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## CHAPTER 4 – ENVIRONMENTAL IMPACT ASSESSMENT

### 4.9 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less-Than-Significant Impact with Mitigation Measures	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4.9.0 Introduction

This chapter describes the existing land uses in the vicinity of the proposed San Diego Gas & Electric Company (SDG&E) South Bay Substation Relocation Project (Proposed Project) and analyzes potential land use impacts that may result from construction and operation of the Proposed Project. Construction of the Proposed Project would not result in any significant impacts to existing or proposed land uses, nor would it physically divide an established community. The Proposed Project would be compatible with all applicable land use plans and policies adopted by local governments. There would be no impact as a result of operation and maintenance of the Proposed Project.

#### 4.9.1 Methodology

The land use analysis involved a review of various land use plans, policies, and regulations for the City of Chula Vista (City) and the Unified Port of San Diego (Port District), including the City of Chula Vista Vision 2020 General Plan, Municipal Code, Bayfront Master Plan, Local Coastal Plan (LCP), and the Bayfront Redevelopment Project Plan, as well as the Port District's Port Master Plan (PMP) and the Chula Vista Bayfront Master Plan (CVBMP). The land use analysis also involved a review of Google Earth aerial imagery of the Proposed Project area. Personal communication with local agency representatives and a site visit to the Proposed Project area confirmed jurisdictions and existing land uses, respectively. In addition, relevant Habitat Conservation Plans (HCPs) and Natural Community Conservation Plans (NCCPs) were reviewed.

## 4.9.2 Existing Conditions

### Regulatory Background

Pursuant to Article XII, Section 8, of the California Constitution and the California Public Utilities Code, the California Public Utilities Commission (CPUC) has exclusive jurisdiction in relation to local government to regulate the design, siting, installation, operation, maintenance, and repair of electric transmission facilities. Other state agencies have concurrent jurisdiction with the CPUC, as further described in the subsections that follow. Although local governments do not have the power to regulate activities related to electric transmission facilities, the CPUC encourages, and SDG&E participates in, cooperative discussions with affected local governments to address their concerns where feasible. As part of the environmental review process, SDG&E has considered relevant land use plans, policies, and issues, and has prepared this evaluation of the Proposed Project's potential impacts to land use and planning. Further, SDG&E is obligated to obtain ministerial permits from local agencies as applicable to the Proposed Project.

### *California Coastal Act*

Under the California Coastal Act of 1976 (CCA), the California Coastal Commission (CCC), in partnership with coastal cities and counties, plans and regulates “development” within the coastal zone. “Development” is broadly defined under the CCA to include construction activities and the use of land and water within the coastal zone.

Title 14 of the California Code, Section 13253 states that a coastal development permit (CDP) is required for projects located within coastal zones that have the potential to damage the coastal environment, including utility projects. Section 13253 defines coastal zones as “Property...located between the sea and the first public road paralleling the sea or within 300 feet of...the mean high tide line of the sea where there is no beach...” Because the first public road (Bay Boulevard) lies to the east of the Proposed Project, it is located within the coastal zone and a CDP is required per Section 13253.

Section 30610 of the CCA identifies categories of projects that are excluded from permit requirements and authorized to proceed without CDPs, such as improvements to existing single-family residences, or minor improvements, maintenance, and repair of commercial facilities. The Proposed Project is not excluded from a CDP under Section 30610.

Under the CCA, authority to issue CDPs is delegated to local permitting agencies (such as cities and counties) for which the CCC has certified a Local Coastal Program (LCP). Locally-approved CDPs are appealable to the CCC under limited circumstances. LCPs guide the implementation of conservation, development, and regulatory policies within the local coastal zone, as required by the CCA. With regard to the greater Chula Vista Bayfront—where the Proposed Project is located—the City and the Port District have certified LCPs<sup>1</sup> applying to different areas of the bayfront. Pursuant to these LCPs, the City and Port District approve CDPs for development within their respective LCPs. The Proposed Project is located within the City of

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<sup>1</sup> The Port Master Plan is a certified LCP, per the CCC.

Chula Vista LCP (though the Port District manages the land, as described in the following section); thus, the City must issue a CDP for the Proposed Project.

### ***California State Lands Commission/Port District***

The California State Legislature created the California State Lands Commission (CSLC) in 1939 to manage and protect some 4.5 million acres of land held in public trust for the people of California. The CSLC protects and maintains the public's right to access these trust lands. These public trust lands include the water and beds of California's naturally navigable rivers, lakes, and streams, as well as a three-mile-wide section of tidal and submerged lands along the coastline, including offshore islands, bays, estuaries, and lagoons. The public trust lands are maintained for the purposes of water-related commerce, navigation, fisheries, recreation, and ecological preservation. The CSLC is a trustee agency for any projects that could affect public trust resources or uses. The Proposed Project is located on public trust lands that the CSLC has conveyed to the Port District.

