

4.9 Land Use and Planning

4.9.1 Thresholds of Significance

4.9.1.1 *Land Use*

A significant land use impact would occur if the Proposed Project would:

1. Conflict with the County of San Diego General Plan, County of San Diego Zoning Ordinance or any other adopted plans or policies that govern development on the Project site.
2. Conflict with any habitat conservation plan or natural community conservation plan applicable to the Project site.

Guideline Nos. 1 and 2 are based on criteria provided in Appendix G of the State CEQA Guidelines. These guidelines are intended to ensure conformance with existing regional and local planning efforts.

4.9.1.2 *Community Character*

A significant land use impact related to community character would occur if the Proposed Project would:

3. Physically divide an established community.

Guideline No. 3 is based on criteria provided in Appendix G of the State CEQA Guidelines and is intended to ensure protection of the character of established communities.

4.9.2 Proposed Project

4.9.2.1 *Analysis of Project Effects and Determination as to Significance*

Land Use (Guideline Nos. 1 and 2)

Table 1, *Applicable Policies Guiding Project Development*, contained in Appendix N of this EIR, provides a list of applicable conditions and policies contained in the EOMSP, OSP, County General Plan and other relevant policies, as well as an analysis of the Project's consistency with the listed plans and policies. With the approval of the MUP, SPA and Reclamation Plan, and implementation of the mitigation measures, the Proposed Project would be consistent with all applicable plans, policies, and ordinances, with the exception of the receiver site standards and controls of the County General Plan Noise Element and the County Noise Ordinance.

General Plan

As analyzed in detail in Table 1 in Appendix N, the Proposed Project would be consistent with the following applicable goals and policies of the County General Plan:

- The climate change, environmental, rural and semi-rural lands, infrastructure and water supply goals of the Land Use Element.
- The Conservation and Open Space Element's policies regarding natural environment, wetlands, water resources and supply, archaeological resources, paleontological resources, mineral resources, scenic resources, dark skies and sustainable land development.
- Policies on fire, seismic, landslide, mudslide, rock fall and flood hazards, as well as hazard material exposure and law enforcement facilities, of the Safety Element.

The Proposed Project would not, however, be consistent with the Noise Element of the County General Plan. As noted in Table 1 in Appendix N, the Project would substantially contribute to long-term significant project-level noise increases along Old Otay Mesa Road between SR 905 and Alta Road, and along Alta Road from the Project entrance road to Old Otay Mesa Road. Because the three existing homes along Old Otay Mesa Road that would be subject to increased noise levels have driveway openings at the front of the yards facing the road that would limit the effectiveness of noise barriers, the Project's portion of the project-level noise impacts would be significant and unmitigated. The potential for a significant and unmitigated noise impact for these residences was previously recognized in the adopted EOMSP Final EIR. As a result of these significant unmitigable noise impacts, the Proposed Project would be inconsistent with the Noise Element of the County General Plan, resulting in a significant land use impact. (Impact LU-1)

Otay Subregional Plan

The analysis presented in Table 1 in Appendix N indicates that the Proposed Project would be consistent with all applicable provisions of the OSP, including the following:

- The Land Use Element policies supporting the overall Land Use Goal of providing a land use pattern sensitive to the opportunities and the constraints of the subregion.
- The Public Services and Facilities Element policy requiring coordination between the County and property owners and developers with respect to public service and facility planning and financing.
- The Conservation Element goal of protecting environmental resources.

