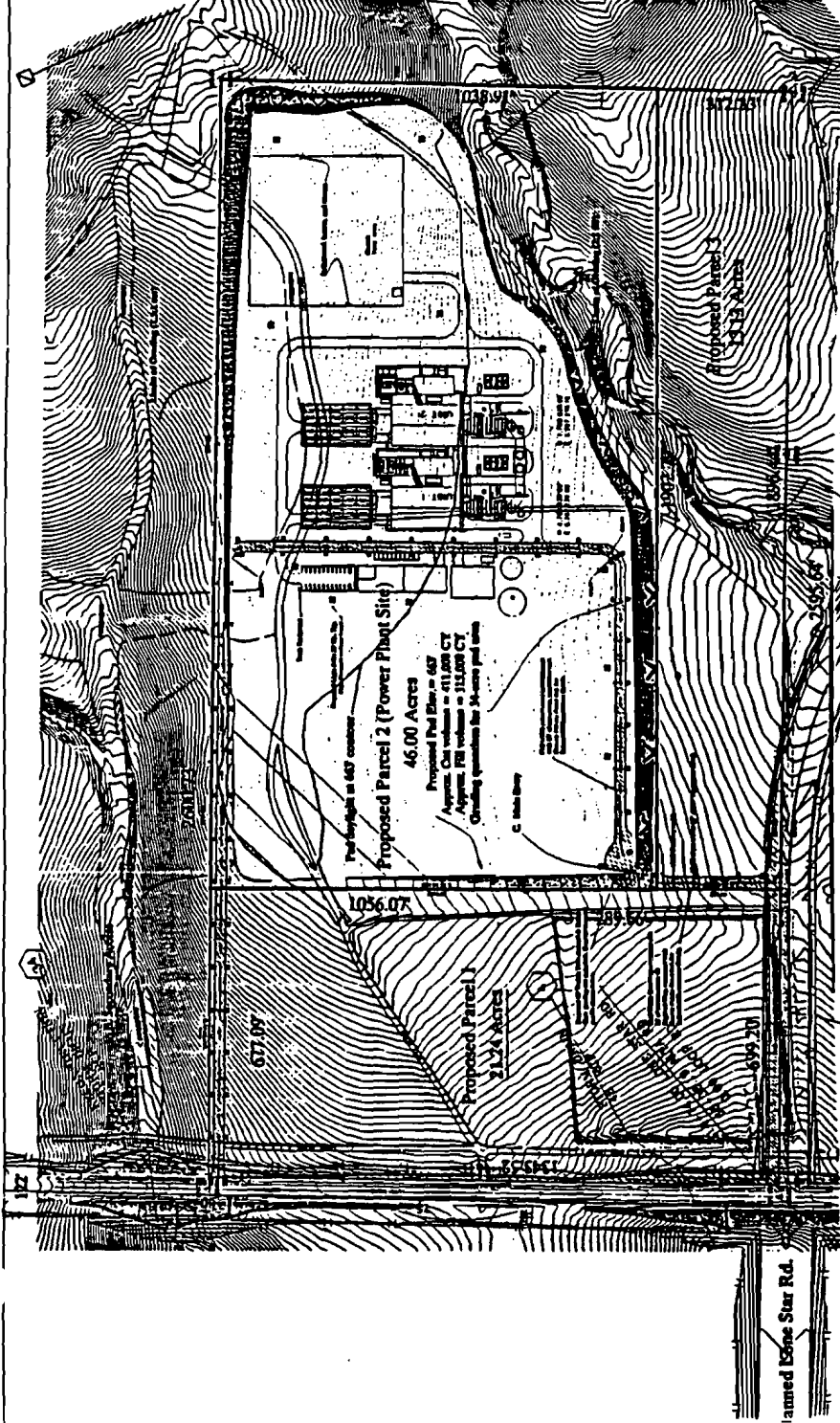


1" = 100'

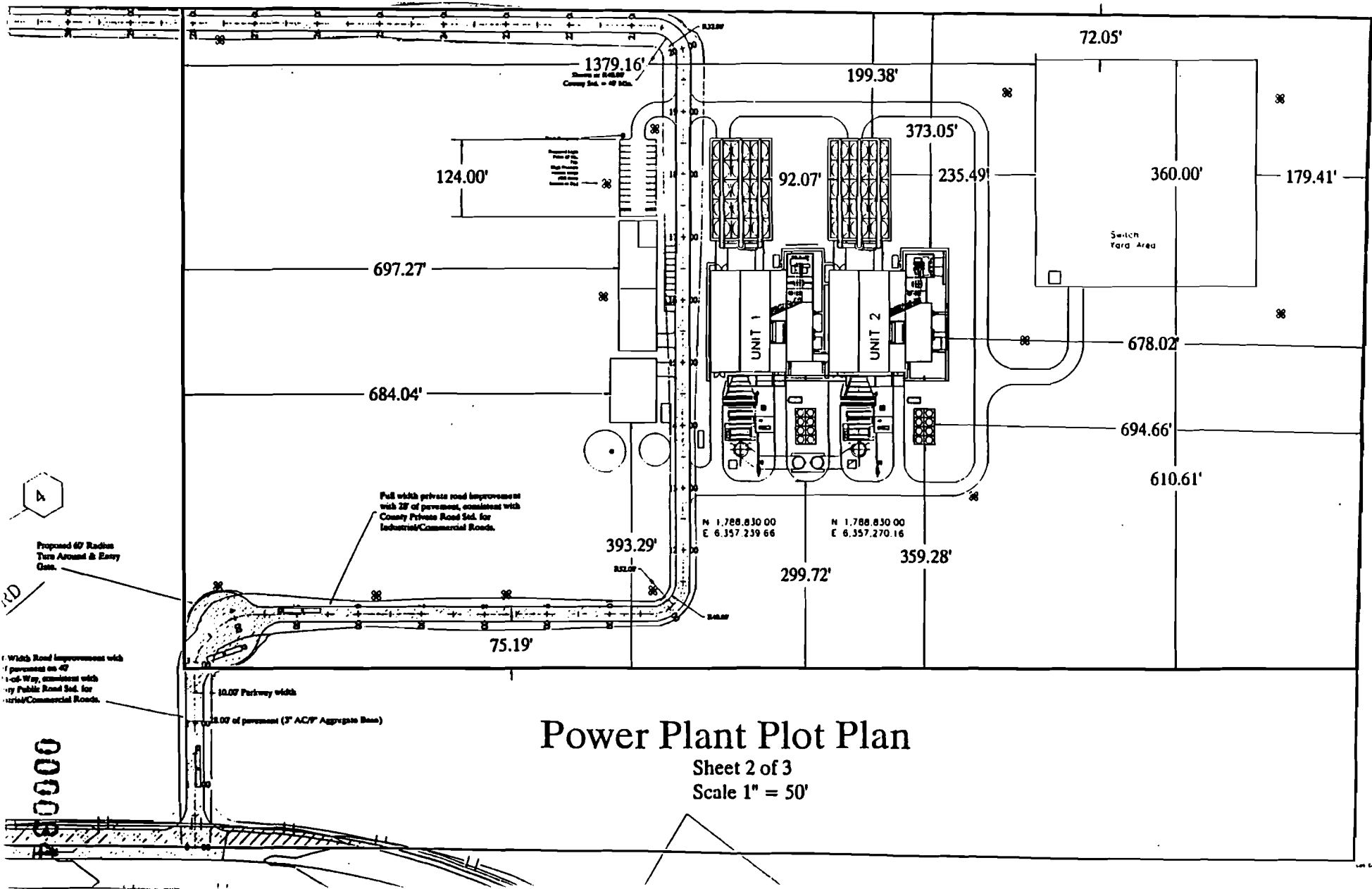
Date: 2/29/2009

## SRAFOURIA ASSOCIATES

10000 Wilshire Blvd., Suite 1000  
Beverly Hills, CA 90210  
Tel: 310-274-1111  
Fax: 310-274-1112



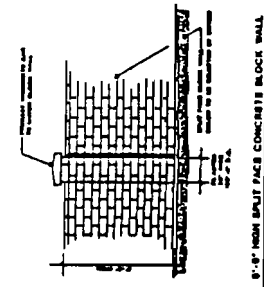
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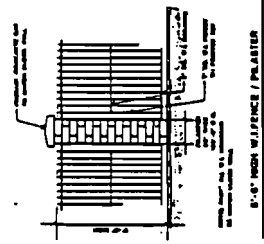
# Power Plant Plot Plan

Sheet 2 of 3  
Scale 1" = 50'

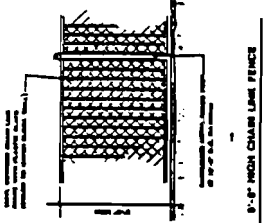
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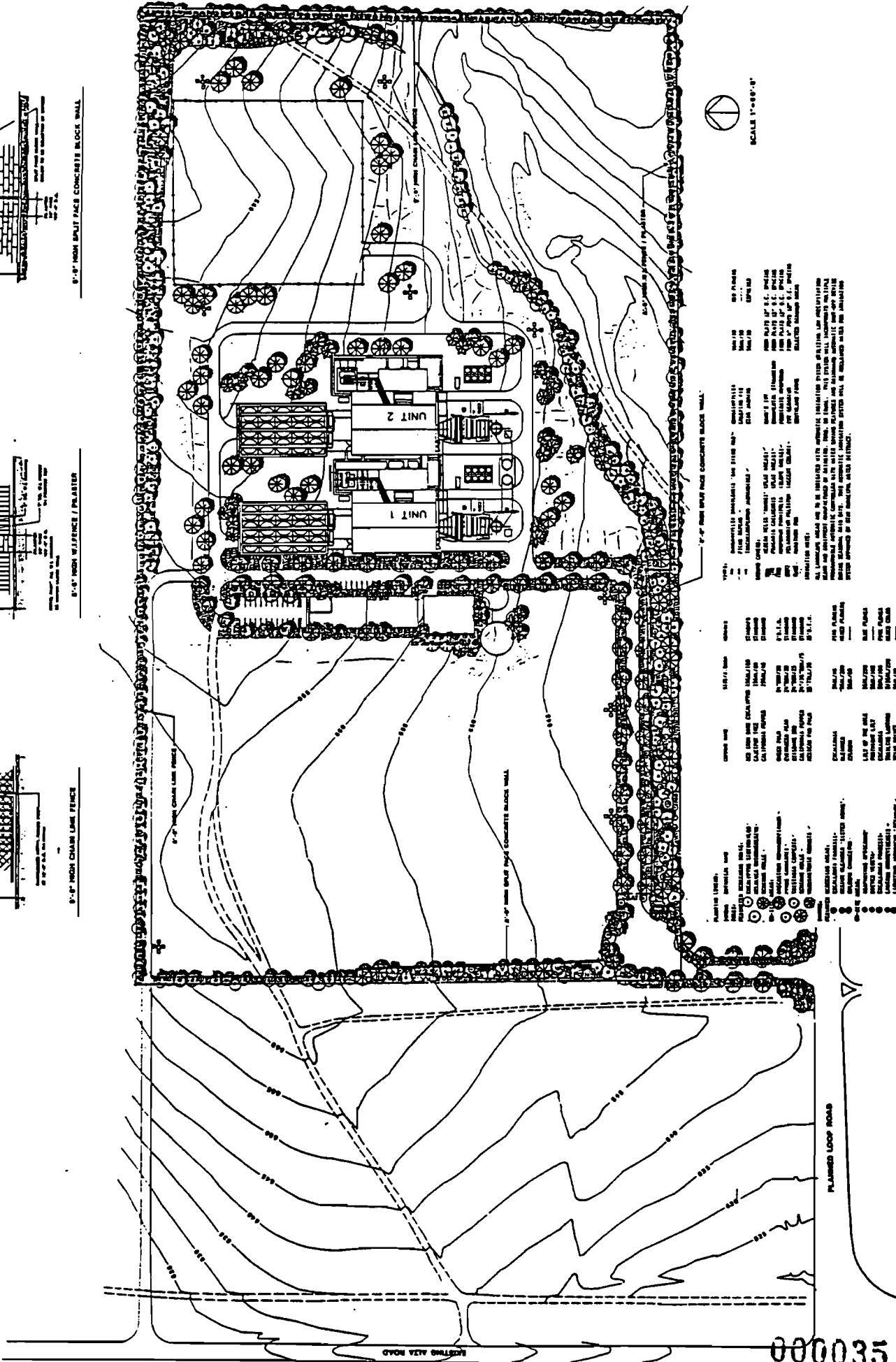
8'-0" HIGH BRICK FACE CONCRETE BLOCK WALL



8'-0" HIGH FENCE / PLASTER



8'-0" HIGH CHAIN LINK FENCE



LEGEND

SYMBOL	DESCRIPTION
(Symbol)	8'-0" HIGH BRICK FACE CONCRETE BLOCK WALL
(Symbol)	8'-0" HIGH FENCE / PLASTER
(Symbol)	8'-0" HIGH CHAIN LINK FENCE
(Symbol)	PLANNED LOOP ROAD
(Symbol)	EXISTING ALTA ROAD
(Symbol)	TOPOGRAPHIC CONTOUR
(Symbol)	PLANTING SYMBOLS
(Symbol)	UTILITIES

NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).
2. THE DESIGNER HAS REVIEWED THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.
3. THE DESIGNER HAS ASSUMED THAT ALL UTILITIES HAVE BEEN LOCATED AND DEPTH MARKED AS SHOWN ON THIS PLAN.
4. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY PERMITS HAVE BEEN OBTAINED FROM THE LOCAL GOVERNMENT.
5. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY UTILITY CONNECTIONS HAVE BEEN MADE.
6. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY EROSION CONTROL MEASURES HAVE BEEN INSTALLED.
7. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY DRAINAGE MEASURES HAVE BEEN INSTALLED.
8. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY FLOOD CONTROL MEASURES HAVE BEEN INSTALLED.
9. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY WIND MITIGATION MEASURES HAVE BEEN INSTALLED.
10. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY LIGHTNING PROTECTION MEASURES HAVE BEEN INSTALLED.
11. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY SECURITY MEASURES HAVE BEEN INSTALLED.
12. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY ACCESSIBILITY MEASURES HAVE BEEN INSTALLED.
13. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY ENVIRONMENTAL PROTECTION MEASURES HAVE BEEN INSTALLED.
14. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY HISTORIC PRESERVATION MEASURES HAVE BEEN INSTALLED.
15. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY CULTURAL RESOURCE PROTECTION MEASURES HAVE BEEN INSTALLED.
16. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY ARCHAEOPROTECTION MEASURES HAVE BEEN INSTALLED.
17. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY PALEONTOLOGICAL PROTECTION MEASURES HAVE BEEN INSTALLED.
18. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY PLANT AND ANIMAL PROTECTION MEASURES HAVE BEEN INSTALLED.
19. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY VISUAL QUALITY IMPROVEMENT MEASURES HAVE BEEN INSTALLED.
20. THE DESIGNER HAS ASSUMED THAT ALL NECESSARY SOUND AND VIBRATION MITIGATION MEASURES HAVE BEEN INSTALLED.

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**Fig. 3.5-1, Grading & Drainage Plan**

Ohay Mesa Generating Plant  
(a portion of A.P.N. 648-048-22)

Prepared: *Amor & Son Engineers*

A. Make Assum Based to the Proposed Power Plant to be Improved with 7% of permeable area of 1.5-in. or 10% maximum of the ultimate Loopy Road Treatment and R.O.W.

B. Secondary arbitrary & emergency access road.

C. Make steep pass 1 year around area, security gate, automatic drainage, safety lighting.

Power plant layout provided by

BLACK & VEATCH.

Arise landscape and boundary survey provided by

J.M. BROWN COMPANY.

