



# City of Chula Vista

## Legislation Details (With Text)

**File #:** 18-0047 **Name:** Otay River Business Park Tentative Map and Specific Plan  
**Type:** Public Hearing **Status:** Passed  
**In control:** City Council  
**On agenda:** 3/6/2018 **Final action:** 3/6/2018  
**Title:** A. RESOLUTION NO. 2018-041 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING MITIGATED NEGATIVE DECLARATION IS15-0005/MPA15-0022, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO CEQA; AND APPROVING TENTATIVE MAP PCS16-0007 FOR THE OTAY RIVER BUSINESS PARK, SUBJECT TO THE CONDITIONS LISTED IN THIS RESOLUTION

B. ORDINANCE OF THE CITY OF CHULA VISTA CONSIDERING PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION IS15-0005/MPA15-0022 AND MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO CEQA; AND APPROVING THE SPECIFIC PLAN AND RELATED REZONINGS FOR THE OTAY RIVER BUSINESS PARK FOR THE PURPOSE OF ALLOWING SUBDIVISION AND REDEVELOPMENT OF THE PROPERTY WITH AN INDUSTRIAL/COMMERCIAL BUSINESS PARK (FIRST READING)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Resolution, 2. Ordinance, 3. Attch 1 Location Map, 4. Attch 2 Land Use Matrix and Map, 5. Attch 3 List of Comments/Responses on MND, 6. Attch 4 Otay River Business Park MND - Final Draft - 11 January 2018, 7. Attch 5 ORBP MMRP - Final Draft - 21 December 2017, 8. Attch 6 SpecificPlan\_Feb2018\_reduced, 9. Attch 7 Final TM ORBP, 10. Presentation, 11. Text File

Date	Ver.	Action By	Action	Result
3/6/2018	1	City Council	adopt	Pass

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### RECOMMENDED ACTION

Council conduct the public hearing, adopt the resolution, and place the ordinance on first reading.

### SUMMARY

This public hearing and the resolution and ordinance are for consideration and approval of the

proposed Otay River Business Park Specific Plan and Tentative Subdivision Map and the associated Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Otay River Business Park Specific Plan (ORBP SP) and Tentative Subdivision Map (TM) were prepared for the development of the 53-acre site previously known as the Nelson Sloan property. Sudberry Development, Inc., owner of the property (Applicant/owner), is proposing to subdivide and redevelop the property with an industrial/commercial business park.

A Specific Plan is a tool for the effective planning and development of areas in need of revitalization. State law (Government Code 65450-65457) establishes the process for adopting specific plans and requires that the Planning Commission hold a public hearing on the proposed actions and provide a written recommendation to the City Council. A Tentative Subdivision Map is a tool used to subdivide properties into five or more lots for the purpose of showing the design of a proposed major subdivision and the existing conditions in and around it. The Tentative Map is normally reviewed and approved in anticipation of the property's development.

The ORBP SP and TM have been prepared by the Applicant pursuant to State Law and in compliance with the 2005 General Plan; the documents have been reviewed by City staff and outside agencies and they have been recommended for approval by the Planning Commission; the resolution and ordinance are now being presented to the City Council for consideration and approval. This report provides a description and analysis of the property and the ORBP SP and TM and their purpose and intent.

## **ENVIRONMENTAL REVIEW**

### **Environmental Notice**

Mitigated Negative Declaration (MND) IS15-0005/MPA15-0022 and Mitigation Monitoring and Reporting Program (MMRP) have been prepared.

### **Environmental Determination**

The Director of Development Services has reviewed the proposed ORBP SP and TM (collectively, the "Project") for compliance with the California Environmental Quality Act and has conducted Initial Study IS15-0005 in accordance with the California Environmental Quality Act (CEQA). Based upon the results of the Initial Study, the Director of Development Services has determined that the implementation of the Project could result in significant impacts on the environment. However, revisions to the Project made by or agreed to by the Applicant would avoid the impacts or mitigate the impacts to a point where clearly no significant environmental impacts would occur; therefore, the Director of Development Services has caused the preparation of a Mitigated Negative Declaration (MND) IS15-0005/MPA15-0022 and Mitigation Monitoring and Reporting Program (MMRP).

