



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: October 18, 2018 REPORT NO. PC-18-055

HEARING DATE: October 25, 2018

SUBJECT: INITIATION OF AN AMENDMENT TO THE OTAY MESA COMMUNITY PLAN TO REMOVE THE FOLLOWING STREETS FROM THE MOBILITY ELEMENT'S CLASSIFIED STREETS NETWORK: OTAY PACIFIC DRIVE, OTAY PACIFIC PLACE, AND LAS CALIFORNIAS DRIVE.

PROJECT NUMBER: [597523](#)

OWNER/APPLICANT: Otay Tijuana Venture LLC; Thomas Story

SUMMARY

Issue: Should the Planning Commission INITIATE an amendment to the Otay Mesa Community Plan to remove the following streets from the Mobility Element's classified streets network: Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive?

Staff Recommendation: Approve the initiation to the amendment to the Otay Mesa Community Plan to remove Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive from the Mobility Element's classified streets network.

Community Planning Group Recommendation: On May 16, 2018 the Otay Mesa Planning Group voted 12-0-1 in support of initiating the proposed community plan amendment (Attachment 7).

Environmental Review: The proposed community plan amendment is not a "project" under the definition set forth in CEQA Guidelines Section 15378. Should initiation of the community plan amendment be approved, environmental review would take place at the appropriate time in accordance with CEQA Section 15004.

Fiscal Impact Statement: None with this action. All costs associated with this action are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: There is no housing impact. The project area is identified for a non-residential use (Institutional).

BACKGROUND

The area affected by the proposed community plan amendment is located within the southern portion of the Otay Mesa community north of the international border (Attachments 1 and 2). The area consists of a patchwork of vacant and developed lots of mainly warehouse and distribution uses and some light industrial uses (Attachment 3).

The proposed Otay Mesa Community Plan amendment would remove the following three existing improved streets from the classified streets network of the plan's Mobility Element (Attachment 4):

- Otay Pacific Drive which is classified as a 4-lane major road,
- Otay Pacific Place which is classified as a 4-lane collector street, and
- Las Californias Drive which is classified as a 2-lane collector street.

These streets provide access to a 64-acre property located east of Britannia Boulevard, south of Siempre Viva Road and immediately north of the international border, which is owned by the applicant, Otay Tijuana Venture LLC. The property is partially constructed with an airline passenger processing facility with direct access to Tijuana International Airport and approved for various other uses (described below). This facility is commonly known as the Cross Border Xpress or CBX.

The streets are constructed in a horseshoe configuration that intersects with Siempre Viva Road. Otay Pacific Drive and Las Californias Drive run parallel through the property south of Siempre Viva Road and terminate in cul-de-sacs within the southern portion of the site; Otay Pacific Place provides an east-west link between Otay Pacific Drive and Las Californias Drive.

The 64-acre property has a sequence of prior approvals related to roadway classifications and development entitlements (described below) that provides background and land use context for the community plan amendment initiation request.

In 2007, the property was approved for development of a small lot industrial park. The three streets provided access and frontage to the 30-lot subdivision. Shortly after the project was approved, the property was graded, and the three on-site streets were constructed. The property was then acquired by Otay Tijuana Venture LLC (OTJV), the current project applicant. OTJV then submitted a development application to the City reflective of the current entitlement.

In January 2012, City Council approved OTJV's development proposal which included the following:

- a community plan amendment to:
 - re-designate the property as "Institutional" use,
 - reclassify three on-site roads in the Circulation Map:
 - Otay Pacific Drive from a local street to a four-lane major,
 - Otay Pacific Place from an industrial collector to a four-lane collector, and
 - Las Californias Drive from an industrial collector to a two-lane collector with a two way left turn lane, and,
 - reclassify three off-site roads in the Community Plan Circulation Map:
 - Britannia Boulevard from SR-905 to Airway Road from a four-lane major to a six-lane primary arterial,
 - Britannia Boulevard from Airway Road to Siempre Viva Road from a four-lane major to a six-lane major, and
 - Otay Mesa Road from Piper Ranch Road to SR-125 from a four-lane primary arterial to a six-lane major arterial.
- Vesting Tentative Map No. 609579 for re-subdivision of the property, and
- a street vacation for portions of Otay Pacific Drive and Las Californias Drive that were south of Otay Pacific Place to accommodate the passenger processing facility,
- a Planned Development Permit to allow development of the property for a 95,000 square foot air terminal building, a 772,000 square foot parking structure, a 240-room hotel, 40,000 square feet of visitor serving commercial uses, and 402,000 square feet of industrial and office/warehouse uses, and
- a Site Development Permit to authorize off-site roadway improvements along segments of Britannia Boulevard, Siempre Viva Road and Otay Mesa Road.

