



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: September 11, 2013

REPORT NO. HO 13-078

ATTENTION: Hearing Officer

SUBJECT: HOLLISTER PHASE II & III
SITE DEVELOPMENT PERMIT
PROJECT NUMBER: 287159

LOCATION: Hollister Street from south of Ingrid Street to south of Sunset Avenue

APPLICANT: David Morrow

SUMMARY

Issue: Should the Hearing Officer approve the replacement of approximately 6,400 linear feet of an existing water main along Hollister Street within the Otay-Mesa Nestor and the Tijuana River Valley Community Planning Areas?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 287159 and Adopt the Mitigation, Monitoring and Reporting Program;
2. **Approve** Site Development Permit No. 1007858.

Community Planning Group Recommendation - The proposed project was heard on January 9, 2013 by the Otay-Mesa Nestor Planning group and received unanimous approval of 11-0-0 with no recommendations.

Environmental Review: Mitigated Negative Declaration No. 287159 has been prepared for the project in accordance with state of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

BACKGROUND

The 61.67-acre project site is located within the Hollister Street right-of-way. The project starts just south of Ingrid Street and end one-half mile south of Sunset Avenue. The project is in the RS-1-7, RM-1-1, RS-1-2, AR-1-1, RS-1-1 and OF-1-1 zones, the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones within the Otay Mesa-Nestor and the Tijuana River Valley Community Plans. The southernmost portion of the project site, south of Sunset Avenue is within the Multiple Species Conservation Program (MSCP) Subarea Plan. There are a number of uses adjacent to the two-lane Hollister Street right-of-way including single- and multi-family residential, ranches, farms and a high school.

DISCUSSION

In 1936, approximately 10,700 linear feet of 20-inch diameter unlined cast iron water main was installed along Hollister Street. This water main was cleaned and cement lined in 1956. The project proposes to replace approximately 6,400 linear feet of an existing 20-inch cast iron water main located in the Hollister Street right-of-way with a new 20-inch polyvinyl chloride (PVC) water main in a phased process. Phase II would replace approximately 2,300 linear feet of pipeline in Hollister Street from south of Ingrid Street to south of Leon Street. Phase III would replace the remaining 4,100 linear feet from south of Leon Street to an intertie with the City of San Diego's service main just south of Sunset Street.

The new pipeline will be installed parallel to the existing pipeline in a new undisturbed alignment within the existing disturbed right-of-way. The new pipeline will be installed by open cut construction except over the water main at Tocayo Avenue, where it would cross under an existing concrete channel. This concrete channel is considered a wetland and the project would be excavating under the existing concrete-lined channel without disturbing it. Phase II would be in the established roadway with a buffer of approximately 25 feet on either side. Phase III would be in the established roadway shoulder on the eastern side of the road, with a buffer of approximately 25 feet to the west and 10 feet to the east.

Potential staging areas within or adjacent to the Hollister Street right-of-way are very limited, especially north of Atherton Avenue, due to development and private property along both sides of the street. Potential staging areas north of Atherton Avenue are restricted to small disturbed areas and parking lots on school district property near Iris and Leon Avenues. Disturbed habitat on the other side of Honestidad Road may also be used as a staging area, on an embankment above the road. Potential staging areas in the southern one-third of the project study area (south of Atherton Avenue) include the existing large parking lot, an equestrian staging area adjacent to the community garden in the Tijuana River Estuary Regional Park, and a strip of disturbed habitat once-half block south of Atherton Avenue within a utility right-of-way.

The Otay Mesa Nestor and the Tijuana River Valley Community Plans do not specifically address utilities except to provide adequate public and private utilities to serve the surrounding communities and region, while respecting the natural characteristics of the area. As described

above, the project has been designed to limit impacts to sensitive biological resources while ensuring the replacement of outdated utilities to better serve the community at large.

Required Permits:

The project requires a Site Development Permit (SDP) for development within and adjacent to Environmentally Sensitive Lands (Sensitive Biological Resources) in accordance with San Diego Municipal Code [SDMC] Section 143.0110. The direct impacts include 11.17 acres of developed land and non-native vegetation from excavation of the proposed pipeline, and staging of equipment and materials. A portion of the project site is located within the Multiple Habitat Planning Area and is subject to the Land Use Adjacency Guidelines designed to minimize indirect impacts to sensitive resources.