## **BOARD/COMMISSION RECOMMENDATION**

The Planning Commission considered the proposed Tentative Map and Specific Plan at its public hearing of January 24, 2018 and approved a resolution recommending that the City Council consider and approve the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program pursuant to CEQA and approve the Otay River Business Park Tentative Map and Specific Plan

## **DISCUSSION**

The most recent update to the City of Chula Vista General Plan occurred in 2005. The primary focus of the 2005 General Plan Update was on the currently developed areas of the City, in particular the

western portions of the City. Within the Southwest portion of the City, the General Plan designated five “Areas of Change” that would need to go through a more detailed planning process. One of these areas is the Main Street District. The General Plan envisions the Main Street District as the continuation of limited industrial and commercial uses that provide new employment and recreational uses, that is improved with attractive buildings and street frontages, and that provide for the protection of adjacent residential areas and open spaces in the vicinity. The General Plan mandates the preparation of a Specific Plan that will implement its vision for this area.

According to the State of California Office of Planning and Research, a Specific Plan is “a tool for the systematic implementation of the general plan. It effectively establishes a link between implementing policies of the general plan and the individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location and intensity of uses to the design and capacity of infrastructure; from the resources used to finance public improvements to the design guidelines of a subdivision.” Specific Plans must comply with Sections 65450 - 65457 of the California Government Code.

Specific Plans must also be consistent with the policies contained within the General Plan and may be adopted by resolution or by ordinance. This differentiation allows cities to choose whether their specific plans, or portions thereof, will be policy driven (adopted by resolution), or regulatory (adopted by ordinance). The Otay River Business Park Specific Plan is adopted by ordinance. All zoning related portions of this Specific Plan (i.e. land use matrix, permitted uses and development regulations) are prepared to serve as regulatory provisions and supersede other regulations and ordinances of the City for the control of land use and development within the Specific Plan boundaries. Other portions, such as the development design guidelines provide direction for future planning and public improvement efforts. Future development projects, subdivisions, public improvement projects and other implementing programs shall be consistent with the adopted Specific Plan.

The ORBP SP is established pursuant to the authority granted in the Chula Vista Municipal Code Section 19.07, Specific Plans, and the California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 and contains all the mandatory elements identified in Government Code Section 65451.

The ORBP SP is a descriptive and normative document containing seven sections, including an introduction, planning consideration and existing conditions, General Plan Vision, Goals, Objectives and Policies, land use and development regulations, design guidelines, infrastructure/public facilities, and plan implementation and administration. The most pertinent sections are discussed below.

### Site Location and Existing Conditions

The subject property is located within the City’s Southwest Planning Area along the south side of Main Street at the intersection with Fourth Avenue between Interstate 5 and Interstate 805. The 53-acre property extends south to the Otay River and west to Broadway (Site). The Project location is shown on Attachment 1 - Locator Map. The Site is within the Main Street District, which functions as a commercial-industrial service corridor, with residential neighborhoods located generally north of the corridor, and the Otay River Valley open space to the south.

The Site consists of multiple contiguous parcels of land. The majority of the Site has been graded or

disturbed, with both paved and unpaved parking, driveways and roads throughout the parcels, various buildings and structures (which do not exist anymore) associated with the existing heavy industrial uses, former concrete batch operations, and former agricultural field activities. Currently, the Site is vacant and surrounded by fully urbanized properties, particularly along its northern boundary. The Otay River Business Park will provide a new development pattern at this Site with business park uses and complementary amenities for the existing community.

### Otay Valley Regional Park

The Site is located within the Otay Valley Regional Park (OVRP) boundaries. The OVRP was established in the early 1990's between the City of Chula Vista, City of San Diego and County of San Diego. The OVRP area extends over 11 miles along the Otay River from the southeastern edge of the South Bay Wildlife Refuge through the Otay River Valley to the land surrounding the Otay Lakes area, and encompasses approximately 9,000 acres. The OVRP Concept Plan and Design Guidelines are the documents that provide the framework for direction and guidance for parkland acquisition, development efforts, and evaluations of private development that may potentially affect the OVRP. The Concept Plan provides direction and guidelines related to trails and landscape treatment for improvements within public lands as well as private development that is located within the OVRP. The Concept Plan does not preclude development of private lands that are located within its boundaries. The ORBP SP was prepared in the context of the OVRP and considered and incorporated the Concept Plan guidelines for private development.

