

APPENDIX 8.4A

Pertinent Policies to the SBRP

Policy Consistency Analysis

This Appendix includes the following tables:

- Table 8.4A-1 Chapter 3, Coastal Resources Planning and Management Policies, of the California Coastal Commission Coastal Act Policies Applicable to Industrial Development in the Coastal Zone California Coastal Commission Coastal Act Chapter 3 Policies (For informational purposes)
- Table 8.4A-2 Consistency of the SBRP with City of Chula Vista Regulations, Ordinances and Standards
- Table 8.4A-3 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards
- As discussed in Section 8.4 Land Use, these tables provide a discussion of the consistency of the SBRP with the pertinent policies of Chapter 3 from the California Coastal Act and the General Plan and Zoning Ordinance for the City of Chula Vista.

TABLE 8.4A-1

Chapter 3, Coastal Resources Planning and Management Policies, of the California Coastal Commission Coastal Act Policies Applicable to Industrial Development in the Coastal Zone

California Coastal Commission Coastal Act Chapter 3 Policies (For informational purposes)

| Article | Pertinent Policies related to Industrial Facilities in the Coastal Zone | Project Consistency |
|--------------------------|--|---|
| Article 1. General | <p>§30200. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.</p> | <p>Not applicable because the project site is within the Coastal Zone.</p> |
| Article 2. Public Access | <p>§30211. Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</p> <p>§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 (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.</p> <p>§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>The Draft Chula Vista Bayfront Master Plan proposes redevelopment of the bayfront area that will include providing coastal access along with other varied uses such as the power plant. Review and approval of these items will be done by the CBO. Moreover, the AFC project includes demolition of the existing SBPP which will free 115 acres of bayfront property and enable significant improvements in public access pursuant to the Master Plan. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |
| Article 3. Recreation | None | |

TABLE 8.4A-1

Chapter 3, Coastal Resources Planning and Management Policies, of the California Coastal Commission Coastal Act Policies Applicable to Industrial Development in the Coastal Zone

California Coastal Commission Coastal Act Chapter 3 Policies (For informational purposes)

| Article | Pertinent Policies related to Industrial Facilities in the Coastal Zone | Project Consistency |
|-------------------------------|---|---|
| Article 4. Marine Environment | <p>§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.</p> <p>§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.</p> <p>§30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.</p> | <p>The SBRP project will eliminate the use of once-through ocean cooling currently employed by the existing power plant. In addition, the project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts to biological and water resources from the construction or operation of the SBRP to acceptable levels. See Section 8.2 Biology for a full discussion of the measures being proposed to protect these resources. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-1

Chapter 3, Coastal Resources Planning and Management Policies, of the California Coastal Commission Coastal Act Policies Applicable to Industrial Development in the Coastal Zone

California Coastal Commission Coastal Act Chapter 3 Policies (For informational purposes)

| Article | Pertinent Policies related to Industrial Facilities in the Coastal Zone | Project Consistency |
|---------|--|---------------------|
| | <p>§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 certain activities including new or expanded port, energy, and coastal-dependent industrial facilities.</p> | |
| | <p>§30233. (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 such purposes to appropriate beaches or into suitable longshore current systems.</p> | |
| | <p>§30233. (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>§30233. (d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which 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 such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.</p> | |

TABLE 8.4A-1

Chapter 3, Coastal Resources Planning and Management Policies, of the California Coastal Commission Coastal Act Policies Applicable to Industrial Development in the Coastal Zone

California Coastal Commission Coastal Act Chapter 3 Policies (For informational purposes)

| Article | Pertinent Policies related to Industrial Facilities in the Coastal Zone | Project Consistency |
|---------------------------|--|--|
| Article 5. Land Resources | <p>§30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p> <p>§30240. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.</p> <p>§30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p> | <p>As discussed in Section 8.2 Biology, there are no designated environmentally sensitive habitat areas on the site of the SBRP and the project site is not adjacent to any existing parks or recreation areas. The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts to sensitive biological resources from the construction or operation of the SBRP to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> <p>Measures to identify and protect archaeological or paleontological resources are described in Sections 8.3 Cultural Resources and 8.16 Paleontology. The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts to cultural or paleontological resources from the construction or operation of the SBRP to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-1

Chapter 3, Coastal Resources Planning and Management Policies, of the California Coastal Commission Coastal Act Policies Applicable to Industrial Development in the Coastal Zone

California Coastal Commission Coastal Act Chapter 3 Policies (For informational purposes)

| Article | Pertinent Policies related to Industrial Facilities in the Coastal Zone | Project Consistency |
|------------------------|---|---|
| Article 6. Development | <p>§30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.</p> | <p>The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts to coastal resources from the construction or operation of the SBRP to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |
| | <p>§30250. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> | <p>The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts associated with the generation and transport of hazardous materials to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |
| | <p>§30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p> | <p>The Draft Chula Vista Bayfront Master Plan proposes redevelopment of the bayfront area that will include providing coastal access along with other varied uses such as the power plant. Review and approval of these items will be done by the CBO. Moreover, the AFC project includes demolition of the existing SBPP which will free 115 acres of bayfront property and enable significant improvements in public access pursuant to the Master Plan. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-1

Chapter 3, Coastal Resources Planning and Management Policies, of the California Coastal Commission Coastal Act Policies Applicable to Industrial Development in the Coastal Zone