The project has been determined to be exempt from a Coastal Development Permit per the San Diego Municipal Code Section 126.0704(b) in which repair or maintenance activities are exempt. A decision on a SDP shall be made in accordance with Process Three with the Hearing Officer as the decision maker. The decision may be appealed to the Planning Commission in accordance with SDMC section 112.0506.

Environmental Analysis:

The Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biological Resources (Land Use/MSCP and Least Bell's Vireo) and Historical Resources (Archeology). Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level of insignificance impacts identified in the environmental review process.

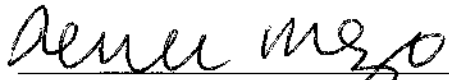
Conclusion:

Staff has reviewed the application for the Site Development Permit and has found that the project is in conformance with the applicable sections of the San Diego Municipal Code. Staff has determined that the development is consistent with the Otay Mesa Nestor Community Plan and believes the findings can be supported. Therefore, staff recommends the Hearing Officer approve the Site Development Permit as presented, subject to the proposed conditions.

ALTERNATIVES

1. Approve Site Development Permit No. 1007858, with modifications.
2. Deny Site Development Permit No. 1007858, if the findings required to approve the project cannot be affirmed.

Respcctfully submitted,



Renee Mezo, Development Project Manager

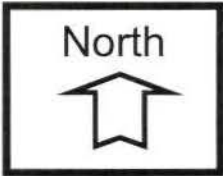
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Permit and Environmental Resolution with Findings and MMRP
4. Draft Permit with Conditions
5. Project Plans (Plan Sct forwarded to HO only)
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement



Aerial Photo

THE WATERMARK - 10137 SCRIPPS GATEWAY COURT
PROJECT NO. 180357



HEARING OFFICER RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 1007858
HOLLISTER PHASE II & III PROJECT NO. 287159 – MMRP
DRAFT

WHEREAS, the CITY OF SAN DIEGO, Owner, and CALIFORNIA AMERICAN WATER COMPANY, Permittee, filed an application with the City of San Diego for a Site Development Permit to replace approximately 6,400 linear feet of an existing 20-inch water main (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1007858), on portions of a 61.67-acre site;

WHEREAS, the project site is located within the Hollister Street right-of-way from south of Ingrid Street to south of Sunset Avenue in the RS-1-7, RM-1-1, RS-1-2, AR-1-1, RS-1-1 and OF-1-1 zones, the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans;

WHEREAS, the project site is legally described as the right-of-way limits of Hollister Street, in Section 27 and 34 of Township 18 South, Range 2 West on the United States Geological Survey Imperial Beach 7.5-minute quadrangle map;

WHEREAS, on September 11, 2013, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1007858 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated September 11, 2013.

FINDINGS:

Site Development Permit Findings - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans. The project has been determined to be exempt from a Coastal Development Permit per the San Diego Municipal Code Section 126.0704(b).

The Otay Mesa Nestor and the Tijuana River Valley Community Plans do not specifically address utilities except to provide adequate public and private utilities to serve the Tijuana River Valley and surrounding communities. The existing unlined cast iron water main was installed along Hollister Street in 1936 and was cleaned and cement lined in 1956. The project complies with all applicable land use plans and therefore, will not adversely affect the applicable land use plans.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans. The existing unlined cast iron water main was installed along Hollister Street in 1936, and was cleaned and cement lined in 1956. The replacement of the outdated pipe will contribute to protecting the public health, safety and welfare of the community at large.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of biological resources and archeology. Implementation of the Mitigation, Monitoring and Reporting Program would reduce potential impacts to a level below significance.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Therefore, the project as proposed would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans.