In March 2014, an update to the Otay Mesa Community Plan was adopted by City Council. The Community Plan designates the 64-acre property as Institutional and maintains the street classifications from the previous community plan within this site (Attachment 5).

In December 2015, the air terminal, known as the Cross Border Xpress (CBX) opened as a private facility that provides long-term parking and U.S. Customs and Immigration processing for passengers to access the Tijuana International Airport via a pedestrian bridge which connects the CBX terminal with the Tijuana International Airport terminal in Mexico. In addition to the terminal located on Lot 8, a permanent surface parking lot was constructed on Lot 9 (Attachment 6). Subsequently, temporary surface parking lots have been constructed on Lots 1-7 and 10. The permitted development has not been constructed on the remaining lots.

DISCUSSION

The proposed community plan amendment would remove Otay Pacific Drive, Otay Pacific Place, and Las Californias Drive from the Otay Mesa Community Plan Mobility Element's roadway classification network. If initiated, this amendment would allow the applicant to process an application to vacate the public right-of-way serving the 64-acre property and convert the roadways into private driveways controlled by the applicant. The existing on-site potable water, reclaimed water, and sewer utilities would also be privatized. Because the streets are within the classified roadway network, the right-of-way vacation requires an amendment to remove the streets from the network in order to be approved.

The City is unique among jurisdictions in that the process to amend the General Plan and/or a community plan requires either a Planning Commission or City Council initiation before a plan amendment process and accompanying project may proceed. Community plans are components of the City's General Plan. The staff recommendation of approval or denial of the initiation is based upon compliance with all three of the initiation criteria contained in the General Plan. The Planning Department has provided an overview of how the following initiation criteria are addressed by the proposed amendment:

(a) – The amendment request appears to be consistent with the goals and policies of the General Plan and community plan and any community plan specific amendment criteria.

The proposed amendment to remove the three classified streets from the Otay Mesa Community Plan's roadway classification network appears to be consistent with the goals

and policies of the General Plan and the Otay Mesa Community Plan if the streets are privatized. Streets within the community plan's classified network are intended to provide connectivity throughout the community as well as maintain regional access. The specific street classifications are also intended to support traffic volumes for public streets at levels of service evaluated in the Environmental Impact Report for the community plan.

The three on-site streets that are proposed to be removed from the Community Plan street classification network do not provide through access to any other streets or connectivity to other areas of the community. The streets are located entirely within property owned by the applicant and provide internal circulation to the development. There are no other properties that front these three streets nor are dependent on these streets for access. If initiated, the application to vacate the public right-of-way will need to evaluate the configuration of the roadways as private facilities. Private facilities are not included within the classified roadway network.

(b) – The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design.

The existing land use designation and intensity range would not be affected by the proposed amendment. The site design would also not be affected because the applicant intends to address access by proposing easements for all lots that would front onto the resulting private drives. This would ensure all lots would have recorded legal access to a public street.

The community plan policies relevant to this proposal generally relate to mobility and economic prosperity. Relevant mobility policies would address community connectivity and access. As stated in criteria (a) above, these policy areas would not be adversely affected by the proposal.

Policies related to economic prosperity result from identification of Otay Mesa as a Sub-Regional employment center by the General Plan as well as community plan policies specifically related to the provision of a cross-border transportation facility. Land uses in this sub-region are intended to promote international business and trade. The CBX transportation terminal and supporting land uses facilitate international business and trade.