California Coastal Commission Coastal Act Chapter 3 Policies (For informational purposes)

| Article | Pertinent Policies related to Industrial Facilities in the Coastal Zone | Project Consistency |
|--|--|--|
| <p>§30253. New development shall:</p> <p>(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p> <p>(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p> <p>(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.</p> <p>(4) Minimize energy consumption and vehicle miles traveled.</p> <p>(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.</p> | <p>The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts from hazards caused by the facility, contributions to geologic instability, air emissions, energy usage, and protection of neighborhood characteristics to acceptable levels. See Section 8.2 Air Quality, Section 8.12 Hazardous Material and Handling, and Section 8.15 Geology for a full discussion of these issues. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> | |
| Article 7. Industrial Development | <p>§30264. Notwithstanding any other provision of this division except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.</p> | <p>The SBRP will be processed through the CEC's power plant licensing process.</p> |

Source: California Coastal Commission, 2006

TABLE 8.4A-2
 Consistency of the SBRP with City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Conformity |
|--|---|--|
| City of Chula Vista General Plan Update Land Use and Transportation Element | | |
| Policy LUT 1.1 | The power plant site is designated General Industrial by the General Plan and Zoning Map. | Yes |
| Policy LUT 4.3 | Require that new development or redevelopment through consideration of site and building design, and appropriate transition and edge treatments does not negatively affect the nature and character of nearby established neighborhoods or development. | As discussed in Section 8.4 Land Use, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing offsite impacts and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| Policy LUT 6.8 | Require that any land use that handles generates, and/or transports hazardous substances will not negatively impact existing or future sensitive receptors/land uses as defined by state and federal regulations. | As discussed in Section 8.12 Hazards and Hazardous Materials, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts associated with the generation and transport of hazardous materials to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| Policy LUT 7.2 | Require new or expanded uses to provide mitigation or buffers between existing uses where significant adverse impacts could occur. | As discussed in Section 8.2 Biology and Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing offsite impacts from the construction or operation of the SBRP to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| Policy LUT 7.3 | Require that commercial and industrial development adjacent to residential or educational uses be adequately screened and buffered to minimize noise, light, glare, and any other adverse impacts upon these uses. | As discussed in Section 8.5 Noise and 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing offsite visual impacts associated with glare to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, and in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-2
Consistency of the SBRP with City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Conformity |
|-----------------|--|--|
| Policy LUT 7.4 | Require landscape and/or open space buffers to maintain a naturalized or softer edge for proposed private development directly adjacent to natural and public open space areas. | As discussed in Section 8.2 Biology and Section 8.11 Visual Resources, the majority of the landscaping is located in areas out of the applicant's control (to the north of the project site in property owned by the Port and within the SDG&E easement to the east). However, the landscape concept plan included as Figure 8.11-40, is intended to screen and soften the views from the north and views from Chula Vista to the east. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| Policy LUT 8.3 | Ensure that buildings are appropriate to their context and designed to be compatible with surrounding uses and enhance the desired character of their District. | While the CEC process pre-empts permitting requirements from the local land use authorities, as discussed in Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards requiring compatibility with surrounding uses. In addition, subsequent review and approval of these items will be done by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| Policy LUT 8.7 | Work with utility providers to coordinate the design of utility facilities (e.g., substations, pump stations, switching buildings, etc.) to ensure that the facilities fit within the context of their surroundings and do not cause negative visual impacts. | Implementation of the Chula Vista Bayfront Master Plan that is proposed to accommodate a power plant at the site will ensure consistency with this policy. Refer to Section 8.11 Visual for a discussion of the Project design features intended to ensure compatibility with adjacent land uses. |
| Policy LUT 11.5 | Require a design review process for all public and private discretionary projects (which includes architectural, site plan, landscape and signage design) to review and evaluate projects prior to issuance of building permits to determine their compliance with the objectives and specific requirements of the City's Design Manual, General Plan, and appropriate zone or Area Development Plans. | While the CEC process pre-empts permitting requirements from the local land use authorities, as discussed in Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards requiring compatibility with local development requirements. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| Policy 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. | As discussed in Section 8.11 Visual, the majority of the landscaping is located in areas out of the applicant's control (to the north of the project site in property owned by the Port and within the SDG&E easement to the east). However, the landscape concept plan included as Figure 8.11-40, is intended to screen and soften the views from the north and views from Chula Vista to the east. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-2
 Consistency of the SBRP with City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Conformity |
|---|---|---|