### Current Land Use and Zoning

The Site area is currently regulated by the land use and development regulations of the Limited Industrial Zone of the Chula Vista Municipal Code and has a General Land Use designation of Limited Industrial with a floating designator for a future Community Park somewhere in the vicinity of this property. The southern-most area of the Site along the Otay River Floodway is designated as Open Space, which is a designation intended for lands to be protected from urban development. The existing Zoning on this site is Limited Industrial with a Precise Plan Overlay (ILP). The Main Street Corridor between Interstate 5 and Interstate 805 is currently dominated by a mixture of commercial and light industrial uses with several areas, including part of the Site, used for heavy industry.

### Otay River Business Park Specific Plan

The ORBP SP has been prepared in accordance with State Specific Plan requirements, as well as pursuant to the authority granted in Chula Vista Municipal Code Section 19.07, Specific Plans. The ORBP SP contains sections as required that address the following:

1. The distribution, location and extent of the use of land within the area covered by the plan (Refer to Chapter 4).
2. The proposed distribution, location, extent, and intensity of major components of infrastructure (transportation, sewage, water, drainage, solid waste disposal, and other essential facilities) proposed to be located within the area covered by the plan and needed to support the land uses described in the plan (Refer to Chapter 6).
3. The standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable. (Refer to

Chapters 4 and 5).

4. Implementation measures including regulations, programs, public works projects, and financing measures. (Refer to Chapter 6).
5. A statement of the relationship of the ORBP SP to the General Plan. (Refer to Chapter 3).

The ORBP SP details the land use proposal for the Otay River Business Park, and it discusses project character, intensity, circulation, open space, compatibility with surrounding development, and development design guidelines. Specifically, the plan establishes the land use pattern within the Site and establishes a more flexible development pattern by permitting the development of industrial buildings as well as certain commercial uses that are not normally permitted within the Limited Industrial (IL) Zone, particularly along the Main Street frontage (see Land Use Matrix - Attachment 2). For example, the ORBP SP allows the development of medical, professional and commercial offices, as well as a variety of retail uses that are currently not permitted in the IL Zone. The ORBP SP also establishes detailed development standards that regulate future development such as minimum lot size, maximum lot coverage, building height, setbacks, parking standards, access and circulation standards, and others. Chapter 5 of the ORBP SP contains a comprehensive list of design guidelines and standards that address site planning and design elements applicable to the overall Site. Chapter 6 of the ORBP SP provides a comprehensive and detailed description of proposed infrastructure to be built at the time of Project development. Design and development standards have been prepared to assist in creating a business park that provides upgrades and improvements from the prior site uses in a way that complements the surrounding community. The infrastructure plan establishes the standards and specifications to provide and maintain infrastructure and public services for future growth, without diminishing services to existing development.

A portion of the ORBP SP property is identified as a potential location for a future Community Park by the City of Chula Vista General Plan Public Facilities and Services Element and the OVRP Concept Plan. In order to retain the option to construct a future park in the project area, approximately 13.9 acres are set aside in the ORBP SP. As an industrial/commercial project with no residential uses, the Otay River Business Park project has no obligation to provide park facilities and is not subject to the Growth Management Oversight Commission parks and recreation threshold. With no obligation for the project to provide park facilities, the park site would have to be purchased by the City. The final design of the park, including trail connections to the OVRP, will be determined by the City, after the City has agreed to purchase the park area, in collaboration with the community and shall use the most current OVRP Design Standards and Guidelines.

Portions of the Specific Plan property are located within the floodway of the Otay River. Generally, grading and development are not permitted within the floodway, except as allowed pursuant to Chula Vista Municipal Code (CVMC) 19.50.040 and subject to all regulations by the Federal Emergency Management Agency (FEMA) and in accordance with CVMC 19.50 and 14.18, *et seq.* The ORBP SP designates this area (PA4) as Open Space without permanent structures.

### Tentative Subdivision Map

A TM was prepared and submitted as part of the preparation and processing of the ORBP SP, and in anticipation of the proposed development of the Site. The TM proposes to consolidate and subdivide the 53-acre Site into 12 individual lots for industrial/commercial development and one lot for a future City park, as well as one lot for open space. The TM for the Site provides all of the infrastructure

services, establishes developable parcels, public improvements and public facilities that will implement the development of the proposed business park. Additionally, the TM will provide for the grading and development of the Site, as shown on the proposed Tentative Map and Mass Grading Plans PCS16-0007. Pursuant to Government Code Section 66473.5, the Planning Commission and City Council must make the findings listed in the TM resolution substantiating that the TM, as conditioned therein, is in conformance with the elements of the City's General Plan. The proposed TM has been reviewed for consistency with the City of Chula Vista Subdivision Manual and staff has included the necessary conditions that must be satisfied prior to issuance of a Final Map. The conditions are described in detail in the draft City Council resolution attached to this report.