In its initial two years of operations, CBX has established an effective transportation service for many air travel passengers in the region. CBX allows access to Tijuana International

Airport without the need to use the Otay Mesa or San Ysidro Port of Entries and provides an alternative to San Diego International Airport. These three streets are designed and constructed as public streets to accommodate CBX and adjacent parking, but also function like an airport terminal roadway. The proposed amendment would allow for the vacation of the streets and the ability for CBX to control traffic flow during peak periods to reduce and avoid passenger delays and enhance passenger experience which supports the growth of CBX and the economic development of Otay Mesa.

(c) – Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process.

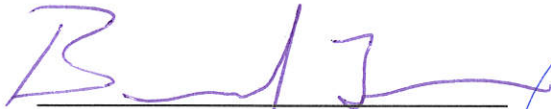
The proposed amendment to remove the three classified streets from the Otay Mesa Community Plan's roadway classification network would not change land use intensity. The removal of the streets from the planned network would not affect other public facilities. All public facilities including public streets required to serve the CBX development are either existing or their future needs have been addressed via the off-site traffic mitigation requirements established by the project's certified EIR and Mitigation and Monitoring Program. The proposal would not alter the existing or planned network offsite and would not generate additional traffic.

As outlined above, staff has determined that the proposal can meet all the initiation criteria. The following issues have been identified by City staff. If initiated, these issues, as well as others that may be identified, would be analyzed and evaluated through the Community Plan amendment review process:

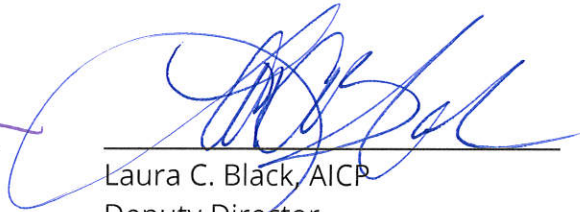
- Ability to make required Municipal Code street vacation findings that:
 - (a) There is no present or prospective public use for the public right-of-way;
 - (b) The public will benefit from the action through improved use of the land made available by the vacation;
 - (c) The vacation does not adversely affect any applicable land use plan; and
 - (d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation;
- Configuration of the roadway as a private facility, including travel direction, capacity, pedestrian access and on-street parking;
- Alternatives to meeting lot frontage requirements and provide access to abutting lots.

Although staff believes that the proposed amendment meets the necessary criteria for initiation, staff has not fully reviewed the applicant's proposal. Therefore, by initiating this community plan amendment, neither staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendment.

