

roadway segment to a 6-lane major arterial for the roadway segment on Britannia Boulevard between Airway Road and Siempre Viva Road to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-102:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 6.12 percent of the cost of widening the roadway segment to a 6-lane major arterial for the roadway segment on Caliente Avenue between Airway Road and Beyer Boulevard to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-103:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 11.81 percent of the cost of widening the roadway segment to a 6-lane primary arterial for the roadway segment on Main Street between I-805 and Oleander Avenue to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-104:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 10.20 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane primary arterial for the roadway segment on Heritage Road between Avenida De Las Vistas and Main Street to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-105:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 10.36 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane primary arterial for the roadway segment on Heritage Road between Avenida De Las Vistas and Datsun Street to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-106:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 15.78 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane primary arterial for the roadway segment on Otay Valley Road between Datsun Street and Sikorsky Street to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-107:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 23.68 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane major arterial for the roadway segment on Otay Valley Road between Sikorsky Street and Otay Mesa Road to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-108:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 4.01 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the roadway segment on Cactus Road between Otay Mesa Road and Airway Road.

**Mitigation Measure MM-TRA-109:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 9.33 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the roadway segment on Cactus Road between Airway Road and Siempre Viva Road to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-110:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 8.94 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the



roadway segment on La Media Road between Airway Road and Siempre Viva Road to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-111:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 1.64 percent of the cost of widening and construction of the roadway segment as a 6-lane major arterial for the roadway segment on Airway Road between Caliente Avenue and Heritage Road to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-112:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 1.64 percent of the cost of widening and construction of this roadway segment as a 6-lane primary arterial for the roadway segment on Airway Road between Heritage Road and Cactus Road to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-113:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 8.83 percent of the cost of widening and construction of this roadway segment as a 6-lane major arterial for the roadway segment on Airway Road between Cactus Road and Britannia Boulevard to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-114:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 12.14 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the roadway segment on Siempre Viva Road between Cactus Road and Britannia Boulevard to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-115:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 5.90 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane major arterial for the roadway segment on Siempre Viva Road between Britannia Boulevard and La Media Road to the satisfaction of the City Engineer.

*Horizon Year Metered Freeway On-Ramp Mitigation Measures*

**Mitigation Measure MM-TRA-116:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 19.21 percent of the cost of improving this on-ramp at the intersection of SR-905 westbound on-ramp at Heritage Road to the satisfaction of the City Engineer.

**Mitigation Measure MM-TRA-117:** Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 23.95 percent of the cost of improving this on-ramp at the intersection of I-805 northbound on-ramp at Main Street to the satisfaction of the City Engineer.

## Biological Resources

**Mitigation Measure MM-BIO-1:**

Table 5.6-3A identifies Project impacts to suitable burrowing owl habitat (non-native grassland and disturbed land) by development phase.



**TABLE 5.6-3A  
PROJECT VEGETATION COMMUNITY IMPACTS ON SUITABLE BURROWING OWL HABITAT BY  
DEVELOPMENT PHASE\***

Community	Phase 1	Phase 2	Phase 3	Phase 4
<b>Project Impacts On-site</b>				
Non-Native Grassland	77.91	54.14	20.51	25.30
Disturbed	42.00	4.24	4.26	1.43
<b>Total Acres</b>	<b>119.91</b>	<b>58.38</b>	<b>24.77</b>	<b>26.73</b>
<b>Project Impacts from Off-site Storm Water Pipe Outfalls</b>				
Non-Native Grassland		.78		
Disturbed		.04		
<b>Total Acres</b>		<b>.82</b>		
<b>Project Impacts from Off-site Roadway Improvements</b>				
Non-Native Grassland	2.10	.93		
Disturbed	1.50	.58		
<b>Total Acres</b>	<b>3.60</b>	<b>1.51</b>		
<b>Grand Total (acres)</b>	<b>123.51</b>	<b>60.71</b>	<b>24.77</b>	<b>26.73</b>

\*Each phase may be partially developed depending on availability and approval of suitable burrowing owl habitat mitigation lands.

Prior to the issuance of any construction permits for each phase or portion thereof, the owner shall provide mitigation to the satisfaction of the Development Services Department (DSD) Environmental Designee and the Wildlife Agencies for impacts to burrowing owl habitat consistent with the ratios and phasing as specified below:

1. PHASE 1:

- a. For impacts to 123.51 acres of burrowing owl habitat as shown in Table 5.6-3A, the owner shall provide suitable burrowing owl habitat mitigation at a ratio of 0.5:1 for a total of 61.76 acres consisting of both on-site and off-site mitigation lands.
- b. On-site mitigation: 30.08 acres on Brown Field as identified and conditioned under items i through iii below:
  - i. Convert 16.40 acres of disturbed/developed land as identified on Exhibit 'A' to functional grassland suitable as burrowing owl nesting habitat. Method for creating, maintaining, preserving and managing suitable habitat on the 16.40 acres shall be consistent with the conceptual Burrowing Owl Mitigation Plan, conceptual Long-Term Management Plan, and MM-BIO-3, MM-BIO-4, and MM-BIO-9.
  - ii. Construct artificial burrowing owl burrows in selected mima mounds as part of the Project's vernal pool mitigation to be located on 3.50 acres as identified on Exhibit 'A', otherwise known as the "tongue." The number of artificial burrows along with the management of the burrows shall be consistent with the conceptual Burrowing Owl Mitigation Plan, conceptual Vernal Pool Restoration Plan, conceptual Long-Term Management Plan, and MM-BIO-7 and MM-BIO-9. The project shall also be consistent with the conservation measures, terms and conditions of the Biological Opinion for the Project.
  - iii. Construct artificial burrowing owl burrows in selected mima mounds as part of the Project's vernal pool mitigation to be located on 10.18 acres as identified on Exhibit 'A', otherwise known as the "thumb." The number of artificial burrows along with the management of the burrows shall be consistent with the conceptual Burrowing Owl



Mitigation Plan, conceptual Vernal Pool Restoration Plan, conceptual Long-Term Management Plan, and MM-BIO-7 and MM-BIO-9. The project shall also be consistent with the conservation measures, terms and conditions of the Biological Opinion for the Project.

- iv. All the mitigation areas noted in Items 1.b.(i) through (iii) shall be shown on the Development Drawings (Exhibit A) for the Project. These mitigation lands shall remain in City of San Diego, Airports Division ownership and managed and preserved consistent with the City's MSCP Subarea Plan, the Burrowing Owl Mitigation Plan, and the Long-Term Management Plan prepared for the Project.
- c. Off-site mitigation: 31.68 of suitable burrowing owl habitat that meets the following criteria:
  - i. Lands shall be occupied by burrowing owls or considered suitable burrowing owl habitat. If sufficient acreage of existing occupied or suitable burrowing owl habitat cannot be acquired, lands shall be considered if through restoration, enhancement, and management they are deemed appropriate to support burrowing owl nesting and foraging requirements.
  - ii. Lands shall contain sufficient populations of fossorial mammals to support nesting and predatory requirements for burrowing owls. If acquired lands do not contain sufficient populations of fossorial mammals to support burrowing owls, mima mounds and artificial burrows shall be installed at a density adequate to support burrowing owls. Additionally, the release of fossorial mammals may be required, if deemed appropriate by CDFG and USFWS.
  - iii. Lands shall be within the MHPA, contiguous with existing MHPA lands, or other preserve lands, or be large enough to be biologically defensible to support a disjunct population of burrowing owls.
  - iv. A Long-Term Management Plan shall be prepared and approved by the City of San Diego and Wildlife Agencies.
  - v. Funding shall be provided, based on a PAR or equivalent analysis, for the implementation of the Long-Term Management Plan. Approval of the Long-Term Management Plan and PAR by the Park and Recreation Department, Open Space Division shall be required for any lands proposed to be dedicated to the City of San Diego.
  - vi. Lands shall be located on Otay Mesa as close as possible to the impacted burrows. If sufficient acreage cannot be acquired within Otay Mesa, suitable lands within the City of San Diego's MSCP Subarea Plan boundary shall be considered.
  - vii. Mitigation lands shall be approved by USFWS and CDFG, and selected in consultation with the FAA.
- d. Should a Project alternative be approved that preserves and enhances additional suitable burrowing owl habitat on Brown Field, above what is identified in Items 1.b.(i) through (iii) above; the additional mitigation land shall be included in the Burrowing Owl Mitigation Plan and preserved and enhanced prior to the issuance of any construction permits for the development of additional land during Phase 1 construction or any subsequent development phases as noted in Item 2, below, at the required mitigation/development ratio of 0.5:1.

## 2. PHASES 2, 3, and 4

Based on Table 5.6-3A, the Owner shall preserve suitable burrowing owl habitat off-site at the required 0.5:1 mitigation ratio and in compliance with the selection criteria under Item 1.c. above and established in the Burrowing Owl Mitigation Plan and Long-Term Management Plan prior to



the issuance of any construction permits for each of the remaining Phases 2 through 4. The amount of mitigation acres required for each phase shall be, at a minimum, as follows: 30.36 acres for Phase 2, 12.39 acres for Phase 3, and 13.37 acres for Phase 4.

**Mitigation Measure MM-BIO-2:** No less than 14 days (i.e. between 14 and 30 days) prior to any ground disturbing activities associated with any phase of Project construction, the impact area shall be surveyed by a qualified biologist in accordance with current accepted protocols for burrowing owls and occupied burrows. The impact area includes any area involving construction activity that may negatively affect burrowing owls, such as grading activities, staging of equipment and materials, heavy equipment operation, etc. and the area within 150 meters of the construction activity. If no burrowing owls are found, then no further direct impact avoidance measures are required. If burrowing owls are found, the following measures shall be implemented:

- Construction shall not occur within the setback buffers during the dates identified in the following table:

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Location	Time of Year	Setback Buffers Based on Level of Disturbance		
		Low	Medium	High
Nesting Sites	March 1 – Aug 15	200 m*	500 m	500 m
Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m
Nesting Sites	Oct 16 – Feb 29	50 m	100 m	500 m

\* meters

- Should construction be necessary within the setback buffers identified in the table above, the following measures shall be required:
  - A qualified biologist shall conduct surveillance of the active burrow(s) on at least one occasion no more than 14 days prior to the occurrence of construction;
  - A qualified biologist shall monitor all construction activities occurring within the buffer area; and,
  - Construction shall be limited to the period of the day when burrowing owls are less active (from 10:00 am until two hours prior to sunset), unless different behavior patterns are observed during the surveillance efforts.
- Burrowing owls in occupied burrows within the Project site proposed for development would be relocated using passive techniques as outlined in the 2012 CDFG *Staff Report on Burrowing Owl Mitigation*, subject to a passive Burrowing Owl Translocation Plan to be approved by CDFG (MM-BIO-4), and burrows shall be excavated and collapsed in accordance with the requirements of the Burrowing Owl Mitigation Plan.
- Burrows removed as a result of Project implementation shall be mitigated through the creation of suitable burrowing owl breeding habitat, including a squirrel release program approved by CDFG and/or construction of berms or artificial burrows within on-site mitigation lands per the Burrowing Owl Mitigation Plan. Artificial burrows shall also be created within proposed parcels to be used for vernal pool mitigation, as outlined in the Burrowing Owl Mitigation Plan (MM-BIO-3). Construction activities may occur once a qualified biologist has deemed the burrows within the Project are unoccupied.
- Any occupied burrowing owl burrows or burrows that have the potential to be occupied by the burrowing owl and that are located in the existing earthen berm that is to remain (paralleling La Media Road north of Fire Station No. 43) shall be avoided. The two occupied burrows identified in the 2011 burrowing owl survey report for the Project shall be flagged/field located by the Project Biologist and necessary modifications shall be made during final engineering design between the Project Biologist and Engineer-of-Work to ensure the two burrows will not be impacted by grading operations to the satisfaction of the City Resident Engineer. Within 12 months after completion of each of Phases 1 and 2, post-construction surveys shall be conducted for the herein referenced earthen berm to determine if the occupied burrows identified during the 2011 burrowing owl survey are still occupied. Should it be determined that the previously occupied burrows have been abandoned, the Owner shall coordinate with the CDFG and USFWS regarding additional compensation for abandonment. Any additional measures shall be reflected in an update to the Burrowing Owl Mitigation Plan and shall be submitted for review/approval as indicated in MM-BIO-3.