| Objective E 6, Policy E 6.4 | Public exposure to toxic air contaminants | <p>Although the project's location in the Port is not directly subject to the City General Plan, as discussed in Section 8.1 Air Quality and Section 8.6 Public Health, the Project is not a major toxic emitter by the definition of a major source, the project CTG emission sources are located approximately 1,370 feet from the nearest residential receptor, which is more distant than the policy recommendation of 1,000 feet. The Diesel-fueled fire water pump engine is located approximately 1,090 feet from the same (nearest residential) receptor, which is more distant than the policy recommendation of 1,000 feet. It is expected that the Port, through adoption of the Chula Vista Bayfront Master Plan that new residences or other "sensitive receivers" will be located further than 1,000 feet from these same project emission sources.</p> |
| Objective E 6, Policy E 6.5 | Improve local air quality | <p>Although the project's location in the Port is not directly subject to the City of Chula Vista General Plan, as discussed in Section 8.1 Air Quality and 8.6 Public Health, the Project will improve local air quality by emitting less NO_x, CO, VOC, PM₁₀, ozone precursors and PM₁₀ precursors than the SBPP during its 2004-2005 baseline period. The Project will be a lesser-polluting strategy for energy because it will produce substantially lower emissions of ozone precursors or PM₁₀ precursors as the existing SBPP per unit of electricity produced.</p> |
| City of Chula Vista General Plan Update Public Facilities and Services Element | | |
| Policy PFS 22.4 | <p>Review energy facility requests and encourage siting and design techniques that minimize community impacts. Such techniques may include undergrounding facilities where possible, co-locating new facilities with existing utility infrastructure, locating facilities in non-residential areas, and implementing architectural details and landscaping that help facilities that blend with the surrounding area. The development and operation of natural gas-fired plants within the City shall utilize "best available control technology" to the greatest extent practicable.</p> | <p>Implementation of the Chula Vista Bayfront Master Plan that is proposed to accommodate a power plant at the site will ensure consistency with this policy. Further, as discussed in Section 8.11 Visual, review and approval of these items will be done by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-2
Consistency of the SBRP with City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Conformity |
|--|--|--|
| Chula Vista Local Coastal Program Land Use Plan | | |
| Land Use Regulation Objectives/Policies Policy LU.3.A | General industrial uses are permitted and may expand in the areas designated for Industrial use on the Land Use Plan Map, Exhibit 3, page III-3. These areas correspond to those areas that are already committed to industrial uses. New Industrial development in other areas shall not be permitted. | Implementation of the Chula Vista Bayfront Master Plan that is proposed to accommodate a power plant at the site will ensure consistency with this policy. |
| Policy LU.6.B: The description of the permitted uses is as follows (listed for General Industrial only): | This category provides for large scale and more intensive industrial uses such as manufacturing and public utility plants. The SDG&E power plant and Rohr, Inc. facilities are within this category. Allocation: approximately 289 acres (34 percent of development area, not including major circulation). | Yes |
| General Circulation and Public Access Objectives/Policies Policy AC.3.C Policy AE.1.C | All road construction or improvements shall be designed and constructed in accordance with the applicable Environmental Management policies. Structures shall be designed to ensure that the uses that take place in a structure or private space adjoining the structure do not detract from, or prevent appropriate public use of, adjoining public open spaces. In turn, the public areas shall be designed and uses regulated in a manner that does not diminish the intended private use of adjoining developed lands. | As discussed in Section 8.10 Traffic and Transportation, the internal circulation and parking design for the SBRP is expected to comply with these requirements. The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing offsite impacts. In addition, subsequent review and approval of these items will be done by the, CBO, and in consultation with CEC Compliance Unit staff. Refer to Section 8.11 Visual for a discussion of the Project design features intended to ensure compatibility with adjacent land uses. Therefore, as proposed and consistent with the discussions and conclusions in the AFC, the SBRP is expected to comply with this policy. |
| Landscape Character and Function Objectives/Policies Objective LS.1 | Utilize various landscape design treatments to improve the aesthetics of the Bayfront, help define land use and circulation patterns, and transition from the urbanized environment to natural open space areas. | As discussed in Section 8.11 Visual, the majority of the landscaping is located in areas out of the applicant's control (to the north of the project site in property owned by the Port and within the SDG&E easement to the east). However, the landscape concept plan included as Figure 8.11-40, is intended to screen and soften the views from the north and views from Chula Vista to the east. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-2
 Consistency of the SBRP with City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Conformity |
|--|---|---|
| Utility Service Objectives/Policies Objective US.1 | Provide adequate sizing of utility lines to assure sufficient capacity for the most intensive uses. | While the CEC process pre-empts permitting requirements from the local land use authorities, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards requiring that utility lines are adequately sized. Refer to Section 2.0 Project Description, Section 5.0 Transmission, Section 6.0 Natural Gas, and Section 7.0 Water Supply for a discussion of the design capacities of project-related utility connections. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| Areawide Grading Objectives/Policies: Objective GR.1 | Protect existing natural resources from any significant adverse impacts during construction. | The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing construction-related impacts. In addition, subsequent review and approval of these items will be done by the, CBO, and in consultation with CEC Compliance Unit staff. Refer to Section 8.2 Biology and 8.14 Water Resources for a discussion of how the Project will avoid impacts to natural resources. Therefore, as proposed and consistent with the discussions and conclusions in the AFC, the SBRP is expected to comply with this policy. |
| Utility and Grading Design Objectives/Policies Objective GD.1 | Provide for an adequate on-site storm drainage system to preclude stormwater run-off development from draining directly into wetland habitat without adequate filtering of sediments or pollutants. | As discussed in Section 8.14, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing stormwater run-off impacts to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |

