

(R-92-813)

RESOLUTION NUMBER R- 279020

ADOPTED ON NOV 25 1991

WHEREAS, on February 4, 1991, the Council of The City of San Diego adopted Resolution No. R-277310 which authorized and directed the City Manager to submit a final application with the State of California, Department of Commerce, for designation of portions of the City of San Diego (including San Ysidro and parts of Otay Mesa and Otay Mesa-Nestor community areas) as an enterprise zone in accordance with the procedures and regulations promulgated by the Department of Commerce under the Enterprise Zone Act (AB 40 of 1984, as amended); and

WHEREAS, California Government Code Section 7075 requires that an applicant for enterprise zone designation complete an environmental review pursuant to the California Environmental Quality Act of 1970; and

WHEREAS, the areas proposed for designation of an enterprise zone by Resolution No. R-277310 are community plan areas for which environmental reviews have been completed; and

WHEREAS, enterprise zone designation will not change the existing zoning or existing community plans in any way, development under the enterprise zone will constitute plan implementation, and individual projects in the zone may be subject to environmental review under the California Environmental Quality Act; and

WHEREAS, California Environmental Quality Act Guidelines (section 15153) and California Enterprise Zone Regulations

(section 5628) permit the use of environmental reviews conducted for earlier projects; NOW, THEREFORE,

BE IT RESOLVED, by the Council that it be, and it is hereby certified, that environmental impact reports previously prepared for the San Ysidro, Otay Mesa, and Otay Mesa-Nestor Community Plans are referenced and summarized in Environmental Review Summary Report DEP No. 90-0767, that Summary Report DEP No. 90-0767 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (California Administrative Code section 15000 et seq.), and that said Summary Report has been reviewed and considered by this Council.

BE IT FURTHER RESOLVED, that the Environmental Impact Reports previously completed for the San Ysidro Community Plan (DEP No. 89-1115), the Otay Mesa Community Plan (DEP No. 77-07-12), and the Otay Mesa-Nestor Community Plan (DEP No. 76-011-1C), referenced in Summary Report DEP 90-0767, have been completed in compliance with the California Environmental Quality Act and State Guidelines, and have previously been reviewed and considered by the Council.

BE IT FURTHER RESOLVED, that the Council hereby finds that the Environmental Impact Reports previously completed for the San Ysidro, Otay Mesa, and Otay Mesa-Nestor Community Plans are adequate environmental review for the enterprise zone application.

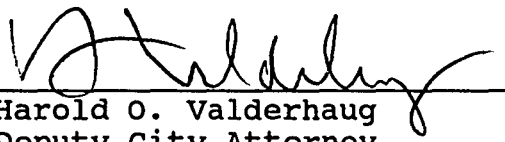
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and Administrative Code section

15093, the Council hereby adopts the findings, a copy of which is attached hereto and incorporated by reference, which are made with respect to the designation of an enterprise zone in the areas described in Resolution No. R-277310.

BE IT FURTHER RESOLVED, that designation of an enterprise zone in the areas described in Resolution No. R-277310, as submitted to the California Department of Commerce pursuant to the Enterprise Zone Regulations, is hereby approved by the Council.

APPROVED: JOHN W. WITT, City Attorney

By


Harold O. Valderhaug
Deputy City Attorney

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11/19/91
Or.Dept:Prop.
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FINDINGS

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings have been submitted by the project applicant as candidate findings to be made by the decision making body. The Economic Development Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

CANDIDATE FINDINGS FOR THE PROPOSED SAN YSIDRO/OTAY MESA ENTERPRISE ZONE

These findings are made relative to the conclusions of the Environmental Impact Reports Previously Prepared for the San Ysidro, Otay Mesa, and Otay Mesa-Nestor Community Plans. As allowed under Section 15153 (a) of the State CEQA Guidelines and Section 5628 of the Enterprise Zone regulations, the City of San Diego used EIRs previously prepared for the San Ysidro Community Plan (DEP No. 89-1115), the Otay Mesa Community Plan (DEP NO. 77-07-12), and Otay Mesa-Nestor Community Plan (76-011-1C) as the Draft Environmental Impact Report for the San Ysidro/Otay Mesa Enterprise Zone Project (DEP No. 90-0767). The proposed project would designate a portion of the San Ysidro, Otay Mesa, and Otay Mesa-Nestor communities as an Enterprise Zone. The Enterprise Zone Act establishes a mechanism to stimulate private investment and business growth in distressed areas of California by providing tax and other incentives, and by releasing regulatory controls that impede private investment.