East Otay Mesa Specific Plan

The goal of the EOMSP Land Use Element is to promote a well-organized international industrial and business district in East Otay Mesa to attract and accommodate forecasted growth. The EOMSP notes that East Otay Mesa is the unincorporated County's largest industrial area, benefiting from the presence of large, level, relatively inexpensive land located near a large, affordable labor pool and moderately priced housing, all of which make it highly suitable for large scale industrial development. The applicable EOMSP and zoning designations for the Project impact footprint and surrounding areas, *as described in Subchapter 3.9, Existing Conditions/Affected Environment, Land Use and Planning*, call for industrial development, as well as rural residential development on the eastern edge of Otay Mesa, where steep slopes and

significant biological resources prevent industrial, agricultural or commercial uses. The Proposed Project would be a long-term (120-year) industrial use that would include site reclamation allowing future development of the site according to the EOMSP land use designations. The products of the Project, primarily construction aggregate, concrete, and asphalt, would provide raw materials for into residential, commercial, and industrial development in the area, thus supporting and contributing to the forecasted growth in the area.

As previously noted in Subchapter 3.9, the Project site is located within two separate land use districts. The EOMSP would be amended to designate the entire Project impact footprint as Mixed Industrial. It would also be necessary to eliminate the Mixed Industrial designation from those portions of the Project site that would not be affected by extractive operations and to designate those areas as Conservation/Limited Use. In those areas, open space use would be permitted. As part of the Project, the SPA would change the designation of approximately 33 acres of Mixed Industrial land to Conservation/Limited Use. These lands are located to the north and east of the proposed Project impact footprint. In addition, approximately 78 acres of land currently designated as Rural Residential would be designated as Mixed Industrial and 189 acres of Rural Residential would be designated as Conservation/Limited Use. As shown in Figure 2-1, all of the Rural Residential conversion to Mixed Industrial would be located within the proposed quarry footprint. Table 2-1, *Change in East Otay Mesa Specific Plan Designation*, contained in Section 2.1.1 of this EIR, shows the currently proposed change in land use designation when compared to the current EOMSP.

Operation of the construction aggregate facility would be compatible with the surrounding industrial and rural residential uses given the site's remote location and topography on the eastern edge of the EOMSP area. The use of drilling and blasting would extend throughout the project lifecycle; however, noise analysis conducted for the Project indicates that the closest receptor susceptible to vibration impacts (the Otay Mesa Generating Station) is located more than 500 feet from the location of expected blasting operations. Peak particle velocity (PPV) at such a distance would be less than 0.01, a level below significance to any human receptor and at a level where any sensitive equipment with vibration isolators would allow the equipment to operate with no interference. Similarly, noise impacts at this location would be less than significant. Refer to Subchapter 4.5, *Noise*, for additional information on this subject.

As analyzed in Table 1 in Appendix N, the Proposed Project would be consistent with all applicable provisions of the EOMSP, including the following:

- Land Use Element policies regarding accommodating forecasted mixed industrial uses and providing for compatible interim land uses.
- Conservation and Open Space Element policies regarding protection and conservation of steep slopes, biologically sensitive areas, and significant cultural resource sites.
- Circulation Element policies regarding private road design standards and mitigation of Project-related traffic impacts.
- Urban Design Element policies regarding preservation/enhancement of visually prominent landforms and areas of special scenic beauty, promotion of high quality design of buildings

and landscaping, and screening or placement underground of all utility lines and related structures.

- Public Facilities Element policies regarding coordination with providers of public services and utilities to assure efficient, economic, and timely provision of required public services and utilities.

County Zoning Ordinance

The Project impact footprint is currently zoned (under the EOMSP) as S88, Specific Plan Use Regulations (maximum residential density of 0.05 du per acre and lot size of 30,000 sf for Mixed Industrial). The S88 zoning designation allows extractive uses with approval of a MUP according to Subchapter 3.2 of the EOMSP.

County Noise Ordinance

Some of the areas adjacent to the Project site are designated as Rural Residential and therefore have the potential to be developed with residences. The County Noise Ordinance places a maximum allowable noise level limit at the Project property line of 60 dBA L_{EQ} during the daytime and 45 dBA L_{EQ} during the nighttime. As analyzed in the Project's acoustical site assessment report, non-transportation noise sources generated on site by the Project could create noise levels in excess of 45 dBA L_{EQ} as far as 385 feet from the boundary of the extraction areas. Therefore, if residences were to be developed within 385 feet of the Project impact footprint, noise impacts from the Project would be significant, and the Project would be inconsistent with the County Noise Ordinance, resulting in a significant land use impact. (Impact LU-2)

It should be noted that such rural residential development represents a worst-case scenario in that other types of development that may be constructed adjacent to the Project impact footprint (e.g., commercial, industrial) have higher noise thresholds.