Southwest Redevelopment Project Area Five Year Implementation Plan, 2000-2004

| | | |
|------------------------------------|--|--|
| Redevelopment Goals and Objectives | The development of property with coordinated land uses consistent with the goals, policies, objectives, standards, guidelines, and requirements as set forth in the City's adopted General Plan. | Yes |
| | Elimination and prevention of the spread of blight, and to conserve, rehabilitate, and redevelop the project area in accordance with the Redevelopment Plan and future Annual Work Programs. | Implementation of the Chula Vista Bayfront Master Plan that is proposed to accommodate a power plant at the site will ensure consistency with this policy. In addition, refer to Section 8.11 Visual for a discussion of the Project design features intended to ensure compatibility with adjacent land uses. |

TABLE 8.4A-2
Consistency of the SBRP with City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Conformity |
|---|--|---|
| Proposed Agency Redevelopment Action | Elimination of environmental deficiencies including inadequate street improvements, utility systems, public services; and the potential social, physical, and environmental characteristics of blight. | Implementation of the Chula Vista Bayfront Master Plan that is proposed to accommodate a power plant at the site will ensure consistency with this policy for the SBRP. Refer to Section 8.2 Biology, Section 8.8 Socioeconomics, Section 8.10 Traffic and Transportation, and Section 8.13 Waste Management for a discussion of how the Project will minimize impacts to streets, utility systems, public services, and social, physical, and environmental characteristics of blight. |
| | Improving the general economic climate and condition through the stimulation of private sector investment in the full development of the Project Area. | Implementation of the Chula Vista Bayfront Master Plan that is proposed to accommodate a power plant at the site will ensure consistency with this policy for the SBRP. Refer to Section 8.8 for a discussion of how the Project will stimulate growth in the Project area. |
| | The development or redevelopment of land by private enterprise or public agencies for purposes and uses consistent with the objectives of the Plan. | Implementation of the Chula Vista Bayfront Master Plan that is proposed to accommodate a power plant at the site will ensure consistency with this policy for the SBRP. Refer to Section 8.8 for a discussion of how the Project will stimulate redevelopment in the Project area. |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|--|---|
| Chapter 19.46 I – GENERAL INDUSTRIAL ZONE | | |
| 19.14.485 Landscape plan approval – Purpose – Required when. | The purpose of landscape plan approval is to determine compliance with this title and the provisions of the landscape manual of the city. Landscape plan approval shall be required for the industrial developments with precise plans. | Yes |
| 19.16.040 Height limitations – Exemptions from applicability designated. | Height limitations stipulated in this title shall not apply: A. To electric generating stations and distribution and transmission towers, lines and poles. | This policy has been listed for information only to demonstrate that the SBRP is exempt from complying with height restrictions. |
| 19.46.010 Purpose. | The purpose of the I zone is to encourage sound industrial development by providing and protecting an environment exclusively for such development, subject to regulations necessary to insure the purity of the air and waters in Chula Vista and San Diego County, and the protection of nearby residential, commercial and industrial uses of the land from hazards and noise or other disturbances. (Ord. 1281 § 1, 1970; Ord. 1212 § 1, 1969; prior code § 33.514(A). | The SBRP project is consistent with the purposes of the Industrial zone district. |
| 19.46.020 Permitted uses. | Permitted uses in an I zone are as follows: A. Electrical generating plants and liquefied natural gas plants. | Yes |
| 19.46.040 Conditional uses. | Conditional uses in an I district include: | Yes |
| 19.46.090 Site plan and architectural approval. | Site plan and architectural approval is required for all uses in an I zone. | The SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC design standards and subsequent review and approval of these items by the CBO. Refer to Section 8.11 Visual for a discussion of how the project will incorporate design features and landscaping to minimize visual resource impacts and to meet architectural design standards. |
| 19.46.100 Off-street parking and loading facilities. | Off-street parking and loading facilities are required for all uses in an I zone. | Yes |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|----------------------------|--|--|
| 19.46.120 Landscaping. | The site shall be landscaped in conformance with the landscaping manual of the city, and approved by the director of planning. | As discussed in Section 8.11 Visual Resources, the majority of the landscaping is located in areas out of the applicant's control (to the north of the project site in property owned by the Port and within the SDG&E easement to the east). However, the landscape concept plan included as Figure 8.11-40, is intended to screen and soften the views from the north and views from Chula Vista to the east. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.46.130 Outdoor storage. | Outdoor storage yards in an I zone visible from any public right-of-way shall be completely enclosed by solid walls, fences, buildings or combinations thereof not less than six feet in height. No materials, equipment, or other goods shall be stored or displayed higher than the enclosing fence. | Refer to discussion for policy 19.46.120 Landscaping above. |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|---|---|--|
| 19.58.340 Recycling and solid waste storage | <p>A. Any new construction requiring a building permit and costing more than \$20,000 to construct (“qualifying project”) shall include adequate, accessible, and convenient areas dedicated for the accumulation, temporary storage and removal of designated recyclables and solid waste. These recycling and solid waste areas shall be enclosed within a minimum five-foot-high masonry wall or higher if deemed necessary by the director of planning to adequately screen the area, built to standards adopted by the city for a freestanding wall (No. 4 steel and fully grouted) and shall be designed to accommodate the containers used by the recycling and solid waste service company contracted with the city.</p> <p>B. A recycling and solid waste plan shall be submitted by the applicants of any qualifying project. Said plan shall be reviewed and approved by the city manager or his/her designee. A plan must comply with city and state solid waste and recycling regulations/standards before it can be approved. Building permits may not be issued until the plan is approved.</p> <p>C. A recycling and solid waste planning manual setting forth recycling and solid waste space allocation regulations, design standards, and guidelines shall be drafted by the city manager and adopted by the city council.</p> <p>D. The precise location of any recycling and solid waste area shall be approved by the director of planning upon review of the site plan. Recycling and solid waste areas shall be accessible and convenient and shall only be used for the temporary storage, collection and loading of solid waste and recyclables.</p> <p>E. Recycling and solid waste enclosures shall be permanently maintained; recycling and solid waste areas shall be kept neat and clean; and approved recycling and solid waste plans shall be adhered to and followed.</p> | <p>As discussed in Section 8.13 Waste Management, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for waste minimization and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|--|--|
| Chapter 19.62 OFF-STREET PARKING AND LOADING | | |
| 19.62.010 Required when. | There shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, or any use is established, off-street parking spaces for automobiles. | Yes |