**Mitigation Measure MM-BIO-3:** The Owner shall prepare a Burrowing Owl Mitigation Plan for the design, location, and timing of construction of non-native grassland, mima mounds, artificial burrows, and perching poles. The burrowing owl mitigation plan shall be approved by the City, FAA, CDFG, and USFWS prior to the issuance of any construction permits associated with the Project. The Plan shall:

- Require that proposed areas for off-site mitigation must be ground-truthed to be deemed suitable for burrowing owl nesting
- Identify enhancement methods if mitigation lands are unoccupied. Enhancement methods may include the development of a ground squirrel release and monitoring program and/or the creation of berms or artificial burrows.
- Describe the creation methods to convert a 16.40 acre parcel to functional grassland suitable as burrowing owl breeding habitat, to be located on Airport-owned property inside the MHPA (Figure 5.6-6). Methods shall include restoration of grassland and a squirrel release program to be approved by CDFG and/or the construction of berms or artificial burrows.
- Describe the specifics of the squirrel release and monitoring program and identify the specifications of the artificial burrows and perching poles to be constructed including materials to be used, methods to be implemented and other design elements, such as burrow spacing.
- Include specific and measurable success criteria.
- Include method of preservation and management measures to ensure the in-perpetuity preservation of suitable burrowing owl mitigation lands and owl burrows (both natural and artificial) at an acceptable level of functionality and density to support existing and translocated (MM-BIO-4) burrowing owl populations.
- Be consistent with, and included in, the Long-Term Management Plan (LTMP) to be prepared for all mitigation lands (MM-BIO-9).
- Be consistent with the Vernal Pool Restoration Plan (MM-BIO-7).

**Mitigation Measure MM-BIO-4:** The Owner shall prepare a Passive Burrowing Owl Translocation Plan to establish burrowing owl occupation in the mitigation lands adjacent to the Project site. This would include, but not be limited to, creation of artificial burrows, perching poles, and other habitat features in mitigation lands. The translocation plan shall be approved by CDFG and USFWS, in consultation with the City and FAA, prior to the issuance of any construction permits associated with the Project. The Plan shall:

- Describe the methods used for passive translocation, including the installation of one-way doors in burrow openings to prevent the re-occupation of the burrow after owls have been evicted.
- Include specific criteria for the timing of passive relocation activities (e.g. passive relocation of existing burrowing owl populations onsite should only commence once the construction of artificial burrows on protected offsite lands is complete per MM-BIO-3).
- Include daily surveys for a minimum of two weeks to ensure burrowing owls have appropriately relocated to mitigation lands or other lands outside the Project boundary.
- Include specific and measurable success criteria (e.g. No burrowing owls present within the Project boundary for at least two consecutive weeks following burrow collapse).
- Include a contingency plan should passive relocation be unsuccessful (e.g. consultation with the Wildlife Agencies and/or the preparation of an Active Translocation Plan).
- Be consistent with, and included in, the Burrowing Owl Mitigation Plan to be prepared for construction of artificial burrows on mitigation lands (MM-BIO-3).



**Mitigation Measure MM-BIO-5:** The Owner shall provide evidence to the City of take authorization from the USFWS for impacts on San Diego fairy shrimp and San Diego button-celery through Section 7 consultation between FAA and USFWS prior to the issuance of any construction permits associated with the Project. Issuance of a Biological Opinion (BO), as a result of the Section 7 consultation, shall serve as a companion document to these mitigation measures. The mitigation and conservation measures must be consistent with any conservation measures identified in the City's MSCP Subarea Plan to satisfy CDFG's jurisdiction of these species. The BO would guide any take of San Diego fairy shrimp or San Diego button-celery. If there is a conflict between the Mitigation Measures proposed herein and measures in the BO, the BO shall take precedence.

**Mitigation Measure MM-BIO-6:** Impacts to 0.275 acre of vernal pools and the associated San Diego fairy shrimp and San Diego button-celery shall be mitigated at a ratio of 5:1; a total of 1.38 acres of vernal pool basin creation is required. Creation of vernal pools at a ratio of 5:1 shall occur on proposed mitigation lands to the north of the Project site (Exhibit A). See MM-BIO-7 for detail on vernal pool creation/restoration requirements.

**Mitigation Measure MM-BIO-7:** The Owner shall mitigate for 0.275 acre of impacts to vernal pools through the creation and restoration of 1.38 acres of vernal pool habitat at the "Tongue" and "Thumb" areas (Exhibit A). Mitigation of this impact shall commence prior to the issuance of any construction permits for the Project. Both sites are located on a mesa top in the northern area of the Airport, north of the Project site, and are characterized by remnants of historic mima mound topography and vernal pool affiliated soils (Stockpen gravelly loam). The Owner shall prepare a final Vernal Pool Restoration Plan (VPRP) that is consistent with the conceptual plan (Appendix S). The VPRP shall include detailed measures for creating habitat appropriate for supporting San Diego fairy shrimp and San Diego button-celery. The VPRP shall follow the outline and schedule dictated by the USFWS, and shall be approved by the FAA and USFWS prior to the issuance of any construction permits for the Project. The VPRP shall contain, at a minimum, the following content and requirements:

- Identify locations and prove feasibility of proposed vernal pool creation and restoration areas to support the necessary impermeable soils and hydrology for the San Diego fairy shrimp and San Diego button-celery.
- Establish enhancement goals and measurable objectives that can be monitored for evaluating the long-term success of the restoration. Success criteria shall include, at a minimum, a measure for sufficient hydroperiod and presence of San Diego fairy shrimp during average rainfall years, the presence of San Diego button-celery and other vernal pool indicator plant species, and native plant species cover for both wetland and upland plants.
- The goals, measurable objectives, and success criteria shall be based on achieving successful and sustainable San Diego fairy shrimp and San Diego button-celery habitat restoration within a five-year period.
- Identification of reference site(s) for use in comparing the enhancement efforts against naturally occurring pools. No natural vernal pools occur or would remain on Airport land so access arrangements for a nearby public or private vernal pool reserve would be required. The reference sites shall be approved by the Corps and USFWS and shall not be the sources for the collection of vernal pool inoculum.
- Conduct additional feasibility studies, including a hydrological analysis (e.g., water balance calculation) and soil profile examination, to develop detailed grading plans for each proposed enhancement area.
- Grading plans using half-foot contours shall detail the extent of inundation, desired depth, side slopes, watershed area, soil profile layering design, and compaction specifications. Vernal pool basin profiles shall be included in the specifications.



- Vernal pool creation shall take place either before or concurrent with the initiation of project impacts; vernal pool grading shall occur prior to the onset of the wet season.
- Planting/seeding plans providing a detailed approach to collecting, storing, and distributing salvaged soil/cyst/seed material (inoculum) from impacted pools and other functioning pools in the vicinity shall be included. Any additional seed or container stock plant material shall be specified. Donor pools for the purpose of inoculum collection shall be approved by the USFWS. Donor pools shall be documented to contain viable populations of San Diego fairy shrimp and San Diego button-celery and shall be absent of versatile fairy shrimp (*Branchinecta lindahli*).
- The planting plan shall include provisions for both the wetted portion of the enhanced pool as well as the upland slopes and areas disturbed by construction of the pools.
- All inoculum shall be collected during the dry season (between July and October) when natural dormancy mechanisms of the eggs/seeds have occurred to minimize damage to the inoculum resource. The schedule shall allow for the salvaged inoculum to be used so that it is not stored for more than four months before use in the enhanced pools. Inoculum shall be collected using hand trowels and stored in paper-lined cardboard boxes in a cool, dark and dry place.
- Best Management Practices (BMPs) shall be established for pool enhancement construction activities as well as for post-construction erosion control measures.
- A California Rapid Assessment Method (CRAM) analysis (Vernal Pool Module) shall be conducted of the impact vernal pools prior to impacts, and post-restoration of vernal pools during the five-year post-restoration monitoring period at both vernal pool restoration sites.
- Regular monitoring shall occur during the five-year monitoring period including quantitative vegetation monitoring (upland and aquatic) using point-intercept transects to yield species occurrence, richness and frequency data. In addition, focused surveys for San Diego shrimp pursuant to USFWS protocol shall be conducted annually.
- Contingency measures and adaptive management procedures may be needed during the five-year establishment period. The monitoring period may need to be extended if success criteria, including the sustained presence of San Diego fairy shrimp and San Diego button-celery, have not been attained, until all success criteria have been fulfilled.
- An enhancement area protection instrument such as a conservation easement, or other approved method of preservation that protects the enhancement areas in perpetuity shall be placed on the vernal pool restoration sites.
- A LTMP shall be prepared that describes the long-term management, maintenance, and monitoring of the restoration in perpetuity, including invasive species removal and the in-perpetuity monitoring of the San Diego fairy shrimp and San Diego button-celery populations within the creation pools. Monitoring and management measures shall be consistent with those identified in the City of San Diego's Vernal Pool Habitat Conservation Plan (in progress).
- Funding mechanism and responsible parties to ensure implementation and long-term maintenance of the VPRP shall be developed and secured through the calculation of an endowment to generate in-perpetuity habitat management funds.

**Mitigation Measure MM-BIO-8:** Prior to the issuance of any construction permits associated with Phase 1 of the Project, the Owner shall mitigate for impacts to 181.67 acres of non-native grassland at a ratio of 0.5:1, 0.42 acre of Diegan coastal sage scrub at a ratio of 1:1, and 0.20 acre of Maritime succulent scrub at a ratio of 2:1 by: (1) preserving, in perpetuity, 74.44 acres of Tier I – III habitats located on Airport-owned property within the MHPA north of the Project boundary for impacts to non-native grassland; (2) converting 16.40 acres of disturbed lands located on Airport-owned property within the MHPA north of the Project boundary to functional grassland habitat adjacent to the



preserved lands for impacts to non-native grassland; (3) preserving 0.42 acre of Diegan coastal sage scrub within the MHPA north of the Project boundary for impacts to Diegan coastal sage scrub; and (4) preserving 0.40 acre of Maritime succulent scrub within the MHPA north of the Project boundary for impacts to Maritime succulent scrub. The lands shall be funded and managed in perpetuity as described in the LTMP required in MM-BIO-9. The mitigation areas shall have long-term viability and biological values that are equal to or greater than the impacted site, upon preservation or creation. The content and requirements of the creation of the 16.40 acres of grassland habitat in Item 2, above, shall be detailed in the Burrowing Owl Mitigation Plan required in MM-BIO-3.