Respectfully submitted,



Bernard Turgeon
Senior Planner
Planning Department



Laura C. Black, AICP
Deputy Director
Planning Department

BLACK/BWT

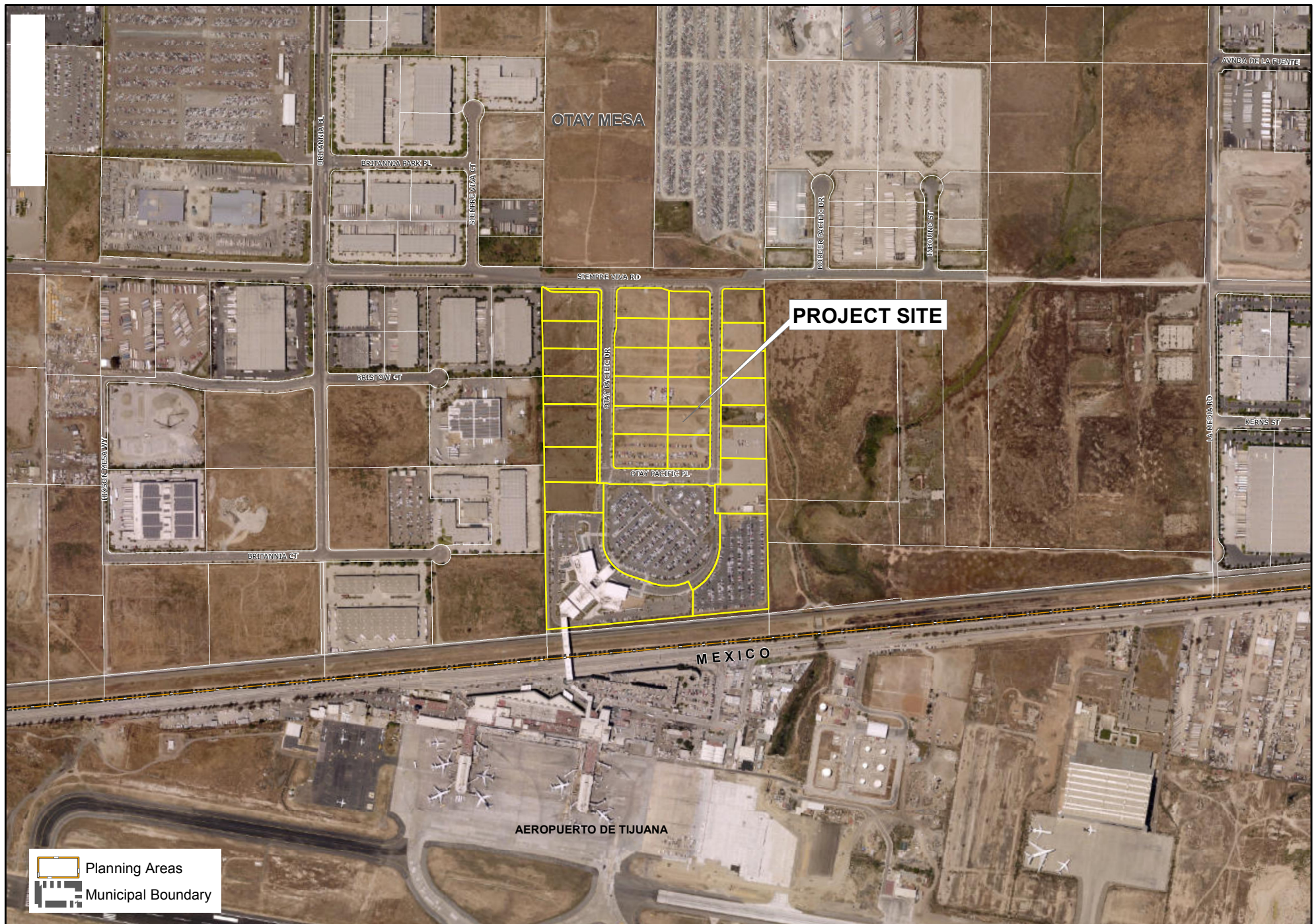
Attachments:

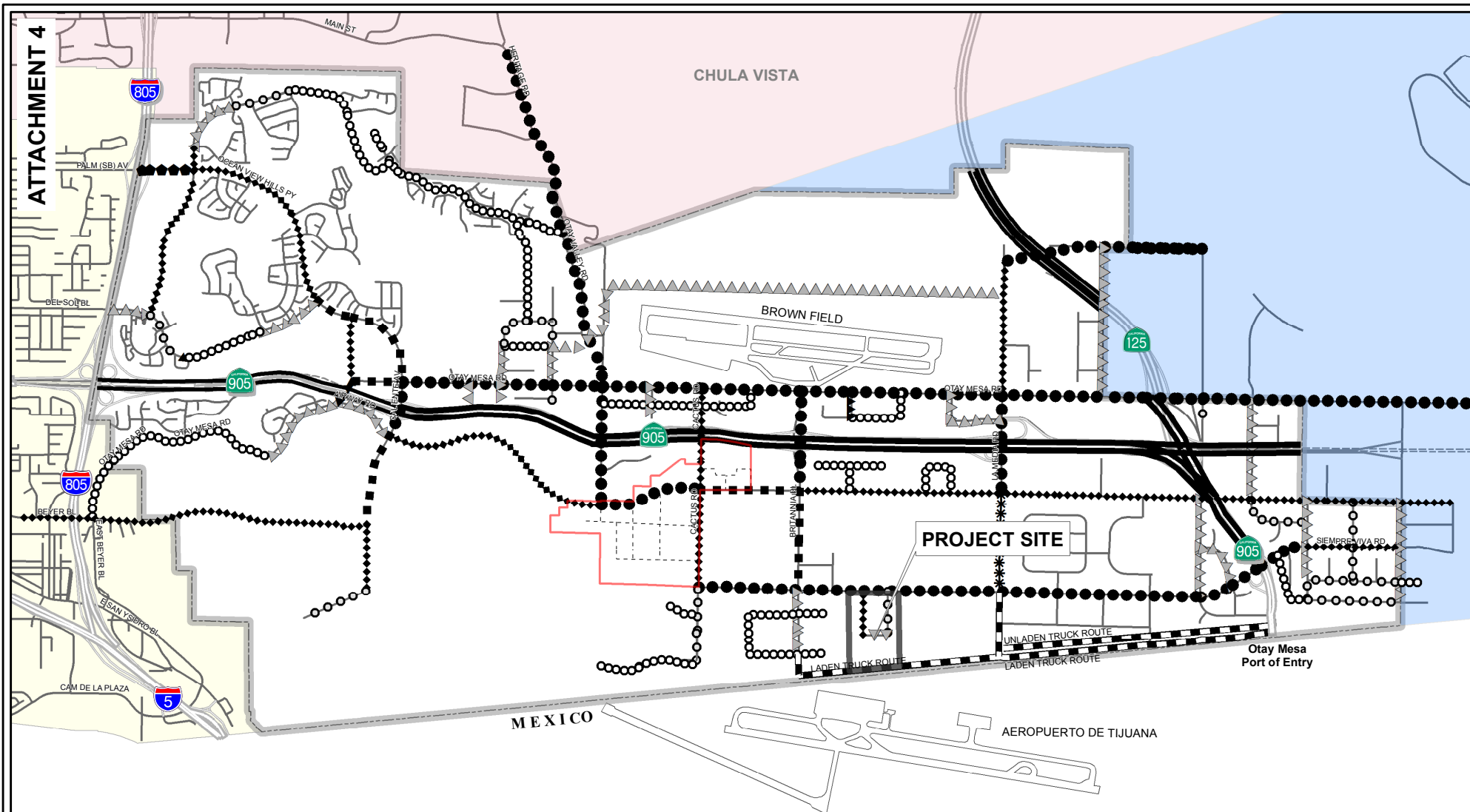
1. Project Vicinity Map
2. Project Location Map
3. Project Location Map (aerial photo)
4. Community Plan Roadway Classification Map
5. Community Plan Land Use Map
6. Site Plan (aerial photo)
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



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|---|--------------------------------|--------------------------------|
| *2-C= 2-lane Collector (without left turn lane) | 4-M = 4-lane Major Arterial | 7-PA = 7-lane Primary Arterial |
| 2-CL= 2-lane Collector (with left turn lane) | 5-M = 5-lane Major Arterial | F= Freeway |
| 4-C= 4-lane Collector (without left turn lane) | 6-M = 6-lane Major Arterial | TR= Truck Route |
| 4-CL= 4-lane Collector (with left turn lane) | 6-PA = 6-lane Primary Arterial | |

OTAY MESA ROADWAY CLASSIFICATION - Figure 3-2

Legend

- | | | | | | | |
|---------------|-------------|------------|----------------|-------------|---|----------------------------|
| ○○○○○○○ 2-C* | ▲▲▲▲▲ 4-C* | ◆◆◆◆◆ 4-M* | ■ ■ ■ ■ ■ 6-M* | ●●●●● 7-PA* | —+—+—+— TR* | □ Central Village Boundary |
| ○-○-○-○ 2-CL* | ▲▲▲▲▲ 4-CL* | ***** 5-M* | ●●●●● 6-PA* | ===== F* | ----- Refer to Central Village Specific Plan for additional detail and Roadway Classification | |

NOTE: For illustrative purposes only does not reflect future alignments.