| 19.62.020 Size and access requirements. | <p>Size and access of off-street parking and loading facilities shall be as follows:</p> <p>A. Driveways for parking areas shall be a minimum of 15 feet wide for one-way traffic and 24 feet wide for two-way traffic. The minimum vertical clearance shall be 10 feet to allow for the passage of emergency vehicles, based on minimum standards administered by the city traffic engineer.</p> <p>B. All aisles and turning areas shall be adequate to provide safe and efficient access to and from parking spaces, based on minimum standards administered by the city traffic engineer.</p> <p>C. Tandem parking shall not qualify as required parking unless specifically approved by the planning commission.</p> | The internal circulation and parking design for the SBRP is expected to comply with these requirements. |
| 19.62.050 Number of spaces required for designated uses. | <p>In the case of any building, structure or premises, the use of which is not specifically mentioned herein, or in the opinion of the approving authority is not similar to any use found herein, the approving authority may apply a ratio based on a similar existing use not found herein. In computing parking requirements, a resultant fractional space of one-half shall count as a full space. The number of off-street parking spaces required shall be as set forth in the following:</p> <p>Businesses or Use and Number of Spaces Required.</p> <p>1. At the time of application for a conditional use permit, the applicant shall submit parking information justifying the amount of parking proposed to be provided and the parking ratio. The information must consist of data upon which the approving authority can reasonably base a determination of adequacy. Said parking ratio shall range from one space for each 50 square feet of net usable lot area to one space for each 4,000 square feet of net usable lot area. Note: For purposes of this subsection, net usable lot area" means the area of the parcel exclusive of setbacks, slopes, easements, required right-of-way dedications or other constraints which would preclude use of the land.</p> | As discussed in Section 8.10 Traffic and Transportation, the internal circulation and parking for the SBRP is expected to comply with these requirements. Further, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for traffic circulation and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|---|--|
| 19.62.070 Parking areas – Curbing required when – Specifications. | Off-street parking areas for more than three vehicles shall be provided with a suitable concrete curb or horizontal timber barrier not less than six inches in height, located not less than two feet from any street walkway. All curbs or barriers shall be permanently anchored in a manner satisfactory to the director of public works, to confine vehicles entirely within said premises, except in those cases where a wall is provided on the boundaries of the premises. | As discussed in Section 8.10 Traffic and Transportation, the internal circulation and parking for the SBRP is expected to comply with these requirements. Further, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for traffic circulation and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.62.080 Parking areas – Screening requirements. | Off-street parking areas for more than five vehicles shall be effectively screened by a 10-foot-wide landscaped strip and a masonry wall or fence of acceptable design. Such wall or fence shall be not less than three and one-half feet or more than six feet in height and shall be maintained in good condition without any advertising thereon. | Refer to discussion for policy 19.46.120 Landscaping above. |
| 19.62.090 Parking areas – Landscaping. | The total parking area shall be landscaped in accordance with the landscape manual of the city. | Refer to discussion for policy 19.46.120 Landscaping above. |
| 19.62.100a Parking areas – Surfacing requirements – Waiver permitted when. | Any off-street parking areas shall be surfaced in accordance with CVMC 19.62.100b, Pavement standards, so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles. | As discussed in Section 8.10 Traffic and Transportation, the internal circulation and parking for the SBRP is expected to comply with these requirements. Further, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for traffic circulation and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|--|--|
| 19.62.100b Pavement standards for private vehicular areas. | <p>Areas upon private property which are required to be paved per the various city regulations, shall be paved in accordance with the requirements contained herein and with the standard specifications for public works construction and any amendments or supplements thereto, including the San Diego regional supplement amendments and the city of Chula Vista standard special provisions. Such requirements shall apply to all areas to be paved for the movement, parking, or storage of vehicles except as specifically noted.</p> <p>A. Temporary Use (Maximum of One Year). Temporary pavement shall consist of two inches of compacted decomposed granite, the top one-inch of which has been treated with CRS-2 or CMS-2 asphalt emulsion to form a water-resistant and dust-free wearing surface. The asphalt emulsion shall be applied at such rates or a sufficient number of times to produce the specified wearing surface. A weed killer shall be applied to the entire area to be paved in accordance with the manufacturer's recommendations. As an alternative for pavements, which will be used exclusively for the movement and parking of heavy trucks, processed miscellaneous base, including recycled asphaltic concrete base, may be substituted for disintegrated granite.</p> <p>B. Permanent Use. Permanent pavement shall consist of a minimum of two inches of asphaltic concrete pavement with seal coat, applied over a four-inch-thick Class II aggregate base or better. Aggregate base shall comply with Section 400-2 of the San Diego regional supplement amendments and shall be compacted to 95 percent minimum relative compaction per ASTM D-1557. Native subgrade shall be graded, scarified, and compacted to 95 percent minimum relative compaction per ASTM D-1557 to a minimum depth of six inches prior to application of the asphaltic concrete structural section.</p> | As discussed in Section 8.10 Traffic and Transportation, the internal circulation and parking for the SBRP is expected to comply with these requirements. Further, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for traffic circulation and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.62.130 Waiver or modification of provisions permitted when. | The commission may, by resolution, waive or modify the provisions as herein set forth, establishing required parking areas for such uses as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses requiring a very limited number of persons as compared to the number of persons required by the usual industry of comparable size expressed in square footage. | As discussed in Section 8.10 Traffic and Transportation, the internal circulation and parking for the SBRP is expected to comply with these requirements. Further, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for traffic circulation and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|---|---|
| 19.62.140 Off-street loading – Number and size of spaces to be maintained. | <p>A. For every building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by an industrial use requiring the receipt of distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional such loading space for each additional 40,000 square feet or major fraction thereof.</p> <p>B. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height clearance.</p> | <p>As discussed in Section 8.10 Traffic and Transportation, the internal circulation and parking for the SBRP is expected to comply with these requirements. Further, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for traffic circulation and subsequent review and approval of these items by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |
| <p>Chapter 19.66 PERFORMANCE STANDARDS</p> | | |
| 19.66.010 Purpose. | <p>The purpose of performance standards in the control of uses in Chula Vista is to permit potential nuisances to be measured factually and objectively; to ensure that all uses will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance eliminations; and to protect industries from arbitrary exclusion or persecution based solely on the nuisance production by any particular type of use in the past.</p> | <p>Yes</p> |