The Port District manages the 33.1 miles of San Diego's shoreline, including approximately 5,483 acres of tidelands and submerged lands that were conveyed to the Port District by the CSLC. The Port District lands are managed in accordance with the approved PMP. The PMP represents the Port District's LCP as required by the CCA, and it was certified by the CCC in 1981 and amended in 2004. The primary goal of the PMP is to develop and restore the coastal zone environment, and to ensure that access to the shoreline is protected. While the Proposed Project is located on parcels that have been conveyed to the Port District by the CSLC for the Port District to manage, the PMP does not apply a land use designation or discuss the Proposed Project parcels, which are located within the City of Chula Vista LCP. Therefore, the Port District does not have the jurisdictional authority over the parcels comprising the Proposed Project and does not issue the required CDP.<sup>2</sup> The jurisdictional authority instead, lies with the City.

### ***City of Chula Vista***

The City of Chula Vista Vision 2020 General Plan provides a broad framework of policies, objectives, and land use designations to guide the future development of the City of Chula Vista. The City's zoning ordinance further refines the general plan and provides additional detail pertaining to allowed and conditional uses and specific development standards for the various zoning districts. The Bayfront Specific Plan (which is part of the City's zoning ordinance and serves as the City of Chula Vista's approved LCP) prescribes the allowed and conditional uses and specific development standards within the coastal zone. The City of Chula Vista Vision 2020 General Plan and Bayfront Specific Plan/LCP apply to the Proposed Project because it is located within the coastal zone. As noted previously, the City of Chula Vista has the authority to issue a CDP for development of the Proposed Project.

In addition, the Proposed Project is located within a designated Redevelopment Area and is subject to the Bayfront Redevelopment Project Plan, adopted in 1974. Redevelopment is a process authorized under California law that enables local government entities to revitalize

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<sup>2</sup> Jurisdictions were verified during meetings with the Port and District the City on April 15 and May 3, 2010, and during informal teleconferences with agency staff.

deteriorated and blighted areas within their jurisdictions. Redevelopment agencies develop a plan (such as the Bayfront Redevelopment Project Plan) and provide the initial funding to launch the revitalization of identified areas.

## **Existing Land Uses**

### ***Project Components***

#### ***Bay Boulevard Substation***

The Bay Boulevard Substation would occupy approximately 10 acres within a 12.42-acre parcel, as shown on Figure 4.9-1: Land Use Map. The parcel is disturbed and currently unoccupied, but was previously developed as a liquefied natural gas (LNG) facility. The site contains large berms and a retention basin that were associated with the LNG facility. Additional former industrial land associated with the LNG facility is located to the north, commercial salt crystallizer ponds<sup>3</sup> are to the west, and commercial-industrial and office uses are to the south. An SDG&E utility easement, San Diego and Arizona Eastern Railway (SD&AE) railroad tracks, and Bay Boulevard are located east of the Bay Boulevard Substation site.

#### ***Transmission Lines***

The transmission line components of the Proposed Project (including the 230 kV loop-in, 69 kV relocation, and 138 kV extension) are located within existing SDG&E right-of-way (ROW) areas or on land that would be acquired by SDG&E as part of the Proposed Project. There are no occupied structures located within the SDG&E transmission line ROW. The ROW generally parallels the SD&AE railroad tracks and Bay Boulevard to the east. To the west of the transmission lines are the disturbed, former LNG facility site, South Bay Power Plant (SBPP), and disturbed, unoccupied industrial lands.

#### ***South Bay Substation Demolition***

As part of the Proposed Project, the existing 7.22-acre South Bay Substation would be decommissioned and demolished following the energization of the Bay Boulevard Substation. The existing South Bay Substation is located approximately 0.5 mile north of the Bay Boulevard Substation site, as shown in Figure 4.9-1: Land Use Map. The existing substation is located in a generally industrial area. Surrounding uses include unoccupied industrially-zoned land to the north and east, the SBPP to the south, and a parking lot and storage yard for the SBPP to the west.