The project is consistent with the community plans and complies with the development standards of the underlying zones and the Land Development Code. The proposed project does not require any deviation from the applicable regulations. Therefore, the project complies with the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main in the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue within the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans. The new pipeline would be installed parallel to the existing pipeline within the existing disturbed right-of-way. A small portion of the pipeline has been designed to cross under, by way of trenchless construction, an existing concrete-lined storm water channel. This method of construction would avoid all impacts to sensitive plant or animal species. Other than crossing the channel, the pipeline construction

would be within the existing roadway surface and shoulder of Hollister Street. Potential staging areas include parking lots on school district property, within the equestrian staging area adjacent to the community garden in the Tijuana River Estuary Regional Park and a strip of disturbed habitat one-half block south of Atherton Avenue that appears to be a linear utility right-of-way. Therefore the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans.

City staff has reviewed this project and a Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The MND determined that there are no significant impacts to the area of geology and proper engineering design of the project will be verified at the construction stage by City Geology staff and the City Engineer. The project adheres to all requirements in regards to erosion control, flood and fire hazards, therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans.

The new pipeline would be installed parallel to the existing pipeline within the existing disturbed right-of-way. A small portion of the pipeline has been designed to cross under, by way of trenchless construction, an existing concrete-lined storm water channel. This method of construction would avoid all impacts to sensitive plant or animal species. Other than crossing the channel, the pipeline construction would be within the existing roadway surface and shoulder of Hollister Street. Potential staging areas include parking lots on school district property, within the equestrian staging area adjacent to the community garden in the Tijuana River Estuary Regional Park and a strip of disturbed habitat one-half block south of Atherton Avenue that appears to be a linear utility right-of-way.

City staff has reviewed this project and a Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biological Resources (Land Use/MSCP and Least Bell's Vireo) and Historical Resources (Archeology). Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level below significance impacts identified in the environmental review process.

Therefore the proposed development is designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans.

The southernmost portion of the project site, south of Sunset Avenue is within the Multiple Species Conservation Program (MSCP) Subarea Plan. The Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biological Resources (Land Use/MSCP and Least Bell's Vireo) and Historical Resources (Archeology). Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level below significance impacts identified in the environmental review process. This action would ensure the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans.

The property is over five miles from the San Diego Bay and the Pacific Ocean. The water main would be installed parallel to the existing pipeline within the existing disturbed right-of-way and will not have any effect on any public beaches; therefore the development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The project proposes the replacement of approximately 6,400 linear feet of a 20-inch private water main within the public right-of-way (Hollister Street) between Ingrid Avenue and Sunset Avenue in the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans.

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channel, the pipeline construction would be within the existing roadway surface and shoulder of Hollister Street. Potential staging areas include parking lots on school district property, within the equestrian staging area adjacent to the community garden in the Tijuana River Estuary Regional Park and a strip of disturbed habitat one-half block south of Atherton Avenue that appears to be a linear utility right-of-way.

City staff has reviewed this project and a Mitigated Negative Declaration (MND) was prepared in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to Biological Resources (Land Use/MSCP and Least Bell's Vireo) and Historical Resources (Archeology).

Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce, to a level below significance impacts identified in the environmental review process. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1007858 is hereby GRANTED to the referenced Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1007858, a copy of which is attached hereto and made a part hereof.

RENEE MEZO
Development Project Manager
Development Services

Adopted on: September 11, 2013

Internal Order No. 24002954

RESOLUTION NUMBER R-XXXX
ADOPTED ON SEPTEMBER 11, 2013

WHEREAS, on August 13, 2012, David Morrow submitted an application to Development Services Department for a Site Development Permit (SDP) for the Hollister Phase II and III; and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on September 11, 2013; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 287159 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 FIRST AVENUE, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: _____

Renee Mezo
Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT (SDP)

PROJECT NO. 287159

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 287159 shall be made conditions of the Site Development Permit No. 287159 as may be further described below.

MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP):

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice to Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
 3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

- 1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Biologist and Archaeologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 287159 and Environmental Document No. 287159 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, MMC and the RE. The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None

- 4. MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<i><u>Issue Area</u></i>	<i><u>Document Submittal</u></i>	<i><u>Associated Inspection/Approvals/Note</u></i>
General	Consultant Qualification Letters	Prior to Pre-construction meeting
General	Consultant Const. Monitoring	Prior to or at the Pre-Construction meeting
Biology	Biology Reports	Limit of Work Verification/ site observations
Biology	Biology Monitoring Reports	Pre-Construction survey results/monitoring reports
Archaeology	Consultant Qualifications	Prior to Pre-Construction meeting
Archaeology	Archaeology Monitoring Reports	Monitoring Reports (Draft and Final)
Final MMRP	Final Monitoring Reports	Final MMRP Inspection

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

A. BIOLOGY (Land Use/MSCP)

I. Prior to Permit Issuance

- A. Prior to issuance of any construction permit, the DSD Environmental Designee (ED) shall verify the Applicant has accurately represented the project's design in the Construction Documents (CDs) that are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Land Use Adjacency Guidelines for the Multi-Habitat Planning Area (MHPA), including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all CDs where applicable shall show the following:
1. **Land Development / Grading / Boundaries** –MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. The ED shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.
 2. **Drainage / Toxins** –All new and proposed parking lots and developed area in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to

minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

3. **Staging/storage, equipment maintenance, and trash** –All areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are within the development footprint. Provide a note on the plans that states: *“All construction related activity that may have potential for leakage or intrusion into the MHPA shall be monitored by the Qualified Biologist/Owners Representative to ensure there is no impact to the MHPA.”*
4. **Barriers** –All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (6-foot black vinyl coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.
5. **Lighting** – All building, site, and landscape lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, light from traffic or other incompatible uses, shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.
6. **Invasive Plants** – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive. Landscape plans shall include a note that states: *“The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA.”*
7. **Brush Management** –All new development adjacent to the MHPA is set back from the MHPA to provide the required Brush Management Zone (BMZ) 1 area (LDC Sec. 142.0412) within the development area and outside of the MHPA. BMZ 2 may be located within the MHPA and the BMZ 2 management shall be the responsibility of a HOA or other private entity.
8. **Noise-** Due to the site's location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided, during the breeding seasons for protected avian species such as: *California Gnatcatcher (3/1-8/15); Least Bell's vireo (3/15-9/15); and Southwestern Willow Flycatcher (5/1-8/30)*. If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated.

B. LEAST BELL'S VIREO (State Endangered/Federally Endangered)

1. Prior to the issuance of any construction permits, including but not limited to, the first demolition, grading, or building permits, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:
 - a. No clearing, grubbing, grading, or other construction activities, shall occur at the extreme southern end of the project site between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

- b. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for the least Bell's vireo shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service (USFWS) within the breeding season prior to the commencement of any construction. If the least Bell's vireo is present, then Condition I and either II or III must be met:
- I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
 - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or
 - III. At least two weeks prior to the commencement of construction activities, and under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction

II. Prior to Start of Construction

A. Preconstruction Meeting

The Qualified Biologist/Owners Representative shall incorporate all MHPA construction related requirements, into the project's Biological Monitoring Exhibit (BME).

The Qualified Biologist/Owners Representative is responsible to arrange and perform a focused pre-con with all contractors, subcontractors, and all workers involved in grading or other construction activities that discusses the sensitive nature of the adjacent sensitive biological resources.

III. During Construction

- A. The Qualified Biologist/Owners Representative, shall verify that all construction related activities taking place within or adjacent to the MHPA are consistent with the CDs, the MSCP Land Use Adjacency Guidelines. The Qualified Biologist/Owners Representative shall monitor and ensure that the conditions as identified above under Section I are implemented.

IV. Post Construction

- A. Preparation and Submittal of Monitoring Report

The Qualified Biologist/Owners Representative shall submit a final biological monitoring report to the RE/MMC within 30 days of the completion of construction that requires monitoring. The report shall incorporate the results of the MMRP/MSCP requirements per the construction documents and the BME to the satisfaction of RE/MMC.

B. GENERAL BIRD MITIGATION

BIOLOGY (General Birds)

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting birds are detected per "A" above, mitigation under "A" is not required

C. HISTORICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to MMC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification

- from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via

the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. **Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the DSD to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-con meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the

- next business day.
 - b. Discoveries
 - All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
 - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
 - C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
 - The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 - 3. The cost for curation is the responsibility of the property owner.

- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002954

SITE DEVELOPMENT PERMIT NO. 1007858
HOLLISTER PHASE II & III, PROJECT NO. 287159 (MMRP)
 HEARING OFFICER
DRAFT

This Site Development Permit No. 1007858 is granted by the Hearing Officer of the City of San Diego to the CITY OF SAN DIEGO, Owner, and CALIFORNIA AMERICAN WATER COMPANY, Permittee, pursuant to San Diego Municipal Code [SDMC] Section 143.0110. The 61.67-acre site is located within the Hollister Street right-of-way from south of Ingrid Street to south of Sunset Avenue in the RS-1-7, RM-1-1, RS-1-2, AR-1-1, RS-1-1 and OF-1-1 zones, the Coastal Overlay (Appealable) and the Parking Impact Overlay Zones, within the Otay Mesa Nestor and the Tijuana River Valley Community Plans. The project site is legally described as: the right-of-way limits of Hollister Street, in Section 27 and 34 of Township 18 South, Range 2 West on the United States Geological Survey Imperial Beach 7.5-minute quadrangle map.

Subject to the terms and conditions set forth in this Permit, permission is granted to the CITY OF SAN DIEGO, Owner, and CALIFORNIA AMERICAN WATER COMPANY, Permittee to replace approximately 6,400 linear feet of an existing 20-inch water main described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 11, 2013, on file in the Development Services Department.

The project shall include:

- a. The replacement of approximately 6,400 linear feet of existing 20-inch water main within the Hollister Street right-of-way;
- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning

regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 25, 2016.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take

authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Permittee shall secure all necessary building permits. The Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Permittee

regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Permittee shall not be required to pay or perform any settlement unless such settlement is approved by the Permittee.

12. This Permit may be developed in phases. Each phase shall be developed consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration, No. 287159, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, No. 287159, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

**BIOLOGICAL RESOURCES (Land Use/MSCP & Least Bell's Vireo)
HISTORICAL RESOURCES (Archeology)**

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any permit, the Permittee shall obtain an Engineering Permit for the work in the public right-of-way, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

17. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

18. Prior to the issuance of any construction permits, the Owner/Permittce shall provide an Encroachment Maintenance and Removal Agreement (EMRA) for the segment of pipe that goes under the sidewalk near the intersection of Hollister Street and Hemlock Avenue, satisfactory to the Director of the Public Utilities Department.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on September 11, 2013 and Resolution No. XXXX.

**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP
MEETING MINUTES
9 January, 2013**

Members Present:

Dist. 1 John Swanson
Dist. 3 Ed Abraham
Dist. 4 Diane Porter
Dist. 5 Gabriel Uribe
Dist. 7 Vacant
Dist. 8 Vacant
Dist. 9 Jacki Farrington
Dist. 10 Bob Mikloski

Dist. 11 Albert Velasquez
Dist. 12 Carlos Sanchez
Dist. 13 Vacant
Dist. 14 Wayne Dickey
Dist. 15 Walt Zumstein
Dist. 16 Steve Schroeder

Members Absent:

Dist. 2 Sam Mendoza
Dist. 6 Maria Mendoza
Three seats vacant

Guests Present: *None, the sign-up sheet was not returned to the secretary at the end of last month's meeting.*