Resource Conservation Area

Otay Mountain, designated as an RCA that is significant for both scenic and visual resources, and for biological habitat in the EOMSP, the OSP, and the Conservation and Open Space Element of the County General Plan, is located approximately 3.5 miles northeast of the Project site. The Project impact footprint is not visible from Otay Mountain due to distance and topography, nor would the Proposed Project change Otay Mountain or block views toward it from any public or private viewpoints; therefore, no scenic or visual impact to the RCA would occur due to the Proposed Project operation or reclamation. Any potential Project biological impacts to the RCA would be addressed under the MSCP; therefore, no biological resources impact to the RCA would occur due to the Proposed Project operation or reclamation.

California Surface Mining and Reclamation Act

Under SMARA (PRC Section 2710 et. seq.), all extractive operations are required to have a Reclamation Plan approved by the lead agency (in this case, the County), defining the activities to be carried out when extraction has been completed to return the land to a useful, approved

alternative purpose. A Reclamation Plan has been prepared for the Proposed Project; as a result, the Proposed Project would be fully consistent with SMARA.

Summary

Based on the foregoing analysis and the information in Table 1 in Appendix N, the Proposed Project would be consistent with most applicable plans, policies and ordinances, but would be inconsistent with the Noise Element of the County General Plan and the County Noise Ordinance; therefore, significant land use impacts would occur with respect to plan consistency. (LU-1 and LU-2)

Community Character (Guideline No. 3)

The Proposed Project would be located in the sparsely populated, largely undeveloped eastern portion of the EOMSP, with primarily industrial uses prevalent to the west and south, and primarily undeveloped BLM land to the east and north. The nearest established community is located approximately seven miles to the west in the City's Otay Mesa area; there is no established community within or around the Proposed Project site. Therefore, the Proposed Project would not divide an established community. The EOMSP characterizes East Otay Mesa as the unincorporated County's largest industrial area. Thus, the Proposed Project's long-term interim mining/extractive use would be compatible with the current undeveloped/industrial character of the area, while planned site reclamation would allow future development of the site that would be compatible with future surrounding development according to the EOMSP. The Proposed Project would have no impacts with respect to community character.

4.9.2.2 Significance of Impacts Prior to Mitigation

The following significant impacts related to land use and community character would occur with Project implementation:

Impact LU-1 Project implementation would result in a significant project-level land use impact due to inconsistency with the Noise Element of the County General Plan, related to project-generated transportation noise levels at three identified residences on Otay Mesa Road.

Impact LU-2 Project implementation would result in a significant project-level land use impact due to inconsistency with the County Noise Ordinance, related to project-generated non-transportation noise in excess of 45 dBA L_{EQ} as far as 385 feet from the boundary of the Project impact footprint, which would be significant to potential future rural residences.

4.9.2.3 Mitigation Measures

No permissible measures are available to mitigate the significant project-level land use impacts due to Project inconsistency with the Noise Element of the County General Plan (Impact LU-1). These impacts would be significant and unmitigated.

The significant project-level land use impact due to Project inconsistency with the County Noise Ordinance (Impact LU-2) could be mitigated to a less than significant level through implementation of the noise control barriers described in Subchapter 4.5 (Mitigation Measure M-N-2). Thus, Mitigation Measure M-LU-2 defined below would be the same as M-N-2:

M-LU-2 Appropriate setbacks shall be required and/or noise barriers shall be constructed to meet the minimum requirements defined for Mitigation Measure M-N-2 (refer to Subchapter 4.5).