These findings have been prepared pursuant to Sections 15091 and 15093 of Title 14 of the California Code of Regulations; Section 21081 of the California Public Resources Code, implementing the California Environmental Quality Act (CEQA).

A. The San Diego City Council, having reviewed and considered the information contained in the conclusions of the Environmental Impact Reports Previously prepared for the San Ysidro Community Plan, the Otay Mesa-Nestor Community Plan, and the Otay Mesa Community Plan and the public record, finds that changes have been incorporated into the project, which mitigate or substantially lessen the significant environmental impacts thereof, as identified in the Environmental Impact Reports for the San Ysidro, Otay Mesa, and Otay Mesa-Nestor Community Plans.

1. GEOLOGY

Impacts: The geologic constraints within the San Ysidro/Otay Mesa Enterprise Zone present "low", "moderate", and "high" risks, with suitability for specific uses within risk areas requiring further site investigation. In addition, the City Seismic Safety Study has identified extensive areas on the northern and western edges of the mesa as being subject to landslides. Slope instability is also associated with the Otay Formation which is exposed on slopes leading down from the mesa. Such areas are considered to be "generally unsuitable" for critical land uses, including nuclear facilities, hospitals, and vulnerable transportation links. The potentially active La Nacion Fault extends along the westerly section of the Otay Mesa Community.

Finding: The City Engineer shall review proposed developments under the Enterprise Zone. Specific engineering mitigation shall be required when the development occurs. Normal City of San Diego requirements for geologic and soils surveys prior to development will mitigate the impact to below a level of significance.

2. WATER QUALITY

Impact: Development under the Enterprise Zone would increase urbanization, change landforms, and increase the rate of runoff by over covering the soil with structures and pavement. Increased urbanization could cause significant adverse impacts to downstream water quality.

Finding: Individual development proposals under the Enterprise Zone will be subject to environmental review under CEQA. Standard erosion control measures shall be incorporated into the design of future development proposals under the Enterprise Zone. The immediate revegetation of graded areas will minimize the exposure time of graded areas. Where applicable, energy dissipators shall be constructed in all significant natural drainage courses, prior to development of the site, to maintain velocities at pre-development levels.

3. TRAFFIC

Impact: The San Ysidro Community Plan EIR found that projected traffic volumes associated with the buildout of the community would result in significant traffic impacts. Development under the San Ysidro/Otay Mesa Enterprise Zone would contribute to the projected traffic flows identified in the San Ysidro Community Plan EIR.

Finding: The San Ysidro, Otay Mesa and Otay Mesa-Nestor community plans identified necessary improvements to their respective circulation systems. The recommended improvements have been included in the community plans that cover the San Ysidro/Otay Mesa Enterprise Zone and will be implemented as part of the City's Capital Improvement Program. Individual development proposals shall be subject to environmental review under CEQA. Project specific mitigation measures shall be identified on a case-by-case basis.

4. AIR QUALITY AND ENERGY CONSERVATION

Because the San Ysidro, Otay Mesa, and Otay Mesa-Nestor communities are highly automobile dependent, they are relatively energy inefficient and produce significant air pollutants. As an existing community, the nature and pattern of land uses which cause this situation have been firmly established. Development that would occur under the Enterprise Zone would also result in the generation of air pollutants, thereby adding to the existing adverse air quality conditions. Emissions from individual developments may also be significant.

The emission forecasts for the buildout of the San Ysidro, Otay Mesa, and Otay Mesa-Nestor communities were included in the 1982 State Air Quality Implementation Plan (SIP) for the San Diego Air Basin. The San Diego Air Pollution Control District (APCD) has recently completed an update to the 1982 SIP. The SIP contains the 1982 Regional Air Quality Strategy (RAQS) for the San Diego Air Basin, which has also been updated. The updated RAQS is based on the SANDAG Series 7 forecast population growth forecasts to the year 2010. Draft versions of these documents are available for public review at the APCD offices.

Until the updated SIP is adopted by the United States Environmental Protection Agency, the 1982 SIP is the currently approved plan for the San Diego Air Basin. The adopted and approved SIP measures must be implemented by the San Diego County Air Pollution Control District and other responsible parties.

Finding: Proposals to promote the use of mass transit have been identified and set forth in the San Ysidro, Otay Mesa, and Otay Mesa-Nestor community plans. Individual development proposals will be subject to subsequent environmental review under CEQA. Emissions controls as required by the APCD shall be applied to individual projects as necessary.