### ***Staging Area***

#### ***Bay Boulevard Substation Staging Area***

During the site development phase for the Bay Boulevard Substation, SDG&E's existing easement would be used as a staging area. Following site development, the Bay Boulevard Substation footprint would be used as the staging area for the remainder of substation

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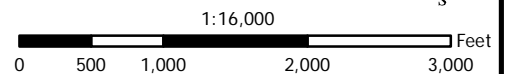
<sup>3</sup> The commercial salt crystallizer ponds are owned by the San Diego County Regional Airport Authority and leased by Western Salt Works for commercial evaporative salt production.



**Figure 4.9-1: Land Use Map**

**South Bay Substation Relocation Project**

- Substation Wall
- 12.42-Acre Parcel Boundary
- SDG&E Easement
- Former LNG Site
- Existing South Bay Substation







construction. The existing uses at and surrounding the staging area are the same as described previously for the Bay Boulevard Substation.

#### *H & Bay Yard*

Additional staging would occur at the existing H & Bay Yard, located approximately 1.2 miles north of the South Bay Substation demolition site, as depicted in Figure 4.9-1: Land Use Map. This approximately 280-foot by 310-foot disturbed area has been used by SDG&E for staging purposes during previous projects; therefore, no site improvement would be necessary. To the north of the staging area is an industrial use, to the south is a commercial bank, to the east is Bay Boulevard and California Interstate 5 (I-5). Unoccupied industrial areas and SDG&E ROW are located to the west.

#### *Fly Yard*

A flat fly yard, measuring approximately 100 feet by 100 feet, is planned to be established within SDG&E's existing easement located directly adjacent and west of the H & Bay Yard. The surrounding uses would be the same as those surrounding the H & Bay Yard.

### **Designated Land Uses**

The Proposed Project lies entirely within the City of Chula Vista, which is located in southwestern San Diego County. Portions of the Proposed Project are on lands that have been conveyed to the Port District by the CSLC. However, as described previously, the City has assigned land use designations within its general plan and LCP. This section summarizes the designated land uses and LCP designations crossed and/or adjacent to the Proposed Project and planned development in the Proposed Project vicinity. Table 4.9-1: Existing and Designated Land Uses summarizes the existing and designated land uses and zoning designations within and adjacent to the Proposed Project. The area is primarily designated for industrial uses. The designations are further described in the following subsections.

#### *City of Chula Vista*

##### *General Plan*

The City of Chula Vista General Plan was adopted in 2005. The general plan provides a broad framework of policies, objectives, and land use designations to guide the future development of the City. As shown in Table 4.9-1: Existing and Designated Land Uses, all Proposed Project components have a general plan designation of General Industrial. The General Industrial designation is intended to allow research and development and general industrial-commercial uses, as well as heavier manufacturing, large-scale warehousing, and public utilities.

##### *Bayfront Specific Plan/Chula Vista LCP*

The Bayfront Specific Plan serves as the City of Chula Vista's approved LCP. The Bayfront Specific Plan was approved by the City in 1992 and certified by the CCC in 1993. The Bayfront Specific Plan is contained within and implemented through the City of Chula Vista Municipal Code. The policies and objectives identified in the Bayfront Specific Plan are identified to guide the development of land use, infrastructure, and water resources for the Chula Vista

**Table 4.9-1: Existing and Designated Land Uses**

<b>Proposed Project Component</b>	<b>Chula Vista Vision 2020 General Plan</b>	<b>Chula Vista LCP/Bayfront Specific Plan</b>	<b>Existing Land Use</b>
Bay Boulevard Substation	General Industrial	General Industrial	Previously-disturbed industrial site, retention basin, berms, former LNG facility remnants
Transmission Lines	General Industrial	General Industrial, Rail Road Easement	Existing underground and overhead transmission corridor
South Bay Substation Demolition	General Industrial	General Industrial	Existing substation, to be demolished
Bay Boulevard Substation Staging Area	General Industrial	General Industrial	Previously-disturbed industrial site, former LNG facility remnants
H & Bay Yard	General Industrial	General Industrial	Existing storage yard
Fly Yard	General Industrial	Public, Quasi-Public, Landscaped Parking	Existing underground transmission corridor

Sources: PMP, 2010; Chula Vista Vision 2020 General Plan, 2003; Chula Vista Zoning Ordinance, 2010; Chula Vista Bayfront Specific Plan, 2003

Bayfront area. The Bayfront Specific Plan also dictates the permitted and conditional uses within its jurisdictional coastal zone areas.

The Proposed Project components are located within areas that are designated by the Bayfront Specific Plan as General Industrial, Public, Quasi-Public with a Landscaped Parking overlay designation, and Rail Road Easement, as shown in Table 4.9-1: Existing and Designated Land Uses. Within these designations, a variety of commercial and industrial uses are permitted, as discussed further in the following sections.

