

ORDINANCE NO. 9226 (N.S.)

AN INTERIM ORDINANCE RESTRICTING CERTAIN USES  
WITHIN THE EAST OTAY MESA SPECIFIC PLAN AREA,  
TO TAKE EFFECT IMMEDIATELY

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 with higher valuation. 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 high-technology business center in the western portion of the EOMSP. The San Diego Economic Development Corporation has stated the following in its Request for Proposals for an 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 for larger-scale manufacturing operations.

The Board finds that the western area of the EOMSP has characteristics which indicate its suitability for a high 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 Plant Programs in United States and Mexico. Amendments to the EOMSP would be in order to enact land use regulations to provide for such a high technology business center.

(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 high technology business center 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 also 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 high technology business center 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 the prohibitions of this ordinance be enacted on an urgency basis.

## Section 2. Prohibitions On Uses

(a) Except as provided in Section 3 below, notwithstanding any provision of the text or diagrams of the East Otay Mesa Specific Plan, the Zoning Ordinance (including in particular Section 1019 thereof), the San Diego County Code, or any other provision of the ordinances or regulations of the County of San Diego, no County decision maker shall approve an application for a major use permit, minor use permit, site plan, administrative permit, grading permit, or building permit for a land development project that proposes any of the following uses within the following areas as shown on the map attached hereto as Exhibit "A".

### Uses Prohibited Within High Technology District (Areas 1A and 1B)

Agricultural Services (1420)  
Animal Sales and Services, Stockyards (1425e)  
Animal Waste Processing (1730)  
Automotive and Equipment Cleaning (1430a)

Automotive and Equipment Repairs, Heavy Equipment (1430d)  
Automotive and Equipment Repairs, Light Equipment (1430e)  
Automotive and Equipment Sales, Rental, Heavy Equipment (1430f)  
Automotive and Equipment Sales, Rental, Farm Equipment (1430g)  
Automotive and Equipment Storage Non-operating Vehicles (1430i)  
Construction Sales and Service (1455)  
Cultural Exhibits and Library Services (1330)  
Lodge, Fraternal and Civic Assembly (1348)  
Major Impact Service and Utilities (1350)  
Packing and Processing (1735)  
Recycling Collection Facilities (1512)  
Recycling Processing Facility (1513)  
Religious Assembly (1370)  
Retail Sales, General (1525)  
Scrap Operations (1530)  
Small Schools (1375)  
Spectator Sports and Entertainment, General (1535)  
Sports and Recreation, Indoor and Outdoor (1505)  
Swap Meets (1540)  
Other uses unforeseen at the time of Specific Plan adoption as allowed by Major Use Permit in Section 3.2 of the East Otay Mesa Specific Plan.

### Uses Prohibited Within General Industrial District (Areas 2A and 2B)

Animal Waste Processing (1730)  
Automotive and Equipment Storage of Non-Operating Vehicles (1430i)  
Recycling Collection Facilities (1512)  
Recycling Processing Facility (1513)  
Scrap Operations (1530)  
Other uses unforeseen at the time of Specific Plan adoption as allowed by Major Use Permit in Section 3.2 of the East Otay Mesa Specific Plan unless application for such use was filed with the County prior to June 21, 2000.

The prohibitions of this Section shall not apply to an application for the repair, reconstruction or continued operation of an existing use, building or structure.

### Section 3. Temporary Uses Allowed

The prohibitions of Section 2 of this ordinance shall not apply to an application proposing any of the following temporary uses within the following areas as shown on the map attached hereto as Exhibit "A":

### Temporary Uses Allowed Within High Technology District (Area 1B)

Agricultural Services (1420)  
Animal Sales and Services, Stockyards (1425e)  
Cultural Exhibits and Library Services (1330)  
Lodge, Fraternal and Civic Assembly (1348)  
Major Impact Service and Utilities (1350)

Religious Assembly (1370)  
Retail Sales, General (1525)  
Small Schools (1375)  
Sports and Recreation, Indoor and Outdoor (1505)  
Swap Meets (1540)

Temporary Uses Allowed Within General Industrial District (Area 2B)

Automotive and Equipment Storage of Non-Operating Vehicles (1430i)  
Scrap Operations (1530)

The above temporary uses are only allowed to the extent they are permitted under the East Otay Mesa Specific Plan and subject to all time limits and other limitations, and the obtaining of all permits required therein.

Section 4. Effective Date and Duration. This is an interim ordinance adopted by a four-fifths vote of this Board as an urgency measure to protect the public safety, health and welfare in accordance with the provisions of Section 65858 of the Government Code. The reasons for the urgency are set forth at Section 1 of this ordinance. This ordinance shall take effect immediately and shall cease to be of any force or effect 45 days following the date of its adoption unless it is extended after notice and hearing pursuant to said Section 65858.

Section 5. 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 21<sup>st</sup> day of June, 2000.