**Mitigation Measure MM-BIO-9:** The mitigation and conservation areas proposed to offset the impacts to non-native grassland, Maritime succulent scrub, and Diegan coastal sage scrub are within lands currently owned and managed by the City of San Diego Airports Division. The City of San Diego Airports Division (Owner) shall be responsible for the management of the proposed mitigation and conservation areas in accordance with the City's MSCP Subarea Plan as modified by the Southwest area specific management directives. Prior to the issuance of any construction permits for the Project, a LTMP shall be prepared and approved by the City, CDFG and USFWS, in consultation with FAA, for the management of these mitigation and conservation areas, including an endowment calculation (PAR, or equivalent). The Owner shall record the endowment and an appropriate instrument to manage the property in perpetuity.

**Mitigation Measure MM-BIO-10:** To offset impacts from construction of the four proposed off-site storm drains and outfall structures, a Drainage Revegetation Plan consistent with City of San Diego Biology Guidelines shall be prepared by the Applicant for impacts to non-native grassland, Maritime succulent scrub and Diegan coastal sage scrub habitats. The Plan shall be submitted for approval to the City prior to the issuance of any construction permits associated with the installation of the four proposed storm drains and outfall structures. The Plan shall include at a minimum:

- Restrictions on implementation such that activities shall occur outside the accepted breeding season of coastal California gnatcatcher (March 1- August 15) and coastal cactus wren (February 15- August 15).
- Pre-activity surveys for coastal California gnatcatcher and coastal cactus wren if heavy equipment is to be used (e.g. hydroseeding, bobcat).
- The requirement to salvage and transplant all succulent plants and suitable shrub material to be impacted as a result of the Project;
- Criteria for determining whether an individual plant is appropriate for salvage;
- The appropriate salvage season;
- The requirement to salvage and stockpile all excavated topsoil up to the first six inches for use in spreading as the top layer of soil in restoring disturbed areas;
- Equipment and methods for salvage, transport, and planting;
- Storage and pre-planting requirements for each species;
- A planting plan, including the amount and species of seed necessary to revegetate these habitat types;
- Success criteria for the transplanted and restored areas over a five-year period following installation;
- Specific BMPs for erosion control during and after salvage and restoration;
- A requirement for five years of maintenance of the transplanted and restored areas, including removal of invasive species and irrigation (if necessary); and



- A requirement for five years of monitoring to evaluate compliance with the success criteria and to adjust maintenance activities using an adaptive management approach.

**Mitigation Measure MM-BIO-11.** Prior to issuance of any construction permits for the Project, the Owner shall obtain a Section 404 Clean Water Act permit from the Corps, Section 401 Water Quality Certification from the RWQCB, and Section 1602 Streambed Alteration Agreement from CDFG to address impacts to 0.74 acre of non-wetland waters of the U.S. and State, 0.25 acre of freshwater marsh wetlands, and 2.91 acres of waters of the State associated with the on-site drainage ditches (the 2.91 acres of impacts to CDFG jurisdiction include 0.74 acre of Corps jurisdiction).

As part of the Section 404 process, a formal delineation of potential wetlands and other waters of the U.S. located within the Project area shall be performed and submitted to the Corps for verification. State and federal regulations require that the project applicant avoid or minimize impacts to wetlands and waters and develop appropriate protection for wetlands. Wetlands that cannot be avoided must be compensated to result in “no net loss” of wetlands to ensure that the Project would maintain the current functions and values of onsite wetland habitats. Impacts to non-wetland waters of the U.S. and State within the Project boundary shall be mitigated for at a 1:1 ratio through the onsite creation of bio-swales and an ephemeral channel. The ephemeral channel shall be designed with a clear bed and bank such that an ordinary high water mark shall establish itself over time.

**Mitigation Measure MM-BIO-12:** Impacts to wetlands outside of the Project boundary (i.e. La Media Road and Airway Road widening) shall require mitigation at a 2:1 ratio (per City Biology Guidelines). Prior to the issuance of any construction permits for Phase 1 of the Project, the Owner shall initiate mitigation for off-site wetland impacts through creation and enhancement of wetlands on Airport property on the Southwest Parcel, located at the southwest corner of Otay Mesa Road and Heritage Road. The property contains sedimentation ponds surrounded by disturbed riparian habitat and wetlands that would benefit from enhancement and the creation of additional freshwater marsh. Enhancement of 0.25 acre and creation of 0.25 acre for a total of 0.50 acre of freshwater marsh mitigation shall be implemented according to a Corps approved Habitat Mitigation and Management Plan (HMMP). This area of impact is based on best available science and Project information available at the time of the analysis. Should detailed off-site roadway design show that additional freshwater marsh wetland impacts would occur due to an inadequate buffer, mitigation shall be adjusted accordingly, based on a 2:1 mitigation ratio, to be reviewed and approved by the Development Services Department Environmental Designer. The Plan shall include, but not be limited to:

- A document structure which complies with the Corps wetlands restoration HMMP outline which details the creation and restoration of 1.0 acre of freshwater marsh.
- An evaluation of the existing functions and values, and a description of the functions and values to be achieved through compensatory mitigation.
- Appropriate site selection criteria including evaluation of soils and hydrology (e.g. water table) on the restoration site.
- Schematics and plans to grade the site, if necessary, to an appropriate topographic layout conducive to supporting freshwater marsh.
- A native plant palette based on the vegetation composition of the freshwater marsh to be impacted. Representative species should include creeping spikerush, sedges (*Carex* sp.), bulrush (*Scirpus* sp.) and cattail (*Typha* sp.).
- Specific and measurable success criteria for evaluating the success of the restoration site.
- The development of a five-year monitoring, maintenance and management plan
- Securing of a bond or line of credit to guarantee success of the restoration and enhancement installation.



- The development of a long-term management plan, including the description of a funding source for management in perpetuity and designation of a conservation easement or covenant to secure the site for conservation in perpetuity.

## Historical Resources (Archaeology)

**Mitigation Measure MM-HIST-1: Retention of a qualified archaeologist.** The Owner shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (Department of the Interior, 2008), who has been approved by the City, to carry out all mitigation measures related to archaeological resources.

**Mitigation Measure MM-HIST-2: Additional Survey.** Prior to the issuance of any construction permits for the Project, a qualified archaeologist shall carry out Phase 1 cultural resources survey efforts in those portions of the Project area not subject to survey as part of the present study, as detailed in the Cultural Resources Survey and Assessment for the Metropolitan Airpark Project, Otay Mesa, San Diego, CA (Bray and Brewster, 2011). These areas shall be cleared of the materials obscuring the surface (e.g., cars, pavement, debris, and gravel) prior to survey. The Phase 1 survey shall identify any cultural resources and shall formally evaluate the significance of any potentially eligible resources that may be directly or indirectly impacted by the Project. The Phase 1 Survey effort shall be documented in an addendum to the Phase 1 Cultural Resources Survey report.

**Mitigation Measure MM-HIST-3: Avoid and protect archaeological resources.** Prior to the issuance of any construction permits for the Project, the Owner shall demonstrate avoidance of all impacts to sites CA-SDI-10623, CA-SDI-14559, and the significant portion of CA-SDI-10628/H, which are all located outside of, but adjacent to, the Project area. These resources shall be designated as Environmentally Sensitive Areas (ESAs) to ensure avoidance. The ESAs shall be established by the qualified archaeologist in coordination with the City. The ESAs shall be identified on grading and building plans. Protective fencing or other markers shall be erected around ESAs prior to any ground-disturbing activities; however, such ESAs shall not be identified specifically as cultural resources, in order to protect sensitive information and to discourage unauthorized disturbance or collection of artifacts. All ground-disturbing activities adjacent to designated ESAs shall be monitored by a qualified archaeologist and Native American monitor.

**Mitigation Measure MM-HIST-4: Monitoring by a qualified archaeologist during ground-disturbing activities.** Prior to issuance of any construction permits for the Project, an archaeological monitor shall be retained by the Owner to monitor ground-disturbing activities, including, but not limited to, pavement/asphalt removal, grubbing, brush removal, boring, trenching, grading, excavating, and the demolition of building foundations. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the City. Due to the sensitivity of the Project area for Native American resources, at least one Native American monitor shall also monitor ground-disturbing activities in the Project area. The monitor(s) shall be selected from amongst the Native American groups identified by the Native American Heritage Commission as having affiliation with the Project area. The archaeological and Native American monitoring shall conform to the following specifications:



**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 Assistant Deputy Director (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 Mitigation Monitoring Coordination (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 that 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 (¼-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 Owner shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (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 Owner 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 Consultant Site Visit Record (CSVSR). The CSVSR'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 the Owner 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 Development Services Department 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 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 internment 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 precon 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.

## Human Health and Public Safety

**Mitigation Measure MM-HAZ-1:** Prior to the issuance of any demolition permits, a detailed asbestos and lead based paint survey shall be conducted for the existing structures. Any identified ACMs, and LBPs shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with applicable regulations during demolition of structures. The Owner shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of San Diego showing that abatement of any ACMs, LBPs, or PCB-containing electrical fixtures identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and CCR Title 8, Article 2.6).

**Mitigation Measure MM-HAZ-2:** For sites where contamination is suspected, including the berms in Area H2, or where the Phase I assessment has identified a potential for contamination, the Owner shall prepare a health and safety plan, based on the site conditions, by a licensed industrial hygienist. The health and safety plan, in accordance with OSHA's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER), shall identify potential contaminants that may be encountered, appropriate personal protective equipment, and worker safety procedures including agency notification requirements in the event that suspected contamination is encountered. Any additional



investigation or remediation follow up work shall be completed by the responsible party to the satisfaction of the City of San Diego's Local Enforcement Agency or other local, state, or federal agency with regulatory oversight for the specific hazardous condition prior to change in site use. Any identified contaminated soils shall be disposed of at a licensed waste disposal facility in accordance with local and state disposal requirements and any imported soils shall be verified as free of contamination. The soils/wastes contained in the berms located in Area H2 shall be sampled in accordance with the requirements of the RWQCB, as stated in their January 31, 2003 letter (J. Robertus, written communication, January 31, 2003) and any further action required by RWQCB following analytical results shall be completed and written verification from the RWQCB that the site is in compliance with applicable regulations and statutes shall be obtained prior to issuance of any construction permit for Phase 1 of the Project.

**Mitigation Measure MM-HAZ-3:** Prior to the issuance of any building permits within Area L or any other area of the Project site where volatile contaminants have been identified, an assessment of soil vapor quality shall be conducted by a qualified environmental professional. If soil vapors are found present, then a soil vapor barrier shall be incorporated into the final project design plans in accordance with local regulatory oversight unless a risk assessment study prepared by a qualified professional can demonstrate that no adverse effects would be encountered.