#### *Bayfront Redevelopment Project Plan*

The existing South Bay Substation site and portions of the transmission lines are located within a designated Redevelopment Area. The Bayfront Redevelopment Project Plan (adopted in 1974) designates the existing South Bay Substation site as Industrial.

#### **Habitat Conservation Plan/Natural Community Conservation Plans**

In addition to the review of planning documents adopted by local jurisdictions that are crossed by Proposed Project components, relevant HCPs and NCCPs were reviewed for relevant policies. The Proposed Project components would cross through lands covered by the City of Chula Vista Multiple Species Conservation Program and SDG&E's Subregional NCCP. Relevant land use-related policies were not identified within the plans; however, relevant biological and habitat related policies were identified and are discussed in Section 4.4 Biological Resources.

#### **Planned Development**

##### *Draft Chula Vista Bayfront Master Plan*

The Port District and the City jointly prepared the CVBMP, which envisions future uses of the Chula Vista Bayfront, including lands conveyed to the Port District by the CSLC for the Port District to manage. The CVBMP envisions a mixture of residential, commercial, hotel, mixed-use, civic, industrial, and recreational uses within the approximately 500-acre Chula Vista Bayfront area. The CVBMP proposes land use designations in the greater Proposed Project area. The CVBMP was adopted on May 18, 2010 at a joint meeting of the Port District Commission and the Chula Vista City Council, Planning Commission, and Redevelopment Corporation. However, the CVBMP (including a revised PMP) is not likely to be considered for adoption by the CCC until 2011. The CVBMP cannot be implemented by the Port District until after it is adopted by the CCC.

The CVBMP proposes a land use designation of Industrial Business Park for the H & Bay Yard, Open Space Promenade for the Fly Yard and northern portions of the transmission lines (north of the proposed Bay Boulevard Substation), and a designation of Commercial Recreation for the existing South Bay Substation. The Bay Boulevard Substation site and Bay Boulevard Substation Staging Area are not included in the CVBMP. These sites would remain within the jurisdiction of the City of Chula Vista's LCP and would maintain their General Industrial land use designation.

Development at the South Bay Substation Demolition site is not proposed as part of the Proposed Project; however, the cleared site could potentially be developed with uses, consistent with the

CVBMP's Commercial Recreation designation, at a later date by the Port District or future owner.

### ***Planned Projects***

There is one major active development project planned in close proximity to the Proposed Project. Dynegy's South Bay Power Plant Demolition and Remediation Project, which is adjacent to the existing South Bay Substation, would include the demolition of the power plant and remediation of the site. The SBPP site encompasses 115 acres. The facilities on site were originally constructed in the late 1950s. The existing facilities include a 728-megawatt thermal power plant, small gas turbine plant, switchyard, aboveground storage tanks for fuel oil, and various ancillary systems. Demolition of the SBPP is anticipated to start in 2012 and would take approximately three years to complete. This project, along with other projects within one mile of the South Bay Substation Relocation Project, are described in more detail in Section 4.16 Cumulative Analysis.

### **4.9.3 Impacts**

#### **Significance Criteria**

Standards of significance were derived from Appendix G of the California Environmental Quality Act (CEQA) Guidelines. Impacts to land use and planning are considered significant if the Proposed Project:

- physically divides an established community;
- conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- conflicts with any applicable HCP or NCCP.

#### **Question 4.9a – Physical Division of an Established Community – *No Impact***

Access to all residences, businesses, and other uses within the greater area near the Proposed Project would be maintained throughout construction; therefore, access would not be impacted by Proposed Project-related activities. Although the Proposed Project would not result in any road closures, some roads may be limited to one-way traffic at times to allow for the transport of materials to and from the Proposed Project site and for the installation of the underground transmission lines and structures adjacent to Bay Boulevard. However, one-way traffic control would be temporary and short-term and is not anticipated to create any new barriers or other divisions between uses or the greater community. Therefore, the Proposed Project would not physically divide an established community. As a result, no impact would occur.

The Proposed Project is located in a previously occupied industrial area situated between major roadways (I-5 and Bay Boulevard) and the SD&AE railroad tracks to the east and existing salt crystallizer ponds and San Diego Bay to the west. The transmission lines are located within the existing SDG&E ROW and the relocation and extension of the lines would occur within that

ROW. The Bay Boulevard Substation would be located on parcels that would be acquired by SDG&E that were previously developed (the former LNG facility site), but are currently unoccupied, except for remnants of the LNG facility, including a retention basin and berms. During the initial planning for the Proposed Project, SDG&E prioritized sites that were or are currently occupied by energy/utility land uses and would allow a consistent and consolidated land use pattern that would not disrupt or divide current or planned land uses. Additionally, substations are considered a compatible use in all zones. The parcel is bounded by the bay, Bay Boulevard, and developed properties. The property was previously developed with a utility use and is currently fenced. There are no existing established communities that would be physically divided as a result of the Proposed Project. Because the Proposed Project would not divide an established community, no impact would occur.