## ANALYSIS

Following is an analysis of the proposed ORBP SP and TM and their consistency with State and City of Chula Vista regulations. The main requirement of a specific plan is that it must be consistent with and implement the General Plan. The ORBP SP's key objectives are to provide a business park incorporating industrial, professional office, and commercial uses to create economic opportunities in the area, provide land for future park uses and respect the Otay River floodway and Otay River Valley open space that is part of the adjacent OVRP. The ORBP SP establishes the following goals as a way to implement the General Plan vision (see Chapter 3 for a detailed list of goals, objectives and policies):

1. Create a business park that respects the character of its surroundings, incorporates a quality design for attractive buildings and street frontages, provides locations for local businesses to operate, and is an asset to the City and region.
2. Promote a quality development consistent with the goals and policies of the Chula Vista General Plan and Design Standards for the Main Street District.
3. Provide for comprehensive planning that assures the orderly development of the site in relation to its surroundings.
4. Establish development and design regulations providing for high quality and visibly attractive landscaping and building architecture.
5. Protect environmentally sensitive areas within the specific plan boundaries, and designate usable area for a future community park adjacent to the OVRP that can link to existing OVRP trails.
6. Develop a plan that is economically feasible and able to be implemented based on anticipated economic conditions such that no economic burden to the City of Chula Vista would occur.

The ORBP SP is made up of the following Chapters which contain the provisions that are required by State and City Laws:

- Chapter 1 - Introduction
- Chapter 2 - Planning Considerations
- Chapter 3 - General Plan Vision, Goals, Objectives, and Policies
- Chapter 4 - Land Use & Development Regulations
- Chapter 5 - Design Guidelines

Chapter 6 - Infrastructure and Public Facilities  
Chapter 7 - Plan Implementation and Administration

The seven Chapters of the ORBP SP implement the 2005 General Plan, and provide a comprehensive working document that describes guidelines and standards for implementation of the future Otay River Business Park development. The document provides a detailed description of proposed land use, design guidelines, and infrastructure standards, which have been prepared to assist in creating a business park that provides upgrades and improvements to the Site and the surrounding community. The ORBP SP is being adopted by ordinance. All zoning related portions of the ORBP SP (i.e. land use matrix, permitted uses and development regulations) are prepared to serve as regulatory provisions and supersede other regulations and ordinances of the City for the control of land use and development within the Site. Other portions, such as the development design guidelines provide direction for future planning and public improvement efforts. Future development projects, subdivisions, public improvement projects and other implementing programs shall be consistent with the adopted ORBP SP.

### Land Use and Development Regulations

Chapter 4 of the ORBP SP establishes the appropriate use distribution and mix, intensity, physical form, and functional relationships of land uses within the ORBP SP area. The following areas shown on Exhibit 9 Specific Plan Land Use Map are included as part of the ORBP SP:

1. Planning Area 1 (Limited Commercial/Industrial) - Situated adjacent to Main Street, between Fourth Avenue and 7th Avenue at the north edge of the specific plan area.
2. Planning Area 2 (Transitional-Limited Commercial/Business Park) - Area of property south of the PA-1 (Commercial) and north of Faivre Street between Fourth Avenue and 7th Avenue, and lots adjacent to Broadway to the south of Faivre Street.
3. Planning Area 3 (Business Park) - Remainder of developed lots within the specific plan excluding Planning Areas 1 and 2. These include lots north of Faivre Street and west of 7th Avenue, and lots south of Faivre Street that do not border the frontage with Broadway.
4. Planning Area 4 (Floodway and Habitat Area) - Located along the southern boundary of the specific plan.
5. Planning Area 5 (Future Park Site) - Situated in the eastern portion of the specific plan, from Fourth Avenue south to specific plan boundary.