## Paleontological Resources

### **Mitigation Measure MM-PAL-1: Paleontological Resource Monitoring Program.**

To minimize the potential adverse effects on paleontological resources, the Owner shall obtain the services of a qualified paleontologist who shall attend preconstruction meetings and be on-site at all times during excavation to monitor construction activities, and be available on an on-call basis throughout the life of the Project. On-site monitoring shall be required for excavations within the Lindavista Formation below topsoil and man-placed fills, and any excavation deeper than 10 feet with 1,000 cubic yards of excavation (high sensitivity formations) or 2,000 cubic yards of excavation (medium sensitivity formations). If fossils are unearthed, construction shall halt immediately in the area of the find. The paleontologist shall be available to quickly salvage fossils so that construction delays can be avoided. If large specimens are unearthed, the paleontologist shall have the authority to halt or divert grading and construction equipment to allow for removal of the finds. At the completion of each phase of development, the paleontologist shall submit a monitoring report to the Mitigation Monitoring Coordination (MMC) staff.

In the event that any discovery is made, the paleontologist shall conduct or supervise the following tasks as outlined in the City of San Diego Paleontological Guidelines (2002):

- In the event of discovery, salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits.
- Recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting.



- Laboratory preparation (cleaning and repair) of collected fossil remains to a point of curation, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens.
- Cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database.
- Transferal, for storage, of cataloged fossil remains to an accredited institution (museum or university) that maintains paleontological collections, including the fossil specimens, copies of all field notes, maps, stratigraphic sections, and photographs.
- Preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

## **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, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

### **B. Letters of Qualification have been submitted to ADD**

1. The Owner shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the Owner confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the Owner shall obtain 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 has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution 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.

### **B. PI Shall Attend Precon Meetings**



1. Prior to beginning any work that requires monitoring; the Owner shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Owner 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 a Paleontological Monitoring Exhibit (PME) 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 PME 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 conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

#### A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **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 PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously



assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR'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 Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery 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.

#### C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
  - 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. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) 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.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### IV. 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 precon 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 CSV and submit to MMC via fax by 8AM on the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM on 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 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.

**V. 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 Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
  - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum
 

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum 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 Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
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.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report 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 until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.



## D. Phasing

The Project would be constructed in four phases over a 20-year period. Each phase is estimated to take five years to develop. Table 9-1 lists the mitigation measures and the particular phase it would occur in.

**TABLE 9-1  
MITIGATION MEASURE BY PHASE**

Mitigation Measure	Phase 1	Phase 2	Phase 3	Phase 4
<b>Land Use</b>				
MM-LU-A1		X	X	X
MM-LU-1	X	X	X	X
MM-LU-2	X	X	X	X
MM-LU-3	X	X	X	X
MM-LU-4	X			
MM-LU-5	X			
MM-LU-6	X			
MM-LU-7	X			
MM-LU-8	X			
MM-LU-9		X	X	
<b>Traffic</b>				
MM-TRA-1	X			
MM-TRA-2	X			
MM-TRA-3	X			
MM-TRA-4	X			
MM-TRA-5	X			
MM-TRA-6	X			
MM-TRA-7	X			
MM-TRA-8	X			
MM-TRA-9	X			
MM-TRA-10	X			
MM-TRA-11	X			
MM-TRA-12		X		
MM-TRA-13		X		
MM-TRA-14		X		
MM-TRA-15		X		
MM-TRA-16		X		
MM-TRA-17		X		
MM-TRA-18		X		
MM-TRA-19		X		
MM-TRA-20		X		
MM-TRA-21		X		
MM-TRA-22		X		



**TABLE 9-1  
MITIGATION MEASURE BY PHASE**

Mitigation Measure	Phase 1	Phase 2	Phase 3	Phase 4
MM-TRA-23		X		
MM-TRA-24		X		
MM-TRA-25		X		
MM-TRA-26			X	
MM-TRA-27			X	
MM-TRA-28			X	
MM-TRA-29			X	
MM-TRA-30			X	
MM-TRA-31			X	
MM-TRA-32			X	
MM-TRA-33			X	
MM-TRA-34			X	
MM-TRA-35			X	
MM-TRA-36			X	
MM-TRA-37			X	
MM-TRA-38			X	
MM-TRA-39			X	
MM-TRA-40			X	
MM-TRA-41			X	
MM-TRA-42			X	
MM-TRA-43			X	
MM-TRA-44			X	
MM-TRA-45			X	
MM-TRA-46			X	
MM-TRA-47			X	
MM-TRA-48				X
MM-TRA-49				X
MM-TRA-50				X
MM-TRA-51				X
MM-TRA-52				X
MM-TRA-53				X
MM-TRA-54				X
MM-TRA-55				X
MM-TRA-56				X
MM-TRA-57				X
MM-TRA-58				X
MM-TRA-59				X
MM-TRA-60				X
MM-TRA-61				X
MM-TRA-62				X



**TABLE 9-1  
MITIGATION MEASURE BY PHASE**

Mitigation Measure	Phase 1	Phase 2	Phase 3	Phase 4
MM-TRA-63				X
MM-TRA-64				X
MM-TRA-65				X
MM-TRA-66				X
MM-TRA-67				X
MM-TRA-68				X
MM-TRA-69				X
MM-TRA-70				X
MM-TRA-71				X
MM-TRA-72				X
MM-TRA-73				X
MM-TRA-74				X
MM-TRA-75				X
MM-TRA-76				X
MM-TTA-77				X
MM-TRA-78				X
MM-TRA-79				X
MM-TRA-80				X
MM-TRA-81				X
MM-TRA-82				X
MM-TRA-83				X
MM-TRA-84				X
MM-TRA-85				X
MM-TRA-86				X
MM-TRA-87				X
MM-TRA-88				X
MM-TRA-89				X
MM-TRA-90				X
MM-TRA-91				X
MM-TRA-92				X
MM-TRA-93				X
MM-TRA-94				X
MM-TRA-95				X
MM-TRA-96				X
MM-TRA-97				X
MM-TRA-98				X
MM-TRA-99				X
MM-TRA-100				X
MM-TRA-101				X
MM-TRA-102				X
MM-TRA-103				X
MM-TRA-104				X
MM-TRA-105				X
MM-TRA-106				X
MM-TRA-107				X



**TABLE 9-1  
MITIGATION MEASURE BY PHASE**

<b>Mitigation Measure</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Phase 4</b>
MM-TRA-108				X
MM-TRA-109				X
MM-TRA-110				X
MM-TRA-111				X
MM-TRA-112				X
MM-TRA-113				X
MM-TRA-114				X
MM-TRA-115				X
MM-TRA-116				X
MM-TRA-117				X
<b>Biological Resources</b>				
MM-BIO-1	X	X		
MM-BIO-2	X	X	X	X
MM-BIO-3	X			
MM-BIO-4	X			
MM-BIO-5	X			
MM-BIO-6	X	X		
MM-BIO-7	X			
MM-BIO-8	X			
MM-BIO-9	X	X	X	X
MM-BIO-10	X			
MM-BIO-11	X			
MM-BIO-12	X			
<b>Historical Resources</b>				
MM-HIST-1	X	X	X	X
MM-HIST-2	X			
MM-HIST-3	X	X	X	X
MM-HIST-4	X	X	X	X
<b>Human Health and Safety</b>				
MM-HAZ-1	X	X	X	X
MM-HAZ-2	X	X	X	X
MM-HAZ-3	X	X	X	X
<b>Paleontological Resources</b>				
MM-PAL-1	X	X	X	X



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.

DRAFT

RESOLUTION NO. \_\_\_\_\_  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL ADOPTING  
THE FINDINGS AND APPROVING TENTATIVE MAP  
WAIVER NO. 1099991 AND EASEMENT VACATION  
NO. 1099992

**METROPOLITAN AIRPARK – PROJECT NO.  
208889**

WHEREAS, CITY OF SAN DIEGO, Owner/Subdivider, and JOHN D. GODDARD, JR., Engineer, submitted an application with the City of San Diego for Tentative Map Waiver No. 1099991, to waive the requirement for a Tentative Map for a eighteen lot subdivision of municipal property and Easement Vacation No. 1099992 to vacate three public service easements, a sewer, water and drainage easement, a sewer easement and a water easement. The project site is located north of Otay Mesa Road, east of Heritage Road, west of La Media Road and south of Otay River Valley and City of Chula Vista at 1202 La Media Road on un-zoned land of the Otay Mesa Community Plan. The property is legally described as those portions of Sections 27 and 28, all in Township 18 South, Range 1 West, San Bernardino Meridian, City of San Diego, County of San Diego, state of California, according to the Official Plat thereof; and

WHEREAS, the Map proposes the subdivision of a 331-acre site into seventeen lots and the vacation of three public service easements; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and



WHEREAS, the requirement to underground existing and proposed utilities will be accomplished through conditions imposed upon the Owner included in Site Development Permit No. 768683;

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public easements by City Council resolution; and

WHEREAS, it is proposed that three public service easements, a sewer, water and drainage easement, a sewer easement and a water easement (“Easements”) be vacated; and

WHEREAS, on June 13, 2013, the Planning Commission of the City of San Diego considered Tentative Map Waiver No. 1099991 and Easement Vacation No. 1099992, and pursuant to Planning Commission Resolution No. (to be inserted prior to Council), the Planning Commission voted to recommend City Council (insert PC recommendation here after hearing) of the Tentative Map Waiver No. 1099991 and Easement Vacation No. 1099992; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on [INSERT: Hearing Date], the Council of the City of San Diego considered Tentative Map Waiver No. 1099991 and Easement Vacation No. 1099992, and pursuant to sections 125.0122 and 125.1010 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 1099991:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).**

The Metropolitan Airpark project is a master planned, four-phase development for aviation facilities and supportive non-aviation facilities on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC § 143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The 1981 adopted land use plan for Brown Field Municipal Airport includes five recommended land use designations. Those land use designations are aircraft operating areas, aviation-related uses, commercial/light industrial areas, aviation reserve and utilities. The proposed uses of the Metropolitan Airpark project would comply with those recommended designations. Further, the Metropolitan Airpark project would not conflict with the 2008 City of San Diego General Plan, the 1981 Otay Mesa Community Plan, the 2030 SANDAG Regional Transportation Plan, the Regional Aviation Strategic Plan, the 1981 Brown Field Airport Master Plan, the 2010 Administrative Draft Brown Field Airport Master Plan Update, the Brown Field Airport Land Use Compatibility Plan, or the Airport Layout Plan. Therefore, the proposed Metropolitan Airpark project will not adversely affect the applicable land use plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code**



**§ 125.0440(b) including any allowable deviations pursuant to the Land Development Code.**

Brown Field Municipal Airport is un-zoned property and there are no development regulations in the Land Development Code for un-zoned property. The Environmentally Sensitive Lands regulations do apply to the proposed project. The Metropolitan Airpark project is consistent with all applicable regulations of the Environmentally Sensitive Lands with the exception of section 143.0141(b)(5) which requires the avoidance of impacts to wetlands and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands. The Metropolitan Airpark project requires approval of a deviation to allow impacts to wetlands present on the site. The project would impact 0.275 acres of vernal pools containing the federally endangered San Diego fairy shrimp and San Diego button-celery; 0.25 acre of freshwater marsh considered wetland waters of the US/State/City and 2.91 acres of non-vegetated channel considered non-wetland waters of the US/State/City.