Operation and management activities for the Proposed Project would be the same as those currently performed by SDG&E to maintain their existing facilities, which do not currently divide an established community. Therefore, there would be no impact.

#### **Question 4.9b – Plans and Policy Conflicts – *No Impact***

A summary of the applicable CCC and City land use policies as well as a discussion of the Proposed Project's consistency with those policies is provided in Table 4.9-2: Local Land Use Plans and Policies Consistency Analysis. As discussed in the table, the Proposed Project is consistent with the applicable land use policies, and there would be no impact.

The Bay Boulevard Substation site is designated General Industrial by the City of Chula Vista's General Plan. Consistent with this General Plan designation, the Bay Boulevard Substation site is located within the General Industrial designation under the Bayfront Specific Plan and is located within the Southern Parcel Subarea of the General Industrial designation. Electric substations are typically permitted within general industrial areas because they are of similar size, scale, nature and intensity of other industrial uses and because substations and other energy infrastructure uses are generally considered compatible with all zoning.

In addition, the proposed electric substation use is consistent with the applicable land use designations. Section 19.84.003 of the Specific Plan identifies the broad range of uses that are expressly permitted within the Specific Plan's General Industrial use district, including custom industrial, light industrial, general industrial, and essential service civic uses. Section 19.84.003 does not further define which uses are permitted within these broad categories. Appendix A to the Bayfront Specific Plan contains a Use Classification System that is intended to illustrate the types of uses permitted within the various use classifications. Appendix A provides illustrations for Residential, Commercial, Agricultural and Civic use classifications, but contains no illustrations for industrial use classifications. Moreover, the Bayfront Specific Plan does not further define or in any way restrict "general industrial" uses within the Southern Parcel Subarea designation.

**Table 4.9-2: Local Land Use Plans and Policies Consistency Analysis**

Plan or Policy	Consistent? (Yes/No)	Explanation
<b>Chula Vista Vision 2020 General Plan Policy</b>		
LUT 13.3 Screen unsightly industrial properties on the Bayfront, or convert such properties to uses that are consistent with the desired visual character of the Bayfront.	Yes	The Proposed Project is located within a designated industrial area. The Proposed Project, in particular the demolition and relocation of the South Bay Substation, is being implemented to enhance the overall development potential of the Bayfront area. In addition, the Proposed Project landscaping would integrate the appearance of the facility with the desired character of the Bayfront and a wall would screen the Proposed Project from adjacent uses.
PFS 23.4 Assure that utility facilities safely integrate into the developed landscape.	Yes	Because the Proposed Project would be located in an area designated for and developed with industrial uses, it would be well integrated into the development pattern in the area. In addition, the Proposed Project would be enclosed by a wall around the perimeter of the substation, which would enhance the substation security and safety and minimize visual impacts.
LUT 24.5 Coordinate and work closely with the Port of San Diego to ensure compatible land uses to meet recreational, visitor serving, housing, commercial, and maritime needs in the Chula Vista Bayfront.	Yes	The Proposed Project, in particular the demolition and relocation of the South Bay Substation, is being implemented to enhance the overall development potential of the Bayfront area. The demolished South Bay Substation site would eventually be redeveloped as part of the CVBMP. SDG&E has been coordinating closely with the Port District to secure the appropriate land for the Proposed Project.
LUT 98.2 Improve the visual quality of the Bayfront by promoting both public and private uses that will remove existing blighted structures or conditions, and develop a new image through high quality architecture and landscape architecture.	Yes	The Proposed Project would facilitate the redevelopment of the Chula Vista Bayfront area by moving the South Bay Substation further south, thus freeing up the former substation parcel for redevelopment consistent with the CVBMP.