The ORBP SP's land use and development regulations are intended to encourage and facilitate development of an industrial/commercial business park that will provide for both commercial and light industrial development areas. Planned land uses may consist of a variety of industrial, office, service, retail, and food services that would provide employment opportunities for residents with a range of skills and education. The proposed lots fronting on Main Street and Fourth Avenue are zoned and sized for development of a balanced mix of commercial uses along with industrial businesses, while the lots generally south of the new Faivre Street are intended to accommodate larger businesses and employment centers, providing opportunities for a wider variety of employment opportunities. The construction of new industrial and business park uses, with street and infrastructure improvements, will help to revitalize the Main Street corridor.

The Site is within the OVRP boundary. To avoid possible flooding to the developed areas, the grading design shown on the TM included with the ORBP SP would elevate the building pad outside of and above the Otay River floodway, and creates a slope buffer between the building pads and the floodway planted with native species. The ORBP SP also limits uses in Planning Area 4 along the southern boundary of the specific plan to open space uses allowed in the CVMC for floodways. The OVRP Design Standards and Guidelines are referenced within the ORBP SP to guide certain architectural and site plan development within the ORBP SP area, including the future park area

The proposed land uses and development regulations identified in the ORBP SP would replace the provisions of CVMC Chapter 19.44. Where the CVMC conflicts with the development standards or other provisions of the ORBP SP, the ORBP SP would apply; where the ORBP SP is silent, the CVMC would apply. The definitions found in CVMC Chapter 19.04 would apply to the ORBP SP, except where specific definitions are provided in the ORBP SP.

### Design Guidelines

Chapter 5 of the ORBP SP contains design guidelines for future development within the specific plan area. The ORBP SP design guidelines would apply to both new development and the rehabilitation of older structures, and would encourage an area that is economically stronger, more recognizable, and rich in sense of place and identity. Specific design guidelines are established for Site Design (circulation, site access, parking and loading), architectural design (architectural character, building massing and scale, and exterior materials and finishes), Landscape Design (frontage improvements and entries, Otay River Valley interface, walls and fences, and signage), and Sustainable Design Strategies (Cal Green compliance, water conservation, use of renewable energy, alternative forms of mobility, etc). As future development projects within the Site are submitted to the City for permitting, projects will be subject to the standard design and architectural review process. In addition to the specific design guidelines provided in the ORBP SP, future development within the Site would be subject to the design guidelines identified in the City of Chula Vista Design Manual. Developers, designers, architects and engineers would refer to the ORBP SP's and the City's Design Manual Guidelines for general design guidance and preparation of plans. Plans must be consistent with those design guidelines in order to be approved by the City.

### Infrastructure and Public Facilities

Chapter 6 of the ORBP SP describes the infrastructure and public facilities applicable to future development within the Otay River Business Park, including circulation and access, water facilities, sewer facilities, stormwater and drainage facilities, solid waste disposal, law enforcement and emergency services, schools, parks and recreation facilities, electrical facilities, and other public improvements such as streets, sidewalks, and street furnishings. The ORBP SP contains the provisions for the implementation and sequencing of the infrastructure and public facilities, commensurate with the level and sequence of Site development. The ORBP SP also contains the necessary financing strategies and tools for financing the required and necessary infrastructure improvements, including developer and project private financing mechanisms and payment of Public Facilities Development Impact Fees (PFDIF).

Chapter 6 of the ORBP SP is intended to function as an equivalent to a Public Facilities Financing Plan (PFFP) for the future development of the Otay River Business Park. A PFFP is not warranted given that the Project does not have complex phasing, is an infill site, and does not create nor require



significant off-site improvements whose funding and timing is in question in relation to the Project's development sequence. Most of the improvements will be on-site to service the development, with off-site requirements being met via the payment of Development Impact Fees (DIFs), etc. Any on- and off-site requirements/timing are addressed via conditions of approval. The infrastructure and service needs, as well as funding are covered in Chapter 6 of the ORBP SP.

In its current vacant and underutilized state, the Site does not generate any fiscal benefits to the City or the community. As a commercial/industrial business park, the Project will provide significant new investment in the form of buildings and associated equipment and infrastructure improvements in and around the Site. In addition, the Project will generate jobs, and increase ongoing property tax and sales tax revenues. The ORBP SP is intended to implement the ILP zoning that has been on the site since the late 1980's. The land use modifications via the ORBP SP are intended to introduce limited retail uses on the Main Street frontage, which will serve to activate the street. The introduction of a limited amount of retail represents a fiscal improvement, in and of itself, not enough to trigger a Fiscal Impact Analysis (FIA). Based on this, City staff has determined that the Project will have a positive fiscal impact, and a separate Fiscal Impact Analysis is not required.