Avoiding all vernal pools with the respective watersheds and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands would result in the removal of the planned Helicopter FBO, approximately six large aircraft hangars, approximately 93 small T-hangars, office space totaling approximately 205,000 building square feet for aviation use, and approximately five acres of leasable industrial land fronting the runway. The aviation facilities cannot be relocated to another site, due to the relationship between the airport and the proposed uses and the logical and functional need of adjacency to the runway to meet airport logistical requirements. The Metropolitan Airpark project location is well suited for the proposed development as it is within an operational airport, and the additional development will both expand the aviation capacities and add aviation-related industry and support facilities. The deviation required to approve the Metropolitan Airpark project as proposed is the minimum necessary and complies with the Land Development Code, as allowed through the Site Development Permit procedures. As such, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The 1981 adopted land use plan for Brown Field Municipal Airport includes five recommended land use designations. Those land use designations are aircraft operating areas, aviation-related uses, commercial/light industrial areas, aviation reserve and utilities. The proposed uses of the Metropolitan Airpark project would comply with those recommended designations. Further, the Metropolitan Airpark project would not conflict with the 2008 City of San Diego General Plan, the 1981 Otay Mesa Community Plan, the 2030 SANDAG Regional Transportation Plan, the Regional Aviation Strategic Plan, the



1981 Brown Field Airport Master Plan, the 2010 Administrative Draft Brown Field Airport Master Plan Update, the Brown Field Airport Land Use Compatibility Plan, or the Airport Layout Plan. Several technical and scientific reports were submitted for review specifically to determine the suitability of the site for the type and density of the proposed development. These reports concluded the site is suitable for both the type and density of the proposed project. The results of Archaeology, Biology, Water Quality Technical Report, Drainage and Hydrology Report, Noise, Sewer, Traffic Analysis, Water and Geotechnical studies concluded individually the physical suitability of the site for the type and density of the proposed development.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The proposed subdivision of a 331 acre site into eighteen lots is for the development of aviation facilities and supportive non-aviation facilities. The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Metropolitan Airpark project requires approval of a deviation to allow impacts to wetlands present on the site. The project would impact 0.275 acres of vernal pools containing the federally endangered San Diego fairy shrimp and San Diego button-celery; 0.25 acre of freshwater marsh considered wetland waters of the US/State/City and 2.91 acres of non-vegetated channel considered non-wetland waters of the US/State/City.

Avoiding all vernal pools with the respective watersheds and a 100-foot buffer would result in the removal of the planned Helicopter FBO, approximately six large aircraft hangars, approximately 93 small T-hangars, office space totaling approximately 205,000 building square feet for aviation use, and approximately five acres of leasable industrial land fronting the runway. The aviation facilities cannot be relocated to another site, due to the relationship between the airport and the proposed uses and the logical and functional need of adjacency to the runway to meet airport logistical requirements. The Metropolitan Airpark project location is well suited for the proposed development as it is within an operational airport, and the additional development will both expand the aviation capacities and add aviation-related industry and support facilities. The deviation required to approve the Metropolitan Airpark project as proposed is the minimum necessary and complies with the Land Development Code, as allowed through the Site Development Permit procedures.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The Metropolitan Airpark project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the development on this site contains specific conditions addressing the project compliance



with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision in that there are no easements acquired by the public at large for access through or allowing use of the property. The site is a municipal airport owned and operated by the City of San Diego and access to the site is strictly controlled by the owner.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

Aviation facilities will be equipped with solar roof panels and supportive aviation facilities and supportive non-aviation facilities would include an eight to ten megawatt solar photovoltaic energy generation facility. The design of the proposed improvements, including building design, materials, site orientation, architectural treatments and the placement and selection of plant materials will provide, to the extent feasible, for future passive or natural heating and cooling opportunities.

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The subdivision will have no impacts to housing in that the site is a municipal airport owned and operated by the City of San Diego and federal grant assurances restrict all the uses on the airport to aviation and aviation-related uses. The proposed subdivision will have no effect upon the housing needs of the region in that adequate supply of housing in the Otay Mesa community is planned for the future and the Otay Mesa Community Plan addresses the housing needs of the community.

**9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other**



**requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).**

The design of the proposed improvements through site orientation, infrastructure and road improvements, the placement and selection of plant materials and the conditions of approval ensures compliance with the requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection. Further, a water study, sewer study, water supply availability study and several environmental studies in the subjects of biology, archaeology, geology, transportation, waste management, cultural resources and noise have concluded the proposed subdivision will comply with the requirements of the Subdivision Map Act and the Land Development Code, except for deviations granted through the Site Development Permit procedures.

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Easement Vacation No. 1099992, the Council finds that:

**(a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.**

The Metropolitan Airpark project proposes to vacate three public service easements, a sewer, water and drainage easement, a sewer easement and a water easement. All water, sewer and drainage facilities will be replaced by new facilities in new locations and will be constructed by the project. Therefore, new facilities will serve the water, sewer and drainage needs which necessitated the original easement and once completed there will be no further public use for the existing Easements. There is no other use of a like nature for this specific easement which can be reasonably anticipated.

**(b) The public will benefit from the action through improved utilization of the land made available by the vacation.**

Presently the property upon which the water, sewer and drainage Easements are recorded is limited by the existence of the Easements in that the property may not redevelop or place new buildings over the area of the existing Easements. Without the vacation of the existing Easements new buildings may not be placed over the areas of the Easements and thus the recommendations of the 1981 adopted land use plan for Brown Field Municipal Airport would not be realized. The public will benefit by the vacation of the Easements through the new aviation and aviation-related uses to be developed on Brown Field by the Metropolitan Airpark project. The additional development at Brown Field by the Metropolitan Airpark project will create new employment opportunities, an increase in tax revenue, an improved utilization of urban land and the development of the airport to new standards designed and constructed to current state and local code requirements. In



all these ways, the public will benefit from the action through improved utilization of the land made available by the vacation.

**(c) The vacation is consistent with any applicable land use plan.**

The 1981 adopted Otay Mesa Community Plan designates the project site as Institutional/Airport Facility. A portion of the site in the northern area is designated Open Space. The proposed project, the development of Brown Field with both aviation facilities and supportive non-aviation facilities, is located in the Otay Mesa community planning area. The proposed uses are aviation, aviation-related or support uses for Brown Field. The development is consistent with the current land use designation for Institution/Airport Facility. The vacation of water, sewer and drainage Easements will facilitate the development of the proposed project and will be consistent with the Otay Mesa Community Plan.

**(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.**

The Easements were acquired for the purposes of placing and maintaining a public water pipe, sewer pipe and storm drain pipe to serve the water, sewer and drainage needs of the airport. With the relocation of new water, sewer and drain pipes to other areas of the airport property, the Easements will no longer be necessary. With the relocation of a new water, sewer and drain pipes to other areas of the airport property the water, sewer and drainage needs of the airport will continue to be served and the purpose for which the easements were acquired will cease its material necessity to meet the needs of the airport.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the public service Easements shown on Tentative Map Waiver drawings in connection with Tentative Map Waiver No. 1099991 are ordered vacated.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map Waiver No. 1099991 and Easement Vacation No. 1099992; is hereby granted to CITY OF SAN DIEGO, subdivider subject to the attached conditions which are made a part of this resolution by this reference.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Corrine Neuffer  
Deputy City Attorney

[INSERT: Attorney's Initials:Secretary's Initials]  
[INSERT: MM/DD/YY]  
Or. Dept.: DSD  
R-[INSERT: FY-Reso No.]  
MMS #[INSERT MMS #]  
Reviewed by John S. Fisher

ATTACHMENT: Map Waiver Conditions  
Internal Order No. 23431277



CITY COUNCIL RESOLUTION NO.  
SITE DEVELOPMENT PERMIT NO. 768683  
**METROPOLITAN AIRPARK PROJECT NO. 208889 - [MMRP]**

WHEREAS, CITY OF SAN DIEGO, Owner, filed an application with the City of San Diego for a permit to allow a four phase aviation and non-aviation development of Brown Field Municipal Airport on aviation and non-aviation areas (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 768683), on portions of a 331 acre site;

WHEREAS, the project site is located north of Otay Mesa Road, east of Heritage Road, west of La Media Road and south of Otay River Valley and City of Chula Vista at 1202 La Media Road on un-zoned land of the Otay Mesa Community Plan;

WHEREAS, the project site is legally described as those portions of Sections 27 and 28, all in Township 18 South, Range 1 West, San Bernardino Meridian, City of San Diego, County of San Diego, state of California, according to the Official Plat thereof; and

WHEREAS, on (date to be inserted), the Planning Commission of the City of San Diego considered Site Development Permit No. 768683, and pursuant to Resolution No. [INSERT Planning Commission Resolution Number] -PC voted to recommend [INSERT: City Council approval/disapproval] of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to

consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 768683:

**Site Development Permit - Section 126.0504**

**A. Findings for all Site Development Permits**

1. **The proposed development will not adversely affect the applicable land use plan.** The Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The 1981 adopted land use plan for Brown Field Municipal Airport includes five recommended land use designations. Those land use designations are aircraft operating areas, aviation-related uses, commercial/light industrial areas, aviation reserve and utilities. The proposed uses of the Metropolitan Airpark project would comply with those recommended designations. Further, the Metropolitan Airpark project would not conflict with the 2008 City of San Diego General Plan, the 1981 Otay Mesa Community Plan, the 2030 SANDAG Regional Transportation Plan, the Regional Aviation Strategic Plan, the 1980 Brown Field Airport Master Plan, the 2010 Administrative Draft Brown Field Airport Master Plan Update, the Brown Field Airport Land Use Compatibility Plan, or the Airport Layout Plan. Therefore, the proposed Metropolitan Airpark project will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from



LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The Metropolitan Airpark project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations, will assure the continued health, safety and general welfare of persons residing or working in the area.

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 Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

Brown Field Municipal Airport is unzoned property and there are no development regulations in the Land Development Code for unzoned property. The Environmentally Sensitive Lands regulations do apply to the proposed project. The Metropolitan Airpark project is consistent with all applicable regulations of the Environmentally Sensitive Lands with the exception of section 143.0141(b) which requires the avoidance of impacts to wetlands and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands. The Metropolitan Airpark project requires approval of a deviation to allow impacts to wetlands present on the site.