Plan or Policy	Consistent? (Yes/No)	Explanation
<p>LUT 98.5 Locate new development to be compatible with the protection and enhancement of environmentally sensitive lands in the Bayfront.</p>	<p>Yes</p>	<p>The Proposed Project is located in areas that have been previously developed and disturbed parcels. In addition, the Proposed Project would comply with all pertinent environmental regulations, policies, and permit requirements.</p>
<p><b>California Coastal Act Policy</b></p>		
<p><i>Article 2 – Public Access</i></p>		
<p>Section 30210: Maximum access and recreational opportunities shall be provided for all people, consistent with public safety needs and the need to protect public rights, private property owner rights, and natural resource areas from overuse.</p>	<p>Yes</p>	<p>The Proposed Project would facilitate the overall redevelopment of the Chula Vista Bayfront, including the implementation of a traditional grid street pattern, as well as bicycle, pedestrian, and transit links, which would in turn maximize public access and recreational opportunities within the bayfront. In particular, the Bay Boulevard Substation would be relocated to the south, away from the Chula Vista Marina and other existing and planned recreational facilities, such as Marina View Park and Chula Vista Bayfront Park, and moved closer to other existing and previous industrial uses. Therefore, the Proposed Project would increase public access to the bayfront and associated recreational opportunities while concentrating industrial, non-public development within an area that was previously used for industrial purposes. Thus, the Proposed Project would not impact existing public access or subject a natural resource area to development or overuse.</p>

Plan or Policy	Consistent? (Yes/No)	Explanation
<p>Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.</p>	<p>Yes</p>	<p>The Proposed Project would not interfere with the public's right of access to the sea. The Proposed Project is located in an area that is not currently or previously used by the public and is not subject to any claims of prescriptive rights. Rather, the Proposed Project would facilitate increased public access within the overall bayfront by facilitating future redevelopment of the area. The site proposed to be used for construction of the Bay Boulevard Substation is currently fenced and does not allow public access to the adjacent coastline, which is currently occupied by salt crystallizer ponds. Thus, there would be no interference with existing public access.</p>
<p>Section 30212: (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:</p> <ul style="list-style-type: none"> <li>(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,</li> <li>(2) adequate access exists nearby, or,</li> <li>(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</li> </ul>	<p>Yes</p>	<p>The Bay Boulevard Substation parcel would not include public access from the nearest public roadway to the shoreline or along the coast because it is inconsistent with public safety and security to create public access within the Proposed Project's industrial setting. However, public access is currently provided in the vicinity through Marina View Park and Chula Vista Bayfront Park (0.75 mile north of the Bay Boulevard Substation) and via the Bayshore Bikeway (0.30 mile south of the Bay Boulevard Substation), and the Proposed Project would facilitate the creation of new public access and recreation opportunities as part of the overall Bayfront redevelopment.</p>
<p>Section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.</p>	<p>Not Applicable (NA)</p>	<p>The Proposed Project is an electric substation and related infrastructure facilities. The Proposed Project would not publicly accessible and would not displace any public uses or facilities. Therefore, no parking or other public facilities are required.</p>



Plan or Policy	Consistent? (Yes/No)	Explanation
<p>Section 30213: Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.</p>	<p>Yes</p>	<p>The Proposed Project is an electric substation and does not include visitor or recreational facilities. However, the Proposed Project is being implemented to allow for future development under the CVBMP, which calls for commercial recreation-related uses at the South Bay Substation site. Thus, the project would indirectly encourage visitor and recreational facilities.</p>
<p>Section 30214: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>(1) Topographic and geologic site characteristics.</li> <li>(2) The capacity of the site to sustain use and at what level of intensity.</li> <li>(3) The appropriateness of limiting public access to the right to pass and re-pass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.</li> <li>(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.</li> </ul>	<p>NA</p>	<p>The Proposed Project does not include public access. As noted above, public access is not appropriate within the Proposed Project site. However, the Proposed Project would facilitate opportunities to create public access within the greater Chula Vista Bayfront.</p>

Plan or Policy	Consistent? (Yes/No)	Explanation
<b>Article 3 – Recreation</b>		
<p>Section 30220: Coastal areas suited for water-oriented recreational activities shall be protected for those uses.</p>	<p>Yes</p>	<p>The Bay Boulevard Substation is proposed to be located on a site that was previously developed with an industrial liquefied natural gas facility that is adjacent to privately-owned commercial salt crystallizer ponds not suitable for water-oriented recreational activities. By contrast, the existing substation to be relocated as part of the Proposed Project is located within an area that could be redeveloped for water-oriented and other recreational activities. As such, its relocation would improve the ability for water-oriented recreational activities in the area to be redeveloped.</p>
<p>Section 30221: Oceanfront land suitable for recreational use and development shall be protected for that use unless present and future demand is already provided for in the area.</p>	<p>Yes</p>	<p>The Bay Boulevard Substation is proposed to be located on a site that was previously developed with an industrial LNG facility that is adjacent to privately-owned commercial salt crystallizer ponds not suitable for recreational use. One of the main objectives of the Proposed Project is to relocate it so that access to the oceanfront can be improved through redevelopment of the area.</p>
<p>Section 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.</p>	<p>Yes</p>	<p>Public-serving uses are not proposed at the Proposed Project site, which is designated for General Industrial uses as part of the City of Chula Vista’s approved LCP. However, the Proposed Project would facilitate the development of commercial recreational facilities at the South Bay Substation site, as described in the CVBMP.</p>
<p>Section 30222.5: Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.</p>	<p>Yes</p>	<p>The Proposed Project site is not adjacent to open ocean waters, but rather, is adjacent to commercial salt crystallizer ponds. It is a previously developed industrial site that is not suitable for aquaculture.</p>

