

3.6 LAND USE

The incremental change to the existing Larkspur Energy Facility, as described in Sections 2.0, Project Description of this document, would not involve substantial changes to the land use findings and conclusions in Section 9.0 (Land Use) of the 2001 AFC.

3.6.1 Environmental Baseline

The Project will be an incremental addition to the existing Larkspur Energy Facility, which is located at the southeast corner of Harvest Road and Otay Mesa Road, within the corporate boundaries of the City of San Diego. The proposed temporary construction laydown area located to the southeast of the existing Larkspur Energy Facility, at the southeast corner of Heinrich Hertz Road and Airway Road, is also located within the corporate boundaries of the City. The Project site borders County of San Diego lands, which are located north of the Project site, across Otay Mesa Road. Accordingly, City and County jurisdictional LORS were reviewed and followed for the proposed incremental change.

The existing Larkspur Energy Facility parcel (APN: 646-130-5100) is part of the Otay Mesa Development District Industrial Sub-district (San Diego Municipal Code, Section 103.1103). The owners of the existing Larkspur Energy Facility (Units 1 and 2) will be different from the owners of the Project (Unit 3). Therefore, the existing Larkspur Energy Facility parcel (APN: 646-130-5100) is proposed for subdivision (see Figure 3.6-1). The newly created parcel (the Project) will be owned and operated by Larkspur 3, LLC, which is a wholly owned subsidiary of DGC. Through other subsidiaries and affiliates, DGC is also the owner of Wildflower Energy, LP and Larkspur Energy, LLC, which is the owner of the two (2) existing LM 6000 gas turbines at the existing Larkspur Energy Facility site (Units 1 and 2).

Lot length for the Project will be approximately 123.5 feet along the southern boundary at the current southern property line; approximately 300 feet on its eastern boundary, utilizing the complete current eastern property line; approximately 145 feet along the northern boundary, utilizing the current northern property line starting at the eastern property line; and extending from the end of the northern property line approximately 56 feet south and then extending east for approximately 21.5 feet, and approximately 244 feet in a southerly direction to the southernmost property boundary.

The proposed temporary construction laydown area is comprised of two vacant parcels (APNs: 646-142-09 and 646-142-10), and is within the 450-acre Otay International Center Precise Plan Sub-district (San Diego Municipal Code, Section 103.1104).

The existing facility lies within the Industrial Sub-district and is currently zoned as IH-2 (Industrial Heavy), and Energy Generation and Distribution Facilities are a permitted use within IH-1-1 and IH-2-1 zones (per San Diego Municipal Code, Table 131-06B; Land Development Code Section 131.0622). Energy generation facilities are considered an institutional use subcategory per San Diego Municipal Code Section 131.0622, and the existing Larkspur Energy Facility is considered a separately regulated use. Existing on site and nearby land uses include power generation associated with the existing Larkspur Energy Facility, the existing CalPeak facility, and SDG&E facilities (city land), and warehouse facilities associated with manufacturing and agriculture (city land). The nearby County lands are part of the County's East Otay Mesa Specific Plan, and are zoned under S-88 Specific Plan Area Use Regulations,

which allows for mixed (residential, civic, agricultural, commercial, and industrial) uses. Since the Project lies near the border of City and County lands, LORS for both jurisdictions were reviewed.

The incremental change will alter the setback requirements for the Project due to the subdivision of the existing Larkspur parcel. New construction will follow the City's setback requirements (per San Diego Municipal Code, Section 103.1107), which are tabulated and included below (see Table 3.6-1). The requirements included in Section 103.1107(a)(2) concerning adjoining lots which have a common interior side, stipulate that: "Two adjoining lots which have a common interior side or rear lot line and which are developed concurrently may be developed with zero side yard setbacks on said common lot line, provided that the opposite side yard setback is not less than 30 feet." In addition the minimum parameters that apply for an industrial lot, that is 30,000 square feet in size, include; 100 foot minimum frontage, 100 foot minimum lot width, 20 foot minimum street side yard set-back, 25 foot minimum rear yard set-back, and a floor area ratio of 2.0. Therefore, a 30 foot set-back is required along the eastern property line.

**TABLE 3.6-1
INDUSTRIAL ZONE SETBACK REQUIREMENTS**

| Type of Setback | Industrial Sub-District Lot Requirement | Project* |
|-----------------------------|---|---|
| Area | 30,000 sq. ft. | 38,254 sq. ft./0.9-acre |
| Street Frontage | 100 ft. (1) | 145 ft. |
| Lot Width | 100 ft. | 123.5 ft. |
| Minimum Yards | | Actual Yards |
| Front Yard Setback | 20 ft | 40 ft. |
| Interior Side Yard Setback | 15 ft. ⁽¹⁾ | 0 ft. west / 30 ft. east ⁽¹⁾ |
| (Abutting residential zone) | 30 ft. | N/A |
| Street Side Yard Setback | 20 ft. | N/A |
| Rear Yard Setback | 25 ft. | 30 ft. |
| (Abutting residential zone) | 50 ft. | N/A |
| Floor Area Ratio | 2.0 | In compliance |

⁽¹⁾ "Two adjoining lots which have a common interior side or rear lot line and which are developed concurrently may be developed with zero side yard setbacks on said common lot line, provided that the opposite side yard setback is not less than 30 feet."