While avoidance of impacts to vernal pools is desirable, avoidance of the vernal pools within the project limits and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands would render the Metropolitan Airpark project infeasible. Avoiding all vernal pools with the respective watersheds and a wetland buffer maintained around all wetlands as appropriate to protect the functions and values of the wetlands would result in the removal of the planned Helicopter FBO, approximately six large aircraft hangars, approximately 93 small T-hangars, office space totaling approximately 205,000 building square feet for aviation use, and approximately five acres of leasable



industrial land fronting the runway. The aviation facilities cannot be relocated to another site, due to the relationship between the airport and the proposed uses and the logical and functional need of adjacency to the runway to meet airport logistical requirements. The Metropolitan Airpark project location is well suited for the proposed development as it is within an operational airport, and the additional development will both expand the aviation capacities and add aviation-related industry and support facilities. The deviation required to approve the Metropolitan Airpark project as proposed is the minimum necessary and complies with the Land Development Code, as allowed through the Site Development Permit procedures. For additional information, see Finding B.4 below.

**B. 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 Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The Metropolitan Airpark project site is protected by the Environmentally Sensitive Lands (ESL) regulations and by these regulations impacts to wetlands are to be avoided. If avoidance is impossible, minimization of impacts to wetlands is to be achieved. Professionally prepared technical reports in the fields of geology, hydrology, transportation, biology, cultural resources and archaeology have been submitted and evaluated by professional staff in these fields. The conclusion of these reports is site is physically suitable for the design and location of the proposed development. Further study has concluded 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 Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

Professionally prepared technical reports in the fields of geology and hydrology have been submitted and evaluated by professional staff in these fields. The conclusion of these reports is the site will not result in undue risk from geologic and erosional forces, flood hazards. A brush management plan for the proposed development has been reviewed by the Fire and Development Services



Departments and the conclusion of that review is implementation of the proposed brush management plan will minimize the risks to inhabitants and structures from the threat of wildfire. There are no active faults located on or immediately adjacent to the project site and the subsurface characteristics indicate a low potential for ground failure due to liquefaction. Furthermore, based on the proposed project location and site characteristics, and with adherence to building code requirements which address fire protection and the implementation of a storm water pollution prevention plan during construction and post-construction best management practices, the Metropolitan Airpark project will not result in undue risk from geologic and erosional forces or flood hazards. The proposed development will occur on approximately 331 acres and the total grading necessary to implement the proposed design is 350,000 cubic yards of earthwork, or approximately 1,058 cubic yards per acre. The project will not create large embankments or excavated slopes. The grading design proposes the least amount of grading practical to yield a viable development. The alteration of natural land forms will be the minimum practical.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

To the east, west and south is existing urbanized land without the presence of environmentally sensitive lands. To the north is undeveloped land within the Multi-Habitat Planning Area (MHPA) and these lands are very sensitive. The limits of the proposed development will remain outside the MHPA. Further, the proposed project will not adversely impact adjacent environmentally sensitive lands on adjacent properties. As such the proposed development will be sited and 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 Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The Metropolitan Airpark project will impact 0.275 acre of vernal pool habitat and associated San Diego fairy shrimp and San Diego button-celery on-site. Mitigation at a 5:1 ratio as determined by the RWQCB will be required. Impacts to these on-site wetlands, including vernal pools cannot be avoided due to the nature of the aviation use and the special circumstances presented by aviation



facilities located adjacent to exiting runways of the airport and Federal Aviation Administration (FAA) design requirements associated with such facilities. Mitigation will be accomplished through creation and management in perpetuity of 1.38 acres of vernal pool basins located in two areas north of the Metropolitan Airpark project area. The FAA will pursue take authorization through the Federal Endangered Species Act (FESA) Section 7 process with the United States Fish and Wildlife Service (USFWS) for the benefit of the project. Prior to the issuance of any construction permits, the Owner will provide evidence to the City of take authorization from the USFWS.

Traffic improvements associated with the Metropolitan Airpark project include yet are not limited to: 1) widening of the north side of Otay Mesa Road, 2) parkway improvements along Otay Mesa Road and the east side of Heritage Road, and 3) roadway improvements along La Media Road and Airway Road. The roadway improvements must occur adjacent to existing pavement and within the fixed alignments of the roadways which will result in impacts to existing unvegetated channels. Impacts will also occur to existing on-site storm water system of ditches and culverts in the southern portion of the project site. The Metropolitan Airpark project will result in impacts to 2.91 acres of non-wetland waters (unvegetated channel) and 0.25 acre of freshwater marsh.

These unvegetated channels will be regulated by the Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW) and the City. All required Federal and State permits will be obtained prior to the issuance of the construction permits. Mitigation will include construction at a 1:1 ratio of an ephemeral channel paralleling La Media Road to convey storm water and bio-swales, as part of the on-site drainage improvements. Freshwater marsh impacts will be mitigated at a 2:1 ratio through creation and enhancement of freshwater marsh within the airport's southwest parcel located on the corner of Otay Mesa Road and Heritage Road.

Impacts will occur within the MHPA from construction of four storm water pipes and outfall structures. The outfall drain pipes are required in order to maintain the existing drainage patterns. Construction will result in impacts to 0.20 acre of maritime succulent scrub, 0.42 acre to Diegan coastal sage scrub, 0.78 acre on non-native grassland, and 0.04 acre of disturbed lands. Mitigation will be provided through preservation of on-site lands within the MHPA.

In accordance with the MSCP Subarea Plan, Section 1.4.2, these impacts have been minimized by upsizing the outfall drain pipes and calculating for tractive forces on the outfall pads at the bottom of the canyon to insure no erosive velocities will occur from the outfall. Through this design, maintenance will be reduced thereby allowing for the construction access to be restored with implementation of a native five-year restoration plan. As part of standard operation and maintenance for the facilities, inspections will be required which will be conducted on-foot within the 30-foot wide construction easement. In the



case of a catastrophic event, for example a broken drain pipe, hand-held equipment in combination with larger equipment located at the top of the slope will be used. Also, treatment control BMPs will be provided to remove pollutants generated from the site.

Additionally, the project includes mitigation which precludes clearing, grubbing, of occupied habitat during the breeding season for the California gnatcatcher between March 1 and August 15 and the cactus wren between February 15 and August 15. All restricted areas will be staked or fenced under the supervision of a qualified biologist. Mitigation measures will address the MSCP Land Use Adjacency issues including lighting, drainage, landscaping, grading, brush management, access, and noise, breeding season restrictions for migratory birds and fencing.

Direct impacts for non-native grasslands and burrowing owls will be mitigated to below a level of significant at a 0.5:1 ratio through implementation of mitigation in step with the phased project development. The first phase of construction will require 60.71 acres of mitigation in order to develop the proposed 123.51 acres. Of this amount, 30.08 acres have been identified on-site consisting of three areas located to the north of the development footprint. Mitigation requirements include implementation of burrowing owl surveys, a passive translocation plan, preservation, restoration and enhancement, along with management of the mitigation lands in perpetuity. Future phases within areas of non-native grassland and/or burrowing owl habitat will require equivalent mitigation including a phased purchased of off-site mitigation land consistent with the Project development phasing. The off-site mitigation land identified for acquisition will be located on Otay Mesa, if feasible. However, if sufficient land cannot be acquired on Otay Mesa, lands within the City's MSCP Subarea Plan may be considered provided the lands meet the selection criteria identified in Mitigation Monitoring and Reporting Program and the lands are approved by the City and Wildlife Agencies.

Additionally, 74.44 acres of Tier I through III habitat located north of the Project development will be provided within the on-site MHPA to mitigate for the loss of non-native grassland habitat elsewhere within the project area. The Project's plant palette will be consistent with the FAA objectives to avoid trees which provide roosting/nesting sites for birds to avoid a safety hazard for the airport operations. This restriction will also benefit the burrowing owl population by reducing the creation of habitat suitable for predators.

As a result of these requirements and project features, all work within the MHPA would be consistent with the MSCP Subarea Plan and 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 Metropolitan



Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The Metropolitan Airpark project is located approximately eight miles inland from the Pacific Ocean. Conditions of approval requires the implementation of hydro-modification measures so that post-project runoff flow rates and durations do not exceed pre-project flow rates and durations, where such increases would result in an increased potential for erosion or significant impacts to beneficial uses. By the enforcement of the conditions of approval, the Metropolitan Airpark project 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 Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

Professionally prepared technical reports in the fields of geology, hydrology, transportation, biology, cultural resources and archaeology have been submitted and evaluated by professional staff in these fields. The conclusions reached in these reports indicates the type and location and scope of mitigation which is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The conditions of approval require mitigation related to, and calculated to alleviate, negative impacts created by the proposed Metropolitan Airpark development.

**C. Supplemental Findings--Environmentally Sensitive Lands Deviations**

1. **There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.** The Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The Metropolitan Airpark project requires approval of a deviation to allow impacts to wetlands present on the site. The project would impact 0.275 acres of vernal pools containing the federally endangered San Diego fairy shrimp and San



Diego button-celery; 0.25 acre of freshwater marsh considered wetland waters of the US/State/City and 2.91 acres of non-vegetated channel considered non-wetland waters of the US/State/City.

Avoiding all vernal pools with the respective watersheds and a 100-foot buffer would result in the removal of the planned Helicopter FBO, approximately six large aircraft hangars, approximately 93 small T-hangars, office space totaling approximately 205,000 building square feet for aviation use, and approximately five acres of leasable industrial land fronting the runway. The aviation facilities cannot be relocated to another site, due to the relationship between the airport and the proposed uses and the logical and functional need of adjacency to the runway to meet airport logistical requirements. The Metropolitan Airpark project location is well suited for the proposed development as it is within an operational airport, and the additional development will both expand the aviation capacities and add aviation-related industry and support facilities. The deviation required to approve the Metropolitan Airpark project as proposed is the minimum necessary and complies with the Land Development Code, as allowed through the Site Development Permit procedures. For additional supporting information refer to Finding B.4 above.

2. **The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.** The Metropolitan Airpark project is a master planned, four-phase development for aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport with a deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

The Metropolitan Airpark project requires approval of a deviation to allow impacts to wetlands present on the site. The project would impact 0.275 acres of vernal pools containing the federally endangered San Diego fairy shrimp and San Diego button-celery; 0.25 acre of freshwater marsh considered wetland waters of the US/State/City and 2.91 acres of non-vegetated channel considered non-wetland waters of the US/State/City.