| 19.66.020 Creation of dangerous or objectionable elements prohibited. | <p>No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises; the foregoing are hereinafter referred to as “dangerous or objectionable elements.” No use shall be undertaken or maintained unless it conforms to the regulations of this chapter in addition to the regulations set forth for the district in which such use is situated.</p> | <p>As discussed in Section 8.1 Air Quality, Section 8.5 Noise, Section 8.6 Public Health, Section 8.11 Visual, and 8.12 Hazardous Materials and Handling, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing hazardous conditions to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|--|---|
| 19.66.030 Applicability and scope of provisions. | Only those uses specified in the industrial zones as subject to performance standards, and uses accessory thereto, are subject to performance standards review procedures specified in this chapter in obtaining a zoning permit, unless either the building inspector or the director of planning has reasonable grounds to believe that any other proposed use, regardless of zone, is likely to violate performance standards, in which event the applicant shall comply with the performance standards procedures. | While the CEC process pre-empts permitting requirements from the local land use authorities, as discussed in Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards meeting performance-type standards for ensuring the minimization of impacts associated with construction or operation of the project. In addition, subsequent review and approval of these items will be done by the CBO. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.66.040 Compliance required – Enforcement. | Even though compliance with performance standards procedures in obtaining a zoning permit is not required for a particular use, initial and continued compliance is required of every use regardless of zone, and provisions for enforcement of continued compliance with performance standards shall be invoked by the building inspector against any use if there are reasonable grounds to believe that performance standards are being violated by such use. | Refer to discussion for policy 19.66.030 Applicability and scope of provisions regarding consistency with this policy. |
| 19.66.060 Locations where determinations are to be made. | The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as “at any point”); provided, however, that the measurements necessary for enforcement of performance standards, namely those measurements having to do with vibration, odors or glare, shall be taken at the following points of measurement: A. In the I zone: 500 feet from the establishment or use or at the boundary or boundaries of the zone if closer to the establishment or use, or at any point within an adjacent zone other than an I zone. | As discussed in Section 8.12 Hazardous Materials and Handling, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing dangerous and objectionable conditions to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.66.080 Vibration. | No vibration shall be permitted which is discernible without instruments at the points of measurement. | As discussed in Section 8.6 Noise, vibration from project components is not expected to be discernible outside of the plant boundaries.. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|--|---|
| 19.66.090 Odors. | No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the points of measurement. Any process which may involve the creation or emission of any odors shall be provided with an adequate secondary safeguard system of control, so that control will be maintained if the primary safeguard system should fail. | As discussed in Section 8.1 Air Quality, Section 8.6 Public Health, and Section 8.12 Hazardous Materials Handling, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing air emissions to acceptable levels. In addition, subsequent review and approval of these items will be done by the SCAQMD, CBO, and in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.66.100 Glare. | No direct or sky-reflected glare shall be permitted, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement. | As discussed in Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing offsite visual impacts associated with glare to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, and in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.66.110 Fire and explosion hazards. | All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Such equipment and devices shall be subject to the approval of the city fire chief. | As discussed in Section 8.12 Hazardous Materials, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts from the storage of hazardous/flammable materials to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy. |
| 19.66.120 Radio or electric disturbance. | No activities shall be permitted which emit electrical disturbance adversely affecting the operation at the point of any equipment other than that of the creator of such disturbance. | As discussed in Section 5.0 Transmission, electrical disturbance from project components is not expected to be discernible outside of the plant boundaries. Therefore, as proposed, the SBRP is expected to comply with this policy. |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|---|---|
| 19.66.130 Smoke. | <p>A person shall not discharge into the atmosphere for a period or periods aggregating more than three minutes in any one hour smoke, as per Section 24242 of the State Health and Safety Code, which is:</p> <p>A. As dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines.</p> <p>B. Of such opacity as to obscure an observer's view.</p> | <p>As discussed in Section 8.1 Air Quality and Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing air emissions to acceptable levels. In addition, subsequent review and approval of these items will be done by the SCAQMD, CBO, and in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |
| 19.66.140 Air contaminants. | <p>A person shall not discharge from any source whatsoever such quantities of air contaminants, including fly ash, dust, fumes, vapors, gases, and other forms of air pollution, as per Section 24243 of the State Health and Safety Code, or other material, which will cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to animals, vegetation, business or property. In no event shall any emission, from any chimney or other source, or any solid or liquid particles in concentrations exceed 0.4 grains per cubic foot of the conveying gas at any point.</p> | <p>Refer to discussion for policy 19.66.130 Smoke, above, for a discussion of provisions regarding consistency with this policy.</p> |
| 19.66.150 Liquid or solid wastes – Discharge or deposit prohibited when. | <p>No discharge of liquid or solid wastes at any point into public sewer, private sewage system, stream, or bay or into the ground shall be permitted, except in accord with the standards approved by the State Department of Health, or standards specified in the metropolitan sewer agreement and/or applicable local ordinances for similar uses of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.</p> | <p>As discussed in Section 8.14 Water Resources, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing liquid or solid waste streams and their impacts to acceptable levels. In addition, subsequent review and approval of these items will be done by the CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|---|--|
| 19.66.160 Purpose of performance standards procedures. | The purpose of the performance standards procedures is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use complies with the performance standards of this chapter, and to formulate practical ways for the alleviation of such noncompliance. | While the CEC process pre-empts permitting requirements from the local land use authorities, as discussed in Section 8.4 Land Use and Section 8.11 Visual, the SBRP project is currently consistent with the Industrial land use designation of the site. Additionally, the Draft Chula Vista Bayfront Master Plan presently specifies that the project site will be a power plant with accessory structures. Therefore, as proposed, the SBRP is expected to comply with this policy. |