Top and ground elevations provided by

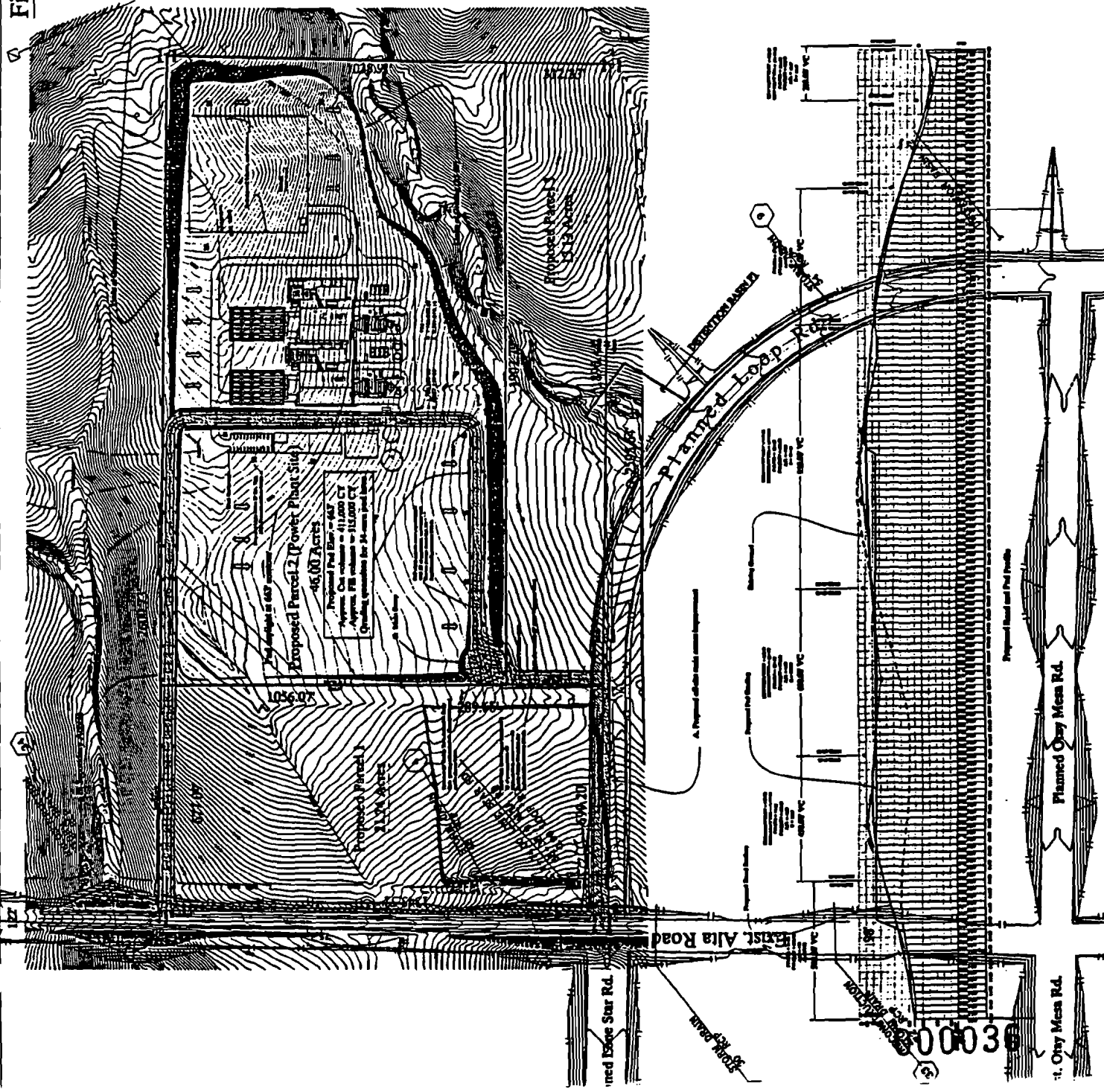
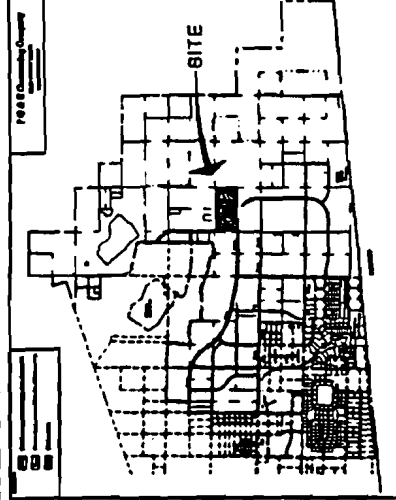
Survey of the State.

**Legend:**

	Existing 1' Contour Interval Topography
	Existing Parcel
	Existing Edge of Dirt Road
	Proposed Subdivision Unit Boundary
	Proposed Project Boundary
	Proposed Paved Orbits Concrete, 1' Interval (1.5:1)
	Proposed Conceptual 24" Storm, 1.5' Slope, to 1' vent. (2:1)
	Proposed Drainage Ditch
	Proposed Fire Hydrant Location
	Proposed Rip Rap Energy Dissipator, 50' Dia. D-49

Planner's Copy  
**SHAPOURIAN ASSOCIATES**  
INCORPORATED  
1000 DOWNEY AVENUE  
SANTA ANA, CALIFORNIA 92701  
PHONE: (714) 271-1111  
FAX: (714) 271-1111

1"=100'  
Date: 2/28/00





# ATTACHMENT D

000037

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**SAN DIEGO RURAL**

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FIRE PROTECTION DISTRICT  
14145 HIGHWAY 94  
JANLU, CALIFORNIA 91935  
(619) 669-1188 FAX (619) 669-1798

March 8, 2000

To: County of San Diego  
Department of Planning and Land Use  
5201 Ruffin RD, Suite B  
San Diego, CA 92123-1666

Re: P00-0000 (PG&E Generating Plant East Otay Mesa)

Dear Planner,

The following are requirements for the above referenced project.

1. All access roads serving the project shall be per the current county road standards as they pertain to Industrial/Commercial roads.
2. No on street parking shall be permitted and the proper signage shall be installed every 150'.
3. The cul-de-sac turn around shall be per the site plan dated 2-28-2000 with a 60' minimum radius.
4. Any proposed access gates serving the facility shall be equipped with Fire Dept access key switch.(Knox Entry System).
5. A total of 4 fire hydrants shall be required see attached for locations. The minimum fire flow required for this project shall be 1500Gallons Per Minute with a 20 psi residual.
6. All structures within the project shall be protected with an approved fire sprinkler system.
7. Prior to any construction the developer shall submit drawings of the proposed underground fire main and calculations verifying the required flow and residual pressure.
8. Prior to any construction the developer shall submit construction documents for approval by the Fire District.
9. All alarm systems associated with fire protection shall be per NFPA 72.

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10. The developer shall also provide the fire district training which is associated with the type of emergencies that could potentially happen (hazardous material spills associated with chemicals used in daily operations of the plant, high voltage emergencies, ect.)
  
11. At this time the Fire District is leaning towards a Mello-Roos for the funding of staffing and operations of the proposed fire station in East Otay Mesa. The Rate and Method have not been defined as of this time. It will be necessary for the developer to participate in this funding strategy for development to continue.

If you have any questions regarding these requirements please call me directly. Sorry that these requirements are late but the Fire District did not receive preliminary application or project description.

Sincerely,



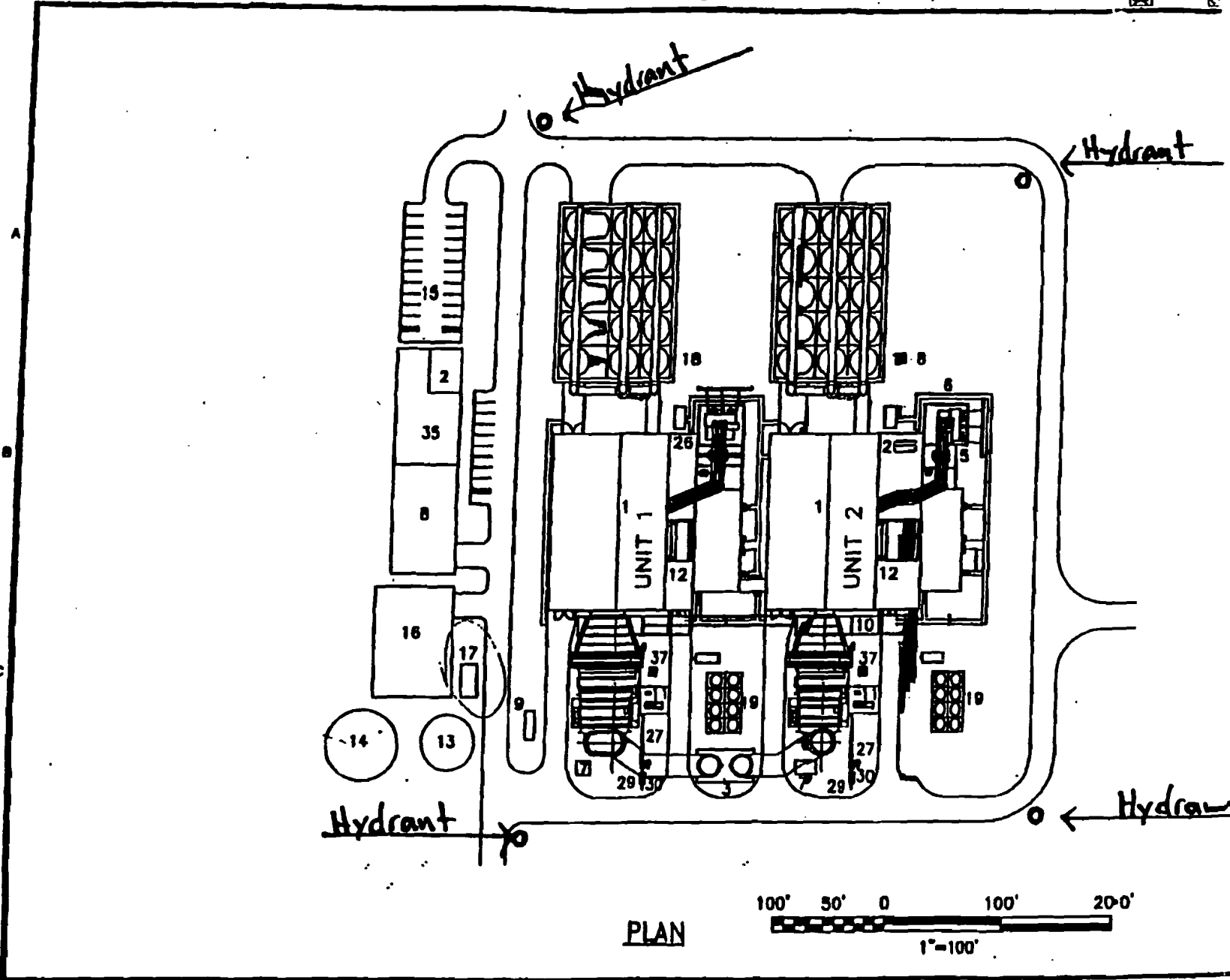
Dave Nissen  
Fire Marshal

cc: DPW  
cc: Shapouri & Associates

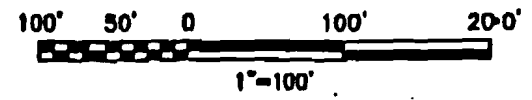
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39440 COOPER ACAD 14.01h (Waterways Lock)  
 A1ASL003 B1 1-100  
 02/11/00 0002/01/20



PLAN



NO	DATE	REVISIONS AND RECORD OF ISSUE	BY	CHK	APP	FM
1	02/18/00	GENERAL REVISIONS	CAW		MAV	
0	03/03/99	INITIAL ISSUE	JRC		MAV	

**BLACK & VEATCH**

ENGINEER: JRC  
 DRAWN: CC  
 CHECKED: \_\_\_\_\_ DATE: \_\_\_\_\_

OTAY MESA GENERATING CO. LTD.  
 OTAY MESA GENERATING PROJECT  
 SITE GENERAL ARRANGEMENT

7

8

7

LEGEN D

NO.	ITEM
1	GENERATION BUILDING
2	ELECTRICAL/CONTROL ROOM
3	STACK
4	HEAT RECOVERY STEAM GENERATOR
5	UNIT AUXILIARY TRANSFORMER
6	GENERATOR STEP-UP TRANSFORMER
7	CEM BUILDING
8	WAREHOUSE/SE/MECH SHOP
9	OIL WATER SEPARATOR
10	PIPE RACK
11	BOILER FEED PUMP BUILDING
12	CT INLET AIR
13	DEMINERALIZED WATER STORAGE TANK
14	FIRE/SERVICE STORAGE TANK
15	PARKING AREA
16	WATER TREATMENT BUILDING
17	FIRE PUMP BUILDING
18	AIR COOLED CONDENSER
19	AUXILIARY COOLING WATER HEAT EXCHANGERS
26	STATIC STARTING DEVICE
27	FUEL GAS SCRUBBER
29	FUEL GAS FINE FILTER
30	FUEL GAS SCRUBBER HOLDING TANK
35	ADMINISTRATION BUILDING
37	HRSG BLOWDOWN TANK

A

B

C

D

st

000041

COMPANY, LLC PROJECT	PROJECT	DRAWING NUMBER	REV
	61956-040-S1002		1
AREA	FIGURE 3.4-2		

# ATTACHMENT E

000042

**LAND USE ANALYSIS****I. Planning/Design Issues****A. General Plan****1. Regional Land Use Element**

The project is located within the Current Urban Development Area Regional Category. This category includes those County lands to which near-term urban development should be directed. Industrial uses will be those permitted by the applicable land use designations on the subregional plan map. (see below)

**2. Community Plan**

This project is located within the (21) Specific Plan Area Land Use Designation of the Otay Subregional Plan. This designation is used where a Specific Plan has been adopted or must be adopted prior to development. The East Otay Mesa Specific Plan was adopted in July 1994. The Specific Plan sets forth the framework for future development, including policies, standards and guidelines that guide and facilitate private development over time. The Specific Plan further establishes an implementation program that includes zoning for the project site which is discussed below. Although the County is not the permitting authority, a recommendation from the County to the California Energy Commission is required regarding the project's consistency with the General Plan. The Application for Certification analyzes the project's consistency with the Specific Plan. The project is a power plant which is generally consistent with the industrial uses allowed by the plan. The East Otay Mesa Specific Plan has an Urban Design Element that presents an overall urban design concept for East Otay Mesa. The intent is to create a modern industrial and business park with well-landscaped streets and high quality structures that has a distinctive signature image. One of the key elements of the specific plan design program is implementation of the Site Planning and Design Guidelines as set forth by the following Urban Design Policy UD-1:

Promote high quality design of buildings and landscaping on private property throughout East Otay Mesa to create a strong identity and image of high quality urban design for the area.

This policy has been implemented through the adoption of Community Design Review Special Area Regulations (B Designator) which include a finding of compliance with the Site Planning and Design Guidelines adopted by the Board of Supervisors. The applicant has submitted a

detailed plot plan that staff has reviewed for compliance with said Guidelines. The analysis is presented below.

**B. Zoning**

**1. Use Type**

The project is a use that is categorized as a Major Impact Service and Utility Use Type which is allowed in the existing zone upon approval of a major use permit. Although the County is not authorized to permit the proposed power plan, staff has reviewed it in the same manner as a Major Use Permit and has the following conditions of approval for planning and design issues.

**2. Other Development Regulations**

- a. **Lot Size:** The zoned minimum lot size designator is 30,000 square feet and the project site will be comprised of a 46 acre parcel.
- b. **Building:** The "W" Building Type Designator allows both the detached and attached non-residential building types proposed by this project.
- c. **Floor Area Ratio:** The zoning requires a .40 floor area ratio. The facility has only single floor structures that cover less than 20 percent of the site.
- d. **Height:** The "R" Height Designator allows a maximum height of 60 feet. Any height in excess of 60 feet requires a major use permit. The power plant facility averages between 70 and 75 feet and the "Stack" is about 130 feet. The "Application for Certification" is the functional equivalent of a Major Use Permit in this instance (see below under Major Use Permit).
- e. **Coverage:** The coverage designator is .40. The site coverage including the switch yard is proposed to be about 20 percent.
- f. **Setback:** The "V" Designator denotes a variable setback that is established during a use permit procedure such as this. The structural setback is proposed to be a minimum of 200 feet which should be adequate for a facility of the this scale.



3. Special Area Regulations

The project site is subject to the "B" Community Design Review Special Area Regulations. All projects are required to submit Site Plans so that staff may determine the project's consistency with the East Otay Mesa Site Planning and Design Guidelines. Since this project would normally be reviewed as a Major Use Permit the "B" Designator Review is incorporated within the context of the Major Use Permit (see below)

4. Major Use Permit.

The County is not authorized to permit the proposed power plant, however, the County is required to make a recommendation to the California Energy Commission on the project's compliance with the County's codes and ordinances. If this project were under the permitting authority of the County it would be subject to approval of a Major Use Permit. Before any use permit may be granted, specific findings must be made. A draft resolution containing the recommended conditions of approval and the recommended findings is located at Attachment \_ of this report. Said findings are as follows:

a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

(1) Harmony in scale, bulk, coverage and density;

The project is proposed to located on a 46-acre portion of an approximately 80 acre parcel located within the East Otay Mesa Specific Plan. There is no existing development adjacent to the site. Within a one-mile radius of the proposed plant are, to the north, the R.J. Donovan State Prison, the George F. Bailey County Correctional Facility and a metal fabricating shop (formerly the Kuebler Ranch). Dry farming occurs on individual parcels of land throughout the one-mile radius. An auto auction facility is located approximately 0.6 mile southwest of the site. The general industrial appearance of the proposed power plant is not out of character with the existing uses in the vicinity. The types of uses that might be expected as the Specific Plan builds out would be those allowed by the "Mixed Industrial" Use Regulations. The Mixed Industrial Use District of the East Otay Mesa Specific Plan is intended to accommodate industrial plants that primarily engage in the manufacturing, compounding, processing, assembling,

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packaging, treatment, warehousing, or fabrication of materials or products.

Scale typically pertains to the height of a structure. Since this is the first development within this portion of the Specific Plan, the proposed height of the buildings must be compared to the expected height of the future development in the vicinity. The zoning for the Mixed Industrial area allows a height of 60 feet. The proposed power plant structures are between 70 and 130 feet. This represents a significant difference in height which is mitigated to a certain extent by the large proposed setbacks of 200 feet along the north property line and 300 feet along the south property line. Although the setbacks will help relieve the impacts from the height of the project on adjacent lots, the structures are likely to be the dominant feature within the Specific Plan. Painting the structures with olive-colored earth tones should help blend the structures with the natural habitat in the background and help relieve the sense of excessive height.

In terms of overall coverage, the plant facility and all the structures including the entire switch yard area would not equal the 40 percent allowed by the zoning. The large setbacks and the drainage area in the southeast corner of the site are the primary reasons for the structural coverage being as low as it is.

Bulk can be seen as a combination of height and coverage. The footprints of the structures will be relatively close together and, when combined with the height, there is likely to be impacts from the bulk of the project. There is not much that can be done architecturally to mitigate this. The form of the structures is strictly dictated by the energy producing function of the facility. The mass of structures can be broken somewhat by the planting of large trees around the facility. The implementation of the conceptual landscape plan, in combination with painting the buildings an olive earth tone color should relieve, as much as possible, the impacts from scale and bulk. Density is not a factor typically associated with industrial uses.

