

ORDINANCE NO. 9344 (N.S.)

**AN ORDINANCE AMENDING INTERIM ORDINANCE NO. 9226 (N.S.)
AS PREVIOUSLY AMENDED BY ORDINANCE NO. 9235 (N.S.) RESTRICTING
CERTAIN USES WITHIN THE EAST OTAY MESA SPECIFIC PLAN AREA**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Findings and Purpose. The Board of Supervisors finds and declares as follows:

(a) On July 24, 1994, the Board adopted the East Otay Mesa Specific Plan (EOMSP), which designated the large majority of the area for "Mixed Industrial" land uses. This designation provides for a wide variety of industrial land uses to be developed intermixed throughout the area. The Chief Administrative Officer has evaluated the existing EOMSP and has reported that its implementation could result in uses exhibiting adverse visual and/or operational characteristics (including noise and odor) locating adjacent to other more sensitive uses. For example, auto salvage yards and recycling centers generally may develop with minimal screening, may generate numerous automobile trips including tow trucks, and create intermittent noise impacts due to crushing, hauling and processing. Some permitted uses exhibiting these characteristics are generally not contained within enclosed buildings, thereby creating adverse impacts to adjacent sensitive uses such as general and light industrial uses and associated offices. The Board of Supervisors finds that it is in order to prepare an Amendment to the EOMSP to address these problems.

(b) Recently, the California Legislature enacted the Infrastructure Financing District Act (Gov. Code Sec. 53395 et seq.), which authorizes counties to finance public projects in a Border Development Zone by capturing tax increment. To utilize this new authority, on February 8, 2000, the Board of Supervisors directed the Chief Administrative Officer to execute an agreement with Keyser Marston Associates, Inc. to provide consultant services for the establishment of an Infrastructure Financing District (IFD) in the EOMSP area. The East Otay Mesa IFD will allow the tax increment from new development in this area to be reinvested back into this geographic area to pay for roads, sewers, and other infrastructure to spur additional development. The higher the assessed value of new development, the more funds will be available for this purpose. To enhance the viability of the IFD, amendments to the EOMSP should be considered, to direct and encourage land uses to those higher valuations. This will maximize the revenue available for infrastructure improvements to meet other EOMSP planning objectives. Other work is proceeding relative to the IFD, including the preparation of market absorption studies, which may indicate further needed amendments to the EOMSP.

(c) The Chief Administrative Officer has recommended that this Board consider establishing a technology business park in the western portion of the EOMSP. The San Diego Regional Economic Development Corporation has stated the following in its assessment of the fiscal viability of such an industrial park:

1. San Diego's economy has undergone a fundamental restructuring during the past, changing from a defense-dependent economy to a diversified economy, centered on biotech, telecommunications, defense and space, electronics and software.
2. In recent surveys conducted, over 65% of biotechnology companies surveyed anticipated that they would win regulatory approval and begin full manufacturing within the next three years.
3. There is a shortage of land zoned for industrial uses in certain key areas. Business parks in Sorrento Mesa, Torrey Pines and Rancho Bernardo are approaching build out, and the cost of land has become substantially higher than in competitor regions. Land costs are also higher even in areas where there is a large amount of available land, such as Otay Mesa and East Otay Mesa.
4. The San Diego Regional Economic Development Corporation has proposed that the solution to this challenge is the establishment of a specialized industrial park that would serve the needs of technology-based companies transitioning from research and development toward manufacturing.
5. Otay Mesa is the planning area in San Diego with the greatest amount of available land and an area that has been slotted in by numerous master plans to be the home of larger-scale manufacturing operations.

The Board finds that the western area of the EOMSP has characteristics which indicate its suitability for a technology business park, including the following: large, flat, developable, and relatively inexpensive land; good access due to proximity to the Otay Mesa International Border crossing; increased employment opportunities for residents in neighboring areas; thereby lessening the number of daily commuters on the expressways; and potential expansion of Maquiladora or Twin Plan Programs in the United States and Mexico. Amendments to the EOMSP would be in order to enact land use regulations to provide for such a technology business park.

(d) The Board has directed the Chief Administrative Officer to process amendments to the EOMSP for the general purposes of addressing the above matters. The amendment would restructure the regulations for purposes of separating potentially

incompatible uses, would facilitate the objectives of the IFD, and would designate an area in the Western third of the EOMSP area for a technology business park uses and other uses supportive of and compatible with such a center.

(e) To facilitate the accomplishment of the goals of the amendment of the EOMSP, it is necessary that the restrictions of this ordinance be imposed pursuant to Government Code Section 65858. There is a current and immediate threat to the public health, safety or welfare, in that: The existing EOMSP would allow certain interim and permanent uses, either by right or by use permit, which have the potential to conflict with the goals of the amendment which the Board has initiated as described in paragraph (a) above. In addition to the problem of incompatible uses described in paragraph (a), allowed uses could commit large tracts of land, thereby making it unavailable for development, which would provide the property valuation or the facilities infrastructure referred to in paragraph (b) above, or for technology business park uses referred to in paragraph (c) above. The approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in said threat to the public health, safety or welfare. The County of San Diego currently has received applications for such uses, which would be incompatible with the goals of the Amendment to the EOMSP as described herein, and anticipates the submittal of other applications in the near future. It is therefore necessary that this Ordinance to Extend Interim Ordinance No. 92-26 N.S. Restricting Certain Uses within the East Otay Mesa Specific Plan Area (Exhibit B), and the prohibitions listed within the Interim Ordinance, be enacted for an additional 12 months following date of its adoption in accordance with the provisions of Section 65858 of the Government Code.

Section 2. Extension of Ordinance No. 92-26 N.S.

(a) Ordinance No. 92-26 N.S. is hereby extended 12 months effective immediately.

Section 3. Publication. Before the expiration of fifteen days after its passage, this ordinance shall be published once with the names of the members of this Board voting for and against the same in San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 13th day of June, 2001.

BOARD05\EOMURGORD-ORD;tf