1. **Call to Order/Introduction of Members:** The meeting was called to order at 6:35 p.m. by Chair Stephen Schroeder, at the Otay Mesa Nestor Branch Library. He welcomed all Board members and members of the community to the meeting of the Otay Mesa-Nestor Community Planning Group (OMNCPG).
2. **Approval of minutes** – Motion was made by Walt Zumstein to approve the minutes of the November 14, 2012 OMNCPG meeting. The motion passed unanimously.
3. **Non-Agenda Public Comments:**
 - a. John Swanson reported that there are 3 vacancies on the OMNCPG, and that applications are available. A candidate must have attended two meetings in the last 6 months to qualify for election.
 - b. Walt Zumstein and Gabriel Uribe said that they attended a recent meeting of the Tijuana River National Estuarine Research Reserve Advisory Council. More info about this meeting can be found in the Program Manager's Report here: http://trnerr.org/wp-content/uploads/2011/12/ProgramMgrsReport_12012011.pdf
4. **SDPD Community Relations:** Officer Carlos LaCarra, clacarra@pd.sandiego.gov (619) 424-0440. No report.
5. **Council District 8 Report:** Vivian Moreno, vmoreno@sandiego.gov (619) 533-6394. Staff member Vivian Moreno was in attendance, and gave the Dist. 8 monthly report.
 - a. The City of San Diego has a number of boards and commissions on which to volunteer. Application forms are on the City of San Diego City Clerk's website at: <http://www.sandiego.gov/city-clerk/boards-commissions/index.shtml>
 - b. The 39th Annual Christmas Tree Recycling Program was held at Montgomery Waller parking lot in late December and early January.
 - c. She also said that Councilmember Alvarez donated children's furniture to the Otay Mesa Nestor Branch Library. A celebration of this event will be held on Thursday, February 28, at 10:30 a.m. in the library.

- d. The mayor's Annual State of the City Address will be held on January 15, 2013, at the Balboa Theater.
 - e. The City of San Diego 7th Annual Project Homeless connect will be held on January 30, 2013 at the Golden Hall of the San Diego Concourse.
6. **40th Senate District Report:** No report. The State Senate district seat representing the 40th District is currently vacant. The most recent representative, Democrat Juan Vargas of San Diego, resigned to take a seat in the United States House of Representatives. A special election will be held March 12, 2013 to fill this State Senate district seat.
 7. **Action Item:** The OMNCPG considered a motion to approve two Cal Am Water projects: Hollister Street Water Line Replacement Phases 2 and 3. Phase 2 will connect to the now completed Hollister Phase 1, & replaces about 2,200 linear feet of 20 inch PVC water main pipe south of Ingrid Street to south of Leon Street. The Hollister Phase 3 project connects to the Phase 2 project.

Voting result: The vote passed unanimously.
 8. **Informational Item:** Chris Gascon, P.E. Project Manager, informed the group of on-going City of San Diego Sewer Rehabilitation R-1 Project, which consists of non-invasive rehabilitation of 37,857 linear feet (7.17 miles) of sewer main utilizing trenchless technology. Access will be through manholes and/or cleanouts. Other work would be connection of laterals, manhole rehab, replacing manholes, adding new cleanouts.
 9. **Sub-Committee Report:** Interim chair John Swanson said the OMNCPG Project Development Subcommittee met at a noticed meeting on December 18, 2012, to review the following two projects:
 1. Cal Am - Hollister Street Water Line Replacement Phases 2 and 3. The Subcommittee reviewed the project, and recommended approval to the OMNCPG.
 2. St. Charles Catholic Church project #299650. At this meeting, the representatives of the parish informed the Subcommittee members that the project was canceled.
 10. **Chair's Report:** Chair Steve Schroeder asked for volunteers to attend the mayor's Annual State of the City Address. He also said that the City of San Diego will be soon presenting a Code Compliance training class.
 11. **Long Range City Planner's Report:** No report.
 12. **Adjournment:** 7:25 p.m.

Respectively submitted by John C. Swanson, Secretary

Ownership Disclosure

Hollister Phase II and III

Project No. 287159

Site Development Permit

California American Water

100% owned by American Water Works Company, Incorporated

Directors:

Deborah Degillio
Walter Lynch
Robert MacLean
Kevin Murray
Kellyc Walker
Blanca Zarazua

Officers:

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Vice President, Finance & Treasurer	Jeffrey Linam	
Vice President, Operations	Edward Simon	
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Assistant Secretary	Lori Girard	
Assistant Secretary	Timothy Miller	
Assistant Treasurer	David Stephenson	
Assistant Comptroller	Donna Grosser	
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Assistant Comptroller	Carl Meyers	
Assistant Comptroller	Robin Quinn	
Assistant Comptroller	Angela Sedlacek	