- (2) The availability of public facilities, services and utilities;

Fire services will be provided by the Rural Fire Protection District. The District has requested that the project be

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conditioned pursuant to their letter dated March 8, 2000. Said conditions have been included in the draft Resolution located at Attachment \_ of this report.

The project will receive water service from the Otay Water District. The district has indicated that there is adequate water to serve the facility.

The project will receive sewer service through a district that was recently formed by the County to serve the East Otay Mesa Specific Plan.

The project will be conditioned to make its fair share improvements to implement the circulation program for the East Otay Mesa Specific Plan.

- (3) The harmful effect, if any, upon desirable neighborhood character;

The project proposes development of a power plant which is categorized in The Zoning Ordinance as a Major Impact Services and Utilities Use Type. It is understood that this Use Type will have substantial impact. The uses categorized as Major Impact Service and Utility may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. The project is an industrial type of use proposed within an industrial type of zone. There is no development adjacent to the project. Development in the general vicinity includes a prison, a correctional facility and an auto auction/storage yard. Future development in the vicinity will be light industrial in nature and be subject to the Site Planning and Design Guidelines of the East Otay Mesa Specific Plan.

The Site Planning and Design Guidelines are a key implementation tool for the Specific Plan. These Guidelines apply to all parcels planned for commercial or industrial land uses and consist of criteria used in the review of all development projects. One goal of the Guidelines is to create an industrial and business park that has a strong identity and is a place of distinction and quality. A second goal of the Guidelines is to achieve a cohesive, visually unified industrial and business center. The criteria set forth in the guidelines address: Site

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Planning, Architecture and Signage. The proposed architecture is comprised of modular buildings and the various mechanical elements that comprise the actual energy plant. Proposed signage is limited and consistent with the Guidelines. Site Planning is applicable and is comprised of the following elements:

- ◆ Grading;
- ◆ Circulation, Parking and Loading;
- ◆ Buildings and Open Space;
- ◆ Landscaping;
- ◆ Fences, Walls and Hedges;
- ◆ Lighting; and
- ◆ Public Utility Structures.

The Guidelines are set forth as guidelines rather than standards because they address issues that are qualitative rather than quantitative. Also, the Guidelines are intended to allow design flexibility under the premise that there are many design solutions which can achieve a stated goal. However, the Guidelines are not optional. A development project must comply with all the Design Guidelines, either following them precisely, or offering a design solution that is equal or better in achieving the stated objective.

Design guidelines that employ the word "shall" are intended to be mandatory; however, if the Director of Planning and Land Use finds there are unique circumstances which make strict compliance infeasible or unnecessary, alternative solutions may be approved. Design Guidelines that employ the word "should" address design objectives that the project needs to achieve. Alternative measures may be considered if they meet or exceed the objective of the guideline. Design Guidelines using the words "encouraged" are desirable but not mandatory.

Since there is no existing development within the Specific Plan, it is necessary to make this finding based on the project's consistency with the criteria from Site Planning and Design Guidelines. A categorical analysis of the project's consistency with the relevant Guidelines follows:

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Grading:

Within the East Otay Mesa Specific Plan the land planned for industrial and commercial development is generally rolling terrain having slopes less than 15 percent. The Guidelines indicate that the limits and constraints of grading and the resultant cut and fill banks shall incorporate the requirements illustrated in "Figure 2". Figure 2 indicates a maximum vertical slope height of 15 feet with a slope ratio of 3:1 maximum.

The project site is approximately 46 acres. About 6 acres is within a drainage area that is proposed to be left in its natural state. The operational characteristics of the energy plant require the remaining 40 acres to be graded level. The site gently slopes from a high point of 708 feet above sea level in the northeasterly portion of the site to a low point of 625 feet in the southwesterly portion of the site. The site is planned to be cut and filled to provide a level area for the power island complex at an elevation of approximately 663 feet above sea level. Approximately 207,000 cubic yards of cut and fill are proposed. Because the project requires such a large level area, grading a pad at 663 feet above sea level will result in slopes that are significantly greater than the 15 feet allowed by the design guidelines (Approximately 40 foot cut and fill slopes). A fill slope ratio of 2:1 is proposed and the cut slope in the northeasterly corner of the site is proposed to have a ratio of 1.5:1. This is also excessive compared to the 3:1 ratio allowed by the Guidelines. Although some sensitivity is shown by avoiding any development within the drainage area in the southeasterly portion of the site, the grading as proposed is substantially different from what is expected and actively promoted through the implementation of the design guidelines. The County is concerned about allowing this project to set a precedent that is substantially contrary to the Guidelines. Allowing the grading as proposed could result in the dilution of the overall effectiveness of the site planning process within the specific plan. The recommendation is that the grading plan be more consistent with the criteria set forth by the Site Planning and Design Guidelines. This could be achieved by constructing the facility on a number of terraced pads and by spreading the facility out over the 46 acres. As currently configured, the

grading is not consistent with the Design Guidelines (maximum slope height 15 feet and a slope ratio of 3:1).

Some mitigating circumstances regarding the proposed grading include:

- The proposed landscaping of the fill slopes as shown on the conceptual landscape plan.
- Views of the fill slopes may be partially blocked by future development on proposed Parcel 3.
- The cut slopes will be partially blocked by the facility itself.

To correct these concerns, a condition has been added to require that the Director of Planning and Land Use approve a revised grading plan before the State issues its permit to construct and operate the plant.

Circulation, Parking and Loading:

Site Access Points: Site access is proposed to be taken from the Loop Road via a 40 foot private road easement. The road would follow the boundary between proposed Parcels 1 and 3. The Circulation plan for the Specific Plan shows an "Industrial/ Commercial Road" at this point. Industrial/Commercial Roads shall be provided as follows:

- Right-of-way width shall be 72 feet.
- Pavement width between the curb faces shall be 52 feet.
- Knuckles may be used in accordance with County Standards.

Loop Road is classified as a Major Road. Controlled intersections are the only access points to roadways classified as prime arterials and major roads. No curb cuts off prime arterials or major roads are permitted. This means that the access for Parcel 3 will need to be taken from the west off of the access road to the power plant. In addition, future uses associated with Parcel 1 may also need to use the planned Industrial/Commercial Road that is proposed to be a private road. The recommendation is that the project be conditioned to construct a private road with slope rights and drainage easements for the wider industrial commercial road.

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It should be noted that there is another Industrial/Commercial Road planned for the northerly boundary of Parcels 1 and 2. The need to construct this road should be considered during the processing of the Tentative Parcel Map.

Driveway Standards: The project has two driveways one is located along the southerly boundary and the other is secondary access and is located along the northerly boundary. The Guidelines indicate that "...no driveway should be located closer than 15 feet to an interior property line." The recommendation is that the distance between the driveway pavement and the northerly property line be a minimum of 15 feet. The current conceptual landscape plan shows about 10 feet. This will be addressed in the revised plot plan to be submitted to the Department of Planning and Land Use prior to State approval.

Parking: The location, design and size of the parking area is consistent with the design guidelines. Once the facility becomes operational, there will be about 25 full time employees. The project proposes to provide a total of 34 parking spaces.

Storage, Loading and Outdoor Facilities Areas: Although the project does not label them as such, there appear to be adequate loading areas located along the east side of the "Warehouse/Mech Shop" and the "Water Treatment Building".

The Guidelines indicate the following:

"No materials, supplies or equipment, including company owned or operated trucks, shall be stored in any area on a lot, except inside a closed building or behind an approved visual barrier which screens such areas from the view of adjacent properties and public rights-of-way and screen it from the regional trail system for the Otay Valley Regional Park."

All public views of the site will be screened by an 8 foot wall and/or by dense landscaping. The project site would not be visible from the Otay Valley Regional Park.

The Guidelines indicate the following:

“On every separate parcel, there shall be an enclosed area set aside for the storage of solid waste and recyclable materials.”

The proposed plot plan shows a small trash receptacle in the northwesterly portion of the parking lot. This may not be adequate for the needs of the project. The recommendation is for the project to provide a more suitable area for solid waste storage than the single trash receptacle at the northwesterly corner of the parking area. The solid waste storage area should be located closer to the administration building.

The Guidelines indicate the following:

“Outdoor facilities areas, containing items such as satellite dishes, back flow preventors, stand pipes, etc. that cannot be located indoors, shall be screened from view by fences, walls or landscape materials that blend with the landscape palette.”

Since the entire project might be considered an outdoor facility, the proposed landscaping becomes essential to finding the project to be compatible with other existing or planned development in the vicinity. Staff believes that the proposed conceptual landscape plan (with the revisions described below) will provide screening that is as adequate as possible considering the size and scale of the facility.

#### Buildings and Open Space:

Only about 40 percent of the project site is proposed for development. There is a natural drainage area in the southeasterly portion of the site that is proposed to be left in its natural state. In addition, the westerly 20 acres is not proposed for development at this time. Since this is a single use facility that doesn't cover the entire site, it isn't necessary to provide integrated outdoor usable open space design.

#### Landscaping:

The proposed plot plan includes a conceptual landscape plan. The Guidelines indicate that the general landscape intent is to establish a sense of cohesiveness and harmony as well as create a park-like identity that will soften the



building elements and large areas of paving. The nature of the project requires that the entire site be screened from public view. An eight foot high security fence is an acceptable feature for a project such as this. A wall is proposed along the west boundary and along the westerly one-half of the south boundary because these are areas that are most visible from off-site public roads. The other one-half of the southerly boundary will be required to be decorative wrought iron which is also consistent with the design guidelines. As shown on the conceptual landscape plan, the exterior of the perimeter wall will be planted in order to soften the visual impact of the long flat plane of the wall. Dense landscaping will be used in conjunction with the wrought iron and the chain link fencing to screen views from off-site.

The scale and bulk of the proposed facility makes it difficult to harmonize with the planned character of the East Otay Mesa Specific Plan Area. The best that can be expected is to try to break up the structural mass with numerous, large, bushy trees. The recommendation is to make the following changes to the conceptual landscape plan in order to make the project more consistent with the Guidelines.

- (1) The use of Queen palms and Mexican fan palms will tend to add to the visual incongruity of the project and its surrounding area. In addition, Mexican fan palms can be invasive. Therefore, they must be replaced with 80 percent evergreen large screening trees from Appendix 1 of the Design Guidelines.
- (2) The color of the structure is obtrusive. The applicant shall alter the color of the building to blend in with the natural surrounding.
- (3) Two-thirds of the plant material used is from the approved plant list identified in the Guidelines. Many are approved species, but the variety used is different. The other ornamental plantings, however, are appropriate for the location (such as *Schinus molle*).
- (4) The fencing and screening in the southeast portion of the project will not be effective because it will be

located within a drainage area. The fencing and landscape buffer shall instead be located at the top of the slope that located above the drainage. If the drainage is to be left in its natural state it should be unfenced and unlandscaped. Additional visual screening should be provided on all sides of the facility and closer in to the structures.

- (5) Throughout the site there are trees shown to be randomly planted without any vegetative groundcover. If these areas are to be graded and existing vegetation is to be removed, then the conceptual landscape plan needs to show planting (groundcover, hydroseed, shrubs, trees, etc.) for these areas. If these areas are to be used for future expansion, then this must be noted and a temporary hydroseed or groundcover must be established to prevent erosion. If the existing vegetation is to remain, then this should be noted as well, with a condition that, if disturbed during construction, the areas will be revegetated with a hydroseed, groundcover, etc.
- (6) The plans need to call out a three inch layer of bark mulch in all planting areas.

#### Fences, Walls and Hedges:

The Guidelines indicate that no fence or wall shall be constructed which exceeds a height of 72 inches above the grade, except when the Board of Supervisors, the Planning Commission, or the Director of Planning and Land Use, as a condition of approval of a matter under their jurisdiction requires that a fence or a wall be constructed to a greater height in order to mitigate against potential adverse impacts. The security program for this project calls for an 8 foot high fence. Staff believes that it is appropriate that this type of facility be allowed the extra margin of security provided by an 8 foot high fence, or wall as the case may be.

Fences and walls may be of any durable material, except wood and chain link if abutting or highly visible from a public road. In this case the applicant has proposed a decorative wall along the westerly perimeter which is highly visible from Alta Road. The south perimeter is

highly visible from Loop Road and it will have a wall along westerly one-half and wrought iron fencing along the easterly one-half. Chain link will be used along the north and the east perimeters. Dense landscaping will be used in combination with the wrought iron and the chain link to screen the facility from off-site views. Staff believes, if the intent is to retain the drainage in its natural state, then the fencing and landscaping in the drainage area should be removed and placed at the top of the slope above the drainage. A condition is included in the Resolution that makes this recommendation.

Lighting:

All proposed lighting will be reviewed for compliance with the Light Pollution Control Dark Sky Ordinance. The project proposes high pressure sodium lighting along the entry drive way and above the parking area. The lights are proposed to be mounted on 20-foot poles. Any proposed lighting is conditioned as follows:

- (1) All lighting except bollard or pole lighting up to 12 feet in height shall be indirect or shall incorporate a full cut-off type fixture, no output above 90 degrees. No lighting fixtures shall exceed 35 feet in height. No private lighting shall spill onto another property.
- (2) The project shall provide side and rear property line pole lighting mounted on a cylindrical concrete base with a fixture height sufficient to provide the minimum standard site lighting. The light source shall be an improved color corrected high pressure sodium lamp (GE deluxe lucalox or equal).
- (3) The parking area illumination level shall achieve a uniformity ratio of 3:1 (average to minimum) with a maintained average of one foot candle and a minimum of .5 foot candle.
- (4) High pressure sodium lamp output is limited by the Light Pollution Code to 4,050 lumens per lamp maximum.
- (5) Building illumination and architectural lighting shall be indirect in character (no light source visible). Architectural lighting should articulate and

animate entrances and other prominent architectural elements, such as the wall and the entry gate, as well as provide the required functional lighting for safety and clarity of pedestrian movement. Indiscriminate wall washing of an entire façade should be avoided.

Public Utility Structures:

The Guidelines indicate that traffic signal boxes, transformers, telephone switching boxes and other public utility structures should be located underground or appropriately screened, with landscaping or architectural treatment. The proposed project is itself one large public utility structure and the proposed conceptual landscape plan attempts to screen the facility from public view to the extent feasible.

- (1) The generation of traffic and the capacity and physical character of surrounding streets.

This project will not be a significant traffic generator when it is completed. The project is being conditioned to implement its fair share of the improvement requirements set forth in the East Otay Mesa Specific Plan. The project is required to provide improvements for the private easement access road, plus provide slope rights and drainage easements for an industrial/commercial road from the southwest corner of the proposed Parcel 2 southerly to Loop Road. A portion of the full improvements to the Loop Road are also required. As the Specific Plan develops, the low traffic generation of this site will have an overall calming effect on traffic circulation in general. The project has also been conditioned to provide alternative truck routing if project truck traffic cannot safely negotiate the existing intersection of Otay Mesa Road and SR 905.

- (2) The suitability of the site for the type and intensity of use or development which is proposed.

Within the East Otay Mesa Specific Plan, the land planned for industrial and commercial development is generally rolling terrain having slopes less than 15 percent. The Site Planning and Design Guidelines indicate that a maximum vertical slope height of 15 feet with a slope ratio of 3:1 maximum is required. The proposed project site is

approximately 46 acres, however, the parcel that the site is located within is approximately 80 acres. The project will include a Tentative Parcel Map that will split off the 46 acres from the 80 acres. About 6 acres within the project site is a drainage area that is proposed to be left in its natural state. The operational characteristics of the plant require the remaining 40 acres to be graded level. The site gently slopes from a high point of 708 feet above sea level in the northeasterly portion of the site to a low point of 625 feet in the southwesterly portion of the site. The site is planned to be cut and filled to provide a level area for the power island complex at an elevation of approximately 663 feet above sea level. Approximately 207,000 cubic yards of cut and fill are proposed. Because the project requires such a large level area, grading a pad at 663 feet above sea level will result in slopes that are significantly greater than the 15 feet allowed by the design guidelines (Approximately 40 foot cut and fill slopes). The fill slopes are proposed to have a ratio of 2:1. The proposed cut slope is proposed to have a 1.5:1 ratio. This is also excessive compared to the 3:1 ratio allowed by the Guidelines. Although some sensitivity is shown by avoiding any development within the drainage area in the southeasterly portion of the site, the grading as proposed is substantially different from what is expected and actively promoted through the implementation of the Design Guidelines. Staff is concerned that, if this design were approved as submitted, it would set a precedent that is contrary to the Guidelines and could result in the dilution of the overall effectiveness of the site planning process within the Specific Plan. The recommendation is that site design be changed so that the facility occupies a larger portion of the 80 acre parcel within which it is located, thus allowing the grading plan to provide for slope ratios that are closer to the 3:1 ratio set forth by the Guidelines. In addition, the applicant should submit a Site Plan that provides for more terraced areas on-site so that the slope heights could be reduced closer to the 15 foot height set forth by the Guidelines.

(3) Any other relevant impact of the proposed use

No other relevant impacts have been identified.

- b. That the impacts described in paragraph “a” of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

This project is located within the (21) Specific Plan Area Land Use Designation of the Otay Subregional Plan. This designation is used where a Specific Plan has been adopted or must be adopted prior to development. The East Otay Mesa Specific Plan was adopted in July 1994. The Specific Plan sets forth the framework for future development, including policies, standards and guidelines that guide and facilitate private development over time. The Specific Plan further establishes an implementation program that includes zoning for the project site. The project is a use that is categorized as a Major Impact Service and Utility Use Type which is allowed in the existing zone upon approval of a major use permit. Although the County is not the permitting authority, a recommendation from the County to the California Energy Commission is required regarding the project’s consistency with the General Plan. The project is a power plant which is generally consistent with the industrial uses allowed by the zoning. However, the East Otay Mesa Specific Plan sets forth Site Planning and Design Guidelines that all projects must be found to be consistent with. Although this project as proposed is not consistent with the specific guidelines indicated above, it is believed that the changes recommended in the resolution located at Attachment \_ of this report will make the project consistent with the County General Plan as implemented by the provisions of the East Otay Mesa Specific Plan.