Plan or Policy	Consistent? (Yes/No)	Explanation
Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.	Yes	The CVBMP has identified lands that would support coastal recreational uses, and the South Bay Substation is being relocated to accommodate their development.
Section 30224: Encourages the increased recreational boating use of coastal waters and specifies methods to increase such usage.	Yes	The Proposed Project would move the South Bay Substation further from the Chula Vista Marina, facilitating the future redevelopment of the area for potential recreational uses.
<b>Article 4 – Marine Environment</b>		
Section 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.	Yes	The Proposed Project site does not contain marine resources of biological or ecological significance. It is a previously developed industrial site.
Section 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.	Yes	The Proposed Project would not impede the biological productivity of coastal waters. Stormwater runoff would be controlled during construction with the implementation of Best Management Practices. After construction, stormwater would be treated through on-site swales and detention basins. No riparian areas, habitats, or streams would be affected by the Proposed Project nor would groundwater be depleted. While wetlands characteristics are present on the Proposed Project site and would be impacted, they are of low quality and would be replaced at a two to one ratio with wetlands of higher quality, as described in Section 4.4 Biological Resources.

Plan or Policy	Consistent? (Yes/No)	Explanation
<p>Section 30232: Protects the coastal environment against the spillage of hazardous materials and requires containment and clean-up procedures in the event that a spill does occur.</p>	<p>Yes</p>	<p>The existing South Bay Substation was originally constructed in 1961 and contains aging equipment. The Proposed Project would involve the demolition of these existing facilities and the construction of a new substation in accordance with current spill prevention and countermeasure standards. Because the transformers would be drained of all excess materials (i.e., mineral oil), prior to demolition activities, a release of hazardous materials would not result. In addition, SDG&amp;E would implement a Hazardous Substance Management and Emergency Response Plan, thereby reducing the potential for a spill and the associated impacts. Therefore, the potential for spills is low and any spills would be properly contained and cleaned up, thereby protecting coastal resources.</p>
<p>Section 30233: (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:                      (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.                      (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.                      (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public</p>	<p>Yes</p>	<p>Although the Proposed Project site contains some wetlands characteristics, these do not constitute environmentally sensitive habitat areas (ESHA) under the CCA. The basis for this determination is the high degree of disturbance, the lack of sensitive habitat types, the isolation of the habitat from other areas, and the lack of rare species or suitable habitat to support rare species. The Proposed Project is not located within a California Department of Fish and Game-identified coastal wetland, nor would the Proposed Project affect any watercourses. The Proposed Project is located on a previously occupied and highly disturbed former industrial site. The proposed filling of wetland characteristics on the site is permitted because the Proposed Project is an energy facility and serves incidental public service purposes within the meaning of Section 30233. The environmental impacts are minimal and have been avoided to the extent feasible by the proposed configuration of the Project. Thus, there is no feasible less environmentally damaging alternative. These impacts would be compensated for at a two to one ratio, as described in Section 4.4 Biological Resources. As discussed in Chapter 5 –</p>

Plan or Policy	Consistent? (Yes/No)	Explanation
<p>recreational piers that provide public access and recreational opportunities.</p> <p>(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.</p> <p>(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</p> <p>(6) Restoration purposes.</p> <p>(7) Nature study, aquaculture, or similar resource dependent activities.</p> <p>(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.</p> <p>(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.</p> <p>(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment</p>		<p>Detailed Discussion of Significant Impacts, the Bay Boulevard Substation site was selected as the preferred alternative because it was the only site that met all of the Proposed Project objectives, design criteria, and financial constraints.</p>