4.9.2.4 Conclusion

Identified potential impacts to land use plan conformance, land use compatibility, community character, or community division as a result of Project development would be less than significant, with the exception of significant unmitigated project-level land use impacts due to Project inconsistency with the County General Plan Noise Element and a significant but mitigable project-level land use impact due to Project inconsistency with the County Noise Ordinance.

4.9.3 Extraction to Natural Grade Alternative

4.9.3.1 Analysis of Project Effects and Determination as to Significance

Because the Extraction to Natural Grade Alternative would have the same impact footprint as the Proposed Project, land use impacts associated with this alternative would be similar to those associated with the Proposed Project. As discussed above regarding the proposed project, no significant land use impacts are anticipated for the Extraction to Natural Grade Alternative with respect to land use compatibility, community character or community division.

Land Use (Guideline Nos. 1 and 2)

The Extraction to Natural Grade, similar to the Proposed Project, would be consistent with the policies identified in Table 1 in Appendix N, with the exception of noise policies from the County's General Plan Noise Element and the County Noise Ordinance. The Extraction to Natural Grade Alternative would substantially contribute to long-term significant project-level noise increases along Old Otay Mesa Road between SR 905 and Alta Road, and along Alta Road from the Project entrance road to Old Otay Mesa Road. Because the three existing homes along Old Otay Mesa Road that would be subject to increased noise levels have driveway openings at the front of the yards facing the road that would limit the effectiveness of noise barriers, the Extraction to Natural Grade Alternative would result in significant and unmitigated project-level noise impacts. The potential for a significant and unmitigated noise impact for these residences was previously recognized in the adopted EOMSP Final EIR. As a result of these significant unmitigated noise impacts, the Extraction to Natural Grade Alternative would be inconsistent with the Noise Element of the County General Plan and the County Noise Ordinance, resulting in significant land use impacts similar to those of the Proposed Project. (Impacts LU-1 and LU-2)

Community Character (Guideline No. 3)

As described above for the Proposed Project, the Extraction to Natural Grade Alternative would not result in significant impacts associated with community character. The alternative would utilize

the same footprint as the Proposed Project and therefore would be located in the sparsely populated, largely undeveloped EOMSP Subarea 2. Primarily industrial uses are prevalent to the west and south, and primarily undeveloped BLM land to the east and north. Therefore, the Extraction to Natural Grade Alternative would not divide an established community. The Extraction to Natural Grade Alternative's long-term interim mining/extractive use would be compatible with the current undeveloped/industrial character of the area. Similar to the Proposed Project, impacts associated with community character would be less than significant for the Extraction to Natural Grade Alternative.

4.9.3.2 Significance of Impacts Prior to Mitigation

Significant land use impacts associated with the Extraction to Natural Grade Alternative would be similar to those described for the Proposed Project in Subsection 4.9.2.3.

4.9.3.3 Mitigation Measures

No permissible measures are available to mitigate the significant project-level land use impacts due to inconsistency with the County General Plan Noise Element (Impact LU-1). These impacts would be significant and unmitigated.

Under the Extraction to Natural Grade Alternative, Mitigation Measure M-LU-2 would be required to mitigate for Impact LU-2.

4.9.3.4 Conclusion

Identified potential impacts to land use plan conformance, land use compatibility, community character, or community division as a result of the Extraction to Natural Grade Alternative would be less than significant, with the exception of significant and unmitigated project-level land use impacts due to inconsistency with the Noise Element of the County General Plan and a significant but mitigable project-level land use impact due to Project inconsistency with the County Noise Ordinance.