* Approximate square footages and lengths

The local setting discussion in the 2001 AFC discusses the nearest sensitive receptors to the existing Larkspur Energy Facility site. There are no sensitive receptors located immediately adjacent to the existing site or the proposed temporary construction laydown area. The residential land use nearest to the existing facility site are located approximately 0.62-mile east of the existing Larkspur Energy Facility site on Otay Mesa Road and include three single-family residences and ancillary structures. These residences are within the County's East Otay Mesa Specific Plan, and zoned as S-88. The residences distance from the Project site will not substantially change with the incremental change, since the Project will be

adjacent to the existing Larkspur Energy Facility. There are no residential land uses near the proposed temporary construction laydown area.

3.6.1.1 FAA Guidelines

While there is no predetermined height limit according to the zoning regulations for the Otay Mesa Industrial Sub-district, due to the proximity of the Project site to the Brown Field Municipal Airport, the FAA requires that an Advisory Circular 70/7460-2K, Notice of Proposed Construction or Alteration That May Affect the Navigable Airspace, be filed. The new structure will also be in compliance with Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, which describes the FAA standards for marking and lighting structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc. Advisory Circulars 70/7460-1K and 70/7460-2K may be filed electronically. It is the mission of the FAA to promote air safety and the efficient use of the navigable airspace. To accomplish this mission, aeronautical studies are conducted based on information provided in the notices. As there are already two 60-foot stacks on the existing Larkspur Energy Facility site, and because the Project site does not lie within the Brown Field Airport overlay zone or directly under any of the approach and departure tracks, a positive determination by the FAA is expected.

3.6.2 Environmental Consequences

The incremental change to the existing Larkspur Energy Facility will not result in a significant impact or change to the land use findings of the 2001 AFC. Specifically, the Project changes will not: physically divide an established community; conflict with applicable land use plans, policies, or regulations; or conflict with an applicable habitat conservation plan.

The existing Larkspur Energy Facility is an industrial land use that is consistent with current City and County zoning and land use designations. The primary components of the Project are substantially similar to those analyzed in the 2001 AFC, which concluded that the project would not have a significant land use impact on the surrounding area. The incremental addition to the existing Larkspur Energy Facility remains in an industrial area; therefore, the conclusion that the Project will be consistent with surrounding land uses and will not physically divide any elements of the local community remains valid.

3.6.3 Mitigation Measures

The incremental change to the existing Larkspur Energy Facility would not involve substantial changes to the land use findings and conclusions in Section 9.0 (Land Use) of the 2001 AFC. No significant impacts to land use will result from the approval of this Amendment. Therefore, mitigation measures beyond those stipulated in the Commission Decision are not recommended.

3.6.4 Consistency with LORS

The incremental change, namely the subdivision of the existing Larkspur Energy Facility parcel and the addition of Unit 3 and the associated equipment, will comply with all current land use LORS that could potentially affect the Project. Specifically, the Project will be required to conform to all applicable City of San Diego General Plan standards according to the Otay Mesa Development District Industrial Sub-

district and Otay International Center Precise Plan Sub-district overlay plan. A summary of applicable LORS is presented in Table 3.6-2.

**TABLE 3.6-2
APPLICABLE LAND USE LORS**

| LORS | Document/Section | Applicability | Section Conformance is Discussed |
|---|--|---|---|
| Federal | | | |
| Federal Aviation Authority Orders & Notices | Advisory Circular 70/7460-2K | Development near or within an airport area is subject to FAA regulations | Amendment Sections 3.3.1.1 |
| Federal Aviation Authority Orders & Notices | Advisory Circular 70/7460-1K | Development near or within an airport area is subject to FAA regulations | Amendment Sections 3.3.1.1 |
| Local | | | |
| General Plan Designations | City of San Diego General Plan | Development within the jurisdiction of the City is subject to provisions in the General Plan | Amendment Sections 3.6.1 and 3.6.2 |
| Specific Area Overlay Zone and Sub-district to the City of San Diego General Plan (<i>San Diego Municipal Code, Chapter 10, Article 3, Division 11: Otay Mesa Development District</i>) | Otay Mesa Industrial Sub-district Specific Overlay Zone; Otay International Center Precise Plan Sub-district | Development within the City of San Diego is subject to the land use regulations, zoning and designations promulgated in the Specific Area Plans and Overlay Zones | Amendment Sections 3.6.1 and 3.6.2 |

**TABLE 3.6-3
AGENCY CONTACTS**

| Agency | Contact | Title | Telephone |
|--------------------|----------------|--------------------------------|------------------|
| Brownfield Airport | Chris Cooper | Director of Airport Operations | (619) 424-0455 |

3.6.5 References Cited

California Energy Commission. 2001. Larkspur Energy Facility Conditions of Certification. Located at http://www.energy.ca.gov/sitingcases/peakers/larkspur/documents/01_Larkspur_SA.PDF

City of San Diego Municipal Code website (<http://clerkdoc.sannet.gov/Website/mc/mc.html>), City of San Diego Municipal Code chapters 10 and 13

City of San Diego website (<http://www.sandiego.gov/planning/genplan/index.shtml>), City of San Diego General Plan, Final Public Review Draft, October 2006

Wildflower Energy, Application for Certification Pursuant to the 21-Day Emergency Permitting Process Larkspur Energy Facility San Diego, California, March 7, 2001

U.S Department of Transportation Federal Aviation Administration. Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace. March 3, 2000. Located here: ([http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/\\$FILE/ac70-7460-2K.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/$FILE/ac70-7460-2K.pdf))

U.S Department of Transportation Federal Aviation Administration. Obstruction Marking and Lighting. February 1, 2007. Located here: ([http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/\\$FILE/ac70-7460-2K.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/$FILE/ac70-7460-2K.pdf))

3.6.6 Conditions of Certification

This Amendment does not require changes to the conditions identified in the Land Use section of the Larkspur Energy Facility Conditions of Certification (CEC 2001).