Chapter 19.68
PERFORMANCE STANDARDS AND NOISE CONTROL

| | | |
|----------------------------------|---|--|
| 19.68.030 Exterior noise limits. | <p>A. Maximum Permissible Sound Levels by Receiving Land Use.</p> <ol style="list-style-type: none"> 1. The noise standards for the various categories of land use as presented in Table III, and set forth in terms defined in the city land use code set forth in Chapter 19.04 CVMC, shall, unless otherwise specifically indicated, apply to each property or portion of property substantially used for a particular type of land use reasonably similar to the land use types shown in Table III. Where two or more dissimilar land uses occur on a single property, the more restrictive noise limits shall apply. 2. Additional land use classifications may be added by action of the city council to reflect both lower and higher existing ambient levels than those shown. 3. Where doubt exists when making identification of receiving land use, the director of planning and building may make an interpretation. 4. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person who causes the noise level to exceed the environmental and/or nuisance interpretation of the applicable limits given in Table III. | As discussed in Section 8.5 Noise, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing noise impacts, both to offsite receptors and to onsite workers. In addition, subsequent review and approval of these items will be done by the, CBO, and in consultation with CEC Compliance Unit staff. Therefore, as proposed and consistent with the discussion and conclusions in Section 8.5, the SBRP is expected to comply with this policy. |
|----------------------------------|---|--|

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|-----------|---|---|
| | <p>a. Environmental noise shall be measured by the equivalent sound level (Leq) for any hour.</p> <p>b. Nuisance noise shall be measured as a sound level not to be exceeded at any time.</p> <p>c. Sound levels by receiving land use shall be measured at the boundary or at any point within the boundary of the property affected.</p> <p>d. Fixed-location public utility distribution or fixed transmission facilities, located on or adjacent to a property line, shall be subject to noise level limits of this section measured at or beyond six feet from the boundary of the easement upon which the equipment is located.</p> | Refer to 19.68.030 Exterior noise limits above. |
| | <p>B. Corrections to Exterior Noise Level Limits.</p> <p>1. If the noise is continuous, the Leq for any hour will be represented by any lesser time period within that hour. Noise measurements of a few minutes only will thus suffice to define the noise level.</p> <p>2. If the noise is intermittent, the Leq for any hour may be represented by a time period typical of the operating cycle. Measurement should be made of a representative number of noisy/quiet periods. A measurement period of not less than 15 minutes is, however, strongly recommended when dealing with intermittent noise.</p> <p>3. In the event the alleged offensive noise, as judged by the enforcement officer, contains a steady, audible sound such as a whine, screech, or hum, or contains a repetitive impulsive noise such as hammering or riveting, the standard limits set forth in Table III shall be reduced by five dB.</p> <p>4. If the measured ambient level exceeds that permissible in Table III, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violations source is not operating.</p> | |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|--|---|
| Chula Vista Municipal Code Noise Standard, Section 19.68.030. (a) Section 19.68.060 | 70 dBA L_{eq-1hr} anytime Normal Operations/Heavy Industry (a) above noise level limits do NOT apply Upset Conditions/Emergency Ops | Refer to 19.68.030 Exterior noise limits above. |
| Notes: | | |
| ¹ Daytime and Nighttime defined as follows: | | |
| Weekday daytime = 7 a.m. to 10 p.m.; Weekday nighttime = 10 p.m. to 7 a.m. | | |
| Weekend daytime = 8 a.m. to 10 p.m.; Weekend nighttime = 10 p.m. to 8 a.m. | | |
| 19.68.040 Interior noise limits. | A. Maximum Permissible Dwelling Interior Sound Levels. | Yes |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|----------------------------|---|---|
| 19.68.050 Prohibited acts. | <p>A. Noise Disturbances Prohibited. No person shall unnecessarily make or continue, or cause to be made or continued, any noise disturbance.</p> <p>B. Specific Prohibitions. The acts set forth in this section, and the causing or permitting thereof, are declared to be in violation of this chapter.</p> <p>C. Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of any individual at or beyond the property boundary of the source if on private property or at 150 feet from the source if on a public space or public right-of-way.</p> <p>D. Stationary Nonemergency Signaling Devices. Sounding or permitting the sounding of any electrically operated or electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than 120 seconds continually in an hourly period, or intermittent sounding over a five-minute period in any hour.</p> <p>E. Emergency Signaling Devices.</p> <ol style="list-style-type: none"> 1. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing. 2. <ol style="list-style-type: none"> a. Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds. b. Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. 3. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm for more than 15 minutes is prohibited. | <p>As discussed in Section 8.5 Noise, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing noise impacts from construction, operation, and emergency system testing requirements, both to offsite receptors and to onsite workers. In addition, subsequent review and approval of these items will be done by the, CBO, and in consultation with CEC Compliance Unit staff. Therefore, as proposed and consistent with the discussion and conclusions in Section 8.5, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|---|---|---|
| 19.68.060 Special provision (exemptions). | <p>A. Warning Devices. Warning devices necessary for the protection of public safety, as, for example, police, fire and ambulance sirens, and train horns, are exempted from the provisions of this title.</p> <p>C. Exemptions from Exterior Noise Standards. The provisions of CVMC 19.68.030 shall not apply to activities covered by the following sections:</p> <ol style="list-style-type: none"> 1. Construction/demolition 2. Stationary nonemergency signaling devices 3. Emergency signaling devices | Refer to the discussion above. Further, the types of noise-generating activities are exempt from some of the provisions of the City’s noise requirements. |
| 19.68.070 Exceptions. | <p>A. The city council is authorized to grant exceptions for any environmental noise provision of this chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the city council determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities, nor shall it apply to nuisance noises.</p> <p>B. Any person seeking exceptions pursuant to this section shall file an application with the director of planning and building. The application shall be submitted and processed in the same manner as conditional use permits. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons.</p> | Yes, refer to the discussions above. |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|---|--|---|
| Chapter 19.81 of the Zoning Code, Bayfront Specific Plan | | |
| 19.85.006 Form and Appearance | <p>1. Form and Appearance Objectives</p> <p>The following objectives shall serve as guidelines for use of land and water resources to preserve a sound natural environment:</p> <ul style="list-style-type: none"> A. Preserve existing wetlands in a healthy state to ensure the aesthetic enjoyment of marshes and the wildlife that inhabit them. B. Change the existing industrial image of the bayfront, and develop a new identity consonant with its future prominent public and commercial recreational role. C. Improve the visual quality of the shoreline by promoting public and private uses, which provide proper restoration, landscaping, and maintenance of shoreline areas. D. Remove, or mitigate by landscaping, structures or conditions which have a blighting influence on the area. E. Develop a readily understandable and memorable relationship of the bayfront (and the areas and elements which comprise it) to adjoining areas of Chula Vista and to the freeway and arterial approaches to the bayfront. | <p>As discussed in Section 8.2 Biology, Section 8.4 Land Use, and 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts to water resources, wetlands, visual quality, and integration into the future Chula Vista Bayfront Master Plan. In addition, subsequent review and approval of these items will be done by the, CBO, and in consultation with CEC Compliance Unit staff. Therefore, as proposed and consistent with the discussions and conclusions in the AFC, the SBRP is expected to comply with this policy.</p> |