### Plan Implementation and Administration

Chapter 7 of the ORBP SP describes the implementation and administration strategies of the plan, including guidelines for specific plan administration, previously conforming uses, exemptions, site-specific variances, development exceptions, specific plan amendments, and specific plan review. All developments within the ORBP SP and Site that are not otherwise exempt would require submittal and approval of a Design Review Permit. Development projects would be required to comply with the land use and development regulations and the design guidelines identified in the ORBP SP. Any proposed development projects would also be required to adhere to the existing CVMC regulations and processes for other discretionary review, such as those for conditional use permits, variances, and subdivisions.

The ORBP SP provides that future changes should be made to the plan as the changing landscape of the Main Street District may impact the effectiveness of the implementing actions. Thus the ORBP SP authorizes the Development Services Director or his/her designee as responsible for making the determination of whether an amendment to the ORBP SP text or maps is needed based on specific criteria and procedures for said amendments. The Development Services Director shall consider and present the proposed amendment(s) to the Planning Commission and City Council for consideration and approval. Consideration of any proposed amendment to the ORBP SP shall require that the following findings be made:

1. Changes have occurred in the community since the approval of the original specific plan which warrants approving the proposed amendment;
2. The proposed amendment is consistent with the General Plan for the City of Chula Vista;
3. The proposed amendment will result in a benefit to the area within the specific plan;
4. The proposed amendment will not result in significant unmitigated impacts to adjacent properties; and
6. The proposed amendment will enable the delivery of services and public facilities to the

population within the specific plan area.

### Consistency with the General Plan

The 2005 General Plan largely focused on the revitalization and redevelopment of the western portion of Chula Vista. Section 8.0 of the Land Use and Transportation Element of the General Plan outlines the vision for the Main Street District and the objectives and policies to implement the vision. The Main Street District is identified as one of five “Areas of Change,” which are areas where more intensive development, revitalization and/or redevelopment is proposed to occur. As indicated at the beginning of this report, the General Plan envisions the Main Street District as the continuation of limited industrial and commercial uses, which provide new employment and recreational opportunities, that is improved with attractive buildings and street frontages, and that provides for the protection of adjacent residential areas and open spaces in the vicinity. The ORBP SP has been prepared pursuant to the General Plan as an implementing regulatory document and thus serves as the primary source for policies, guidelines, and regulations that implement the community’s vision for the Site and the Main Street District. The ORBP SP is consistent with the General Plan because it envisions and contains all the necessary elements to implement the development of a high quality industrial business park that will enhance the opportunities for contemporary business uses with ancillary support commercial services, complementary to its surroundings. The ORBP SP establishes the land use, intensity, development regulations, design standards, and primary infrastructure components that will support future development of the Project. The implementation of the ORBP SP will bring new investment, plant and equipment, and infrastructure which will improve and enhance the Site and the Main Street Corridor. It will generate employment and tax revenue for the benefit of the community and the City. The ORBP SP, as proposed, is the tool for the implementation of the General Plan, and thus it is also consistent with State Law.

### Environmental Review

As indicated previously, the Development Services Director has reviewed the proposed ORBP SP and TM for compliance with CEQA and has conducted Initial Study IS15-0005 in accordance with CEQA. Based upon the results of the Initial Study, the Development Services Director has determined that the implementation of the Project could result in significant impacts on the environment. However, revisions to the Project made by or agreed to by the Applicant would avoid the impacts or mitigate the impacts to a point where clearly no significant impacts would occur; therefore, the Development Services Director has caused the preparation of a MND IS15-0005/MPA15-0022 and MMRP.

The MND contains an environmental analysis of the potential impacts associated with implementing the proposed ORBP SP. The analysis conducted determined that, although the proposed Project could have significant environmental impacts, there would not be any significant impacts in this case because several mitigation measures described in Section F of the MND, were added to the Project. Therefore, the preparation of an Environmental Impact Report was not required. The MND has been prepared in accordance with Section 15070 of the State CEQA Guidelines. The areas identified by the analysis as potentially having significant environmental impacts were the following:

- Biological Resources;
- Hazards/Hazardous Materials;
- Noise; and
- Transportation/Traffic.