- c. That the requirements of the California Environmental Quality Act have been complied with.

The project applicant is seeking approval from the California Energy Commission (CEC) to construct and operate a power plant. An “Application for Certification” (AFC) has been prepared in accordance with CEC guidelines which includes an assessment of its likely impact on the environment. Staff has reviewed the AFC and believes that the project could have significant impacts to Land Use if the project is not revised in accordance with conditions set forth in the Resolution. The specifics of these impacts are outlined above in paragraph “a”. In addition, the project documents should be change as indicated below in Section II.

II. California Environmental Quality Act (CEQA)/Resource Protection Ordinance (RPO) Issues

**A. CEQA**

The environmental assessments that are presented in the Application for Certification (AFC) are intended to comply with CEQA requirements as well and the requirements of the California Energy Commission. The environmental resources that were analyzed include:

- ◆ Air Quality
- ◆ Geologic Hazards and Resources
- ◆ Agriculture and Soils
- ◆ Water Resources
- ◆ Biological Resources
- ◆ Cultural Resources
- ◆ Paleontological Resources
- ◆ Land Use
- ◆ Socioeconomics
- ◆ Traffic and Transportation
- ◆ Noise
- ◆ Visual Resources
- ◆ Waste Management
- ◆ Hazardous Waste Materials Handling
- ◆ Public Health
- ◆ Worker Safety
- ◆ Cumulative Impacts

Staff has the following comments regarding these studies:

1. **Air Quality:** The Air Pollution Control District will present its comments under a separate cover.
2. **Geologic Hazards and Resources:** No comment.
3. **Agriculture and Soils:** The discussion on page 5.4-13 of the AFC regarding potential impacts is somewhat problematic. For example, there is a statement that because certain areas have been out of agricultural production for five years, they do not actually qualify as prime or statewide importance farmlands. This conclusion needs to be further clarified and substantiated. The discussion then concludes with a statement that these lands may qualify as farmlands of local importance. There is no conclusion as to the significance of impacts to agricultural resources. If there are no significant impacts, this should be stated and the conclusion substantiated with relevant data. It is necessary to reference the existing analysis and conclusions regarding potential impacts to Important Farmland on page 4.1-28 of the EIR prepared for the East Otay Mesa Specific Plan.

4. **Water Resources:** The applicant has been informed by the Otay Water District that water services will be available to serve the project.
5. **Biological Resources:** The AFC is adequate with the inclusion of the Multiple Species Conservation Program (MSCP) Findings provided under a separate cover.
6. **Cultural Resources:** The AFC indicates that there will be no significant cumulative impacts to the regional cultural base. The logic of the response is not quite correct. The response is inadequate because it states that the implementation of project specific mitigation measures will reduce cumulative impacts to less than significant. While project specific mitigation is an important component of the argument, it cannot be solely relied upon to reduce cumulative impacts to less than significant. What is needed is a clear argument and statement that this project, in combination with other known projects in the region does not result in cumulatively significant impacts.

Staff has also reviewed the cultural resource testing plan prepared by Gallegos & Associates, dated November 30, 1999. The plan is thorough and well written. If implemented prior to certification as proposed, staff's regarding deferral of significance evaluation and proposed mitigation will have been addressed.

Finally, the recently proposed sewer alignment along Lone Star Road should be incorporated into the testing and significance evaluation program for cultural resources.

7. **Paleontological Resources:** No Comment.
8. **Land Use:** See Section I above.
9. **Socioeconomics:** No Comment.
10. **Traffic and Transportation:** The Department of Public Works has provided "Draft Preliminary Comments" that are comprised of recommended conditions of approval. The conditions relating to this Traffic and Transportation are as follows:
  - a. Before granting any other permit (excluding a grading permit). The applicant shall:
    - (1) Cause to be granted to the County of San Diego, an easement for road purposes that provides a one-half right-of-way width of forty-nine (49') plus slope rights and



drainage easements for Loop Road (SA 1111) (a Major Road plus bike lanes) along the frontage of the project to a point approximately 700 feet easterly of Alta Road. The easement is to be accepted for public use. The alignment of Loop Road (SA 1111) shall conform to the County Circulation Element of Roads and consistent with the East Otay Mesa Specific Plan.

- (2) Cause to be granted to the County of San Diego an easement for road purposes that provides a width of forty feet (40') plus slope rights and drainage easements for an industrial/commercial road from the southwest corner of the proposed Parcel 2 southerly to Loop Road (SA 1111).
- (3) Process the necessary right-of-way documents. Provide a Lot Book Report less than three months old showing all Deeds of Trust, a Grant Deed, and a \$600 deposit to DPW for document processing fees (contact T. Hubbard at 858-694-2299).
- (4) The grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation.
- (5) Execute a secured agreement to improve Loop Road (SA 1111) from Alta Road along the project frontage, to a point approximately 700 feet easterly from Alta Road, to a one-half graded width of forty-nine feet (49') with Portland cement concrete curb, gutter, and sidewalk, asphaltic concrete pavement over approved base, street lights, all traffic striping and asphaltic concrete dike tapers and transitions to existing pavement to the satisfaction of the Director of Public Works.

Face of curb shall be thirty-nine feet (39') from centerline.

- (6) Execute a secured agreement to improve the public Industrial/Commercial road from the southwest corner of the proposed Parcel 2 southerly to Loop Road (SA 1111) to a graded width of thirty-two feet (32') with twenty-eight feet (28') of asphaltic concrete pavement over approved base, all traffic striping, all to the satisfaction of the Director of Public Works. This secured agreement shall include a secondary emergency access road to the satisfaction of the San Diego Rural Fire Protection District and the Director of Public Works.

- (7) Secured agreement requires posting security in accordance with Section 7613 of the Zoning Ordinance. It also requires the improvements be completed by 24 months from the date the State Permit is approved or prior to use or occupancy of the facility, whichever is earlier.
- b. Prior to obtaining any building permit pursuant to this Permit, the applicant shall:
  - (1) Provide a certification from a Registered Civil Engineer or Registered Traffic Engineer that the construction and operation of the project truck traffic can safely negotiate the existing intersection of Otay Mesa Road and SR 905, or provide alternative truck routing to the satisfaction of the Director of Public Works and the City of San Diego, or construct necessary intersection improvements (at the aforementioned intersection) to facilitate truck turning movements to the satisfaction of Caltrans, the City of San Diego and the Director of Public Works.
- c. Prior to any occupancy or use of the premises pursuant to an approved State Permit, the applicant shall:
  - (1) Provide a certification by a Registered Civil Engineer, Licensed Land Surveyor or Registered Traffic Engineer that the intersectional sight distance along Alta Road looking in both directions from Loop Road (SA 1111) is a minimum of five hundred and fifty feet (550') to the satisfaction of the Director of Public Works.
  - (2) Provide a certification by a Registered Civil Engineer, Licensed Land Surveyor or Registered Traffic Engineer that the intersectional sight distance along Loop Road (SA 1111) looking in both directions from the industrial/commercial road is a minimum of five hundred and fifty feet (550') to the satisfaction of the Director of Public Works.
  - (3) Be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

- (4) Obtain a construction permit from the Department of Public Works for work in the County right-of-way (contact Sharon Roderick at 858-694-3275).
  - (5) Obtain a construction permit, traffic control permit for any work in the City of San Diego and Caltrans right-of-way.
11. **Noise:** The noise assessment is generally adequate. The project would not technically be consistent with Noise Ordinance requirements for land located in the S88 zone, however, the uses authorized by the Specific Plan and, thus, the S88 zone are similar to an industrial zone. Consistency with the Noise Ordinance can be found based on the following assumptions:
  - If Industrial uses at the project site and adjacent properties (as specified by the Specific Plan for Otay Mesa) will correspond to the uses addressed by M50, M52 and M54 use regulations, staff can assume that the applicable property line sound level limit for the project site is  $Leq(h)=70$  dB anytime.
  - If land uses of adjacent properties specified in the Specific Plan for Otay Mesa will correspond to commercial use regulations other than C30, staff can assume that the applicable property line sound level limit for the project boundary with commercial uses is  $Leq(h)=65$  dB  $[(70+60)/2]$  between 7 a.m. and 10 p.m. and 62.5 dB  $[(70+55)/2]$  between 10 p.m. and 7 a.m.

The five worksheets or tables submitted by the applicant need to be attached or included in a technical appendix along with a glossary of terms to explain any notations. To demonstrate the project's compliance to the property line limits of the County of San Diego Noise Ordinance, staff also recommends that the map exhibit generated by Black and Veatch labeled "Plant Site Sound Levels" be included in some form with the final documentation.

As a condition of approval the project should be required to be in compliance with Section 36.410 of the San Diego County Noise Ordinance to curb any noise impacts due to construction activity.

12. **Visual Resources:**

Impacts to Visual Resources were discussed above under Section I

Other conditions relating to visual resources are as follows:

- a. Prior to obtaining any building permit pursuant to this Major Use Permit, the applicant shall:

- (1) Provide a grading plan (L-Grading Plan) and obtain a grading permit. The project shall have a flood-free building site (100-year flood) to the satisfaction of the Director of Public Works. Provide a detention basin so that the downstream discharge (100-year flood) is no greater than the predeveloped peak flow. If the detention basin is constructed on-site, the detention basin shall be privately maintained. If the detention basin is constructed off-site, the applicant shall establish an appropriate funding mechanism for maintenance, to the satisfaction of the Director of Public Works and consistent with the East Otay Mesa Specific Plan.
      - b. Prior to any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall satisfy the following street lighting requirements: (Contact Rowel Francisco at 858 571-4258.)
        - (1) Allow transfer of the property subject to Major Use Permit (MUP) into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer.
        - (2) Install or arrange to install street lights to County standards and the satisfaction of the Director of Public Works, and deposit with the County of San Diego, through the Department of Public Works, a cash deposit sufficient to energize and operate the street lights until the property has been transferred into Zone A.
13. The conditions relating to Waste Management are as follows:
  - a. Sewerage: Contact George Ream at (858) 874-4099.
    - (1) Plans and specifications for the installation of a sewer system serving each lot, must be approved by the East Otay sewer maintenance district. The owner shall dedicate all necessary easements along with that portion of the sewer system, which is to be public sewer.
    - (2) A commitment to serve each parcel must be purchased from the East Otay sewer maintenance district. In addition to the capacity commitment fees, the developer shall pay all of the appropriate district fees at the issuance of the Wastewater Discharge Permit.

- (3) “No sewer commitment shall be issued until all conditions in this final decision have been satisfied, the final map or parcel map, grading plan and improvement plan have been approved by the Department of Public Works and all fees and deposits paid and improvement security posted.”
  - (4) The developer shall install the sewer system and dedicate the portion of the sewer system, which is to be public sewer as shown on the approved plans and specifications.
  - (5) The developer may be required to grade an access road to maintain any public sewers constructed within easements and may be required to dedicate additional access easements to maintain the public sewers.
14. **Hazardous Waste Materials Handling:** Change the AFC to include the following information:
  - a. Section 5.15.2.2 (Operational Phase) lists several “Major” hazardous materials to be used on-site. Based on the actual quantities and concentration of the substances stored on-site, the facility will have to meet varying degrees of regulatory requirements as required by federal, state, and local laws, regulations and ordinances. When a building permit is issued for this site, an HMD hazardous materials questionnaire must be completed. A Hazardous Materials Business Plan/Contingency Plan will be required before a final occupancy for the site is granted. A County Health Permit will also be required for the proposed site. Please Contact Gloria Estolano at (619) 338-2232 for more information.
  - b. Section 5.15.2.2 (Acutely Hazardous Materials) identifies several regulated hazardous substances (hydrogen, sulfuric acid, and cyclohexylamine) that may be subject to the California Accidental Release Prevention (CalARP) program. However, based on the quantities and concentrations presented in the EIR, these substances would be exempt from the CalARP program. If the actual quantities used at the site exceed designated threshold levels, the site would not be exempt from CalARP for these chemicals.
  - c. The SCR system described would use quantities of aqueous ammonia in 19.5 percent concentration that would be subject to the CalARP program. Section(s) 5.15.2.2.3, etc. (Off-site Consequences Analysis for SCR Alternative) asserts that there would be no off-site consequence in the event of a “worst-case”

release. This assertion is dependent on a facility design that provides sufficient "passive" mitigation to prevent an off-site impact.

Concurrence with these assertions could not be made based on the information provided in the draft EIR. The release from the liquid storage tanks was chosen as the worst-case scenario, involving a tank failure and the release of the contents into a secondary containment located inside of an enclosed space. The calculations of the release rate presented could not be verified as presented. It is recommended that these release rate calculations be checked for correctness as presented. Also, it is recommended that a worst-case release from a delivery truck on the outdoor pad also be considered. This would add the release of ammonia vapors while liquid flows over the sloped pad into the same enclosed containment area. The above-described factors may result in a release with off-site consequences. HMD cannot concur that this site would not have an off-site impact based on the information presented. Further evaluation can be made during a formal CalARP screening process. This process must be completed before aqueous ammonia is first brought to the facility. Please contact Matthew Trainor at (619) 338-2372 or Brad Long at (619) 338-2453 for additional information.

15. Public Health: No comment.
16. Worker Safety: No comment.
17. Cumulative Impacts:
  - a. Cultural Resources: The AFC indicates that there will be no significant cumulative impacts to the regional cultural base. The logic of the response is not quite correct. The response is inadequate because it states that the implementation of project specific mitigation measures will reduce cumulative impacts to less than significant. While project specific mitigation is an important component of the argument, it cannot be solely relied upon to reduce cumulative impacts to less than significant. What is needed is a clear argument and statement that this project, in combination with other known projects in the region does not result in cumulatively significant impacts.

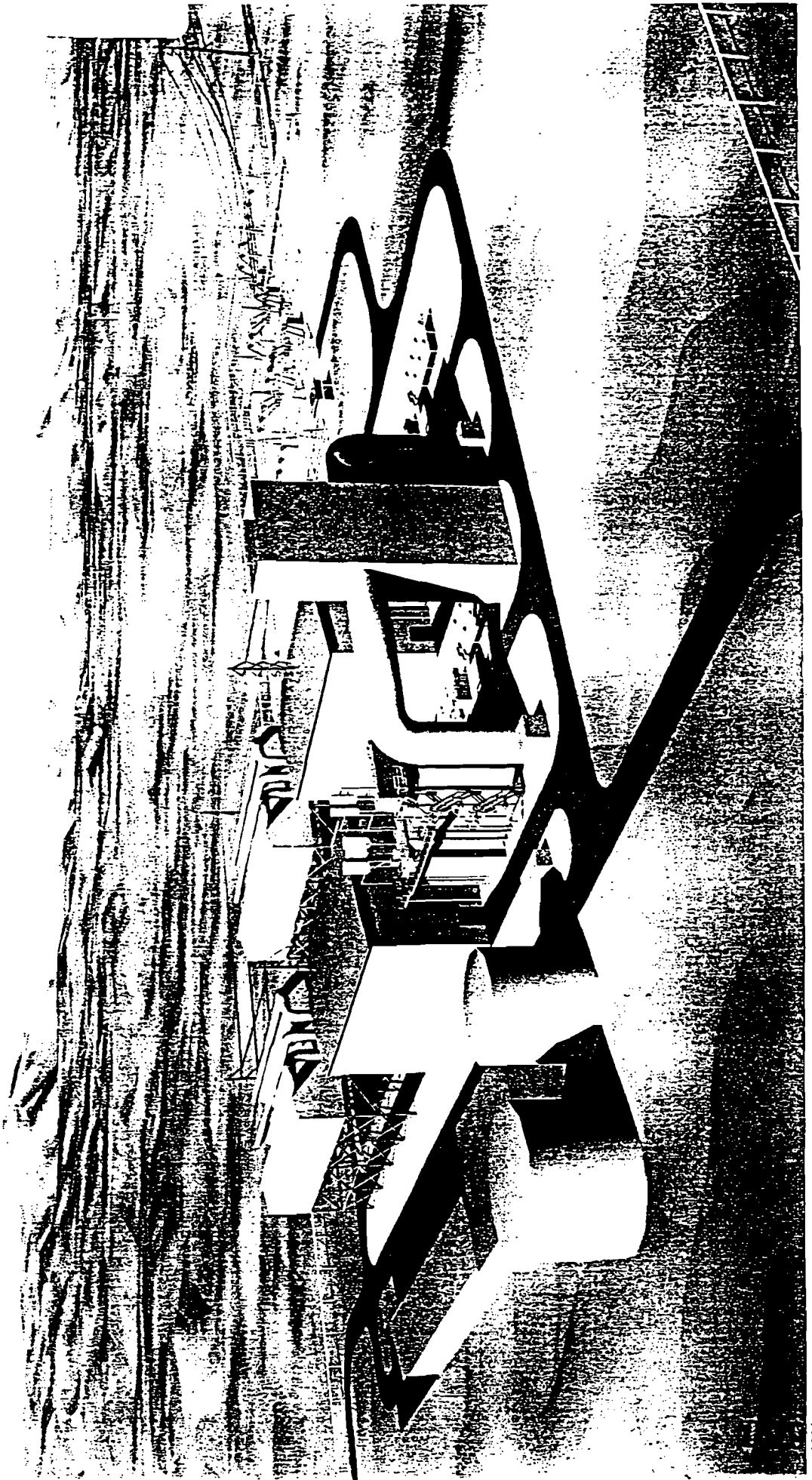
**B. RPO**

1. **Slope:** The project site does not have steep slopes as defined by the Resource Protection Ordinance.
2. **Floodplain:** The project site does not have any flood plains as defined by the Ordinance.