THE CITY OF SAN DIEGO



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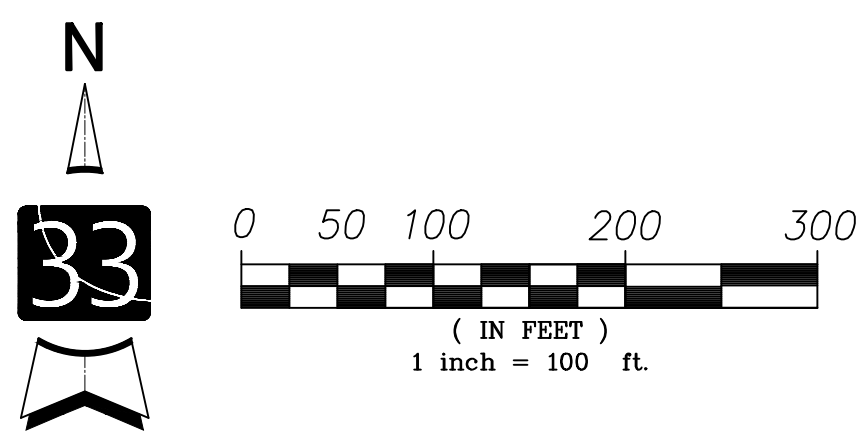
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FILE: L:\GIS\PROJECTS\Planning\Map\Map\OTM\OTM-Figure 3-2-ROADWAY CLASSIFICATION-FINAL.MXD, 3/23/2016, Printed: 3/23/2016 Date: 3/23/2016



SITE PLAN





City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 2

Project Name: Tijuana Cross Border-Amendment		Project Number: 597523	Distribution Date: 04/23/2018
Project Scope/Location: OTAY MESA- (Process 5) Community Plan Amendment, Tentative Map and Public Right of Way Vacation(s) Of Otay Pacific Drive, Otay Pacific Place and Las Californias Drive all located south of Siempre Viva Rd immediately adjacent to the US/Mexico International Border and to privatize the existing onsite utilities. The 63.83 acre site is in the IBT-1-1 zone within the Otay Mesa Community Plan area in Council District 8.			
Applicant Name: Vo, Denise		Applicant Phone Number: (858) 837-2490	
Project Manager: Godwin, Paul	Phone Number: (619) 446-5190	Fax Number: (619) 446-5245	E-mail Address: PGodwin@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 12	Members No	Members Abstain 1
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME: ROB HIXSON		TITLE: CHAIR OMB	
SIGNATURE: [Signature]		DATE: 5/16/18	
Attach Additional Pages If Necessary.		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



Community Planning Committee Distribution Form Part 1

Project Name:		Project Number:		Distribution Date:	
Tijuana Cross Border-Amendment		597 523		04/23/2018	
Project Scope/Location:					
OTAY MESA- (Process 5) Community Plan Amendment, Tentative Map and Public Right of Way Vacation(s) Of Otay Pacific Drive, Otay Pacific Place and Las Californias Drive all located south of Siempre Viva Rd immediately adjacent to the US/Mexico International Border and to privatize the existing onsite utilities. The 63.83 acre site is in the IBT-1-1 zone within the Otay Mesa Community Plan area in Council District 8.					
Applicant Name:			Applicant Phone Number:		
Vo. Denise			(358) 837-2490		
Project Manager:		Phone Number:	Fax Number:	E-mail Address:	
Godwin, Paul		(619) 446-5190	(619) 446-5245	PGodwin@sandiego.gov	
Project Issues (To be completed by Community Planning Committee for initial review):					
Attach Additional Pages If Necessary.			Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101		
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.					



City of San Diego
Development Services
1222 First Ave., MS 302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

FORM
DS-318

October 2017

Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☒ Other Right-of-Way Vacation

Project Title: San Diego - Tijuana Airport Cross Border Facility Project - ROW Vacation

Project No. For City Use Only: 601 884

Project Address: Siempre Viva Road and Otay Pacific Drive

Specify Form of Ownership/Legal Status (please check):

☒ Corporation ☒ Limited Liability-LLC ☐ General - What State? CA Corporate Identification No. _____
☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: Otay Tijuana Venture, LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 2745 Otay Pacific Drive

City: San Diego State: CA Zip: 92154

Phone No.: 619-751-5420 Fax No.: _____ Email: ttstory@outlook.com

Signature: _____ Date: 02/07/2018

Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: Thomas Story ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 8259 Laurelridge Road

City: San Diego State: CA Zip: 92120

Phone No.: 858-229-5442 Fax No.: _____ Email: ttstory@outlook.com

Signature: _____ Date: 02/07/2018

Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: 02/07/2018

Additional pages Attached: ☐ Yes ☒ No

Otay Tijuana Venture, LLC Ownership List

PAP Corporation: Carlos Laviada and Laura Laviada,

Palaereo Incorporated: Juan Gallardo and Eduardo Sánchez Navarro,

EGI-Otay Investors: Sam Zell.