While avoidance of impacts to vernal pools is desirable, avoidance of the vernal pools within the project limits together with the respective watersheds and a 100-foot buffer would render the Metropolitan Airpark project infeasible. Avoiding all vernal pools with the respective watersheds and a 100-foot buffer would result in the removal of the planned Helicopter FBO, approximately six large aircraft hangars, approximately 93 small T-hangars, office space totaling approximately 205,000 building square feet for aviation use, and approximately five acres of leasable industrial land fronting the runway. The aviation facilities cannot be relocated to another site, due to the relationship between the airport and the proposed uses and the logical and functional need of adjacency to the runway to



meet airport logistical requirements. The Metropolitan Airpark project location is well suited for the proposed development as it is within an operational airport, and the additional development will both expand the aviation capacities and add aviation-related industry and support facilities. The deviation required to approve the Metropolitan Airpark project as proposed is the minimum necessary and complies with the Land Development Code, as allowed through the Site Development Permit procedures. For additional supporting information refer to Finding B.4 above.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Site Development Permit No. 768683 is granted to CITY OF SAN DIEGO, Owner under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By \_\_\_\_\_  
Corrine Neuffer  
Deputy City Attorney

ATTY/SEC. INITIALS  
DATE  
Or.Dept:Clerk  
R-INSERT  
Form=permitr.frm(61203wct)  
Reviewed by John S. Fisher



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

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23431277

**SITE DEVELOPMENT PERMIT NO. 768683**  
**METROPOLITAN AIRPARK PROJECT NO. 208889 - [MMRP]**  
**CITY COUNCIL**

This Site Development Permit No. 768683 is granted by the City Council of the City of San Diego to CITY OF SAN DIEGO, Owner, pursuant to San Diego Municipal Code [SDMC] section 126.0506 and 126.0606. The 331 acre site is located north of Otay Mesa Road, east of Heritage Road, west of La Media Road and south of Otay River Valley and City of Chula Vista at 1202 La Media Road on un-zoned land of the Otay Mesa Community Plan. The project site is legally described as those portions of Sections 27 and 28, all in Township 18 South, Range 1 West, San Bernardino Meridian, City of San Diego, County of San Diego, state of California, according to the Official Plat thereof.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner to allow a four phase aviation, industrial and commercial development of 331 acres of aviation and non-aviation areas on Brown Field Municipal Airport described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

- a. The Project will be developed in four phases over a 20-year period with an estimated construction time of five years for each phase. Design Guidelines Figures 2 and 3 show the overall Master Site Plan and Phasing Map for the project. The first phase of development includes:
  - A 116,875 square foot Jet Aviation Fixed Base Operator (FBO), including an 11,000 square foot restaurant;
  - 10 large aircraft hangars that would total 178,776 square feet;
  - 45 small aircraft hangars that would total 63,040 square feet;

- An 12,632 square foot Helicopter FBO that would include facilities for a San Diego Fire Department or other agency aviation hub;
- A 64.61 acre solar field that includes approximately 30 acres of outdoor storage;
- 8.54 acres of aircraft apron.

The second phase of development would include:

- 61 small aircraft hangars totaling, 88,680 square feet;
- 29.51 acres of aircraft apron;
- A new 180,000 square foot San Diego Air and Space Museum;
- A 150 room business hotel;
- A 3,225 square foot alternative fuels station;
- A 0.74 acre transit transfer station (not part of the lease area);
- 647,600 square feet of light industrial development.

The third phase of development would include:

- 51 small aircraft hangars totaling 74,304 square feet;
- 157,800 square feet of commercial uses;
- A 120 room business hotel;
- 381,000 square feet of light industrial development;
- A 200,000 square foot expansion of the San Diego Air and Space Museum.

The fourth phase of development would include:

- 13 large aircraft hangars totaling 208,280 square feet;
- A 2.31 acre parking lot;
- 31,460 square feet of offices;
- 4.33 acres of aircraft apron;
- 326,400 square feet of light industrial development;
- A 100,000 square foot expansion of the San Diego Air and Space Museum;
- 43,900 square feet of commercial development.

- b. The project includes the approval of one deviation from LDC §143.0141(b)(5) which requires impacts to wetlands be avoided and a wetland buffer be maintained around all wetlands as appropriate to protect the functions and values of the wetlands. The project will result in direct impacts to wetlands;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. 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.
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 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 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 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 Owner 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 Owner by the City: (1) to grant Owner 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 Owner 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 Owner maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner shall secure all necessary building permits. The Owner 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 granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner 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 Owner 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. This Permit may be developed in phases.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. 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.

13. The mitigation measures specified in the MMRP, and outlined in Environmental Impact Report No. 208889, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner shall comply with the MMRP, as specified in Environmental Impact Report No. 208889, 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:

**Land Use (MSCP/MHPA)**  
**Transportation/Circulation**  
**Biological Resources**  
**Historical Resources**  
**Human Health and Public Safety**  
**Paleontological Resources**

**AIRPORT REQUIREMENTS:**

15. Prior to issuance of each building permit for each building in each phase, the Owner shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration.

**ENGINEERING REQUIREMENTS:**

16. Prior to the issuance of any construction permit, the Owner shall obtain an Encroachment Maintenance and Removal Agreements for all non-standard storm drains, landscaping and irrigation located within the City's right-of-way.

17. Prior to the issuance of any construction permit, the Owner shall construction a city standard bus slab, adjacent to the proposed bus stop on Otay Mesa Road, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

19. Prior to the issuance of any building permit, the Owner shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of public drainages that enter into the airport property and post-construction BMPs located within the City's right-of-way, satisfactory to the City Engineer.

20. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

21. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised



NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

22. Prior to the issuance of any building permits, the Owner shall obtain a bonded grading permit for the grading proposed for this project to be consistent with Exhibit "A". All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

23. The drainage system for this project shall be private, except for the storm drain systems draining Public Street "A," and will be subject to approval by the City Engineer.

24. Prior to the issuance of any construction permit, Airport/Real Property Division of Real Estate Assets Department shall enter into a Memorandum of Understanding (MOU) with the City agreeing to maintain all proposed permanent BMP, satisfactory to the City Engineer.

25. Prior to the issuance of any construction permit, the Owner shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans and the Storm Water Pollution Prevention Plan (SWPPP).

26. Prior to the issuance of any construction permit, the Owner shall submit a Water Quality Technical Report and an updated report to comply with Final HMP Criteria (e.g., 0.1Q2 or a 0.5Q2 in accordance with the approved WQTR and HMP for the applicable outfall locations). In addition to an updated WQTR/HMP, the Owner shall submit a drainage report to the satisfaction of the City Engineer prior to the issuance of any construction permit.

27. Prior to the issuance of any construction permit, the Owner shall submit a continuous simulation modeling for final BMP configurations to demonstrate compliance with Final HMP criteria of the City's Storm Water Standards to the satisfaction of the City Engineer, and in accordance with the approved WQTR, to the satisfaction of the City Engineer.

28. Prior to the first occupancy permit for each particular phase, in conjunction with the construction of a particular phase of the Project as shown in the Master Plan and Design Guidelines, the Owner shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

29. Prior to the first occupancy permit for each particular phase, in conjunction with the construction of a particular phase of the Project as shown in the Master Plan and Design Guidelines, the Owner shall ensure that all existing onsite utilities within that particular phase of the Project shall be undergrounded with the appropriate permits. The Owner shall provide written confirmation from applicable utilities that the conversion has taken place prior to the first occupancy for that particular phase under construction, or provide other means to assure the undergrounding, satisfactory to the City Engineer.



30. The Owner shall underground any new service run to any new or proposed structures within each phase of the Project in conjunction with construction of a particular phase under construction.

**LANDSCAPE REQUIREMENTS:**

31. Prior to issuance of any engineering permits for grading within each phase of development, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department.

32. Prior to issuance of any engineering permits for right-of-way improvements within each phase of development, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

33. Prior to issuance of any construction permits for structures, including any shell structure, within each phase of development, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. Construction plans shall provide a 40 square foot area around each tree unencumbered by hardscape and utilities unless otherwise approved per LDC 142.0403(b)5.

34. In the event a foundation only permit is requested by the Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Metropolitan Airpark Master Plan and Design Guidelines and Development Plans. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

35. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner to install all required landscape and obtain all required landscape inspections. "No Fee" Street Tree Permits shall be obtained for the installation, establishment, and on-going maintenance of all street trees within each phase of development.

36. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

37. The Owner shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

38. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or



removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

39. The Owner shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A,' Metropolitan Airpark Master Plan and Design Guidelines and Development Plans, on file in the Office of the Development Services Department.

40. All lots within 100-ft of native/naturalized vegetation shall provide for a Brush Management Program consistent with the Brush Management Regulations of the Land Development Code, section 142.0412. The Brush Management zones shall be based on a standard Zone One of 35 feet in width with zone Two of 65 feet in width, extending out from the structure towards the native/naturalized vegetation. All structures shall be set back at least 100 feet from the Multi-habitat Planning Area (MHPA).

41. Prior to issuance of any Engineering Permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the subject property in substantial conformance with Exhibit 'A.'

42. Prior to issuance of any Building Permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

43. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to Fire Marshal's approval.

44. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Owner to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.'

45. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

46. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Brush Management Program shall be implemented.



47. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

**MULTIPLE SPECIES CONSERVATION PROGRAM:**

48. Prior to the issuance of any construction permits within areas where any burrowing owl habitat would be impacted, the owner shall provide documentation that the Wildlife Agencies (U.S. Fish and Wildlife Service and California Department of Fish and Wildlife) have concurred with the mitigation (i.e., mitigation lands and management requirements) requirements of the Mitigation, Monitoring, and Reporting Program.

49. Prior to the issuance of any construction permits, MSCP staff shall review all construction plans where any burrowing owl habitat and/or wetland impacts would occur for consistency with the requirements of the Mitigation, Monitoring, and Reporting Program.

**PLANNING/DESIGN REQUIREMENTS:**

50. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner.

51. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A," the approved Design Guidelines or City-wide sign regulations.

52. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

53. Prior to the issuance of any building permit in phases 2, 3 or 4 for any commercial building, an updated Market Analysis and Feasibility study is required to determine whether any commercial use within Brown Field will have a negative impact on the viability of commercially designated lands within the Otay Mesa community planning area. The updated Market Analysis and Feasibility study will be reviewed by DSD-Planning Division.

**TRANSPORTATION REQUIREMENTS:**

54. The Owner shall maintain a development chart which identifies each approved permitted development. The development chart will identify each previously approved permitted development, the address of each development and phase in which the development is located, the ADT's associated with each development, and the uses within each development. A current updated development tracking chart shall be provided with every general application for every building submitted for construction permits, to the satisfaction of the City Engineer. As the Owner, or other Assignee, updates the development chart, updated copies shall be provided to the Development Services Department for their records.



55. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of Development Services Department.

The following are specifically required for Phase 1:

**Phase 1** (For all development up to and not to exceed 4,574 ADT):

56. The Owner shall provide a minimum of 913 off-street automobile parking spaces (with 1,027 off-street parking spaces provided), including 30 ADA automobile parking spaces, shall be permanently maintained on the property. Additionally, 29 motorcycle parking spaces and 56 bicycle parking spaces shall be provided.

57. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of a traffic signal at Otay Mesa Road/Continental Road/Project Access 4, to the satisfaction of the City Engineer with the following lane configurations:

- NB Continental Road approach: Widen to provide a total of one left turn lane and a shared through-right turn lane
- SB Project Access approach: Widen to provide a total of one left turn lane and a shared through-right turn lane
- WB Otay Mesa Road approach: Widen to provide an exclusive left turn lane and exclusive right turn lane to provide a total of one left turn lane, three through lanes and a right turn lane
- EB Otay Mesa Road approach: Widen to provide an exclusive left turn lane to provide a total of one left turn lane, two through lanes and a shared through-right turn lane.

58. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of the following lane configurations at Otay Mesa Road/Project Access 5, to the satisfaction of the City Engineer:

- SB Project Access approach: Provide a right turn lane with a Stop sign (right-in/right-out only access)
- WB Otay Mesa Road approach: Widen to provide an exclusive right turn lane to provide a total of three through lanes and a right turn lane.

59. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of the following lane configurations at Otay Mesa Road/Britannia Boulevard/Project Access 6, to the satisfaction of the City Engineer:

- NB Britannia Boulevard approach: Widen to provide a through lane to provide a total of two left turn lanes, a through lane and a right turn lane
- SB Project Access approach: Widen to provide a left turn lane and a shared through-right turn lane
- WB Otay Mesa Road approach: Widen to provide an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane



- EB Otay Mesa Road approach: Widen to provide an exclusive left turn lane to provide a total of one left turn lane, three through lanes and a right turn lane.

60. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of the following lane configurations at Otay Mesa Road/Otay Mesa Center Road/Project Access 8, to the satisfaction of the City Engineer:

- NB Otay Mesa Center Road approach: Restripe to provide a total of one left turn lane and a shared through-right turn lane
- SB Project Access approach: Widen to provide one left turn lane and a shared through right turn lane
- WB Otay Mesa Road approach: Widen to provide an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane
- EB Otay Mesa Road approach: Widen to provide an exclusive left turn lane to provide a total of one left turn lane, two through lanes and a shared through-right turn lane.

61. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of the following lane configurations at La Media Road/Project Access 9, to the satisfaction of the City Engineer:

- NB La Media Road approach: Provide a shared left turn-through lane
- SB La Media Road approach: Provide a shared through-right turn lane
- EB Project Access approach: Provide a shared left turn-right turn lane with a Stop sign.

62. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of the following lane configurations at La Media Road/Project Access 10, to the satisfaction of the City Engineer:

- NB La Media Road approach: Provide a shared left turn-through lane
- SB La Media Road approach: Provide a shared through-right turn lane
- EB Project Access approach: Provide a shared left turn-right turn lane with a Stop sign.

63. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of the following lane configurations at La Media Road/Aviator Road, to the satisfaction of the City Engineer:

- NB La Media Road approach: Provide a shared left turn-through lane
- SB La Media Road approach: Provide a shared through-right turn lane
- EB Aviator Road approach: Provide a shared left turn-right turn lane with a Stop sign.

64. Prior to issuance of first building permit, the Owner shall assure by permit and bond the construction of the following lane configurations at Aviator Road/Project Access 11, to the satisfaction of the City Engineer:

- NB Project Access approach: Provide a shared left turn-right turn lane with a Stop sign
- WB Aviator Road approach: Widen to provide a total of one left turn lane and a through lane



- EB Aviator Road approach: Provide a shared through-right turn lane.

65. Prior to issuance of first building permit, the Owner shall assure by permit and bond the widening of Aviator Road from Project Access 11 to La Media Road as a 4-lane collector with two-way left turn lane, to the satisfaction of the City Engineer.

The following are specifically required for Phase 2:

**Phase 2** (For all development up to and not to exceed 15,475 ADT):

66. Prior to issuance of first building permit for development in Phase 2, the Owner shall demonstrate all conditions for Phase 1 (development up to 4,574 ADT) have been met, to the satisfaction of the City Engineer.

67. The Owner shall provide a minimum of 2,806 off-street automobile parking spaces (with 3,563 off-street parking spaces provided), including 82 ADA automobile parking spaces, shall be permanently maintained on the property. Additionally, 82 motorcycle parking spaces and 106 bicycle parking spaces shall be provided.

The following are specifically required for Phase 3:

**Phase 3** (For all development up to and not to exceed 41,369 ADT):

68. The Owner shall provide a minimum of 5,599 off-street automobile parking spaces (with 6,408 off-street parking spaces provided), including 154 ADA automobile parking spaces, shall be permanently maintained on the property. Additionally, 142 motorcycle parking spaces and 172 bicycle parking spaces shall be provided.

The following are specifically required for Phase 4:

**Phase 4** (Full Project):

69. Prior to issuance of first building permit for development in Phase 4, the Owner shall demonstrate that all conditions for Phases 1, 2 and 3 (development up to 41,369 ADT) have been met, to the satisfaction of the City Engineer.

70. The Owner shall provide a minimum of 7,351 off-street automobile parking spaces (with 8,357 off-street parking spaces provided), including 205 ADA automobile parking spaces, shall be permanently maintained on the property. Additionally, 183 motorcycle parking spaces and 223 bicycle parking spaces shall be provided.

**PUBLIC UTILITIES REQUIREMENTS:**

71. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of



the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

72. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

73. Prior to the issuance of any building permits, the Owner shall assure, by permit and bond, the design and construction of all public water and sewer facilities necessary to serve this development.

74. The Owner shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. If more than two (2) fire hydrants or thirty (30) dwelling units are located on a dead-end water main then the Owner shall install a redundant water system, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

75. The Owner shall design and install all necessary irrigation appurtenances to utilize recycled water. If recycled water is unavailable, then the irrigation system shall initially be supplied from the potable water system until recycled water is available. The system shall be designed to allow the conversion from potable to recycled water service and avoid any cross connections between the two systems. This will necessitate a separate irrigation service.

76. Prior to the issuance of any building permits, the Owner shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

77. Prior to the issuance of any building permits, the Owner shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

78. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

79. The Owner will participate in and not object to the formation of a Community Facilities District (CFD) or other mechanism, to fund or reimburse the construction of the improvement phases as identified in the Otay Mesa Master Plan Revisions, dated December 2008.

80. Prior to the issuance of any building permits, the Owner shall assure, by permit and bond the design and construction of a all public water and sewer facilities as required in the accepted water and sewer study for this project, necessary to serve this development in a manner satisfactory to the Director of Public Utilities and the City Engineer. Public water and sewer facilities and associated easements, as shown on the approved Exhibit "A", shall be modified at final engineering to comply with standards.



**GEOLOGY REQUIREMENTS:**

81. Prior to issuance of any construction permits, the Owner shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department.

82. Prior to exoneration of the bond and grading permit close-out, the Owner shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department.

**STORMWATER REQUIREMENTS:**

83. Prior to issuance of any engineering permit for grading, the City of San Diego Airport's/Real Property Divisions shall enter into an MOU with City of San Diego Street Operations/Maintenance Division to assure the maintenance of the BMP's within the City's right of way.

**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.
- The proposed development may be subject to sewer reimbursement fees; Otay Mesa Sewer Surcharge fee (21351-D-O) and Otay La Media Sewer fee (26783-D-F).

APPROVED by the City Council of the City of San Diego on[INSERT Approval Date] and [Approved Resolution Number].



Permit Type/PTS Approval No.: SDP No. 768683  
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Mike Westlake  
Program Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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**The undersigned Owner**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner hereunder.

**CITY OF SAN DIEGO**  
Owner

By \_\_\_\_\_  
James Barwick, Director  
Real Estate Assets Department

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**



CITY COUNCIL  
CONDITIONS FOR MAP WAIVER NO. 1099991  
**METROPOLITAN AIRPARK - PROJECT NO. 208889 MMRP**  
ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Map Waiver will expire [INSERT: Date 3 years from Decision Date - or blank line if prior to Council hearing].
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to recording the Final Map unless otherwise noted.
3. Prior to the recording the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Site Development Permit No. 768683.

**ENGINEERING**

5. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**MAPPING**

6. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
7. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."



8. A Final Map based on a field survey is required to be filed in the office of the County Recorder in order to subdivide the existing property and to facilitate the vacation of the easements prior to the expiration of the Map Waiver.
9. Every Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### LANDSCAPE/BRUSH MANAGEMENT

10. Prior to recording the Final Map, the Subdivider shall identify on a separate 'Non-title Sheet' all brush management areas associated with the project in substantial conformance with Exhibit "A." Brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas:  
"Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code."
11. The Subdivider shall submit complete landscape construction documents for each phase of the Project prior to issuance of any construction permits for that phase, to include: plans, details, and specifications for the required right-of-way and median improvements and revegetation of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. The landscape construction documents shall be in substantial conformance with Exhibit "A" and Metropolitan Airpark Master Plan Design Guidelines, on file in the Office of the Development Services Department. The Subdivider shall assure by permit and bond the installation of required landscaping per the landscape construction documents.



**TRANSPORTATION**

12. Provide an irrevocable offer of dedication, in conformance with Tentative Map Waiver No. 1099991, necessary to accommodate the future right-of-way for the widening of Otay Mesa Road to a 6 lane prime arterial with a 10 foot parkway fronting the Project. The Irrevocable offer shall include additional right-of-way for the easterly extension of the existing westbound right turn lane at Otay Mesa Road and Heritage Road as well as a fourth west bound to northbound right turn lane at the Project entrances opposite Pacific Rim Court, Continental Road, Britannia Boulevard, the Project midblock driveways between Pacific Rim Court and Cactus Road and between Continental Road and Britannia Boulevard. The irrevocable offer shall also include the entrances to the Project opposite Ailsa Court and Otay Mesa Center Road.
13. Provide a 30 foot irrevocable offer of dedication necessary to accommodate the future right-of-way for the widening of La Media Road to a 4 lane major roadway fronting the Project. The offer shall be reduced to 27 feet in width fronting the existing fire station and south to Otay Mesa Road as shown on Tentative Map Waiver No. 1099991.
14. Provide a 100 foot irrevocable offer of dedication, in conformance with Tentative Map Waiver No. 1099991, necessary to accommodate the future right-of-way for Street "A" as four lane collector street with a two way left turn lane.
15. Provide an irrevocable offer of dedication, in conformance with Tentative Map Waiver No. 1099991, necessary to accommodate the future right-of-way for the widening of Heritage Road to a four lane collector street fronting the Project. The offer shall include a 3<sup>rd</sup> northbound (right turn) lane between Otay Mesa Road and Sikorsky Street.

**INFORMATION:**

- The approval of this Map Waiver by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with the approved water study dated October 4, 2011 (Appendix M of Project EIR) and the approved



sewer study dated August 12, 2011 (Appendix I of Project EIR). Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 23431277



DEVELOPMENT SERVICES  
**Project Chronology**  
**Metropolitan Airpark - PTS# 208889**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
04/19/10	Preliminary Review Submittal			
07/28/10	First Submittal	Project Deemed Complete		
09/02/10	First Assessment Letter		26 days	
12/02/10	Second Submittal			65 days
12/20/10	Second Review Complete		12 days	
05/26/11	Third Submittal			113 days
06/16/11	Third Review Complete		15 days	
08/19/11	Fourth Submittal			46 days
09/02/11	Fourth Review Complete		10 days	
10/27/11	Fifth Submittal			39 days
11/18/11	Fifth Review Complete		16 days	
11/29/12	Sixth Submittal			368 days
12/13/12	Sixth Review Complete		10 days	
01/17/13	Seventh Submittal			25 days
02/08/13	Seventh Review Complete		16 days	
02/19/13	Eighth Submittal			7 days
03/12/13	Eighth Review Complete		15 days	
03/12/13	Issues Resolved			
06/13/13	Public Hearing		67 days	
<b>TOTAL STAFF TIME</b>			<b>187 days</b>	
<b>TOTAL APPLICANT TIME</b>				<b>663 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		Deemed Complete to Issues Complete	<b>24 months and 119 days</b>	