**III. Other Issues**

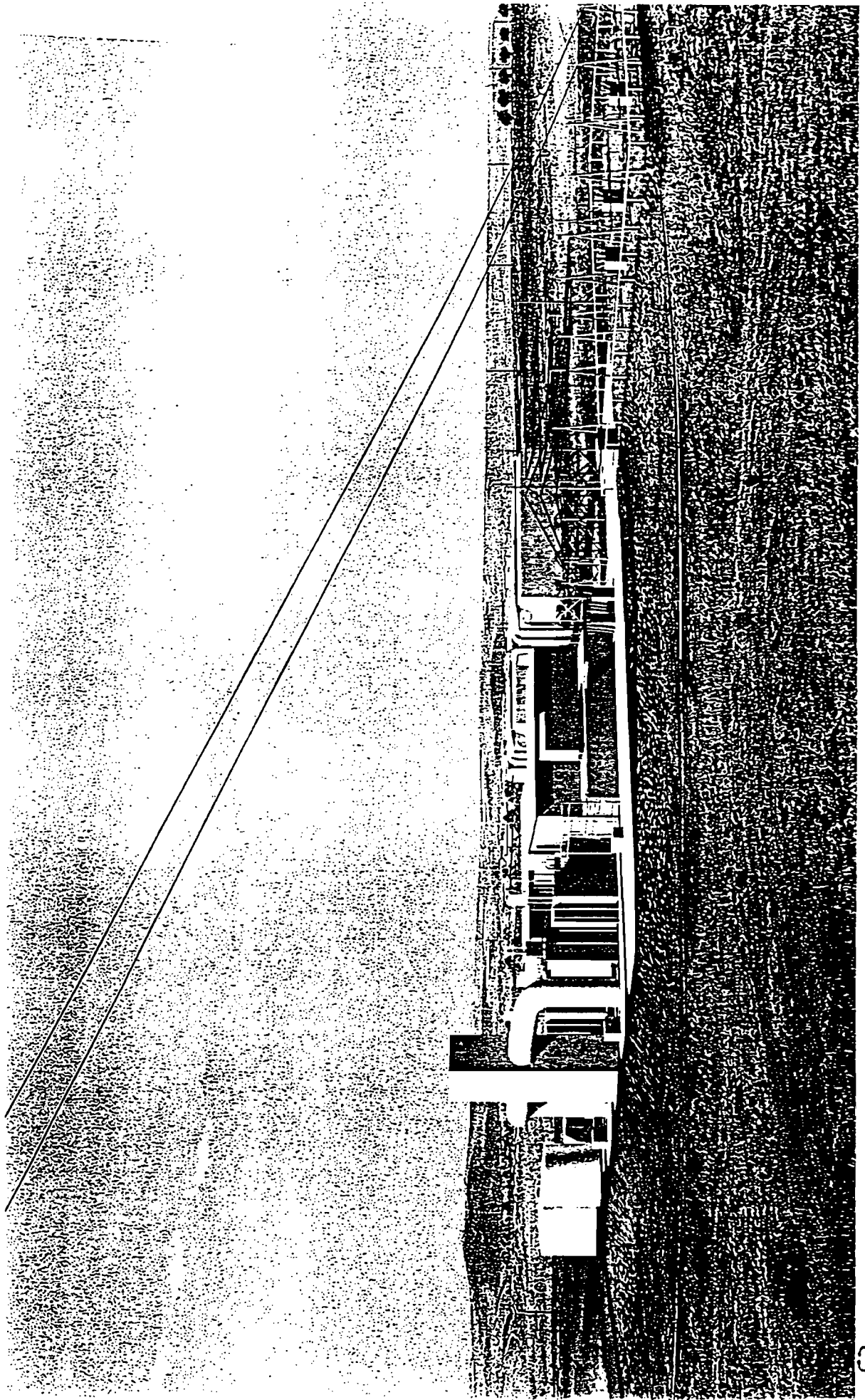
- A. **Fire Protection Services:** The project site is served by the Rural Fire Protection District. The District has submitted a list of requirements and an exhibit showing locations of required fire hydrants that will be made recommended conditions of approval.

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NORTH EAST VIEW





NORTH WEST VIEW



WEST VIEW

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**MSCP FINDINGS**

DEPARTMENT OF PLANNING  
AND LAND USE

**Project Description**

*Otay Mesa Generating Company, LLC (Applicant) proposes to construct and operate an electric generating facility in southwest San Diego County, California, approximately 15 miles southeast of the City of San Diego on a 46-acre parcel within the East Otay Mesa Specific Plan Area. In August 1999, the Applicant submitted an Application for Certification to the California Energy Commission. The project is a natural gas fired, combined cycle power plant. It includes two power islands, a switchyard, a common control and administrative building, air-cooled condensers, storage tanks, parking, and other ancillary facilities. The project also includes connecting to the existing offsite 230 kV transmission facilities for electrical interconnection, pipelines for natural gas supply, water supply, wastewater discharge, and site access. The proposed project covers areas designated under the MSCP as Minor Amendment Areas, Minor Amendment Areas with Special Regulations, Major Amendment Areas, and No Take Authorized Areas (Figure 7).*

*The plant site is indicated as within an MSCP Minor Amendment Area (Figure 7). The southeastern corner of the site associated with a drainage swale is indicated as being subject to special regulations. Based on discussions with the CDFG and USFWS, these areas were identified because of the potential for some rare species, and that these areas could be developed subject to review and confirmation of limited or no effect on these species of concern. An area of historic coastal sage scrub with minor development of native grasses was historically associated along the swale on the southeastern portion of the plant site; however, this habitat no longer occurs there. The plant site has been heavily disturbed by prior land uses, including agricultural development and fire. A regional fire that occurred several years ago resulted in the loss of coastal sage scrub onsite and north of the site. This habitat has not returned, and there are no indicators that this habitat would return in the foreseeable future. No sensitive species have been identified as occurring on the plant site after 2 years of extensive site surveys. There are no narrow endemic species of concern identified on the plant site, and none are expected to occur there. The drainage swale supports a minor other water of the United States consisting of a weakly defined wash that is approximately 1 foot in width on average as it crosses the site. This wash does not support locally or regionally important wetland species.*

**A. BIOLOGICAL RESOURCE CORE AREA (BRCA) FINDINGS**

1. Report the factual determination whether the "Impact Area" is a BRCA. If "no", the findings in the following section must be made in addition to 2.-4. below.

*The proposed project would impact approximately 86 acres, which includes 46 acres of on-site impacts and 40 acres of off-site impacts. According to the Figure*

*2, Biological Resource Core Areas of the County of San Diego's Multiple Species Conservation Program (MSCP), adopted on October 22, 1997, the actual plant site and all of the off-site facilities are located within the South County Segment of the MSCP Study Area Boundary and outside the BRCA.*

2. Report the factual determination whether the proposed "Mitigation Area" is a BRCA. If the mitigation area is an approved mitigation bank, it is assumed to be a BRCA.

*The proposed 33-acre Mitigation Area is located within an approved mitigation bank, which is within the BRCA (The Mitigation Bank Purchase Agreement is currently under review and will be submitted when it is completed).*

3. Present an impact table showing the acreage of each vegetation type being impacted. Indicate the mitigation requirements according to the BMO.

**Table 5  
ESTIMATED HABITAT IMPACTED BY PROJECT COMPONENT<sup>1</sup> AND MSCP MITIGATION REQUIREMENTS**

Habitat Type	Project Site <sup>1</sup>	Route 2A <sup>2</sup>	Route 2B <sup>3</sup>	Route 3 <sup>4</sup>	Route 4 <sup>5</sup>	Route 4A <sup>6</sup>	Route 5 <sup>7</sup>	Route 5A <sup>8</sup>	T-line Connect <sup>9</sup> (Route 6)	MSCP	MSCP Mitigation Ratio
Diegan Coastal Sage Scrub			2.3		0.1	0.1				II	1:1
Dist. Diegan Coastal Sage Scrub			6.6		0.3	0.3				II	1:1
Coastal Sage-Chaparral Scrub										II	1:1
Chamise Chaparral			1.1							III	0.5:1
Nonnative Grassland	27.4	0.5	8	0.5	7.7	9.4		0.5	1	III	0.5:1
Tamarisk Scrub	0.2									IV	~
Open Water			0.5							IV	~
Disturbed Habitat	18.4	1.2	0.9	1.2	3.4	5.8		1.2		IV	~
Agriculture		0.3		0.3	0.4		1.3	0.3		IV	~
Urban/Developed		0.1		0.1	0.1			0.1		IV	~
<b>Total Acres</b>	<b>46</b>	<b>2.1</b>	<b>19.4</b>	<b>2.1</b>	<b>12</b>	<b>15.6</b>	<b>1.3</b>	<b>2.1</b>	<b>1</b>		

- 1 Refer to Figure 2 for project component locations. Acres shown in this table are based on GIS calculations and are double counted where project components overlap (i.e., overestimates of project impacts). Values given are in acres.
- 2 Impact area 2A = 100' corridor C to D, rest in Alta, Otay Mesa and Harvest roads.
- 3 Impact area 2B = 100' corridor A to I.
- 4 Impact area 3 = 100' corridor C to D.
- 5 Impact area 4 = 50' corridor G to J except when avoiding sensitive habitats (varies from 20' to 50').
- 6 Impact area 4A = corridor D to J
- 7 Impact area 5 = 100' corridor G to H
- 8 Impact area 5A = 100' corridor C to D
- 9 Impact area 6 = A to B, considered to be a portion of Route 1.

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**Table 6  
POTENTIAL IMPACTS DEPENDANT UPON ALTERNATIVE SELECTED**

Habitat Type	PS <sup>1</sup> , 2A, 3, 4, 5, 5A, 6	PS, 2A, 3, 4A, 5, 5A, 6	PS, 2B, 3, 4, 5, 5A, 6	PS, 2B, 3, 4A, 5, 5A, 6 <sup>2</sup>	MSCP	Ratio
Diegan Coastal Sage Scrub	0.13	0.1	2.4	2.4	II	1:1
Dist. Diegan Coastal Sage Scrub	0.3	0.3	6.9	6.9	II	1:1
Coastal Sage-Chaparral Scrub	0	0	0	0	II	1:1
Chamise Chaparral	0	0	1.1	1.1	III	0.5:1
Normative Grassland	36.6	38.3	44.6	46.3	III	0.5:1
Tamarisk Scrub	0.2	0.2	0.2	0.2	IV	~
Open Water	0	0	0.5	0.5	IV	~
Disturbed Habitat	4.3	6.7	5.2	7.6	IV	~
Agriculture	20.2	19.8	20.2	19.8	IV	~
Urban/Developed	0.2	0.1	0.2	0.1	IV	~
<b>Total Acres</b>	<b>61.9</b>	<b>65.6</b>	<b>81.3</b>	<b>84.9</b>		

- 1 PS = Project site
- 2 Proposed combination of alternative facilities to be used for calculating the greatest area of impact
- 3 Values given are in acres.

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**Table 7  
POTENTIAL MITIGATION ACREAGE REQUIRED DEPENDANT UPON ALTERNATIVE SELECTED**

Habitat Type	PS <sup>1</sup> , 2A, 3, 4, 5, 5A, 6	PS, 2A, 3, 4A, 5, 5A, 6	PS, 2B, 3, 4, 5, 5A, 6	PS, 2B, 3, 4A, 5, 5A, 6 <sup>2</sup>	MSCP	Ratio
Diegan Coastal Sage Scrub	0.1	0.1	2.4	2.4	II	1:1
Dist. Diegan Coastal Sage Scrub	0.3	0.3	6.9	6.9	II	1:1
Coastal Sage-Chaparral Scrub	0.0	0.0	0.0	0.0	II	1:1
Chamise Chaparral	0.0	0.0	0.6	0.6	III	0.5:1
Nonnative Grassland	18.3	19.2	22.3	23.2	III	0.5:1
Tamarisk Scrub	0.0	0.0	0.0	0.0	IV	-
Open Water	0.0	0.0	0.0	0.0	IV	-
Disturbed Habitat	0.0	0.0	0.0	0.0	IV	-
Agriculture	0.0	0.0	0.0	0.0	IV	-
Urban/Developed	0.0	0.0	0.0	0.0	IV	-
<b>Total Acres</b>	<b>18.7</b>	<b>19.6</b>	<b>32.2</b>	<b>33.0</b>		

- 1 PS = Project site
- 2 Proposed combination of alternative facilities to be used for calculating the greatest mitigation requirements
- 3 Values given are in acres.

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4. If biological open space easements are proposed, submit an open space map and label the biological easement(s), "A". Label the edge effect (fire fuel maintenance area) buffer easement, "B". Account for project impact (includes Easement "B") and on-site mitigation acreage in a table shown on the map. On-site open space easement mitigation for biological resources is discouraged if the land does not meet BRCA criteria.

*Because the proposed project site is not located within the BRCA and does not contain significant environmental resources. There are no open space easements proposed for this project. All impacts for on-site development and associated infrastructure impacts and all off-site impacts relative to the sewer, water, and electrical transmission lines, including the alternate gas line are proposed to be mitigated through purchase of appropriate mitigation credits in an approved mitigation bank.*

#### **Findings That Must be Made if The Project Area is Not a BRCA**

- a. The land is not shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

*According to MSCP Figure 1, Wildlife Agency Preapproved Mitigation Area, the proposed project site and associated off-site impacts are not shown within the Preapproved Mitigation Area. See Figure 7 of the Biology report (attached herein) for the location of the MSCP subareas and designations associated with the project.*

- b. The land is not located within an area of habitat which contains biological resources that support or contribute to the long-term survival of sensitive species, and is not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

#### **Power Plant Site**

*The power plant development area encompasses approximately 15 acres within the 46-acre site, located on the eastern portion of the Otay Mesa in southwestern San Diego County. The site is located near the western base of the San Ysidro Mountains and is located about 1.5 miles north of the United States/Mexico border. The property is approximately 800 feet east of Alta Road and 1,500 feet north of Otay Mesa Road. The plant site consists of gently rolling terrain with an average elevation of approximately 665 feet above sea level (ASL). The ground surface gently slopes from approximately 708 feet ASL at the northeast corner to a low of approximately 625 ASL at the south-central property line. There are two ephemeral drainages near the plant site that typically flow only during*

heavy storm events, and they do not flow in most years. The actual power plant location is undeveloped and consists primarily of fallow agricultural land. The plant site is zoned for mixed industrial uses and is located in an area that is planned for industrial and commercial development. Current land uses in the site vicinity include fallow agricultural land, the Richard J. Donovan State Correctional Facility to the west-northwest, and several businesses located at the former Kuebler Ranch to the north. An existing 230 kV transmission line is located adjacent to the eastern border of the property. The nearest residence is located approximately 0.7 mile to the southwest of the plant site along Otay Mesa Road, about 0.2 mile west of the Alta Road.

The proposed project site does not contain sensitive environmental resources. Historical and current agricultural use and recent industrial development have disturbed much of Otay Mesa. The plant site occurs at the eastern end of Otay Mesa on an alluvial fan that drains the lower west slope of Otay Mountain. Habitat at the site is abandoned range and farmland. Currently exotic plants, nonnative grassland, agricultural land, and drainages of mixed vegetation dominate the project site. Highly disturbed and developed lands occur to the south and west of the plant site. According to the Figure 1 of MSCP the proposed project site and associated off-site impacts are not located adjacent or contiguous to preserved land or preapproved mitigation areas.