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Plan or Policy	Consistent? (Yes/No)	Explanation
<p>and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.</p>		
<p>Section 30234.5: The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.</p>	NA	<p>The Proposed Project would not impact commercial or recreational fishing activities.</p>
<p>Section 30235: Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.</p>	NA	<p>The Proposed Project does not involve the construction of revetments, breakwaters, groins, harbor channels, seawalls, or cliff retaining walls.</p>

Because the precise question of whether electric substations are allowed within the Specific Plan's General Industrial designation is not directly addressed by the Specific Plan, Section 19.82.005 of the Specific Plan refers the issue to the applicable regulations of the Chula Vista zoning code. Chapter 19.46 of the Chula Vista Zoning Code identifies the uses that are permitted within the General Industrial zone. The City's General Industrial zone expressly permits a range of industrial uses, including electrical generating plants, LNG facilities, accessory uses that are customarily appurtenant to a permitted use, and other uses that are "of the same general character" as permitted uses. Electrical substations are of the same general character as other uses expressly permitted within the City's General Industrial zone, such as electrical generating plants. In addition, electrical substations are also typically accessory to electrical generating plants and other industrial uses, and therefore would be considered a permitted use within the City's General Industrial zone. Thus, the proposed substation use does not present a conflict with the zoning or land use designations.

The Chula Vista LCP limits the diking, dredging, or filling of wetland areas within the Midbayfront Subarea and the Inland Parcel Subarea, and does not permit any other diking, dredging or filling of wetlands or other wet environmentally sensitive habitat areas without prior CCC approval through the local coastal program amendment process. As discussed further in this section, the wetland resources identified within the Proposed Project site do not constitute "wetlands or other wet environmentally sensitive habitat areas" within the meaning of the Chula Vista LCP or Coastal Act such that an amendment to the LCP is triggered. SDG&E will work with the City and Coastal Commission to verify this conclusion.

The Bayfront Specific Plan also contains an Environmental Management Program containing regulations that apply to wetland areas. The Bay Boulevard Substation site contains wetlands characteristics; however, these characteristics occur within isolated, highly disturbed areas, and do not constitute sensitive habitat, as described in Section 4.4 Biological Resources. Section 19.86.006 of the Bayfront Specific Plan requires mitigation for the disturbance of wetlands. Additionally, the section states that the filling of wetlands or other environmentally sensitive habitat areas shall be permitted through the local coastal program amendment process, rather than through a CDP. However, these mitigation and permitting requirements apply only to the wetlands and related sensitive habitat that have been acquired by the United States (U.S.) Fish and Wildlife Service (USFWS) and comprise the Sweetwater Marsh National Wildlife Refuge (Refuge), as described in the Bayfront Specific Plan Section 19.86.002 and shown on the accompanying map—Exhibit 10: Environmental Management Element. The goal of the Environmental Management Program is to reduce and mitigate impacts of new development on the Refuge. Because the Refuge is located approximately one mile north of the Proposed Project site and because the wetlands located on the Bay Boulevard Substation site are isolated from the Refuge and are of low-habitat value, the mitigation ratios and permitting requirements do not apply to the Proposed Project. Nonetheless, the City would review and approve the Proposed Project consistent with the applicable LCP requirements. Therefore, there is no conflict with the Environmental Management Program.

While the Bay Boulevard Substation site is not included in the CVBMP, the substation use at the site is consistent with the surrounding General Industrial and Limited Industrial land use designations. Additionally, one of the main reasons for the Proposed Project is to move the existing substation to allow for the implementation of a cohesive development plan for the

greater area under the CVBMP. Thus, the Proposed Project is consistent with the surrounding CVBMP industrial land use designations and there would be no impact.

The Proposed Project would not conflict with the planned projects in the area. The South Bay Power Plant Demolition and Remediation Project is adjacent to the existing South Bay Substation, but would also not affect the Proposed Project nor be affected by it since they are on separate parcels and both involve removal of the existing land uses.

#### **Question 4.9c – Habitat Conservation Plan or Natural Community Conservation Plan Conflicts – *No Impact***

Construction, operation, and maintenance of the Proposed Project would not conflict with SDG&E's Subregional NCCP or the City of Chula Vista Multiple Species Conservation Program for San Diego Bay. As described further in Section 4.4 Biological Resources, the Proposed Project is required to comply with the biological and habitat-related provisions and policies contained within the SDG&E Subregional NCCP and the City of Chula Vista Multiple Species Conservation Program for San Diego Bay. Thus, no impact would occur.

#### **4.9.4 Applicant-Proposed Measures**

Because there would be no impacts to land use or land use plans and policies from implementation of the Proposed Project, no avoidance or minimization measures are proposed.

#### **4.9.5 References**

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