5. BIOLOGY

Impacts: Development under the San Ysidro/Otay Mesa Enterprise Zone could potentially impact the following rare and endangered species: Coastal Barrel Cactus (*Ferocactus viridescens*), *Acacia smallii*, San Diego Sunflower, and Otay tarweed. Significant vernal pool sites have also been identified within the Otay Mesa Community.

Finding: Natural sites proposed for development shall be subject to biological field surveys. Impacts will be avoided through field review and/or biological surveys required during the normal environmental review process. The Otay Mesa and the Otay Mesa-Nestor Community Plans designate open space and continuing agricultural uses within the Otay River Valley. This land use would maintain existing riparian woodland habitat and wildlife values. A 50 foot buffer between urban uses and the salt pond area shall be maintained to protect wildlife resources in the vicinity of the salt pond.

The Otay Mesa Community Plan designates the area of significant vernal pool sites as a vernal pool preserve containing approximately 400 acres. Additional vernal pools have been identified by the City of San Diego, Vernal Pool Preservation Program. These areas shall either be protected by the U.S. Army Corp of Engineers permit authority or require review under CEQA.

6. NOISE

Impact: Some areas of the Otay Mesa and the Otay Mesa-Nestor Communities are presently subjected to road noise levels above 65 decibels Community Noise Equivalent Level (CNEL). Noise levels above 65 decibels CNEL are "normally incompatible" with residential use according to the City of San Diego General Plan. Noise impacts from Imperial Beach Outlying Field helicopter overflights are indicated to be below 65 decibels (CNEL) within the Otay Meas-Nestor community. Noise contours were projected to the year 2000 for both Brown Field and the Tijuana Airport in the Brown Field Master Plan and residential uses were excluded from projected contours exceeding 65 CNEL.

Finding: Areas of the Otay Mesa and the Otay Mesa-Nestor communities that are subjected to noise levels above 65 decibels CNEL may be subject to mitigation to a compatible level through barrier attenuation. Individual development proposals would continue to undergo

noise assessment through the environmental review process and site specific mitigation measures shall be identified.

7. WATER CONSERVATION

Impact: The application of the Enterprise Zone would not alter the San Ysidro, Otay Mesa, or Otay Mesa-Nestor community plans. Development under the Enterprise Zone would implement the land use proposals identified in the respective community plans. Therefore, application of the Enterprise Zone would not affect the anticipated water consumption patterns identified in the community plans. To prevent excessive water consumption, feasible water conserving designs and equipment shall be incorporated as individual projects are designed.

Finding: Individual development proposals would be subject to environmental review under CEQA. Site-specific water conservation measures shall be incorporated at the site design stage of development.

8. VISUAL QUALITY

Impact: The most significant natural areas within the Otay Mesa and Otay Mesa-Nestor and Otay Mesa communities are the river valley and hillsides to the south. Development under the San Ysidro/Otay Mesa Enterprise Zone could significantly impact visual resources.

Finding: Individual development proposals under the Enterprise Zone will be subject to environmental review under CEQA. Grading and landscape plans shall be reviewed and approved by the Engineering and Development Department prior to the issuance of a grading permit. These measures will reduce visual impacts to below a level of significance.

9. CULTURAL RESOURCES

Impacts: Undeveloped portions of the Otay Mesa and Otay Mesa-Nestor communities may contain significant archaeological sites that could be potentially impacted by development of the community.

Finding: Individual development proposals under the Enterprise Zone will be subject to environmental review under CEQA. If a proposed development site contains significant cultural resources, specific mitigation measures shall be identified and approved by the Environmental Analysis Section prior to the issuance of a discretionary permit. Specific mitigation measures shall be made a condition of the discretionary permit.

B. The San Diego City Council, having reviewed and considered the information contained in the conclusions of the Environmental Impact Reports Previously prepared for the San Ysidro Community Plan, the Otay Mesa-Nestor Community Plan, and the Otay Mesa Community Plan and the public record, finds that there are no changes or alterations to the project, which would substantially lessen the environmental impacts of the project that are the responsibility and jurisdiction of another public agency and should be adopted by such other agency.

C. The San Diego City Council, having reviewed and considered the information contained in the conclusions of the Environmental Impact Reports Previously prepared for the San Ysidro Community Plan, the Otay Mesa-Nestor Community Plan, and the Otay Mesa Community Plan and the public record, finds that there are no specific economic, social, or other considerations, which make infeasible the incorporation of mitigation measures or project alternatives identified in the Environmental Impact Reports for the San Ysidro, Otay Mesa, and Otay Mesa-Nestor Community Plans.

(6)

NOV 25 1991

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-279020** Adopted **NOV 25 1991**

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