#### Off-Site Facilities

Both the proposed Route 4 and Alternate Route 4A run through an area that is predominantly non-native grassland. These areas are designated as Minor Amendment Area, Major Amendment Area, and No Take Authorized Area as described below (Figure 7). The upper portions of Route 4 and all of Route 4A are within a Minor Amendment Area. Construction of the wastewater discharge line would result in temporary disturbance of non-native grassland in these areas that would be revegetated with non-native grassland upon completion of the project. Route 4A may be ultimately developed by other parties subject to normal County review and permitting; however, such potential future development is not part of this project. Any developers of future projects would be subject to their own permit requirements. The lower portion of Route 4 crosses the extreme northeastern corners of 2 areas designated as Major Amendment Areas. Based on extensive surveys of these adverse effects on narrow endemic or other species of concern in the MSCP are not identified. The wastewater line through these areas would affect primarily non-native grassland, and small areas of the stream-associated salt cedar riparian growth. Construction of the line in these areas will not adversely affect species or habitat of concern relative to the goals and intent of the

*MSCP. Compensation for the effects of construction consistent with MSCP/BMO guidelines will ensure that the habitat types affected by this project are adequately conserved in the region. The downstream end of the line is in a No Take Authorized Area. This designation is associated with goals for management of narrow endemic species located in the lower portions of Johnson Canyon and the Otay River Valley. The primary species of concern in this area is Otay tarplant, which occurs near and outside of the area of potential effect from pipeline construction. There will be no take of Otay tarplant or other narrow endemic species in this area. The end-point for connection of the proposed wastewater line is fixed at the location of the existing City of San Diego sewer line in Johnson County. Therefore, the proposed project would not adversely affect species of concern in the No Take Authorization Area, and this project is consistent with the goals and intent of the MSCP in this area.*

*The access and alternate loop roads are in areas designated as Minor Amendment Areas that support disturbed agricultural lands and non-native grassland. No species of concern occur in these areas. Development of the access road and associated infrastructure would not adversely affect such species and would be consistent with the goals and intent of the MSCP in this area.*

*The proposed Natural Gas Supply Line (Route 2A) would be within existing roads, and is consistent with the goals and intent of the MSCP. No sensitive plant or animal species including burrowing owl are present along this route. The alternate gas pipeline (Route 2B) runs through areas designated as Minor Amendment Areas (and such areas with Special Regulations), and Major Amendment Areas. Based on discussions with the CDFG and USFWS, these areas were designated because of their potential to support species of concern and because insufficient information was available at the time of designation.*

*Since that designation, a gas pipeline has been constructed by SDG&E along the border to the location of the southern end-point of the alternate gas pipeline route. Most of this habitat in this area is non-native grassland, although a small portion of the area to be crossed is coastal sage scrub. This route was extensively surveyed in 1999. No adverse effects on narrow endemic or other species of concern in this area (including burrowing owl) have been identified. The land over the pipeline and within the construction corridor will be revegetated with habitat similar to that disturbed after construction is completed. Therefore, there will be no long-term conversion of habitat associated with this route. This portion of the project is consistent with the goals and intent of the MSCP.*

- c. The land is not part of a regional linkage/corridor. The site is not land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale. The site does not contain adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife. The site has not been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)

*Although Otay Mesa provides a broad area for potential wildlife movement from the mountains to the Otay River Valley, construction of the plant is not expected to adversely affect such movement. Specifically, the plant site does not include land with topography that allows movement of all sizes of wildlife or use by such wildlife. It is not part of a specific corridor on a local or regional basis. It is also substantially lacking in vegetative cover for larger wildlife species. Overall general wildlife movement patterns will remain unchanged in the area after construction of the plant. Development of the plant site with compensation of habitat according to guidance from the County's Biological Mitigation Ordinance will ensure that sufficient habitat is conserved in the region to comply with the goals and intent of the MSCP. Development of these Minor Amendment Areas would not result in deviation from the goals and intent of the MSCP.*

*According to the MSCP Figure 1-2, South County Segment the majority of the proposed power plant site is shown as "Minor Amendment Area" with a small portion over the southeastern portion of the site as "Minor Amendment Area with Special Requirements". As discussed above the project site is located within an area of disturbed habitat that has been historically farmed and planned for industrial land uses (see biological data relevant to various aspects of the project) Therefore, the site does not contain adequate vegetation cover or provide visual continuity for encouraging the use of the project site as a wildlife corridor. Furthermore, the site has not been identified as the primary linkage/corridor between the northern and southern regional populations of the California Gnatcatcher in the population viability analysis for the California Gnatcatcher, as shown on the MSCP Resource Document Volume II, Appendix A-7.*

- d. The land is not shown on the habitat evaluation map (Attachment J to the BMO) as very high or high and does not link significant blocks of habitat (except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA).

*The proposed project is not shown as high or very high on the habitat evaluation map and does not link significant blocks of habitat. The existing lands to the west, south, and north have been farmed extensively and do not support any significant resources. The lands to the east of the site contain sensitive habitats, however they are planned as industrial land use and limited on-site open space easements are anticipated on these lands. Sensitive habitats of San Ysidro Mountain foothills are further east of the site.*

*Based on the proposed grading concept of the site, a 35' cut bank on the eastern boundary of the site separates the proposed plant activities from the eastern portion of the site and adjacent areas, both in elevation and actual location. Based on the proposed site plan for the power plant the power plant block will be constructed approx. 500' away from the eastern boundary of the 46-acre site. Although, the proposed switchyard facility will be within the proximity of the eastern boundary, this facility will be located approximately 30'-44' below the surrounding natural grade. The project site pad elevation is proposed at approx. 663' and a perimeter fence is proposed on the top of the cut bank, limiting potential impacts, while providing necessary security for the site. Proposed lighting is limited to safety lighting for nighttime operation. All landscaping is proposed on the southern, western and northern property lines (see attached Site Plan).*

- e. The land does not consist of or is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

*Prior farming and habitation has disturbed a significant portion of lands adjacent to the proposed project site. Almost all lands below 25% average slope in East Otay Mesa area has been farmed for many years. The steeper slopes of San Ysidro Mountain contain larger blocks of undisturbed habitat that is within the BRCA, as part of the South County Segment of MSCP. This block is further east of the proposed project and as discussed above, will not be impacted directly by the power plant site. As described in the impact/mitigation table for the proposed project, all potential impacts (permanent and temporary) have been documented and will be mitigated.*

- f. The land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, and does not contain soil derived from the following geologic formations: gabbroic rock; metavolcanic rock; clay; and coastal sandstone, which are known to support sensitive species.

The 46-acre property was surveyed in March of 1999. Approximately all of the western one-half of the 46-acre property is non-native grassland. The southeastern corner of the 46-acre property was burned sometime ago and now supports nonnative grassland species. Tamarisk scrub occurs at the southern boundary of the property in a drainage that traverses the southeastern corner of the site. Uplands are densely covered with wild oats (*Avena* sp.), star-thistle (*Centaurea* sp.), and brome grasses (*Bromus* spp.). Anise (*Foeniculum vulgare*) and short-pod mustard (*Hirschfeldia incana*) occur in lower, damper areas near the major drainage. Species observed in the creek bed in the southern portion of the site include tree tobacco (*Nicotiana glauca*), rabbit-foot grass (*Polypogon monspeliensis*), russian thistle (*Salsola tragus*), tamarisk (*Tamarix ramosissima*) and horehound (*Marrubium vulgare*). One San Diego marsh elder (*Iva hayesiana*) and three San Diego County viguiera plants (*Viguiera laciniata*) were also noted in the drainage swale. Disturbed Diegan coastal sage scrub occurs offsite to the east and ultimately to the north and east of the 46-acre property. Nonnative grassland extends south of the 46-acre property and a band approximately 300 feet in width extends along the northern boundary of the property. Agricultural land and disturbed habitat extends immediately west of the plant site. San Diego County viguiera (CNPS List 4) and San Diego marsh elder (CNPS List 2) were the only sensitive plant species identified on or near the site

The alternate route (Route 2B) exits the power plant site to the east and runs along the existing SDG&E transmission line to the Mexican border. The line traverses the following vegetation types: non-native and mixed grasslands, several scrub associations, and disturbed riparian associations. Non-native grasslands include agricultural fields in the western portion of the corridor that are densely covered by non-native species. Mixed grasslands, a more open grassland consisting of non-native wild oats and native nodding needlegrass occur in the southern portion of the proposed corridor where Huerero clay soils are present. Several scrub communities are found along this pipeline route. They range in composition from fairly diverse to a few, low scattered shrubs within a grassland matrix. The low, open nature of the scrub community suggests a history of fairly frequent fires and grazing. Several plant species regarded as sensitive by the California Native Plant Society occur with some frequency within the mixed scrub association, usually in gravelly openings on clay soils. These include the coast barrel cactus (*Ferrocactus vindescens*, CNPS List 2), mesa mossfern (*Selaginella cinerascens*, CNPS List 4) and San Diego County viguiera. A relatively undisturbed area of scrub dominated by California sagebrush (*Artemisia*

*californica*) and flat-topped buckwheat (*Eriogonum fasciculatum*) is located on the bank of a drainage near the mid-point of the western boundary.

Near the southern end of the Route 2B, just east of the transmission line there is a check dam/earthen berm that impounds water on a seasonal basis (a stock pond). The original intent of the berm was to provide water for livestock. The impoundment was located within the lower portion of a small drainage that naturally channels for interim water storage during and immediately after very heavy. No vernal pool indicator species were observed within the impoundment area. A few mima mounds and depressions were noted in the northeast portion of the mixed grassland located along the eastern edge of the survey area just north of the U.S./Mexico border. San Diego County *viguiera* predominates on the mounds. Common tarplant (*Hemizonia fasciculata*) was noted in depressions. No standing water or vernal pool indicator species were observed in any of the mima mounds. No vernal pool indicator species were observed, and this area is highly disturbed.

## **B. BMO FINDINGS**

### **Project Design Criteria**

1. Project development shall be sited in areas to minimize impact to habitat.

*The power plant and ancillary uses are located in the least sensitive portion of the site, away from the southeastern drainage and more sensitive lands to the east. All necessary infrastructure, pipelines, and electrical transmission lines are proposed to be constructed within and adjacent to the existing roadway and transmission line easements.*

*Alternative pipelines minimize impacts to sensitive habitats and locales of sensitive species to the highest extent practicable. In most cases, no sensitive resources occur within areas of potential effect. Route 2B follows the existing easement of the SDG&E transmission line all the way to the Mexican border. Much of the construction would be along existing roads. Disturbance along this route would be temporary and no significant effects are expected. The Lone Star Road alternative sewer alignment (Route 4A) recommended by the County of San Diego, starts out following the same path with the same effects of two other proposed routes (3 and 5A), and then continues along the corridor of a proposed county-maintained road, where cut and fill will take place (see revised Figure 4 of the Biology Report attached herein). The actual impacts associated with this section will include the BMO's Tier III (non-native grassland) and Tier IV*

*(Agriculture, Urban/developed, Tamarisk Scrub, and Disturbed) levels. Further down the route into Johnson Canyon (Figure 3), the pipeline corridor avoids sensitive habitats (coastal sage scrub, vernal pool watersheds), sensitive species (Hemizonia conjugens, Iva hayesiana), and impacts on the natural slopes of the canyon. Therefore, sensitive resources have been avoided to the maximum extent practicable.*

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.

*As shown on the attached Site Plan various facilities proposed on the project site have been located on a large graded pad away from the southeastern portion of the property. The administrative offices and parking lot are located west of the power plant further minimizing potential impacts.*

3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design, which may encroach into steep slopes to avoid impacts to habitat.

*The only steep slopes on the site are found within the southeastern drainage area. Most of the site consists of rolling hills, below 25% average slope. Potential impacts to the southeastern drainage have been minimized, through avoidance.*

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.

*The project proposes to construct portions of planned public roadways on lands that are disturbed and are not within the BRCA. The on-site roads are proposed as private easement roads with 40' Right of Way and 24' of pavement. All pipeline and transmission construction and maintenance roads are proposed to be constructed consistent with County standards. All proposed roads are constructed to the minimum standards as required to serve the project operations.*

5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).

*The proposed project complies with all applicable design criteria in the County MSCP Subarea Plan, as indicated in the following findings:*

**Preserve Design Criteria (Attachment G)**



*The proposed project does not propose onsite open space easements. All mitigation is proposed as purchase of mitigation credits in an approved offsite mitigation bank within preapproved mitigation areas.*

### **Design Criteria for Linkages and Corridors (Attachment H)**

*The proposed project does not include a linkage or corridor. Two locations for potential wildlife corridors were mentioned by County staff, however, neither location constitutes a corridor pursuant to BMO considerations. The first location mentioned is a small drainage tracking through the southeast corner of the plant site. Classified as waters of the U.S., this shallow depression in the topography is dominated by non-native grasses and forbs (Avena sp., Brassica sp., Nicotiana sp. Salsola tragus), providing little to no cover, forage or much else for native wildlife. It is not different to adjacent lands with regard to habitat. It does not provide for specific use for movement by wildlife and does not connect to any areas of concern. Furthermore, this drainage does not provide any sort of direct or indirect routing for wildlife to preserve areas.*

*Johnson Canyon was the second location mentioned, but this locale harbors much of the same non-native species, and the habitat types chiefly associated with this area include tamarisk scrub, disturbed habitat, non-native grassland, disturbed Diegan coastal sage scrub, and small patches of Diegan coastal sage scrub. The area that would be temporarily disturbed by construction of the sewer line generally constitutes open habitat providing little cover for animals to hide in during the day. It is traversed by several existing dirt access roads. Urban/developed areas pervade the surrounding region. Bright lights and loud noises are associated with the neighboring correctional facility to the north and developed areas to the west. The areas that will be affected by either sewer line route in Johnson Canyon do not support specific use by wildlife for movement in general or to areas of concern. Construction and operation of the line will not adversely affect general wildlife use in Johnson Canyon.*

### **C. SUBAREA PLAN FINDINGS**

All projects within the geographical area covered by the MSCP, whether considered an exception or an exemption to the BMO, must conform to the San Diego County Subarea Plan. Conformance with the Subarea Plan is demonstrated by the following findings that the project does not affect the potential for preserve design:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

*Federal policy addressing no net loss comes from the mitigation MOA between the U.S. Army Corps of Engineers (Corps) and the U.S. EPA. It states that the Corps will strive to achieve a goal of no overall net loss of values and functions. This policy suggests minimizing losses of wetland functions for Corps permitted projects in general, but does not preclude them on a single or multiple project basis. The proposed project includes several utility line crossings of minor dry washes that are Federal "other waters of the United States" (open water using County criteria) and State streambeds. These are not wetlands. These minor dry washes serve to convey storm water runoff (generally only during extreme storm events) and this is the only substantial water-related function provided at these crossings. The County's requested Lone Star sewer route will fill an extremely minor drainage swale. This fill will not significantly alter drainage and runoff patterns in this area. All other crossings will be returned to original, predisturbance grades and functions for water conveyance and other considerations. All crossings are expected to be covered by waivers pursuant to Section 401 of the Clean Water Act through the San Diego Regional Water Quality Board, which will ensure no degradation of designated beneficial uses (functions) for these minor washes. Therefore, this project will not conflict with the no net loss policy for wetlands.*

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

*The project assumes that the entire 46 acres at the plant site will be developed; therefore, no measures are required or can be enacted to conserve habitat on the plant site. Additionally, the plant site constitutes non-native grasslands and disturbed habitat with no unique habitats or habitat features. Other project components will incur only temporary impacts, will avoid sensitive habitats to the highest extent possible, and impact zones will be brought back to their predisturbance condition.*

*The proposed project will further mitigate impacts by purchasing offsite mitigation credits in an approved mitigation bank; therefore, contributing to the overall MSCP goals and objectives. In addition, full mitigation will be made even for areas experiencing temporary impacts.*

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

*The project does not affect spatially representative examples of extensive patches of coastal sage scrub or any other biologically valuable habitat types. Therefore, it is consistent with conservation goals.*

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

*Edge effects will be minimized because the project site will effect one concentrated block of low value habitat adjacent for the plant site, and areas already developed (Alta and Otay Mesa Roads) and planned to be developed (Lone Star Road, etc.) for temporary effects associated with the utility line corridors. Other project components will cause temporary impacts resulting in no edge effects.*

5. The project provides for the development of the least sensitive habitat areas.

*The power plant and ancillary uses are located in the least sensitive portion of the site, away from the southeastern drainage and more sensitive lands to the east. The plant site will be developed on disturbed and non-native grassland habitats. All necessary infrastructure, pipelines, and electrical transmission lines are proposed to be constructed within and adjacent to the existing roadway and transmission line easements.*

*Alternative pipelines avoid impacts on sensitive habitats wherever possible and are routed through the least biologically valuable habitat available. Route 2B follows the existing easement of the SDG&E transmission line all the way to the Mexican border. Disturbance along this route would be temporary and not considered significant. The Lone Star Road alternative sewer alignment (Route 4A) recommended by the County of San Diego starts out following the same path, with the same effects of two other proposed routes (3 and 5A). It then continues along the corridor of a proposed county-maintained road, where cut and fill may take place (see revised Figure 4 of the Biology Report). The actual impacts associated with this section will include the BMO's Tier III (non-native grassland) and Tier IV (Agriculture, Urban/developed, Tamarisk Scrub, and Disturbed) levels. Further down the route into Johnson Canyon (Figure 3), the pipeline corridor avoids sensitive habitats (coastal sage scrub, vernal pool watersheds), sensitive species (Hemizonia conjugens, Iva hayesiana), and impacts on the natural slopes of the canyon.*

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

*As discussed in the biology report, the project will not affect key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.*

*The pipeline corridor for Route 4 in Johnson Canyon avoids sensitive habitats (coastal sage scrub, vernal pool watersheds), and it is proposed to be constructed well away from sensitive species (Hemizonia conjugens, Polioptila californica). Additionally, the corridor width was reduced in this area to further avoid potential impacts. Species such as golden eagle (Aquila chrysaetos) that use the area in the vicinity of Route 4 for foraging should not be adversely affected by the project along this route and should be able to continue to use the general area throughout and after the construction period. Development on the plant site is expected to represent an incremental loss of raptor foraging habitat; however, this loss should not be limiting to raptor species in the area.*

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

*Development on the plant site will take one concentrated block of low value habitat adjacent areas already developed (Alta and Otay Mesa Roads), and planned to be developed (Lone Star Road, etc). It is expected to represent an incremental loss of raptor foraging habitat; however, this loss should not be limiting to raptor species in the area. All other impacts will be temporary and will not have any impact on large interconnecting blocks of habitat that contribute to the preservation of wide-range of species.*

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

*This project will conserve identified critical populations and narrow endemics. The pipeline corridor for Route 4 in Johnson Canyon avoids sensitive habitats (coastal sage scrub, vernal pool watersheds), and it is proposed to be constructed well away from sensitive species (Hemizonia conjugens, Polioptila californica). Additionally, the corridor width was reduced in this area to further avoid potential impacts. Species such as golden eagle (Aquila chrysaetos) that use the area in the vicinity of Route 4 for foraging should not be adversely affected by the project along this route and should be able to continue to use the general area throughout the construction period. Again, the impacts associated*

*with these areas are considered temporary and no long-term disturbance will affect these species.*