TABLE 8.4A-3
Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|--|---|--|
| Chapter 15.04 EXCAVATION, GRADING, CLEARING, GRUBBING AND FALLS | | |
| 15.04.040 Slopes – Design requirements generally. | <p>The inclination of each cut or fill surface resulting in a slope shall not be steeper than two horizontal to one vertical (2:1) except for minor slopes as herein defined. All constructed minor slopes shall be designed for proper stability considering both geological and soil properties. A minor slope may be constructed no steeper than one and one-half horizontal to one vertical (1.5:1) contingent upon:</p> <p>A. Submission of reports by both a soil engineer and a certified engineering geologist containing the results of surface and subsurface exploration and analysis. These results should be sufficient for the soil engineer and engineering geologist to certify that in their professional opinion the underlying bedrock and soil supporting the slope have strength characteristics sufficient to provide a stable slope and will not pose a danger to persons or property.</p> <p>B. The installation of an approved special slope planting program and irrigation system.</p> | <p>As discussed in Section 8.14 Water Resources and 8.15 Geology, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts from grading for the installation of project components and erosion control activities. In addition, subsequent review and approval of these items will be done by the, CBO, in consultation with CEC Compliance Unit staff. Therefore, as proposed and consistent with the discussions and conclusions in the AFC, the SBRP is expected to comply with this policy.</p> |
| 15.04.045 Building pads – Design requirements. | <p>All building pads and building sites shall drain to an approved drainage facility unless otherwise approved by the city engineer.</p> | <p>Refer to response, above.</p> |
| 15.04.060 Landscaping and irrigation system. | <p>All cut and fill slopes shall be planted and irrigated in accordance with an approved plan. Said plan shall be prepared in accordance with the city landscape manual and shall be approved by the city landscape architect, and the director of planning and building or designee, as necessary.</p> | <p>Refer to response, above.</p> |
| 15.04.070 Slopes – Blending into existing terrain. | <p>All manmade slopes shall be blended into existing terrain to produce a natural-appearing transition from the face of manmade slopes into natural ground. This blending shall be accomplished in accordance with city of Chula Vista standard drawings. Undulating tops and toes of slopes and variable slope ratios should be used to achieve natural appearing slopes.</p> | <p>Refer to response, above.</p> |

TABLE 8.4A-3
 Consistency of the SBRP with Pertinent City of Chula Vista Regulations, Ordinances and Standards

| Provision | Description | Project Consistency |
|---|---|--|
| 12.12.120 Vision clearance – Intersection requirements. | <p>On each corner lot or two interior lots having a common side lot line, located within an interior angle not exceeding 135 degrees, formed by two converging street lines and such lot or lots being subject to front yard requirements, no obstruction, including earth obstruction, to vision between a height of three feet and 10 feet above every point along the outer edge of the paved surface of the roadway, or traveled portion of the roadway where no paving exists, may be erected, placed, planted, allowed to grow, or be maintained within that area of the lot or lots formed by the converging street lines and a straight line intersecting such street lines, drawn at a right angle to a line running midway or nearly midway between, and in the mean direction of, the converging street lines at a point three feet outside the buildable area of the lot or lots; provided, that said line shall not be less than 45 feet in length, except the following:</p> <p>A. Single trees and shrubs pruned, arranged, and maintained in such a way as to prevent blind spots and provide reasonable unobstructed vision, throughout the area, for drivers of automobiles.</p> <p>B. Wire fences of chain-link or similar openmesh construction.</p> <p>C. Pole signs, as otherwise permitted, provided the pole minimum support only is the only part of the structure visible within the height limits. (Ord. 973 § 1, 1966; prior code § 19.15.1).</p> | <p>As discussed in Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing impacts to visual quality. In addition, subsequent review and approval of these items will be done by the, CBO, and in consultation with CEC Compliance Unit staff. Further, the internal circulation and parking design for the SBRP is expected to comply with these requirements. Therefore, as proposed and consistent with the discussions and conclusions in the AFC, the SBRP is expected to comply with this policy.</p> |
| 12.16.020 Work to be done expeditiously. | <p>All poles shall be placed and set, and all excavations made, so that the same shall discommode adjoining property owners and the general public as little as possible. (Ord. 1205 § 2, 1969; prior code § 27.602(2)).</p> | <p>As discussed in Section 8.11 Visual, the SBRP project will be subject to CEC standard conditions of certification that will require compliance with CEC standards for minimizing offsite impacts. In addition, subsequent review and approval of these items will be done by the, CBO, and in consultation with CEC Compliance Unit staff.</p> |