The MND provides a summary of the environmental impacts that could result from implementation of the proposed ORBP SP and identifies feasible mitigation measures that could reduce or avoid environmental impacts. These mitigation measures are listed in the MND and in the MMRP. Implementation of these mitigation measures will avoid the impacts or mitigate the impacts to a point where clearly no significant environmental impacts would occur. Implementation of these measures has been included as conditions of approval in the TM Resolution of the City Council.

### Comments on the Draft MND

The public review period for the MND was from November 3, 2017 to December 4, 2017. Letters of comment were received on the Draft MND from the following agencies and individuals:

California State Clearing House and Planning Unit  
California Department of Transportation  
California Department of Fish and Wildlife  
Native American Heritage Commission  
City of San Diego Park and Recreation Department  
San Diego County, Parks and Recreation Department

The letters and responses are included in the Final MND and a table with the comments and responses is attached to this report as Attachment 3. All comments received concerning the MND have been fully addressed within the Final MND.

### CONCLUSION

The preparation of the proposed ORBP SP represents an effort by the Applicant to implement the vision and objectives of the General Plan for the Site. The ORBP SP is intended to serve as an effective tool for the planning and revitalization of the Main Street District. The purpose of the ORBP SP is the development of a high quality industrial business park that will enhance the opportunities for quality, contemporary business uses with ancillary support commercial services, complementary to its surroundings. The ORBP SP establishes the land use, intensity, development regulations, design standards, and primary infrastructure components that will support future development of the Project. The ORBP SP proposes industrial and commercial lots served by new street connections to the existing street system. The ORBP SP incorporates an area for a future Community Park, as designated by the 2005 General Plan, and is situated adjacent to and above the Otay River Valley. The finished ORBP SP document represents the efforts of the Applicant and the City to improve private property and enhance and benefit adjacent neighborhoods. As proposed, the ORBP SP is consistent with and represents an effective tool for the implementation of the vision and objectives of the General Plan. Therefore, staff recommends that the City Council approve the MND and MMRP, approve the TM Resolution and adopt the Ordinance adopting the ORBP SP and related rezoning actions.

### DECISION-MAKER CONFLICT

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 500 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(11), for purposes of the Political Reform Act (Cal. Gov't Code §87100, *et seq.*).

Staff is not independently aware, and has not been informed by any City Council Member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The adoption of the Specific Plan and the implementation of the Tentative Map at the project level support all of the City's major goals by providing a land use and regulatory document that will serve to promote and facilitate the implementation of a quality industrial/commercial business park. The SP establishes the land use, intensity, development regulations, design standards, and the TM will facilitate the development of the site and will ensure the provision of the primary infrastructure components that will support future development of the Project. Development of the site will bring investment which will create jobs and generate taxes; this will contribute toward the City's operational excellence and create economic vitality. The SP incorporates an area for a future Community Park, as designated by the 2005 General Plan, and is situated adjacent to and above the Otay River Valley. Development of the future park by the City will provide the community with a needed recreational resource that will contribute to a healthy and connected community. Implementation of the SP and TM will improve the Main Street District as well as the western part of the City.

### **CURRENT YEAR FISCAL IMPACT**

There is no current year or ongoing fiscal impact resulting from the processing of the actions contemplated in this report. All costs associated with processing the ORBP SP and TM are borne by the Applicant, resulting in no net fiscal impact to the General Fund or Development Services Fund.

### **ONGOING FISCAL IMPACT**

Implementation of the proposed Project will generate positive fiscal benefits for the community and the City. Currently the Site is vacant and underutilized and does not generate any fiscal benefits. As a commercial/industrial business park, the Project will provide significant new investment in the form of buildings and associated equipment and infrastructural improvements in and around the Site. The proposed industrial business park and the introduction of a limited amount of retail will generate jobs, and increase property tax and sales tax revenues. Based on this, it has been determined that the Project will generate positive fiscal impacts in both the near and long term.

### **ATTACHMENTS**

1. Location Map
2. Land Use Matrix and Map with proposed Planning Areas
3. List of Comments/Responses on the MND
4. MND
5. MMRP
6. ORBP Specific Plan
7. Tentative Map

*Staff Contact Miguel Z. Tapia*