*County staff mentioned that the non-native grassland in the vicinity of Route 2B may be considered occupied burrowing owl (*Athene cunicularia*) habitat and the non-native grassland impacted by the pipeline should be mitigated at a 1:1 ratio as mandated by the BMO if this were the case. Burrowing owls present in non-native grassland in the overall region are located well outside (400-800 feet) of the impact area associated with the route. There will not be any adverse effects on burrowing owls as a result of construction of the alternative natural gas pipeline (Route 2B) in the area. Furthermore, the construction effects will be temporary and grassland will be reestablished in this area. It should also be noted that burrowing owls are only associated with key topographic areas that are well outside of the project's area of potential effect. These key areas do not include most of the grassland flats in the southern 1/3 of the route's greater study area. Therefore, mitigation will be held at the original ratio of 0.5:1.*

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

*This project does not affect a preserve system and the habitat associated with the project site is of low value.*

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

*There is no onsite preservation proposed for this project.*

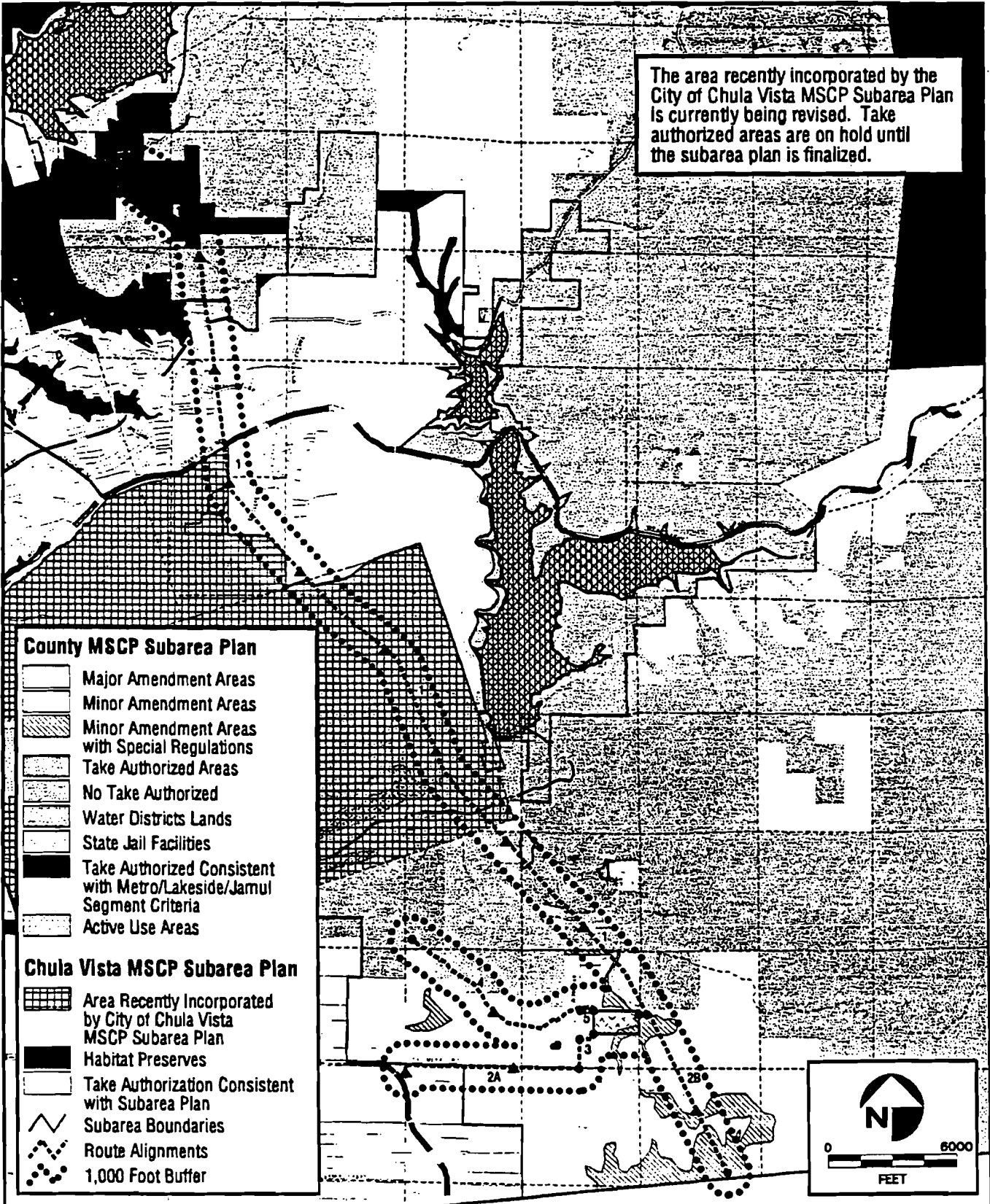
11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

*As discussed above, all project components avoid sensitive resources and species to the fullest extent possible. Where possible, routes are plotted along other routes (3, 5A, 4A), follow developed areas (2A), follow areas proposed for development (4A), and where they require passage through sensitive areas (Johnson Canyon), sensitive species and habitats are avoided. Areas temporarily impacted will be restored to their predisturbance state by all means available, including revegetation and will be mitigated for at the same rates as for permanent disturbance.*

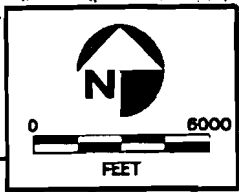
*Areas designated in the MSCP as No Take Authorized, Minor or Major Amendment areas with special regulations are not considered BRCAs, in the BMO. Existing BRCAs were identified when the BMO was created. These other MSCP classifications are areas that require additional review pursuant to the*

*MSCP, and such review may or may not result in their classification as a BRCA. As stated above, the affected areas do not demonstrate features justifying their designation as BRCA. Therefore, every practicable effort has been made to avoid BRCA, sensitive resources, and specific sensitive species defined in the BMO.*

The area recently incorporated by the City of Chula Vista MSCP Subarea Plan is currently being revised. Take authorized areas are on hold until the subarea plan is finalized.



- County MSCP Subarea Plan**
- Major Amendment Areas
  - Minor Amendment Areas
  - Minor Amendment Areas with Special Regulations
  - Take Authorized Areas
  - No Take Authorized
  - Water Districts Lands
  - State Jail Facilities
  - Take Authorized Consistent with Metro/Lakeside/Jamul Segment Criteria
  - Active Use Areas
- Chula Vista MSCP Subarea Plan**
- Area Recently Incorporated by City of Chula Vista MSCP Subarea Plan
  - Habitat Preserves
  - Take Authorization Consistent with Subarea Plan
  - Subarea Boundaries
  - Route Alignments
  - 1,000 Foot Buffer



Otay Mesa Generating Project

Figure 7. MSCP Subareas

1999

Otay Mesa Generating Company, LLC

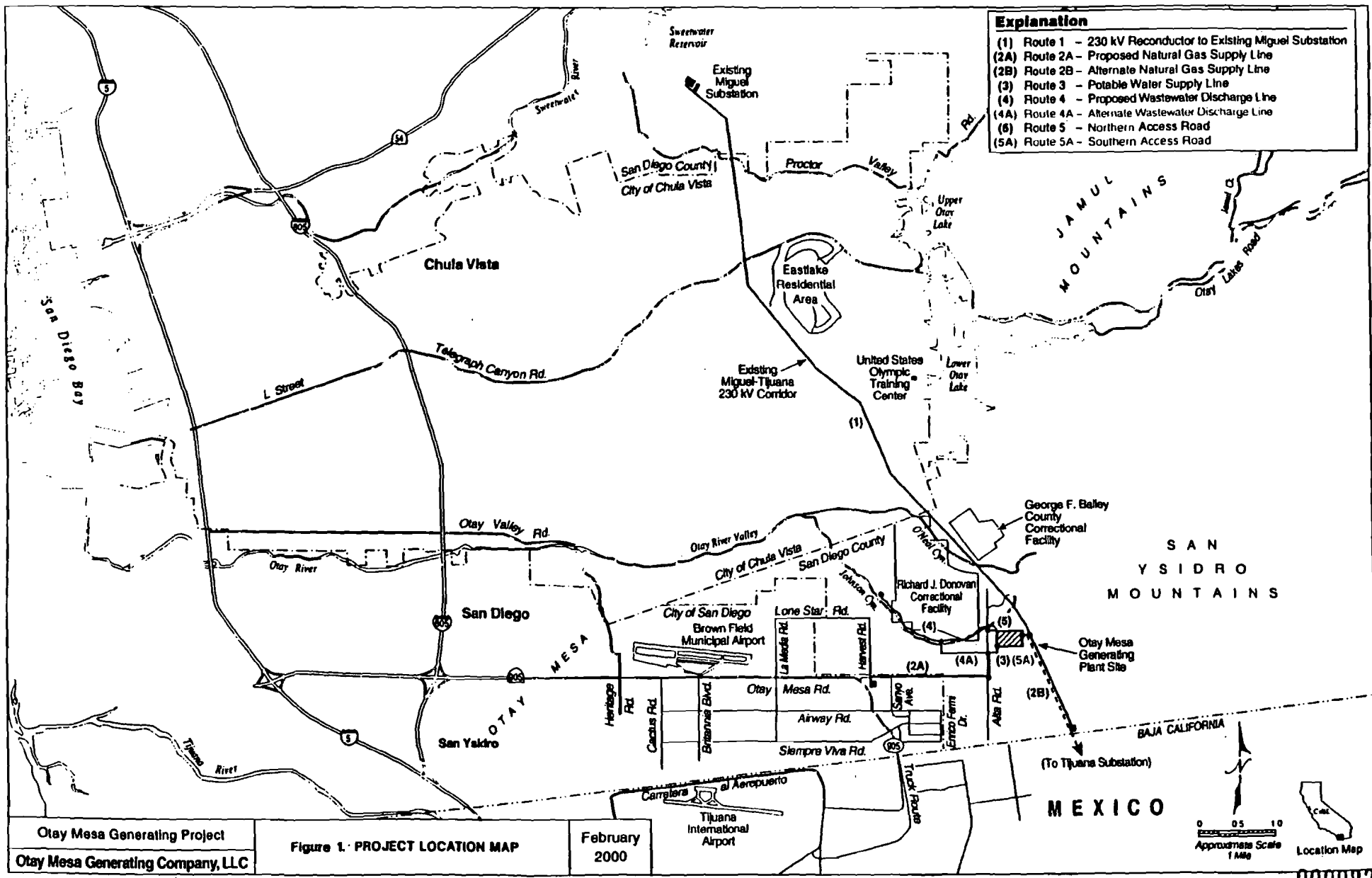
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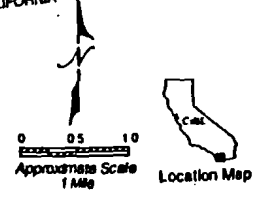
- Explanation**
- (1) Route 1 - 230 kV Reconductor to Existing Miguel Substation
  - (2A) Route 2A - Proposed Natural Gas Supply Line
  - (2B) Route 2B - Alternate Natural Gas Supply Line
  - (3) Route 3 - Potable Water Supply Line
  - (4) Route 4 - Proposed Wastewater Discharge Line
  - (4A) Route 4A - Alternate Wastewater Discharge Line
  - (5) Route 5 - Northern Access Road
  - (5A) Route 5A - Southern Access Road



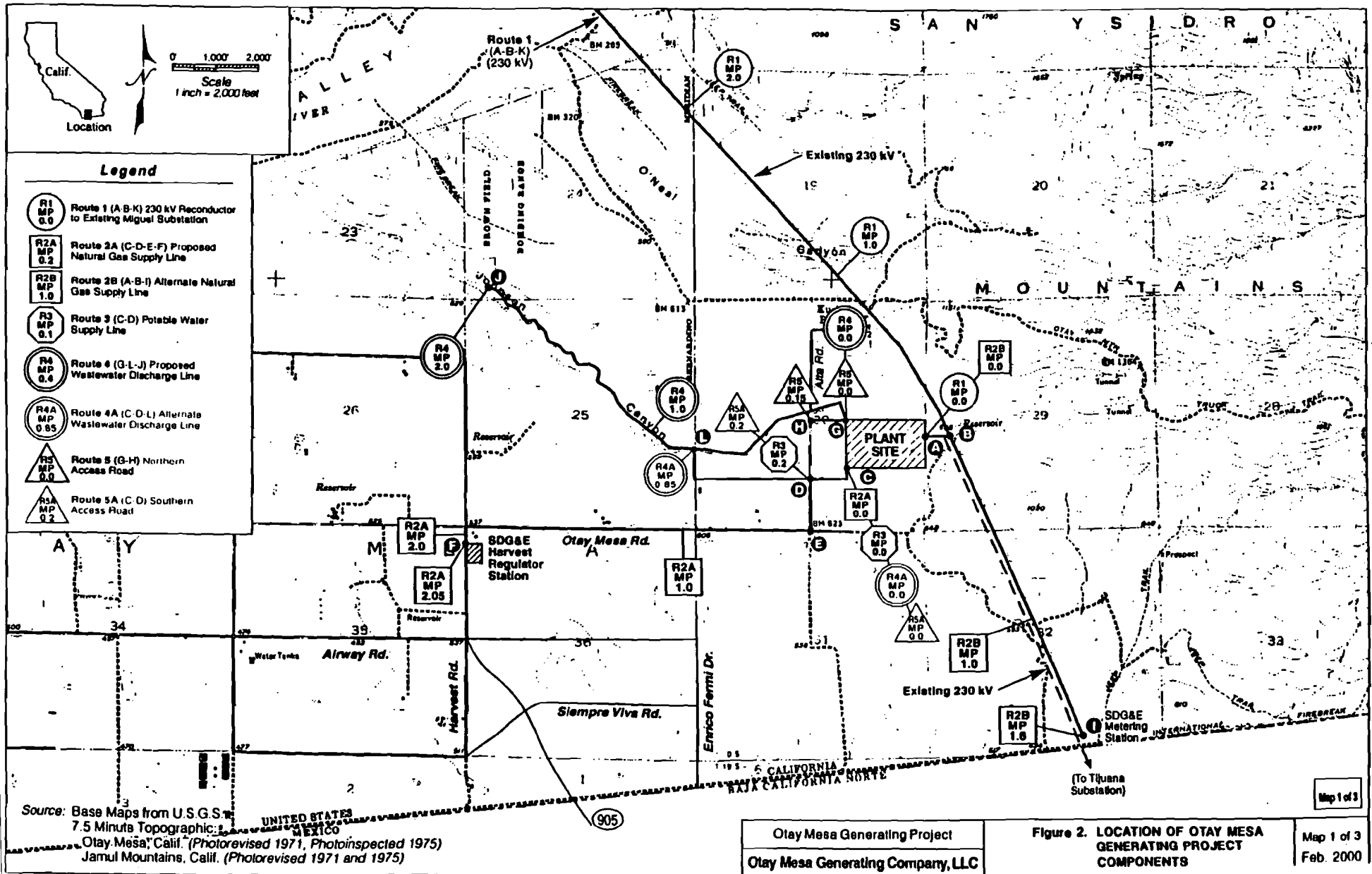
Otay Mesa Generating Project  
 Otay Mesa Generating Company, LLC

Figure 1. PROJECT LOCATION MAP

February  
 2000



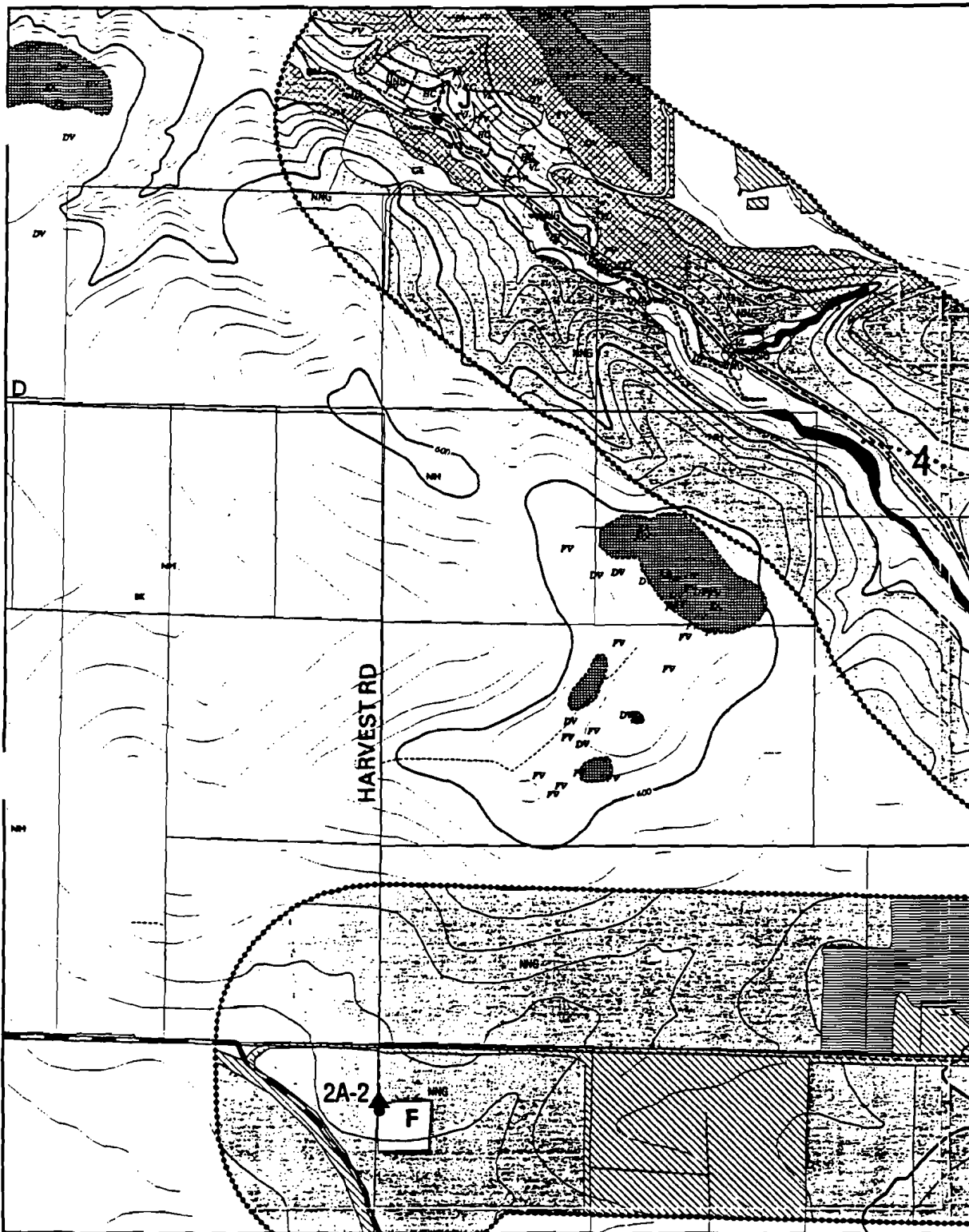




Source: Base Maps from U.S.G.S. 7.5 Minute Topographic, "Olay Mesa," Calif. (Photorevised 1971, Photoinspeted 1975) Jamul Mountains, Calif. (Photorevised 1971 and 1975)