4.9.4 Extraction to Varying Depth Alternative

4.9.4.1 Analysis of Project Effects and Determination as to Significance

Land Use (Guideline Nos. 1 and 2)

Similar to the Proposed Project, the Extraction to Varying Depth Alternative would be consistent with the policies identified in Table 1 in Appendix N, with the exception of the noise policies from the County's General Plan Noise Element and the County Noise Ordinance. The Extraction to Varying Depth Alternative would result in similar noise impacts as the Proposed Project, including significant and unmitigated project-level impacts to the three homes along Otay Mesa Road. (Impacts LU-1 and LU-2)

Community Character (Guideline No. 3)

As described above for the Proposed Project, the Extraction to Varying Depth Alternative would not result in significant impacts associated with community character. The alternative would utilize the same footprint as the Proposed Project and therefore would be located in the sparsely populated, largely undeveloped EOMSP Subarea 2. Primarily industrial uses are prevalent to the west and south, and primarily undeveloped BLM land to the east and north. Therefore, the Extraction to Varying Depth Alternative would not divide an established community. The Extraction to Varying Depth Alternative's long-term interim mining/extractive use would be compatible with the current undeveloped/industrial character of the area. Similar to the Proposed Project, impacts associated with community character would be less than significant for the Extraction to Varying Depth Alternative.

4.9.4.2 Significance of Impacts Prior to Mitigation

Significant land use impacts associated with the Extraction to Varying Depth Alternative would be similar to those described for the Proposed Project in Subsection 4.9.2.3.

4.9.4.3 Mitigation Measures

No permissible measures are available to mitigate the significant project-level land use impacts due to inconsistency with the County General Plan Noise Element (Impact LU-1). These impacts would be significant and unmitigated.

Under the Extraction to Varying Depth Alternative, Mitigation Measure M-LU-2 would be required to mitigate for Impact LU-2, reducing this impact below a level of significance.

4.9.4.4 Conclusion

Identified potential impacts to land use plan conformance, land use compatibility, community character, or community division as a result of the Extraction to Varying Depth Alternative would be less than significant, with the exception of significant and unmitigated project-level land use impacts due to inconsistency with the Noise Element of the County General Plan and a significant but mitigable project-level land use impact due to Project inconsistency with the County Noise Ordinance.

4.9.5 No Project/Existing Plan Alternative

4.9.5.1 Analysis of Project Effects and Determination as to Significance

It is assumed that no significant land use impacts would arise for the No Project/Existing Plan Alternative with respect to plan conformance, land use compatibility, community character or community division. Since the No Project/Existing Plan Alternative would consist of implementation of the land use designations for the project site delineated in the EOMSP, this alternative would, by definition, be consistent with all applicable plans, policies and ordinances.

Table 4.9-1 provides a listing of applicable goals and policies contained in the EOMSP, the OSP, the County General Plan and other relevant policies, as well as an analysis of the project's

consistency with the listed plans and policies. This alternative would be subject to the County RPO requirements for steep slopes and sensitive biological resources.

The No Project/Existing Plan Alternative industrial use would include both industrial and rural residential development, as designated in the EOMSP. As such, it is assumed that this alternative would be compatible with adjacent land uses and surrounding densities. No significant impacts would occur to land use compatibility, when considering the character of the proposed project and existing and approved future development in the area. In addition, there is no established community within or around the proposed project site and therefore the proposed development would not divide an established community.

4.9.5.2 Significance of Impacts Prior to Mitigation

All land use impacts would be less than significant.

4.9.5.3 Mitigation Measures

Because no significant impacts would occur, no mitigation measures would be required.

4.9.5.4 Conclusion

It is assumed that no significant land use plan conformance, land use compatibility, community character or community division impacts would occur as a result of implementation of the No Project/Existing Plan Alternative and, therefore, no mitigation would be required for the No Project/Existing Plan Alternative.

4.9.6 No Project Alternative

4.9.6.1 Analysis of Project Effects and Determination as to Significance

Under this alternative, there would be no development and, therefore, no land use impacts would occur.

4.9.6.2 Significance of Impacts Prior to Mitigation

No land use impacts would occur under the No Project Alternative.

4.9.6.3 Mitigation Measures

Because no significant impacts would occur, no mitigation measures would be required.

4.9.6.4 Conclusion

Under this alternative, there would be no development, no land use impacts would occur and no mitigation measures would be necessary.

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