Otay Mesa Generating Project  
 Otay Mesa Generating Company, LLC

Figure 2. LOCATION OF OTAY MESA GENERATING PROJECT COMPONENTS



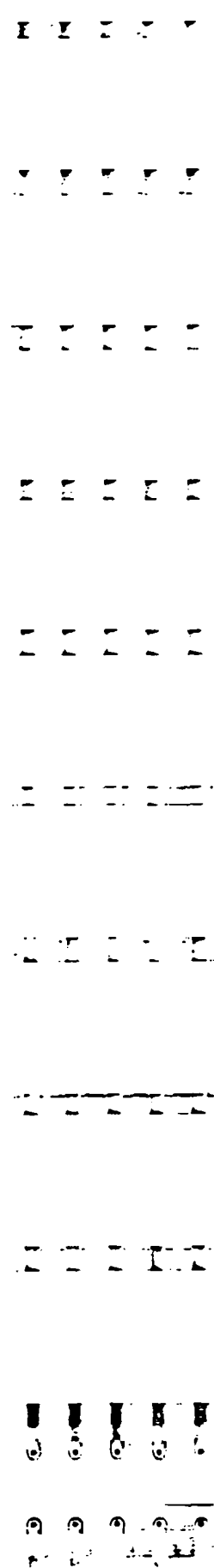
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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li> Diegoan Coastal Sage Scrub</li> <li> Disturbed Diegoan Coastal Sage Scrub</li> <li> Maritime Succulent Scrub</li> <li> Chaparral</li> <li>CHP = Undifferentiated Chaparral</li> <li>CC = Chamise Chaparral</li> <li>SMC = Southern Mixed Chaparral</li> <li>SOC = Scrub Oak Chaparral</li> <li> Southern Interior Cypress Forest</li> <li> Grassland</li> <li>G = Grassland</li> <li>VNG = Valley Needlegrass Grassland</li> <li>NNG = Non-Native Grassland</li> <li> Cosumate Alkali Marsh</li> <li> Freshwater Marsh</li> <li>PWM = Freshwater Marsh</li> <li>CVM = Coastal and Valley Freshwater Marsh</li> </ul> | <ul style="list-style-type: none"> <li> Riparian Scrub</li> <li>SRS = Southern Riparian Scrub</li> <li>MFS = Mixed Scrub</li> <li>SWS = Southern Willow Scrub</li> <li>TS = Tamarisk Scrub</li> <li> Dense Coast Live Oak Woodland</li> <li> Disturbed Wetland</li> <li> Non-Vegetated Channel, Lakeshore Fringe</li> <li> Open Water (Other Wetters)</li> <li> Eucalyptus Woodland</li> <li> Agriculture</li> <li> Disturbed Habitat</li> <li> Urban/Developed</li> </ul> | <ul style="list-style-type: none"> <li> Vertical Pool Waterbeds (mapped as overlay)</li> <li> Waters of the US</li> <li>Sensitive species point and ecotone information identified with letter abbreviations. See Table 5.6-3 for explanation of plant abbreviations and Table 5.6-5 for explanation of animal abbreviations. Sensitive plant abbreviations are italicized.</li> <li> Dry Mesa Site</li> <li> Disturbance Areas</li> <li> Pointe Alignments</li> <li> 1,000 Foot Buffer</li> <li> Pointe Start/End</li> <li> Milepost Markers</li> <li> Tower Locations</li> </ul> |
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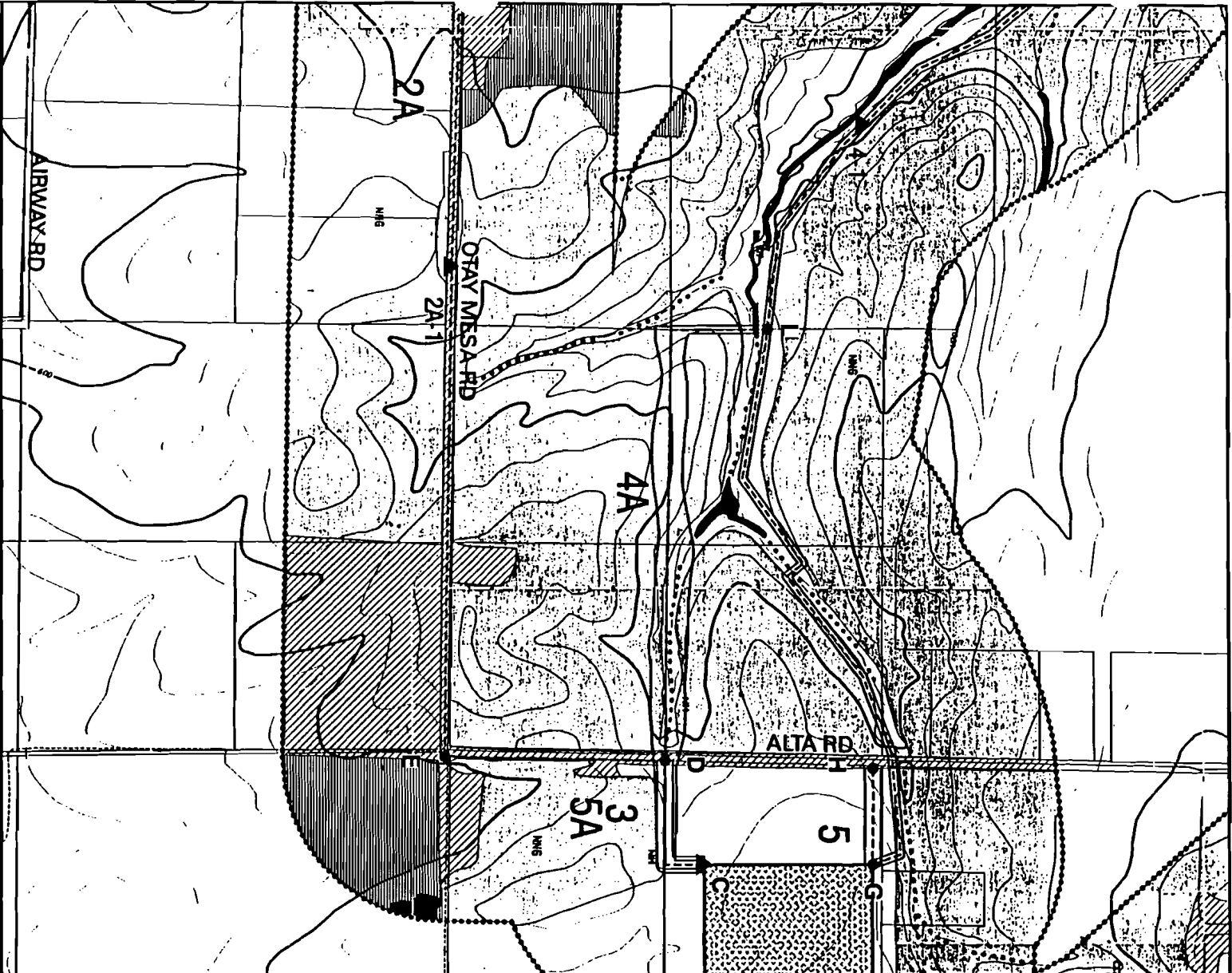
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 Otay Mesa Generating Company, LLC

Figure 3. Vegetation and Sensitive Species

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li> Diagon Coastal Sage Scrub</li> <li> Disturbed Diagon Coastal Sage Scrub</li> <li> Northern Sacramento Scrub</li> <li> Chaparral</li> <li> Unimproved Chaparral</li> <li> SAC - Southern Almond Chaparral</li> <li> SOC - Scrub Oak Chaparral</li> <li> Southern Interior Grass Forest</li> <li> Grassland</li> <li> Yucca Valley Meadows Grassland</li> <li> NMS - Non-Alpine Grassland</li> <li> Chaparral Alkali Marsh</li> <li> Freshwater Marsh</li> <li> PNM - Coastal and Valley Freshwater Marsh</li> <li> DM - Coastal and Valley Freshwater Marsh</li> </ul> | <ul style="list-style-type: none"> <li> Riparian Scrub</li> <li> SRS - Southern Riparian Scrub</li> <li> MRS - Mixed Scrub</li> <li> SMS - Southern Willow Scrub</li> <li> TS - Tulegrass Scrub</li> <li> Dense Coastal Live Oak Woodland</li> <li> Disturbed Wetland</li> <li> Non-Vegetated Channel</li> <li> Lakebeds Fringe</li> <li> Open Water (Other Waters)</li> <li> Escarpment Woodland</li> <li> Agriculture</li> <li> Disturbed Habitat</li> <li> Urban/Overlooked</li> </ul> | <ul style="list-style-type: none"> <li> Wetland of the US</li> <li> Sensitive riparian joint and geologic information overlaps with other information</li> <li> Table S.5-3 for evaluation of joint information</li> <li> and Table S.5-5 for evaluation of animal abstractions. Sensitive plant abstractions are indicated.</li> </ul> |
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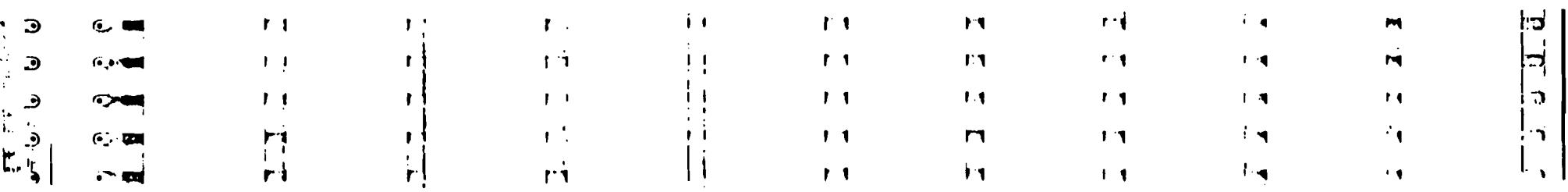
Otay Mesa Generating Project

Otay Mesa Generating Company, LLC

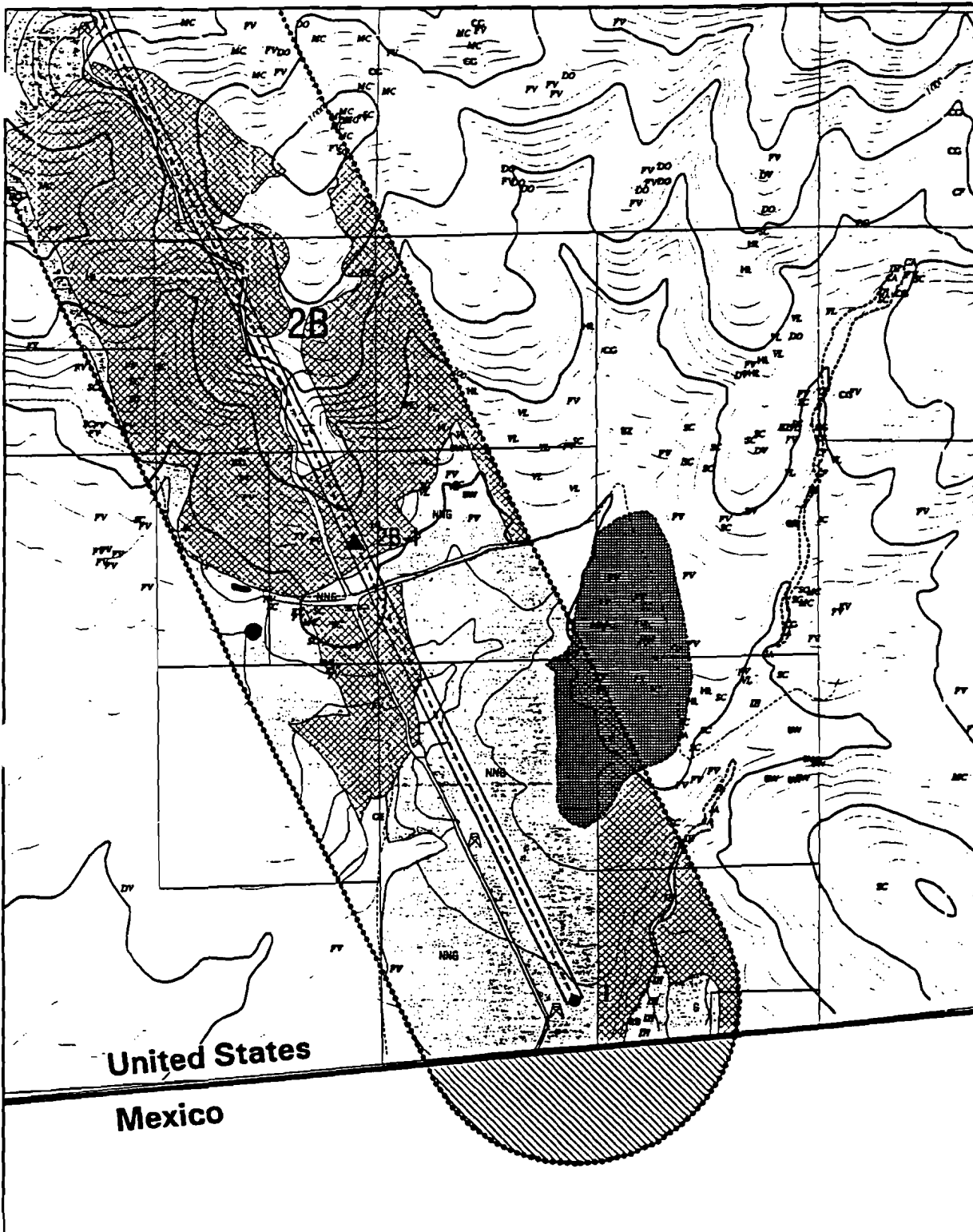
**Figure 4. Vegetation and Sensitive Species**

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United States  
Mexico

<ul style="list-style-type: none"> <li>Deepan Coastal Sage Scrub</li> <li>Disturbed Deepan Coastal Sage Scrub</li> <li>Martinez Succulent Scrub</li> <li>Chaparral</li> <li>CHP = Undifferentiated Chaparral</li> <li>CC = Chamise Chaparral</li> <li>SAC = Southern Mixed Chaparral</li> <li>SDC = Scrub Oak Chaparral</li> <li>Southern Interior Cypress Forest</li> <li>Grassland</li> <li>G = Grassland</li> <li>NG = Valley Needlegrass Grassland</li> <li>ABG = Non-Native Grassland</li> <li>Cocconino Alkali Marsh</li> <li>Freshwater Marsh</li> <li>FWM = Freshwater Marsh</li> <li>CVM = Coastal and Valley Freshwater Marsh</li> </ul>	<ul style="list-style-type: none"> <li>Riparian Scrub</li> <li>SRS = Southern Riparian Scrub</li> <li>MFS = Mulefat Scrub</li> <li>SWS = Southern Willow Scrub</li> <li>TS = Tamarisk Scrub</li> <li>Dense Coast Live Oak Woodland</li> <li>Disturbed Wetland</li> <li>Non-Vegetated Channel, Lakeshore Fringe</li> <li>Open Water (Other Waters)</li> <li>Eucalyptus Woodland</li> <li>Agriculture</li> <li>Disturbed Habitat</li> <li>Urban/Developed</li> </ul>	<ul style="list-style-type: none"> <li>Vernal Pool Watersheds (mapped as overlay)</li> <li>Waters of the US</li> <li>Sensitive species point and polygon information identified with letter abbreviations. See Table 6.5-3 for explanation of plant abbreviations and Table 6.5-6 for explanation of animal abbreviations. Sensitive plant abbreviations are bolded.</li> <li>Otay Mesa Site</li> <li>Disturbance Areas</li> <li>Pointe Alignments</li> <li>1,000 Foot Buffer</li> <li>Pointe Starved</li> <li>Milepost Markers</li> <li>Tower Locations</li> </ul>
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Note: Legend may include some vegetation types that do not occur within 1,000 foot project buffer.

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Otay Mesa Generating Project  
Otay Mesa Generating Company, LLC

Figure 6. Vegetation and Sensitive Species